

## ARTICLE 5. PLANNED DEVELOPMENTS

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### 5.1 PURPOSE

Planned developments are included in this Code as a distinct category of special use. As such, they are authorized for the same general purposes as all other special uses. In particular, however, the planned development technique is intended to allow for flexibility in the application of zoning and subdivision requirements based upon procedural protections providing for detailed review of individual proposals for significant developments and provide additional benefits to the Village and public as outlined in this section. No special use permit for a planned development shall be recommended or granted pursuant to this Section unless the applicant shall establish that the proposed development will meet each of the standards made applicable to special use permits pursuant to Section 4.4 (Special Use Permits). This special regulatory technique is included in this Code in recognition of the fact that flexibility may be needed in the application of required bulk, space, and yard regulations, which may impose rigidities upon the development or redevelopment of parcels or areas that lend themselves to an individual, innovative planned approach.

Through the flexibility of the planned development technique, the Village seeks to achieve the following specific objectives:

- A. Create a more desirable environment than would be possible through strict application of other Village land use regulations.
- B. Promote a creative approach to the use of land and related physical facilities resulting in better design and development, including aesthetic amenities, and the combination and coordination of architectural styles, building forms, and building relationships.
- C. Preserve and enhance desirable site characteristics such as natural topography, vegetation, and geologic features, provide screening or other facilities that benefit neighboring properties, and prevent soil erosion.
- D. Provide for the preservation and beneficial use of open space for public use.
- E. Provide an increase in the amount of on-site open space over that which would result from the application of conventional subdivision and zoning regulations.
- F. Encourage land uses that promote the public health, safety, and general welfare.
- G. Facilitate an efficient arrangement of buildings, traffic and circulation systems, land uses and utilities.
- H. Provide for usable and suitably located public and common facilities.

- I. Insure a high quality of design and construction of developments.
- J. Provide Village officials with adequate assurance that the project will retain the character envisioned at the time of approval.

**5.2 INITIATION AND APPLICATION**

An application for a special use permit to permit a planned development may be filed by the owner of, or any person having a contractual interest in, the subject property which is a parcel or tract of land under single ownership or unified control developed as a unit pursuant to the provisions of Section 4.4 (Special Use Permits) of this Code.

**5.3 AUTHORIZATION**

The Village Board, after receiving recommendation from the Plan Commission, may grant a special use permit authorizing a planned development, but only in the districts where such developments are allowed as a special use.

**5.4 PLANNED DEVELOPMENT REQUIREMENTS**

**A. Districts**

Planned developments are allowed as a special use in all districts except the R-1, R-2, R-3 and R-4 Districts.

**B. Special Use Permit Standards**

No special use permit for a planned development shall be recommended or granted pursuant to this section unless the applicant shall establish that the proposed development meets each of the standards made applicable to special use permits.

**C. Requirements for All Planned Developments**

No special use permit for a planned development shall be recommended or granted unless the applicant shall establish that the proposed development meets each of the following requirements:

**1. Single-Ownership**

The entire property proposed for the planned development shall be in single ownership or under such unified control to ensure that the entire property will be developed as a unified whole. All owners of the property shall be included as joint applicants on all applications and all approvals shall bind all owners. The violation of any owner as to any tract shall be deemed a violation as to all owners and all tracts.

**2. Minimum Area**

The applicant shall have the burden of establishing that the subject property is of sufficient size and shape to be planned and developed as a unified whole capable of meeting the objectives for planned developments.

**3. Covenants, Deed Restrictions and Easements**

All covenants, deed restrictions, easements and similar restrictions to be recorded in connection with the planned development shall provide that they may not be modified, removed or released without the express consent of the Village Board and that they may be enforced by the Village, as well as by future landowners within the proposed development.

**4. Public Open Space**

- a. Whenever Village development policies indicate that development of a planned development will create a need for land for public purposes of the Village within the proposed planned development, the Village Board may require that such area be designated to the extent such need is specifically and uniquely attributable to the proposed development, and dedicated to the Village for such use.
- b. The Village Board may require evidence that all requirements of Village ordinances pertaining to the dedication of land or the contribution of cash in connection with subdivisions or developments of land have been met in respect to the proposed planned development, including the requirements of Section 11-1-12-G (Land Dedication and Contribution Standards) of the Hinsdale Subdivision Ordinance.

**5. Private Streets**

Private streets are prohibited unless expressly approved by the Village Board. If so approved, they shall meet all construction standards applicable to public streets. No private streets shall be approved except upon the condition that they shall be owned and maintained by a property owners' association.

**6. Sidewalks**

A sidewalk meeting the standards of the Hinsdale Subdivision Ordinance shall be provided along at least one (1) side of every street in or abutting a planned development. Such sidewalk may be constructed in a street right-of-way or as a specific element of the design of the planned development.

**7. Utility Lines**

All utility lines shall be installed underground.

**5.5 STANDARDS FOR PLANNED DEVELOPMENTS**

No special use permit for a planned development shall be recommended or granted unless the applicant shall establish that the proposed development meets each of the following standards for approval, as well as all standards applicable for special use, design review and other required approvals.

- A. Planned developments shall be compatible with the purpose and intent of this Code and the Village's development policies. A planned development shall not substantially diminish the market value of surrounding properties, and it shall cause no substantial impairment of the use of those properties.
- B. Planned developments shall not adversely affect the natural environment of the community as a whole. Natural assets and features, such as existing trees and native vegetation, shall be protected and preserved to the greatest extent practical.

- C. The site shall be accessible to public streets that are adequate to carry the traffic that will be generated by the proposed development. The streets and driveways within the proposed development shall be adequate to serve the uses within the development. The applicant shall be responsible for the cost and installation of additional traffic controls and regulating devices if required.
- D. All proposed streets, alleys and driveways shall be adequate to serve the residents, occupants, visitors or other anticipated traffic. The planned development may be designed to discourage outside through traffic from traversing the development. Access points to public streets, and the location of private streets, alleys and driveways shall be subject to the approval of the Village when granting the special use.
- E. The pedestrian circulation system and its related walkways shall be located to provide for separation of pedestrian and vehicular movement and for maximum pedestrian safety.
- F. All planned developments are required to provide for underground installation of utilities, including electricity, cable and telephone. Provisions shall be made for acceptable design and construction of storm sewer facilities and appropriate storm retention and detention devices. The construction and maintenance of all utilities, roadways, parking facilities and other site improvements shall be in accordance with the requirements of this Code and other regulations of the Village.

**5.6 EXCEPTIONS FROM DISTRICT REGULATIONS**

- A. The Plan Commission may recommend and the the Village Board may grant exceptions to the district bulk regulations where a planned development is located. The planned development is subject to the underlying district regulations unless such exception is granted. Exceptions from district regulations may be granted for planned developments with respect to height, density, bulk regulations and setbacks, off-street parking and loading, landscaping and screening and signs, if the Village Board finds that allowing such exceptions:
  - 1. Enhances the overall merit of the planned development.
  - 2. Promotes the objectives of both the Village and the development.
  - 3. Enhances the quality of the design of the structures and the site plan.
  - 4. Enables the development to offer environmental and pedestrian amenities.
  - 5. Will not cause such an adverse impact on neighboring properties so as to outweigh the benefits of the development.
  - 6. Provides a public benefit to the Village, as described in Paragraph B, below.
- B. The underlying zoning district requirements shall apply, unless an exception is granted by ordinance as part of the approved special use. Exceptions to district regulations may be granted where it is determined that such modifications shall not negatively affect the value and enjoyment of surrounding property, the provision of municipal services, or the flow of traffic. To be granted such exceptions, the planned development applicant must demonstrate superior design and enhanced amenities. In no case shall an exception to district regulations within a planned development be granted unless the applicant demonstrates a substantial benefit to the Village. Design characteristics and amenities to be considered in this determination shall include, but are not limited to the following:

1. Landscaping, buffering or screening within or around the perimeter of the planned development that is in addition to the minimum required by this Code.
2. The provision of underground parking, and additional landscaping and screening of parking lots and structures in addition to the minimum required by this Code.
3. Reduced use of impervious surface materials, including cluster development and use of semi-pervious materials such as grass-crete.
4. Design characteristics including, but not limited to, mixed-use development, circulation systems that utilize alleys or traffic-calming techniques, and a pedestrian-oriented environment.
5. Use of sustainable design and green architecture such as green roofs and other energy efficient design concepts, water conservation, environmental sensitivity, new building technologies, Leadership in Energy and Environmental Design (LEED) or LEED-equivalent techniques, and xeriscaping (water conservation landscaping).
6. Community amenities including plazas, malls, formal gardens, places to congregate, outdoor seating, public art, and pedestrian and transit facilities.
7. Preservation of environmental features.
8. Preservation of historic features.
9. Open space and recreational amenities that are available to the public such as:
  - a. Swimming pools
  - b. Tennis courts
  - c. Recreational open space accessory buildings
  - d. Jogging trails and fitness courses
  - e. Playgrounds
  - f. Natural water features, wetlands and conservation areas
  - g. Detention areas which are accessible to occupants or the public via nature trails, boardwalks and/or perimeter walkways, but only if they are designed as natural water features and are landscaped with native vegetation
10. Additional public infrastructure improvements in addition to the minimum required by the planned development, such as new or repaved streets, installation of gutters and sewers, and traffic control devices to improve traffic flow.
11. A senior housing set-aside.
12. Provision of accessible dwelling units with accessible features beyond what is required by the Americans with Disabilities Act (ADA) or any other applicable codes.

## 5.7 PROCEDURE

In its establishment and authorization as a special use, in addition to the special use standards of Section 4.4 (Special Use Permits), the following procedures, requirements, restrictions and conditions shall be observed. In addition to the special use procedures, approval of a planned development is a four-step process, which includes a pre-application consultation, concept plan with neighborhood meeting, preliminary plan and final plan. No plats shall be recorded and no building permit shall be issued until a final plan has been approved.

### A. Pre-Application Consultation

1. Prior to the filing of an application for a planned development, the applicant shall confer with the Village staff regarding the proposed development. At the pre-application meeting the applicant shall provide information as to:
  - a. The location of the proposed planned development
  - b. The proposed uses, proposed public and private improvements
  - c. A list of any known exceptions to this Code and other ordinances of the Village
  - d. Proposed public amenities and benefits
  - e. Demonstration of the financial viability of the planned development.
  - f. Any other information necessary to clearly explain the planned development
2. The purpose of such pre-application presentation and conference is to make advice and assistance available to the applicant before preparation of the concept plan or preliminary plan, so that the applicant may determine:
  - a. Whether the proposed planned development appears in general to be in compliance with the provisions of this Code and other applicable regulations.
  - b. Whether any zoning exception is required in connection with the proposed planned development.
  - c. Whether the proposed planned development will be in conformity with the goals and policies of the Village for development. The pre-application conference does not require formal application, fee or filing of a planned development.
3. Any opinions or advice provided by the Village staff shall be in no way binding with respect to any official action the Plan Commission or Village Board may take on the subsequent formal application.

### B. Concept Plan

1. Before submitting a formal application for a planned development, the applicant shall present a concept plan to the Plan Commission for the purpose of obtaining information and guidance prior to entering into binding commitments or incurring substantial expense. At minimum, the concept plan shall consist of the following:



4. As part of the Plan Commission review of the concept plan, the Plan Commission shall determine at the public meeting if a 3-D computer-aided drawing or massing model, or scaled model is required for the preliminary plan submittal.
5. Following review of the concept plan by the Plan Commission, a neighborhood meeting shall be held to present the proposed planned development. The neighborhood meeting shall be open to the public and open for public comment. Any opinions or advice provided at the meeting shall be in no way binding with respect to any official action the Plan Commission or Village Board may take on the subsequent formal application. The review of the concept plan at the neighborhood meeting shall be a public meeting. Any failure to observe formal procedures shall not affect the ultimate validity of any enabling legislation. The following notice for the neighborhood public meeting shall be given:
  - a. Notice within a newspaper of general circulation within the Village no later than fifteen (15) and no more than thirty (30) days before the meeting.
  - b. Posting of the concept plan and scheduled meeting on the Village's website. The Village may request that the developer host the concept plan application on their website and provide the Village with a link.
  - c. Posted sign notice on the subject property stating that a planned development is proposed and the date of the meeting, posted no later than fifteen (15) and no more than thirty (30) days before the meeting.
6. After the neighborhood meeting, the final concept plan shall be submitted to the Zoning and Public Safety Committee for review prior to submittal of the preliminary plan.

### **C. Preliminary Plan**

All applications for planned developments shall contain a preliminary plan, which shall be filed with the Zoning Administrator, who shall forward a copy of the same to the Plan Commission. This application and preliminary plan shall be filed in such form and contain such information as the Plan Commission may prescribe by general rule. If a rezoning is required as part of the planned development, such rezoning must take place separately from the public hearing on the special use, which is part of these preliminary plan procedures. It is recommended that the rezoning take place after review of the concept plan.

#### **1. Minimum Requirements**

Every preliminary plan shall contain the following:

- a. A plat of survey of the parcel or parcels of land comprising the zoning lot. The plat shall be drawn to scale showing the actual dimensions of this zoning lot, including all parcels or lots within the zoning lot. The plat shall be drawn in accordance with the recorded plat of such land.
- b. Proof of ownership or economic interest in the property.
- c. Assessment of the financial viability of the developer and the proposed planned development including, but not limited to, reports on revenue stream, timing of revenue stream to the Village, financial arrangements and conditions, a fiscal impact analysis, and market study.
- d. A site location map drawn to an appropriate scale showing the proposed planned development in relation to surrounding streets and property located within six hundred (600) feet in all directions of the development site. The map shall indicate the location,

height and land use of all existing buildings and structures immediately adjacent to the development site.

- e. A site plan drawn to an appropriate scale showing:
  - i. The location, ground area, height, bulk and approximate dimensions of all existing and proposed buildings and structures within the planned development.
  - ii. The use or uses to be made of such existing and proposed buildings and structures.
  - iii. The dimensions of all perimeter setbacks and the distance between all buildings and structures.
  - iv. The location and dimensions of all pedestrian walkways, driveways, streets, parking and loading facilities, including the number of parking spaces serving each building or land use type and all parking related screening and landscaping.
  - v. The location, height, design and illumination characteristics of all external lighting fixtures within the development.
  - vi. The location and dimensions of any areas proposed to be conveyed, dedicated or reserved for parks, parkways, playgrounds, places of worship, school sites, public buildings or for any other public or quasi-public use.
- f. Building elevations and schematic design presentations indicating the architectural character of all proposed buildings and structures. The drawings need not be the result of final engineering decisions.
- g. A traffic circulation plan indicating the proposed movement of vehicles, goods and pedestrians within the planned development, and to and from adjacent streets, and a traffic impact analysis analyzing the impact of the proposed planned development upon existing traffic patterns. Such studies shall include an examination of the adequacy of on-site parking facilities, vehicular circulation patterns and pedestrian access and safety. The traffic circulation plan shall be evaluated by an independent consultant or third party consultant appointed by the Village with costs to be paid by the applicant. The traffic impact analysis shall be prepared by an independent consultant or third party consultant appointed by the Village with costs to be paid by the applicant.
- h. A drainage plan indicating the manner in which surface drainage will be controlled and managed, consistent with all Village and other governmental jurisdictions, regulations and requirements. The drainage plan shall be evaluated by an independent consultant or third party consultant appointed by the Village with costs to be paid by the applicant. The drainage plan will also be submitted to Planning and the Village Engineer for review.
- i. A utilities study indicating the adequacy of the utility systems serving the proposed planned development, including water distribution lines, sanitary sewers, stormwater drainage facilities, main power lines, phone lines and other utilities, including all easements. The utility study shall be evaluated by an independent consultant or third party consultant appointed by the Village with costs to be paid by the applicant. The utility study will also be submitted to Planning and the Village Engineer for review.
- j. A landscape plan, prepared by a qualified professional, indicating the general character of all proposed landscaping, screening and fencing, including all open space areas around buildings and structures.

- k. A contextual drawing that shows the relationship of the proposed development to surrounding existing development, including sight lines. The Plan Commission may require a three-dimensional (3-D) computer-aided drawing or massing model, or scaled model. The applicant shall be notified that a 3-D computer-aided drawing or massing model, or scaled model is required for the preliminary plan at the concept plan stage.
- l. A separate schedule setting forth any proposed exceptions to any Village regulations. The schedule shall include, but not necessarily be limited to, the regulations governing use, density, area, bulk, off-street parking and loading and signs as they apply to the zoning district or districts within which the planned development is to be located. This schedule shall cite by section number each and every regulation from which an exception is sought.
- m. A description of the public benefits and amenities to be provided.

## 2. Preliminary Plan Procedure

The procedure for approval of the preliminary plan shall be:

- a. The Plan Commission shall review the preliminary plan and special use at a public hearing within sixty (60) days of receipt of a complete application, as well as all other applicable approvals such as site plan review and exterior appearance review. If, in the Plan Commission's judgment, the application does not contain sufficient information to enable the Plan Commission to properly discharge its responsibilities, the Plan Commission may request additional information from the applicant. In that event, the sixty (60) day period shall be suspended pending receipt of all requested information. Within sixty (60) days of the close of the public hearing, the Plan Commission shall either:
  - i. Recommend approval or denial of the preliminary plan and special use and submit its written recommendation to the Village Board. Each application shall be voted on separately and evaluated against the specific standards for special uses in Section 4.4 (Special Use Permits) and planned developments in Section 5.6 (Exceptions from District Regulations), as well as standards applicable for other required approvals.
  - ii. Advise the applicant in writing of any recommended changes, additions or corrections to the preliminary plan. The applicant may, within thirty (30) days, submit the revised preliminary plan for Plan Commission consideration at a continuation of, or at a new, public hearing. The applicant may do so without paying an additional filing fee. The Plan Commission shall review the preliminary plan and special use at a public hearing within sixty (60) days of receipt of a complete application. The Plan Commission shall then recommend approval or denial of the preliminary plan and special use, and submit its written recommendation to the Village Board.
- b. If a rezoning is required as part of the planned development, such rezoning must take place separately from the public hearing on the special use, which is part of the preliminary plan procedures. Such proposed rezoning must be approved before the public hearing on the preliminary plan.
- c. The Plan Commission's recommendation to the Village Board shall set forth in what respects the planned development is or is not in the public interest including, but not limited to, findings of fact on the following:

- i. The site or zoning lot upon which the planned development is to be located is adaptable to the unified development proposed.
  - ii. The proposed planned development will not be detrimental to or endanger the public health, safety, comfort or general welfare of any portion of the community.
  - iii. The proposed planned development will not be injurious to the use and enjoyment of other property in the vicinity for the purposes already permitted.
  - iv. The proposed planned development will not diminish or impair property values within the neighborhood.
  - v. The proposed planned development will not impede the normal and orderly development and improvement of surrounding property for uses permitted in the zoning district.
  - vi. The planned development provides public benefits and amenities to the Village in exchange for exceptions to the regulations of this Code.
  - vii. There is provision for adequate utilities, drainage, off-street parking and loading, pedestrian access and all other necessary facilities.
  - viii. There is provision for adequate vehicular ingress and egress designed to minimize traffic congestion upon public streets.
  - ix. The location and arrangement of structures, parking areas, walks, lighting and appurtenant facilities, are compatible with the surrounding neighborhood and adjacent land uses.
  - x. All portions of the proposed planned development which are not to be used for structures, parking and loading areas, or access ways, are suitably landscaped.
  - xi. The planned development in the specific location proposed is consistent with the spirit and intent of this Code and the Comprehensive Plan.
  - xii. The planned development is financially viable.
  - xiii. The planned development meets all standards for separate applicable applications including, but not limited to, special use, site plan review and exterior appearance review.
- d. The Village Board, after receipt of the Plan Commission recommendation and review by the Zoning and Public Safety Committee, shall approve, approve with conditions or deny the preliminary plan and special use within sixty (60) days following the receipt of the written recommendations of the Plan Commission. However, the Village Board may, by motion, extend the sixty (60) day period.
- i. If the preliminary plan is denied, the Village Board shall state in writing the reasons for the denial, and such writing shall be filed with the Zoning Administrator and a copy shall be sent to the applicant.
  - ii. If the preliminary plan and special use is approved, the applicant shall submit a final plan for the planned development.

### 3. Limitations on Denials

The same special use application for a planned development, which has been denied by the Village Board, shall not be reconsidered for a period of two (2) years from that date of denial. If a special use application for a planned development, which has been denied by the Village Board, is modified, such application can be resubmitted as a new application and must begin at the concept plan stage.

## D. Final Plan

### 1. Final Plan Procedure

Within one (1) year following the approval of the preliminary plan the applicant shall file a final plan containing, in final form, the information required for the preliminary plan, including any additional information requested during the preliminary plan approval process. The Village Board may request an update of any studies conducted as part of the preliminary plan application before recommending or approving the final plan. If the planned development is to be developed in phases, the applicant need only file a final plan for the first phase of development, as indicated in the development and construction schedule prescribed below. The final plan for the remaining phases shall be filed in accordance with the development and construction schedule. Every final plan shall contain the following information and documentation:

- a. A final site plan and final plat drawn to an appropriate scale on a mylar or other material suitable for recording. The final site plan shall include the following information:
  - i. Final designation of the location, ground area, height, bulk and exact dimensions of all existing and proposed buildings and structures within the planned development.
  - ii. A detailed tabulation of each separate land use area, including land and building areas, and where applicable, the total number of residential dwelling units, the number of bedrooms in each unit, and the residential density.
  - iii. The use or uses to be made of such existing and proposed buildings or structures.
  - iv. The dimensions of all perimeter setbacks and the distances between all buildings and structures.
  - v. The final location and dimensions of all pedestrian walkways, driveways, streets, parking and loading facilities, including the number of parking spaces serving each building or land use type and all parking related screening and landscaping.
  - vi. The exact location and dimensions of any areas to be conveyed, dedicated or reserved for parks, parkways, playgrounds, places of worship, school sites, public buildings, or for any other public or quasi-public use.
- b. An accurate legal description of the entire zoning lot upon which the planned development is to be located, and a legal description of each separate subdivided parcel, including any areas to be conveyed, dedicated or reserved for public or quasi-public uses.
- c. All covenants, easements, agreements, development agreements and other provisions required to govern the use, maintenance and continued protection of the planned development, along with an agreement assuring that the applicant, any subsequent owner or, where applicable, a homeowners' association shall be responsible for all

street, utility and common open space maintenance within said development and for snow plowing and refuse disposal.

- d.** All plats, certificates, seals and signatures required for the dedication or vacation of land and/or the recording of the final site plan.
- e.** If subdivision of the development site is included in the planned development, a plat of subdivision shall be prepared suitable for recording with the Recorder of Deeds. Such plat of subdivision shall be prepared in the same form and meet the same specifications required for a normal subdivision as prescribed in the Village's subdivision regulations. In like manner, if a vacation or dedication of a public street or alley is included, a plat of vacation or dedication shall be prepared.
- f.** A detailed landscape plan based on final architectural decisions indicating the specific location and character of all landscaping, including the size and species of all trees, shrubs, hedges and other groundcover, the location, size and type of all screening and fencing and the location, height, design and illumination characteristics of all external lighting fixtures within the development.
- g.** A detailed utilities and drainage plan based on final architectural decisions indicating the size and location of all water distribution lines, sanitary sewers, stormwater drainage facilities, main power lines, phone lines and other utilities, including all easements, required to serve the planned development. The drainage plan shall include the manner in which surface drainage will be controlled and managed consistent with all applicable Village regulations. The utilities and drainage plan will also be submitted to Planning and the Village Engineer for review.
- h.** A development and construction schedule indicating the following, which will also be submitted to Planning and the Building Department for review:
  - i.** The date when construction of the planned development will begin or, if developed in phases, the date when construction of the initial phase will begin.
  - ii.** If the planned development is to be developed in phases, a map indicating the phases in which the planned development will be built, the dates when the final plan for all but the initial phase will be filed, and the approximate dates when construction of each subsequent phase will begin.
  - iii.** The date when construction of the planned development will be completed, and the date when a specific use or uses will be established, or if developed in phases, the date when construction of each phase will be completed, and the date when a specific use or uses will be established for each phase.
- i.** Typical building elevations and schematic design presentations indicating the architectural character of all proposed buildings and structures based on final architectural decisions and prepared in detail.
- j.** Detailed drawings and design presentations of all signs to be erected within the planned development in accordance with the applicable regulations contained in this Code.
- k.** A separate schedule setting forth any proposed exceptions to any Village regulations. The schedule shall include, but not necessarily be limited to, the regulations governing use, density, area, bulk, off-street parking and loading and signs as they apply to the zoning district or districts within which the planned development is to be located. This

schedule shall cite by section number each and every regulation from which an exception is sought.

- I. A description of the public benefits and amenities to be provided.

**2. Action**

The final plan shall be approved as follows:

**a. Verification of Conformance with Preliminary Plan**

- i. The Zoning Administrator shall review the final plan within sixty (60) days from the receipt of the complete final plan, and shall recommend approval if it is in conformity (see Paragraph iii below) with the preliminary plan and all Village regulations. The Zoning Administrator shall certify that the final plan is in conformance with the previously filed preliminary plan and forward his/her recommendation to the Village Board.
- ii. If the final plan is substantially changed (see Paragraph iii below) from the approved preliminary plan, or is otherwise not in accordance with Village regulations, then the Zoning Administrator shall recommend that the final plan be denied. If the final plan is held not to be in conformity with the preliminary plan or other Village regulations, the Zoning Administrator shall inform the applicant with regard to specific areas found not to be in compliance, and the applicant may resubmit the final plan with changes to those areas found not to be in compliance.
- iii. For the purposes of granting plan approvals relating to planned developments, a final plan shall be deemed to be in conformity with a previously approved plan if, but only if, the newly submitted plan:
  - (A) Does not change the number of dwelling units, the gross floor area of the development, or the gross floor area devoted to any particular use.
  - (B) Does not change building heights.
  - (C) Does not change building coverage by more than five percent (5%) of the percentage of the previously approved plan (for example, an increase of five percent (5%) of a previously approved thirty percent (30%) building coverage would be thirty-one and one-half percent (31.5%). Such an increase may not violate the maximum building coverage allowed by the Zoning Code for the district in which the planned development is located. If increased building coverage exception is granted as part of the planned development, any increase in building coverage above that granted by the exception shall not be considered to be in conformity with the preliminary plan.
  - (D) Does not change the orientation of any building by more than two percent (2%) compared to the previously approved plan.
  - (E) Does not decrease open space.
  - (F) Does not change the location of any open space in any manner to detract from its intended function in the previously approved plan.
  - (G) Does not change the location and arrangement of land uses within the development as shown on the previously approved plan.

- (H) Does not change or relocate rights of way shown on the previously approved plan in any manner or to any extent that would decrease their functionality, adversely affect their relation to surrounding land use and rights-of-way elements, or reduce their effectiveness as buffers or amenities.
- (I) Does not decrease the number of parking spaces shown on the previously approved plan.
- (J) Does not change the landscape plan so that there is a reduction in the net amount of plant material or in the visual impact of the approved landscape plan.
- (K) Does not alter, whether an increase or decrease, the amount of any land use in a stage of the development schedule by more than ten percent (10%). The final established land use mix of the approved planned development cannot be changed.
- (L) Does not delay any stage of the previously approved development schedule by more than twelve (12) months.
- (M) Does not violate any applicable law or ordinance.
- (N) Does not depart from the previously approved plan in any other manner determined by the reviewing body or official, based on stated findings and conclusions, to be a material deviation from the previously approved plan.

**b. Village Board Action on Final Plan**

Within sixty (60) days of receipt of the Zoning Administrator's recommendation, the Village Board shall review the final plan and shall approve the final plan if it is in conformity (see Paragraph iii above) with the preliminary plan and all Village regulations. If the final plan is held not to be in conformity with the preliminary plan or other Village regulations, the Village Board shall inform the applicant with regard to specific areas found not to be in compliance. The applicant may resubmit the final plan to the Village Board with changes to those areas found not to be in compliance. Prior to final Village Board decision, the applicant may also resubmit as a new planned development application.

**c. Approval**

After the approval of the final plan, permits including, but not limited to, building permits, demolition permits and grading permits may be issued. The use of the land and the construction, modification or alteration of any buildings or structures within the planned development will be governed by the approved final plan rather than by any other provisions of this Code.

**5.8 CHANGES TO PLANNED DEVELOPMENTS**

No changes may be made in the approved final plan, except upon application to the Village, according to the following provisions.

**A. During Construction**

During the construction of the planned development, the procedure shall be as follows:

**1. Minor Changes**

- a. Minor changes, as required by engineering or other physical site circumstances not foreseen at that time that the final plan was approved, and verified by the Village Engineer, may be authorized by the Zoning Administrator. Any change considered a major change in Paragraph 2 below cannot be considered a minor change, though changes below the thresholds established by Paragraph 2 below may be considered minor changes. All changes to the final plan must be recorded as amendments to the planned development ordinance. If changes are allowed in a final plan, then a new plan reflecting such changes must be filed with the Village noting the date of the changes.
- b. The Zoning Administrator may also, at his/her discretion, determine that a proposed change to an approved final plan constitutes a major change and, as such, must be submitted to the Village Board in accordance with the procedures for a major change to an approved final plan and must be approved by the Village Board, after review by the Zoning and Public Safety Committee

**2. Major Changes**

- a. Major changes may be authorized by the Village Board after review by the Zoning and Public Safety Committee. The Village Board may also require review by the Plan Commission. Any change considered a major change in Paragraph b below cannot be considered a minor change. All changes to the final plan must be recorded as amendments to the planned development ordinance. If changes are allowed in a final plan, then a new plan reflecting such changes must be filed with the Village noting the date of the changes.
- b. Major changes are those changes that substantially affect the basic design, density or bulk of the development. All changes in land use, building height or density, or in the arrangement of lots, blocks and building changes that substantially affect the basic design, density or bulk of the development shall be considered a major change, and must be approved by the Village Board after review by the Zoning and Public Safety Committee. Major changes shall include, but are not limited to:
  - i. A change in the number of dwelling units, the gross floor area of the development, or the gross floor area devoted to any particular use.
  - ii. A change in building height.
  - iii. A change in building coverage by more than five percent (5%) of the percentage of the approved final plan (for example, an increase of five percent (5%) of a previously approved thirty percent (30%) building coverage would be thirty-one and one-half percent (31.5%)).
  - iv. A change in the orientation of any building by more than two percent (2%) compared to the approved final plan.
  - v. A decrease in open space.
  - vi. A change in the location of any open space in any manner that detracts from its

intended function in the previously approved plan.

- vii. A change in excess of one (1) foot in the location of walkways, vehicle circulation ways and parking areas, or exterior building or structure walls.
- viii. A change in the location and arrangement of land uses within the development as shown on the previously approved final plan.
- ix. A change or relocation of rights of way shown on the approved final plan in any manner or to any extent that decreases their functionality, adversely affects their relation to surrounding land use and rights-of-way elements, or reduces their effectiveness as buffers or amenities.
- x. An alteration, whether an increase or decrease, in the amount of any land use in any stage of the development by more than ten percent (10%) or a change in the overall final approved and use mix.
- xi. A reduction in the number of parking spaces or an increase of more than four (4) parking spaces. An increase of up to four (4) spaces shall be considered a minor change.
- xii. A substantial change in building design, building material selection, or percentage of various approved building materials.
- xiii. A change to the landscape plan that results in a reduction in the net amount of plant material or in the visual impact of the approved landscape plan. Changes to the landscape plan, which do not result in a reduction in the net amount of plant material or violate the landscaping requirements of this Zoning Code, shall be considered a minor change.

**B. After Construction**

After the completion of construction of the planned development, the procedure shall be as follows:

1. Any minor extension, alteration or modification of existing buildings or structures may be authorized by the Zoning Administrator.
2. Any building or structure that is totally or substantially destroyed may be reconstructed only in compliance with the final plan, unless an amendment to the final plan is approved following the procedures for an amendment.
3. All other changes in the final plan must be made by the Village Board, under the procedure authorized for an amendment of the approved special use permit. No changes may be made in the final plan unless they are required for the continued successful functioning of the planned development, or unless they are required by changes in conditions that have occurred since the final plan was approved or by changes in the development policy of the Village.