

# ARTICLE 5. PLANNED DEVELOPMENTS

This Article contains both the current provisions, as reorganized, and, separately, the proposed revisions recommended by the Zoning Task Force and presented to the Zoning and Public Safety Committee on January 5, 2009. Please see the Technical Review Report for additional information on key revisions.

## CURRENT CODE

## REORGANIZED CODE PROVISIONS

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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 relaxation of otherwise applicable Code substantive requirements based upon procedural protections providing for that require detailed review of individual proposals for significant developments. This special regulatory technique is included in this Code in recognition of the fact that traditional bulk and setback space, and yard regulations that are useful in protecting the character of substantially developed and stable areas may impose inappropriate pre-regulations and rigidities upon the development or redevelopment of parcels or areas that better lend themselves to an individual, planned approach.

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

- A. Creation of a more desirable environment than would be possible through strict application of other Village land use regulations.
- B. Promotion of a creative approach to the use of land and related physical facilities resulting in better design and development, including aesthetic amenities.
- C. Coordination of architectural styles, building forms and building relationships.
- D. Preservation of natural topography, vegetation and geologic features, prevention of soil erosion, and enhancement of desirable site characteristics that benefit neighboring properties such as screening.
- E. Provision for the preservation and beneficial use of open space, An increase in the amount of including additional open space over that which would result from the application of conventional subdivision and zoning regulations.
- F. Encouragement of land uses that promote the public health, safety and general welfare.

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### 5.2 INITIATION

An application for a special use permit for a planned development may be filed by the owner of, or any person having a contractual interest in, a subject property in the Village.

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**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.

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Multiple-  
Family  
Districts  
Footnotes**5.4 PLANNED DEVELOPMENT REQUIREMENTS****A. 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.

**B. Standards 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 ~~will~~ meets each of the following standards:

1. 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. The district regulations of this Code that establish standards for particular types of planned development may specify the minimum area required for some planned developments and that must be met. In addition ~~to meeting that specific standard, or where no specific standard is set~~, 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 ~~may be established pursuant to this Section~~.
3. 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. Whenever the Comprehensive Plan, Official Map or Zoning Map indicates 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 and to the extent such need is specifically and uniquely attributable to the proposed development, dedicated to the Village for such use. In addition, 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 as respects the proposed planned development. The planned development must meet all common open space requirements of Section 5.5 (Common Open Space in Planned Developments). The failure of a planned development to provide required common open space shall be considered to be an indication that it has not satisfied the standards for approval.

5. Any area of a planned development not used for structures or circulation elements shall be landscaped or otherwise improved. The perimeter of the planned development shall be treated so as to ensure compatibility with surrounding uses by means such as provision of compatible uses and structures, setbacks, screening, or natural or manmade buffers. Every planned development having twenty (20) or more acres shall provide a perimeter landscape yard along each of its boundaries. Each perimeter landscape yard shall have a minimum depth equal to the minimum front yard required in the district in which it is located or which it abuts, whichever is greater.
6. Planned developments must be of two (2) or more buildings. No part of any building shall be closer to any part of any other building than ten (10) feet, or three (3) feet if a fire separation wall has been provided to the satisfaction of the Village Manager, plus one-half (0.5) foot for each foot by which either or both of such buildings exceed twenty-five (25) feet in height.
7. 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 meeting the requirements set forth in Section 5.5 (Common Open Space in Planned Developments).
8. 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.
9. All utility lines shall be installed underground.

### **C. Additional Standards For Specific Planned Developments**

#### **1. Additional District Standards for Planned Developments**

Where the district regulations authorizing any planned development in a particular district impose additional standards to be met by a planned development in that district, a special use permit for such development shall not be recommended or granted unless the applicant complies with the standards.

#### **2. Clustering of Dwelling Units in R-5 and R-6 Districts**

- a. In planned developments, minimum lot size per unit requirements are intended only as a limit on overall development density and not as a requirement that each individual unit be placed on a lot of the specified size. Units may be clustered together so long as sufficient common open space is provided within the development to meet the average minimum lot size requirement of the development taken as a whole.
- b. No adjustment of the required minimum lot size per dwelling unit shall reduce the lot size per dwelling unit requirement to less than four-thousand (4,000) square feet in the R-5 District and two-thousand five-hundred (2,500) square feet in the R-6 District. No such adjustment shall be recommended or authorized except on the basis of the development's excellence in achieving the purposes for which planned developments may be approved in this Article. In determining whether such excellence has been shown, special consideration shall be given to the following factors:
  - i. The amount of usable open space.
  - ii. The extent of land dedicated for public building sites and open space.
  - iii. The quality and extent of landscaping, including special elements such as water features and public art.
  - iv. The quality and extent of recreational facilities such as golf courses, swimming pools, tennis courts, playgrounds and other residential recreational facilities, bicycle, hiking and jogging trails, and community centers.
  - v. The design quality of vehicular circulation elements and parking lots and areas.
  - vi. The care taken to maximize energy conservation in site design, building design, and building systems.
  - vii. The quality of roof design and finishes in terms of consistency with an attractive residential setting and the avoidance of flat roofs.

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**5.5 COMMON OPEN SPACE IN PLANNED DEVELOPMENTS****A. Amount, Location and Use**

When common open space is provided in a planned development, the amount and location of such open space shall be consistent with its intended function as set forth in the application and planned development plans. No such open space shall be used for the construction of any structure or improvement except those approved in the Final Plan as appropriate to the intended leisure and recreational uses for which the open space is intended.

**B. Preservation**

Adequate safeguards, including recorded covenants or dedication of development rights, shall be provided to prevent the subsequent use of common open space for any use, structure, improvement or development other than that shown on the approved Final Plan. The restrictions must be permanent (not for a given period of years) and must run with the land. Such covenants and dedications may provide that they may be released, but only with the express written consent of the Village Board.

### **C. Ownership and Maintenance**

The Final Plan shall include such provisions for the ownership and maintenance of such open space and improvements as are reasonably necessary to ensure their continuity, care, conservation, maintenance and operation in accordance with predetermined standards, and to ensure that remedial measures will be available to the Village if such open space or improvements are permitted to deteriorate or are not maintained in a condition consistent with the best interests of the planned development or the Village.

### **D. Property Owners Association**

When the requirements of Paragraph C, above, are to be satisfied by the ownership or maintenance of such open space or improvements by a property owners association, such association shall meet each of the following standards:

1. The by-laws and rules of the association and all declarations, covenants and restrictions to be recorded must be approved as part of the Detailed Plan prior to becoming effective. Each such document shall provide that it shall not be amended in any manner that would result in it being in violation of the requirements of this section.
2. The association must be established and all covenants and restrictions must be recorded prior to the sale of any property within the area of the planned development designated to have the exclusive use of the proposed open space or improvements.
3. The association must be responsible for casualty and liability insurance, taxes, and the maintenance of the open space and improvements to be deeded to it.
4. Membership in the association must be mandatory for each property owner and any successive owner having a right to the use or enjoyment of such open space or improvements.
5. Every property owner having a right to the use or enjoyment of such open space or improvements must pay its pro rata share of the cost of the association by means of an assessment to be levied by the association that meets the requirements for becoming a lien on the property in accordance with statutes of the State of Illinois.
6. The association must have the right to adjust the assessment to meet changed needs. The membership vote required to authorize such

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adjustment shall not be fixed at more than two-thirds (2/3) of the members voting on the issue.

7. The Village must be given the right to enforce the covenants.
8. The Village must be given the right, after ten (10) days written notice to the property owners association, to perform any maintenance or repair work that the association has neglected to perform, to assess the membership for such work and to have a lien against the property of any member failing to pay such assessment. For this purpose alone, the Village shall have all the rights and powers of the association, and its governing body under the agreements and declarations creating the association.

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**5.6 AUTHORITY TO VARY REGULATIONS**

- A. Subject to the standards and limitations of this Code, the Village Board shall have the authority, in connection with the granting of any planned development approval, to change, alter, vary, modify or waive any provisions of the Village Code of Hinsdale and the Hinsdale Zoning Code as they apply to an approved planned development.
- B. No such change, alteration, variation, modification, or waiver shall be approved unless the Village Board shall find that the proposed planned development:
  1. Will achieve the purposes for which planned developments may be approved pursuant to this Article.
  2. Will not violate the general purposes, goals and objectives of this Code and the Official Comprehensive Plan.
  3. Will result in a development providing compensating amenities to the Village.
- C. Except as provided in Paragraph D, below, no such change, alteration, variation, modification or waiver shall be permitted with respect to the uses permitted in any district or with respect to any standard established by Section 5.4 or with respect to any standard made specifically applicable to planned developments by the regulations of any particular district unless such regulations expressly authorize such a change, alteration, variation, modification or waiver.
- D. The variation authority created by this subsection shall be in addition to the variation authority created by Section 4.3.

**5.7 PROCEDURE**

- A. The applicant shall submit a Development Concept Plan for Plan Commission recommendation and Village Board approval in accordance with Section 5.8. Pursuant to Section 5.8.E, the applicant, at his/her option, may submit a Detailed Plan in accordance with Section 5.9 simultaneously.

- B.** Upon approval of the Development Concept Plan, the applicant shall file an application for Detailed Plan for Plan Commission recommendation and Village Board approval in accordance with Section 5.9.
- C.** Upon approval of the Detailed Plan, the applicant shall file an application for Final Plan for Plan Commission recommendation and Village Board approval in accordance with Section 5.10.

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**5.8 DEVELOPMENT CONCEPT PLAN****A. Purpose**

The Development Concept Plan is intended to provide the applicant an opportunity to submit a plan showing the basic scope, character and nature of the entire proposed planned development without incurring undue cost. The Development Concept Plan is the basis on which the required public hearing is held, thus permitting public consideration of the proposal at the earliest possible stage.

To permit the Village and the applicant to proceed with some assurance, approval of the Development Concept Plan binds the applicant and the Village with respect to the following basic elements of development:

1. Categories of uses to be permitted.
2. General location of residential and nonresidential land uses.
3. Overall maximum density of residential uses and intensity of nonresidential uses.
4. The general architectural style of the proposed development.
5. General location and extent of public and private open space including recreational amenities.
6. General location of vehicular and pedestrian circulation systems.
7. Staging of development.
8. Nature, scope, and extent of public dedications, improvements or contributions to be provided by the applicant.

**B. Procedure**

1. Applications for a Development Concept Plan shall be filed in accordance with the requirements of Section 3.2.
2. The Plan Commission shall conduct a public hearing on a Development Concept Plan application, which shall be set, noticed and conducted in accordance with Article 3.
3. Within forty-five (45) days following the conclusion of the public hearing,

the Plan Commission shall transmit its recommendation to the Village Board, in ~~the form specified by Subsection 11-103F of this Code~~, that the Development Concept Plan either be approved, approved with conditions or denied, ~~be approved subject to modifications, or not be approved~~. The failure of the Plan Commission to act within forty-five (45) days, or such further time to which the applicant may agree, shall be deemed a recommendation for the approval of the Development Concept Plan as ~~submitted~~.

4. Within sixty (60) days following the receipt of the Plan Commission's recommendation or its failure to act as above provided, the Village Board shall approve, approve with conditions, deny or refer the matter back to the Plan Commission, ~~deny the application for approval of the Development Concept Plan, or shall refer it back to the Plan Commission for further consideration of specified matters, or, by ordinance duly adopted, if the Village Board~~ approves the Development Concept Plan, with or without modifications and conditions to be accepted by the applicant as a condition of such approval, the Village Board shall grant a special use permit authorizing the proposed planned development and such additional approvals as may be necessary to permit development of the planned development as approved. ~~provided, however, that every such ordinance~~ Every approval and special use permit shall be expressly conditioned upon approval of Detailed Plans and Final Plans ~~in accordance with Paragraphs D3 and D4 of this Section~~ and upon the applicant's compliance with all provisions of this Code and the ordinance granting the special use permit. The failure of the Village Board to act within sixty (60) days, or such further time to which the applicant may agree, shall be deemed to be a decision denying approval of the Development Concept Plan.

#### C. Effect of Approval

Unless the applicant fails to meet time schedules for filing Detailed Plans and Final Plans, fails to proceed with development in accordance with the approved plans, or fails to comply in any other manner with any condition of this Code or conditions of approval, the Village shall not, without the consent of the applicant, take any action to modify, revoke or otherwise impair an approved Development Concept Plan, pending the application for approval of Detailed Plans and Final Plans. In submitting such plans, the applicant shall be bound by the approved Development Concept Plan with respect to each required element.

#### D. Limitation on Approval

Subject to an approved extension of time ~~granted by the Village Manager pursuant to Subsection 11-101K of this Code~~, unless a Detailed Plan covering at least the area designated in the Development Concept Plan as the first stage of the planned development has been filed within one (1) year of the date the Village Board grants Development Concept Plan approval, or if the applicant fails to file Detailed Plans and Final Plans and to proceed with development in accordance with the provisions of this Code and the approved Development Concept Plan, the approval shall automatically expire and be rendered void. The ~~Village Manager~~ Zoning Administrator shall, without further direction, initiate an appropriate application to revoke the special use

permit for all portions of the planned development area that have not yet been completed.

**E. Optional Submission of a Detailed Plan**

The applicant may, at his/her option, submit a Detailed Plan for the proposed planned development pursuant to the requirements of Section 5.9 simultaneously with the submission of the Development Concept Plan. In such case, the applicant shall comply with all provisions of this Code applicable to submission of the Development Concept Plan and to submission of the Detailed Plan. The Plan Commission and the Village Board shall consider such plans simultaneously and shall grant or deny Detailed Plan approval in accordance with the provisions of Section 5.9.

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**5.9 DETAILED PLAN**

**A. Purpose**

The Detailed Plan is intended to particularize, refine and implement the Development Concept Plan and to serve as a working document in development of a Final Plan. The Detailed Plan may be submitted for the entire planned development or in stages as approved in the Development Concept Plan.

**B. Procedure**

1. Upon approval of the Development Concept Plan ~~and within the time limits established in Subparagraph D1(g) of this Section,~~ the applicant shall file an application for Detailed Plan approval in accordance with the requirements of Section 3.2. The application may include the entire area included in the approved Development Concept Plan or one (1) or more stages, or units thereof, in accordance with a staging plan approved as part of the Development Concept Plan. The application shall refine, implement and be in substantial conformity with the approved Development Concept Plan.
2. When a subdivision of land subject to the Hinsdale Subdivision Ordinance is proposed in connection with a planned development, review of the tentative plat of the proposed subdivision shall be carried out simultaneously with review of the Detailed Plan.
3. The Plan Commission shall conduct a public hearing on a Detailed Plan application, which shall be set, noticed and conducted in accordance with Article 3.
4. Within sixty (60) days following the conclusion of the public hearing ~~following the filing of an application for approval of a Detailed Plan,~~ the Plan Commission shall, ~~with the aid and advice of the Village staff and consultants, as may be appropriate,~~ review and act on the plan. Such review shall consider:
  - a. Whether the Detailed Plan is in substantial conformity with the approved Development Concept Plan.

- b. The merit ~~or lack of merit~~ of any departure of the Detailed Plan from substantial conformity with the approved Development Concept Plan.
  - c. Whether the Detailed Plan complies with any and all conditions imposed by approval of the Development Concept Plan.
  - d. Whether the Detailed Plan complies with the provisions of this Code and all other applicable federal, State, and Village codes, ordinances and regulations.
5. The Plan Commission shall transmit its recommendation to the Village Board of approval in substantial conformity, approval without substantial conformity or denial, as described below:
- a. If the Plan Commission finds substantial conformity between the Detailed Plan and the approved Development Concept Plan, and further finds the Detailed Plan to be in all other respects complete and in compliance with any and all conditions imposed by approval of the Development Concept Plan and the provisions of this Code and all other applicable federal, state, and Village codes, ordinances and regulations, it shall transmit its recommendation and the Detailed Plan to the Village Board, ~~in the form specified in Subsection 11-103F of this Code, that the~~ with a recommendation that the Village Board approve the Detailed Plan, with or without modifications and conditions to be accepted by the applicant as a condition of approval. In no event shall such conditions of approval impair the rights granted by the Development Concept Plan approval. ~~See Subsection 12-206S of this Code for the definition of "substantial conformity."~~
  - b. If the Plan Commission finds that the Detailed Plan lacks substantial conformity to the Development Concept Plan but merits approval notwithstanding such lack of conformity and otherwise conforms to the requirements of this Code, it shall transmit the plan to the Board of Trustees with its recommendation, ~~in the form specified in Subsection 11-103F of this Code, that the Detailed Plan be approved,~~ with or without modifications and conditions to be accepted by the applicant as a condition of approval.
  - c. If the Plan Commission finds that the Detailed Plan is not in substantial conformity with the approved Development Concept Plan and does not merit approval, or if the Plan Commission requires modifications of a plan that are not accepted by the applicant, the Plan Commission shall transmit the plan to the Board of Trustees together with its recommendation, ~~in the form specified in Subsection 11-103F of this Code, that the Detailed Plan be denied.~~
  - d. The failure of the Plan Commission to act within sixty (60) days, or such further time to which the applicant may agree, shall be deemed to be a recommendation to the Board of Trustees to approve the Detailed Plan.
6. Within sixty (60) days following the receipt of the Plan Commission's recommendation, or its failure to act as above provided, the Board of

Trustees shall either:

- a. If the Plan Commission has recommended approval of a Detailed Plan pursuant to Section 5.9.B.5.a, the Village Board shall, unless it specifically rejects one (1) or more of the findings of the Plan Commission on the basis of expressly stated reasons, approve the Detailed Plan.
  - b. In any case other than that specified in Section 5.9.B.5.a, the Village Board may, if it finds that the Detailed Plan merits approval and otherwise conforms to the requirements of this Code, approve the Detailed Plan.
  - c. In any case other than that specified in Section 5.9.B.5.a, the Village Board may refer the Detailed Plan back to the Plan Commission for further consideration of specified matters.
7. Every approval of a Detailed Plan shall be expressly conditioned upon approval of a Final Plan in accordance with Section 5.10 and upon the applicant's compliance with all provisions of this Code, of the approved Development Concept Plan. The approval of any Detailed Plan may, in addition, be granted with or without modifications and conditions to be accepted by the applicant as a condition of approval. In no event shall such conditions of approval impair the rights granted by the Development Concept Plan approval. The failure of the Village Board to act within sixty (60) days, or such further time to which the applicant may agree, shall be deemed to be a decision denying Detailed Plan approval.

#### C. Effect of Approval

Unless the applicant shall fail to meet time schedules for filing a Final Plan or shall fail to proceed with development in accordance with the plans as approved or shall in any other manner fail to comply with any condition of this Code or any approval granted pursuant to it, the Village shall not, without the consent of the applicant, take any action to modify, revoke or otherwise impair an approved Detailed Plan pending the application for approval of a Final Plan. In submitting a Final Plan, the applicant shall be bound by the approved Detailed Plan.

#### D. Limitation on Approval

Subject to an approved extension of time, ~~granted by the Village Manager pursuant to Subsection 11-101K of this Code unless~~ a Final Plan covering at least the area designated in the Detailed Plan as the first stage or unit of the planned development has been filed within three (3) months from the date the Detailed Plan is approved, or in any case where the applicant fails to file a Final Plan and to proceed with development in accordance with the provisions of this Code and the approved Detailed Plan, the approval and all other approvals of the planned development and all permits based on such approvals shall automatically expire and be rendered void. The ~~Village Manager~~ Zoning Administrator shall, without further direction, initiate an appropriate application to revoke the special use permit for all portions of the planned development area that have not yet been completed.

**E. Site Improvements and Model Buildings**

1. At any time following the approval of a Detailed Plan, the applicant may, pursuant to and subject to the limitations of all applicable codes and ordinances of the Village, apply for and receive grading permits and approvals necessary for the installation of utility and street improvements within the area of the planned development for which Detailed Plan approval has been given.
2. If expressly authorized in the approval of the Detailed Plan, the applicant may, pursuant to and subject to the limitations of all applicable codes and ordinances of the Village, apply for and receive building permits for model buildings to be constructed within the area of the planned development shown on the approved Detailed Plan.

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**5.10 FINAL PLAN****A. Purpose**

The Final Plan is to serve as a complete, thorough and permanent public record of the planned development and the manner in which it is to be developed. When properly utilized, Final Plan approval is essentially a clerical step in the planned development process. The documentation required to be submitted with the Final Plan approval application is intended to reflect in final form the approved planned development and to incorporate all prior approved plans and all modifications thereof resulting from the planned development process.

**B. Procedure**

1. Upon approval of the Detailed Plan, and within the time limits established in ~~Subparagraph D3(h)~~ of this Article, the applicant shall file an application for Final Plan approval in accordance with the requirements of Section 3.2. The application may include the entire area included in the approved Detailed Plan or one (1) or more stages, or units thereof, in accordance with a staging plan approved as part of the Development Concept Plan. The application shall add necessary detail to, and put in final form, the information contained in the approved Detailed Plan and shall conform to the approved Detailed Plan in all respects.
2. When a subdivision of land subject to the Hinsdale Subdivision Ordinance is proposed in connection with a planned development, review of the final plat of subdivision shall be carried out simultaneously with review of the Final Plan.
3. Within twenty-one (21) days following the filing of an application for Final Plan approval, the ~~Village Manager~~ Zoning Administrator shall cause to be initiated and completed a staff review of the Final Plan to determine its conformity to the approved Detailed Plan and its compliance with any conditions imposed by the approval of the Detailed Plan and with the provisions of this Code and all other applicable federal, state and village codes, ordinances and regulations.

4. If the ~~Village Manager Zoning Administrator~~ shall find conformity in all significant respects between such plans, and shall further find the Final Plan to be in all other respects complete and in compliance with any conditions imposed by the approval of the Detailed Plan and with this Code and all other applicable federal, state and Village codes, ordinances and regulations, then the ~~Village Manager Zoning Administrator~~ shall approve the Final Plan for recording as herein provided.
5. If the Manager shall find that the Final Plan lacks such conformity, completeness or compliance, then the ~~Village Manager Zoning Administrator~~ shall inform the applicant of any deficiencies in the Final Plan and allow the applicant an opportunity to remedy such deficiencies. If the applicant shall fail or refuse to remedy such deficiencies, then the ~~Village Manager Zoning Administrator~~ shall refer the Final Plan to the Plan Commission and the Village Board, which shall then review and approve or disapprove the Final Plan in the same manner subject to the same standards as provided in Section 5.9 with respect to Detailed Plans.

#### C. Recording of Final Plan

When a Final Plan is approved, the ~~Village Manager Zoning Administrator~~ shall cause the Final Plan, or portions thereof as are appropriate, to be recorded with the Recorder of Deeds of DuPage or Cook County, as appropriate.

#### D. Limitation on Approval

Construction shall commence in accordance with the approved Final Plan within one (1) year after the approval of such plan, or within such shorter time as may be established by the approved development schedule. Failure to commence construction within such period shall, unless there is an approved extension of time ~~shall have been granted by the Village Manager pursuant to Subsection 11-101K of this Code~~, automatically render void the Final Plan approval and all approvals of the planned development and all permits based on such approvals. The ~~Village Manager Zoning Administrator~~ shall, without further direction, initiate an appropriate application to revoke the special use permit for all portions of the planned development that have not yet been completed.

#### E. Building Permits and Other Permits

1. Except as provided in Section 5.9.E, appropriate officials of the Village may upon, but not before, receiving notice from the ~~Village Manager Zoning Administrator~~ that the documents required for Final Plan approval have been approved, and upon proper application by the applicant, issue building and other permits to the applicant. No permit shall be issued unless the appropriate official is satisfied that the requirements of any codes or ordinances of the Village, in addition to this Code, that are applicable to the permit sought, have been satisfied.
2. Building permits may, however, be withheld at the discretion of the ~~Village Manager Zoning Administrator~~ or the Village Board at any time it is determined that the planned development is not proceeding in strict compliance with the approved Final Plan.

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**5.11 CONDITIONS ON PLANNED DEVELOPMENT APPROVALS**

The approval of either a Development Concept Plan or a Detailed Plan may be conditioned on such matters as the approving body may find necessary to prevent or minimize any possible adverse effects of the proposed planned development, or to ensure its compatibility with surrounding uses and development and its consistency with the general purposes, goals, and objectives of this Code, the Hinsdale Subdivision Ordinance, and the Comprehensive Plan. No such condition of Detailed Plan approval shall impair the rights granted by Development Concept Plan approval. Such conditions shall be expressly set forth in the ordinance or resolution granting the approval in question. Violation of any such condition or limitation shall be a violation of this Code and shall constitute grounds for revocation of all approvals granted for the planned development.

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**5.12 AFFIDAVIT OF COMPLIANCE WITH CONDITIONS**

Whenever any planned development approval granted pursuant to this Article is made subject to conditions or limitations to be met by the applicant, the applicant, upon meeting such conditions, shall file an affidavit with the ~~Village Manager~~ Zoning Administrator so stating.

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**5.13 REGULATION DURING AND FOLLOWING COMPLETION OF DEVELOPMENT**

Following Final Plan approval, the Final Plan, rather than any other provision of this Code, shall constitute the use, parking, loading, sign, bulk, space and ~~yard setback~~ regulations applicable to the subject property, and no use or development, other than home occupation and temporary uses, not allowed by the Final Plan shall be permitted within the area of the planned development pursuant to the zoning district regulations otherwise applicable to such area.

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**5.14 INSPECTIONS DURING DEVELOPMENT****A. Inspections By Village Manager**

Following approval of the Final Plan of a planned development, ~~or any stage thereof,~~ the Village Manager, at least annually until the completion of development, shall review all permits issued and construction undertaken and compare actual development with the approved plans for development and with the approved development schedule.

**B. Action By Village Manager**

If the ~~Village Manager~~ Zoning Administrator finds that development is not proceeding in accordance with the approved schedule, or that it fails in any other respect to comply with the Final Plan, the ~~Village Manager~~ Zoning Administrator shall immediately notify the Village Board of such fact and may, if necessary to protect the public health, safety or welfare or to prevent further violation of this Code and the Final Plan, issue an order stopping any and all work on the planned development until such time as any noncompliance is

cured.

**C. Action by Village Board**

1. Within sixty (60) days following notification by the Village Manager, the Village Board shall either:
  - a. Take such steps as it deems necessary to compel compliance with the Final Plan.
  - b. Require the owner or applicant to seek an adjustment to the Final Plan during development as provided in Section 5.15.
2. Failure of the Village Board to act within the sixty (60) days shall, unless the owner or applicant shall have cured the noncompliance within such period, render void the Final Plan approval of all uncompleted portions of the planned development, all prior plan approvals on which such Final Plan approval depends, and all permits based upon such approvals. The ~~Village Manager~~ Zoning Administrator shall, without further direction, initiate an appropriate action to revoke the special use permit for all portions of the planned development that have not yet been completed. The ~~Village Manager~~ Zoning Administrator shall, in addition, take such other action as may be appropriate to abate the violation.

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**5.15 ADJUSTMENTS TO FINAL PLAN DURING DEVELOPMENT**

**A. Minor Adjustments**

During the development of a planned development, the ~~Village Manager~~ Zoning Administrator may authorize minor adjustments to the Final Plan when such adjustments appear necessary in light of technical or engineering considerations first discovered during actual development. Such minor adjustments are limited to the following:

1. Altering the location of any one (1) structure or group of structures by not more than twenty (20) feet or one-fourth ( $\frac{1}{4}$ ) of the distance shown on the approved Final Plan between such structure or structures and any other structure or any vehicular circulation element or any boundary of the planned development, whichever is less.
2. Altering the location of any circulation element by not more than twenty (20) feet or one-fourth ( $\frac{1}{4}$ ) of the distance shown on the approved Final Plan between such circulation element and any structure, whichever is less.
3. Altering the location of any open space by not more than fifty (50) feet.
4. Altering any final grade by not more than twenty percent (20%) of the originally planned grade.
5. Altering the location or type of landscaping elements.

Such minor adjustments shall be consistent with the intent and purpose of this

Code and the Final Plan, as approved, shall be the minimum necessary to overcome the particular difficulty, and shall not be approved if they would result in a violation of any standard or requirement of this Code.

**B. Major Adjustments**

Any adjustment to the Final Plan not authorized by Paragraph A, above, shall be considered to be a major adjustment and shall be granted only upon application to, and approval by, the Village Board. The Village Board may, by ordinance duly adopted, grant approval for a major adjustment without a hearing upon finding that any changes in the Final Plan as approved will be in substantial conformity with said Final Plan. If the Village Board determines that a major adjustment is not in substantial conformity with the Final Plan as approved, then the board of trustees shall refer the request to the Plan Commission for further hearing and review as provided in Section 5.9.

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**5.16 AMENDMENTS TO FINAL PLAN FOLLOWING COMPLETION OF DEVELOPMENT**

After completion of a planned development, an approved Final Plan may be amended, varied or altered in the same manner and subject to the same limitations, as provided for major adjustments in Section 5.15.B.

# PROPOSED PLANNED DEVELOPMENTS REVISION

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## DEFINITION

**Planned Development.** A development guided by a total integrated design plan in which one (1) or more of the zoning or subdivision regulations, other than use regulations, may be waived or varied to allow flexibility and creativity in site and building design and location, in accordance with general guidelines that accrue benefits to the Village and the public interest.

## PLANNED DEVELOPMENT CHAPTER

### 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. 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 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 11-603 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 only in the R-5, R-6, B-1, B-2, B-3, O-1, O-2 and O-3 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 district regulations of this Code that establish standards for particular types of planned development may specify the minimum area required for some planned developments that must be met. In addition, 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 Land and Common Open Space**

Whenever the Comprehensive Plan, Official Map or Zoning Map indicates 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 and to the extent such need is specifically and uniquely attributable to the proposed development, dedicated to the Village for such use. In addition, 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 as respects the proposed planned development. A planned development for a residential or office park development must meet all common open space requirements of Section 5.5 (Common Open Space in Planned Developments). The failure of a planned development to provide required common open space shall be considered to be an indication that it has not satisfied the standards for approval.

#### **5. Perimeter Landscape Yard**

Any area of a planned development not used for structures or circulation elements shall be landscaped or otherwise improved. The perimeter of the planned development shall be treated so as to ensure compatibility with surrounding uses by means such as provision of compatible uses and structures, setbacks, screening, or natural or manmade buffers. Every planned development having twenty (20) or more acres shall provide a perimeter landscape yard along each of its boundaries. Each perimeter landscape yard shall have a minimum depth equal to the minimum front yard required in the district in which it is located or which it abuts, whichever is greater.

#### **6. Building Separation**

No part of any building shall be closer to any part of any other building than ten (10) feet, or three (3) feet if a fire separation wall has been provided to the satisfaction of the Village Manager, plus one-half (0.5) foot for each foot by which either or both of such buildings exceed twenty-five (25) feet in height.

#### **7. 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.

#### **8. 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.

#### **9. Utility Lines**

All utility lines shall be installed underground.

**D. Additional Requirements For Planned Developments in Certain Zoning Districts**

**1. Clustering of Dwelling Units in R-5 and R-6 Districts**

- a. In planned developments, minimum lot size per unit requirements are intended only as a limit on overall development density and not as a requirement that each individual unit be placed on a lot of the specified size. Units may be clustered together so long as sufficient common open space is provided within the development to meet the average minimum lot size requirement of the development taken as a whole.
- b. No adjustment of the required minimum lot size per dwelling unit shall reduce the lot size per dwelling unit requirement from five-thousand (5,000) square feet to less than four-thousand (4,000) square feet in the R-5 District, and from three-thousand (3,000) square feet to two-thousand five-hundred (2,500) square feet in the R-6 District. No such adjustment shall be recommended or authorized except on the basis of the development's excellence in achieving the purposes for which planned developments may be approved in this Article. In determining whether such excellence has been shown, special consideration shall be given to the following factors:
  - i. The amount of usable open space.
  - ii. The extent of land dedicated for public building sites and open space.
  - iii. The quality and extent of landscaping, including special elements such as water features and public art.
  - iv. The quality and extent of recreational facilities such as golf courses, swimming pools, tennis courts, playgrounds and other residential recreational facilities, bicycle, hiking and jogging trails, and community centers.
  - v. The design quality of vehicular circulation elements and parking lots and areas.
  - vi. The care taken to maximize energy conservation in site design, building design, and building systems.
  - vii. The quality of roof design and finishes in terms of consistency with an attractive residential setting and the avoidance of flat roofs.

**5.5 COMMON OPEN SPACE IN PLANNED DEVELOPMENTS**

**A. Amount, Location and Use**

When common open space is provided in a residential or office park planned development, the amount and location of such open space shall be consistent with its intended function as set forth in the application and planned development plans. No such open space shall be used for the construction of any structure or improvement except those approved in the Final Plan as appropriate to the intended leisure and recreational uses for which the open space is intended.

**B. Preservation**

Adequate safeguards, including recorded covenants or dedication of development rights, shall be provided to prevent the subsequent use of common open space for any use,

structure, improvement or development other than that shown on the approved Final Plan. The restrictions must be permanent (not for a given period of years) and must run with the land. Such covenants and dedications may provide that they may be released, but only with the express written consent of the Village Board.

**C. Ownership and Maintenance**

The Final Plan shall include such provisions for the ownership and maintenance of such open space and improvements as are reasonably necessary to ensure their continuity, care, conservation, maintenance and operation in accordance with predetermined standards, and to ensure that remedial measures will be available to the Village if such open space or improvements are permitted to deteriorate or are not maintained in a condition consistent with the best interests of the planned development or the Village.

**D. Property Owners Association**

When the requirements of Paragraph C, above, are to be satisfied by the ownership or maintenance of such open space or improvements by a property owners association, such association shall meet each of the standards contained in the Village Code.

**5.6 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, site plan review and other required approvals.

- A.** Planned developments shall be compatible with the purpose and intent of this Ordinance 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 may be 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 Ordinance and other regulations of the Village.

## **5.7 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 signage, 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 C 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) 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.

## **5.8 PROCEDURE**

In its establishment and authorization as a special use, in addition to the special use standards of Section 4.4 (Special Use), 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:
  - a. A site plan and maps in general form containing:
    - i. Proposed land uses
    - ii. Natural features of the development site
    - iii. Approximate location of all roadways and access drives proposed within the planned development
    - iv. Location of all adjacent public streets, thoroughfares and public utilities
  - b. 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.
  - c. Schematic drawings showing the size, character and disposition of buildings on the site.
  - d. A written statement containing:
    - i. A general explanation of the planned development.
    - ii. A statement of the present ownership of all the land within said development.
    - iii. The expected schedule of construction.
    - iv. All necessary rezonings.

- v. A 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.
  - vi. Proposed public amenities and benefits.
2. The Plan Commission shall review the concept plan within sixty (60) days of submittal of the concept plan, and provide such information and guidance as it deems appropriate. Any opinions or advice provided by the Plan Commission 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 shall be a public meeting. Any failure to observe formal procedures shall not affect the ultimate validity of any enabling legislation. Public comment on the concept plan will be accepted at such meeting. Notice of such public meeting will be given by 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, and 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. As part of the Plan Commission review of the concept plan, the 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.
  3. 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.
  4. The final concept plan shall be submitted to the Zoning and Public Safety Committee for review prior to submittal of the preliminary plan.
  5. 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 described in Paragraph C below. It is recommended that the rezoning take place after review of the concept 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.

## **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 preliminary 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 forty-five (45) 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 and planned developments in Section 5.6, 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. Is the site or zoning lot upon which the planned development is to be located adaptable to the unified development proposed?
  - ii. Will the proposed planned development be detrimental to or endanger the public health, safety, comfort or general welfare of any portion of the community?
  - iii. Will the proposed planned development be injurious to the use and enjoyment of other property in the vicinity for the purposes already permitted?
  - iv. Will the proposed planned development diminish or impair property values within the neighborhood?
  - v. Will the proposed planned development impede the normal and orderly development and improvement of surrounding property for uses permitted in the zoning district?
  - vi. Does the planned development provide public benefit and amenities to the Village in exchange for exceptions to the regulations of this Code?
  - vii. Is there provision for adequate utilities, drainage, off-street parking and loading, pedestrian access and all other necessary facilities?
  - viii. Is there provision for adequate vehicular ingress and egress designed to minimize traffic congestion upon public streets?
  - ix. Are the location and arrangement of structures, parking areas, walks, lighting and appurtenant facilities, compatible with the surrounding neighborhood and adjacent land uses?
  - x. Is any part of the proposed planned development which is not to be used for structures, parking and loading areas, or access ways, suitably landscaped?

- xi. Is the planned development in the specific location proposed consistent with the spirit and intent of this Code and the Comprehensive Plan?
  - xii. Is the planned development financially viable?
  - xiii. Does the planned development meet 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 recommendations from the Plan Commission and review by the Zoning and Public Safety Committee, shall approve, modify or deny the preliminary plan and special use within forty-five (45) days following the receipt of the written recommendations of the Plan Commission. However, the Village Board may, by motion, extend the forty-five (45) 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.
- l. 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 substantial conformity (see Paragraph iii below) with the preliminary plan and all Village regulations. The Zoning Administrator shall certify that the final plan is in substantial 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 a building coverage exception is granted as part of the planned development, any change in building coverage 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 forty-five (45) 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.

**5.9 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. 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 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.