

ROSCOE PUD AMENDMENT

Section 15-719 Purpose and Intent

The purpose of the regulations, standards, and criteria contained in this article is to provide an alternate zoning procedure under which land can be developed or redeveloped with innovation, imagination, and creative architectural design when sufficiently justified under the provisions of this article. The objective of the planned unit development is to encourage a higher level of design and amenity than is possible to achieve under otherwise applicable zoning regulations. The end result can be a product which fulfills the objectives of the comprehensive plan and planning policies of the village while departing from the strict application of the use and bulk regulations as detailed in this chapter. The planned unit development is intended to permit and encourage such flexibility and to accomplish the following purposes:

- (1) To stimulate creative approaches to the commercial, residential, and mixed-use development of land.
- (2) To provide more efficient use of land.
- (3) To preserve natural features and provide open space areas and recreation areas in excess of that required under conventional zoning regulations.
- (4) To develop new approaches to the living environment through variety in type, design and layout of buildings, transportation systems, and public facilities.
- (5) To unify building and structures through design.
- (6) To promote long-term planning pursuant to the village comprehensive plan, which will allow harmonious and compatible land uses or combination of uses with surrounding areas.
- (7) To encourage development of portions of a site at either higher densities or with less restrictive lot provisions in exchange for preserving other portions of the site in open space or providing above normal site amenities

Section 15-720 General Provisions

(a) The following may be approved as a planned unit development in accordance with this chapter:

- (1) Any development with a minimum of five acres that is adjacent to undeveloped land.
- (2) Any development with a minimum of three acres that is adjacent to developed land.

(3) Any development characterized by infill with a minimum of half an acre, provided that:

- (i) The site is located within a built-out or transitional area surrounded by existing development on at least three sides of the site.
- (ii) Adequate infrastructure is already available at the site.

(iii) The proposed development complies with the general design standards provided in this chapter.

(4) Any development with a minimum lot size at the discretion of the Village Board, where:

(i) The development advances a specific goal identified in the Village's Comprehensive Plan or Economic Development Strategy.

(ii) The applicant provides a clear public benefit, such as significant job creation, sustainable infrastructure upgrades, or critical community services.

(b) Each planned unit development should be presented and judged on its own merits. It shall not be sufficient to base justification for approval of a planned unit development upon an already existing planned unit development except to the extent such planned unit development has been approved as part of a development master plan.

(c) The burden of providing evidence and persuasion that any planned unit development is necessary and desirable shall in every case rest with the applicant.

Section 15-721 Standards for review

Approval of development through the use of a planned unit development, including modifications to conventional zoning and subdivision regulations, is a privilege and will be considered by the village only in direct response to the accrual of tangible benefits from the planned unit development to the village or the neighborhood in which it would be located. These benefits shall be in the form of exceptional amenities, outstanding environmental, landscape, architectural or site design, or the conservation of special manmade or natural features of the site. In reviewing an application for a planned unit development, the zoning board of appeals and/or the village board, as the case may be, shall be required to make certain findings based on the following standards:

(1) *Required findings.* No application for a planned unit development shall be approved unless all the following findings are made about the proposal:

a. *Comprehensive plan.* The planned unit development shall conform with the general planning policies of the village as set forth in the comprehensive plan.

b. *Public welfare.* The planned unit development shall be so designed, located, and proposed to be operated and maintained that it will not impair an adequate supply of light and air to adjacent property and will not substantially increase the danger of fire or otherwise endanger the public health, safety, and welfare.

c. *Impact on other property.* The planned unit development shall not be injurious to the use or enjoyment of other property in the neighborhood for the purposes permitted in the district, shall not impede the normal and orderly development and improvement of surrounding properties for uses permitted in the zoning district, shall not be inconsistent with the community character of the neighborhood, shall not alter the essential character of the neighborhood and shall be consistent with the goals, objectives, and policies set forth in the comprehensive plan, and shall not substantially diminish or impair property values within the neighborhood, or be incompatible with other property in the immediate vicinity.

d. *Impact on public facilities and resources.* The planned unit development shall be so designed that adequate utilities, road access, drainage, and other necessary facilities will be provided to serve it. The planned unit development shall include such impact donations as may be reasonably determined by the village board. These required impact donations shall be calculated in reasonable proportion to impact of the planned unit development on public facilities and infrastructure.

e. *Archaeological, historical or cultural impact.* The planned unit development shall not substantially adversely impact a known archaeological, historical, or cultural resource located on or off the parcels proposed for development.

f. *Parking and traffic.* The planned unit development shall have or make adequate provision to provide necessary parking and ingress and egress to the proposed use in a manner that minimizes traffic congestion in the public streets and provides adequate access for emergency vehicles.

g. *Adequate buffering.* The planned unit development shall have adequate landscaping, public open space, and other buffering features to protect uses within the development and surrounding properties.

(2) *Modification standards.* In addition to the findings required above, the following standards shall be utilized in considering applications for modifications of the conventional zoning and subdivision regulations for a planned unit development. These standards shall not be regarded as inflexible but shall be used as a framework by the village to test the quality of the amenities, benefits to the community, and design and desirability of the proposal.

a. *Integrated design.* A planned unit development shall be laid out and developed as a unit in accordance with an integrated overall design. This design shall provide for safe, efficient, convenient, and harmonious grouping of structures, uses and facilities, and for appropriate relation of space inside and outside buildings to intended uses and structural features.

b. *Beneficial common open space.* Any common open space in the planned unit development shall be integrated into the overall design. Such spaces shall have a direct functional or visual relationship to the main buildings and not be of isolated or leftover character. The following would not be considered usable common open space:

1. Areas reserved for the exclusive use or benefit of an individual tenant or owner.
2. Dedicated streets, alleys, and other public rights-of-way.
3. Vehicular drives, parking, loading and storage area.
4. Irregular or unusable narrow strips of land less than 15 feet wide.
5. Land areas needed to provide required buffer yards as set forth in article XI of this chapter.

c. *Location of taller buildings.* Taller buildings shall be located within the planned unit development in such a way as to dissipate any material adverse impact on adjoining lower buildings within the development or on surrounding properties and shall not unreasonably invade the privacy of occupants of such lower buildings.

- d. *Functional and mechanical features.* Exposed storage areas, trash and garbage retainers, exposed machinery installations, service areas, truck loading areas, utility buildings and structures, and similar accessory areas and structures shall be accounted for in the design of the planned unit development and made as unobtrusive as possible. They shall be subject to such setbacks, special planting or other screening methods as shall reasonably be required to prevent their being incongruous with the existing or contemplated environment and the surrounding properties.
- e. *Visual and acoustical privacy.* The planned unit development shall provide reasonable visual, and acoustical privacy for each dwelling unit or tenant space. Fences, insulations, walks, barriers, and landscaping shall be used as appropriate for the protection and aesthetic enhancement of property and the privacy of its occupants, screening of objectionable view or uses, and reduction of noises.
- f. *Energy efficient design.* A planned unit development shall be designed with consideration given to various methods of site design and building location, architectural design of individual structures, and landscaping design capable of reducing energy consumption within the planned unit development.
- g. *Landscape conservation and visual enhancement.* The existing landscape and trees in a planned unit development shall be conserved and enhanced, as feasible, by minimizing tree and soil removal, and the conservation of special landscape features such as streams, ponds, groves, and landforms. The addition or use of larger trees, shrubs, flowers, fountains, ponds, special paving amenities will be encouraged to the extent of their appropriateness and usefulness to the planned unit development and the likelihood of their continued maintenance.
- h. *Drives, parking and circulation.* Principal vehicular access shall be from dedicated public streets, and access points shall be designed to encourage smooth traffic flow with controlled turning movements and minimum hazards to vehicular or pedestrian traffic. With respect to vehicular and pedestrian circulation, including walkways, interior drives and parking, special attention shall be given to location and limiting the number of access points to the public streets through the use of cross access connections, width of interior drives and access points, general interior circulation, separation of pedestrian and vehicular traffic, adequate provision for service by emergency vehicles, and arrangement of parking areas that are safe and convenient, and insofar as feasible, do not detract from the design of proposed buildings and structures and the neighboring properties.
- i. *Surface water drainage.* Special attention shall be given to proper site surface drainage so that removal of surface waters will not adversely impact neighboring properties or the public storm drainage system. Surface water in all paved areas shall be collected at intervals so that it will not obstruct the flow of vehicular or pedestrian traffic.

Section 15-722 Site development allowances

Notwithstanding any limitations on variances which can be approved as contained elsewhere in this chapter, site development allowances, i.e., deviations from the underlying zoning provisions set forth outside this article may be approved provided the applicant specifically identifies each such site development allowance and demonstrates how each such site development allowance would be compatible with surrounding development, is in furtherance of the stated objectives of this article, and is necessary for proper development of the site.

Section 15-723 Procedures

The following steps are provided to ensure the orderly review of every planned unit development application in a timely and equitable manner:

(1) *Pre-filing review and transmittal of application.*

a. *Conference.*

1. A prospective applicant, prior to submitting a formal application for a planned unit development, shall meet for a pre-filing conference with the zoning administrator and the development review team, assembled at the discretion of the zoning administrator. If in the opinion of the zoning administrator the village does not have the requisite expertise on staff to complete the review of any application for a planned unit development, the zoning administrator shall notify the applicant before acquiring the services of consultants and/or attorneys as may be necessary for the proper review and preparation of the report and/or opinion. The developer shall, within five calendar days, either formally withdraw its application or provide written acknowledgement that the developer is responsible for all fees incurred by the village for the review.

2. The purpose of the conferences is to help the applicant understand the comprehensive plan, zoning regulations, site development allowances, standards by which the application will be evaluated, and the application requirements.

3. After reviewing the planned unit development process, the applicant may request a waiver of any application requirement which in the applicant's judgment should not apply to the proposed planned unit development. Such request shall be made in writing prior to the submission of the formal application documents.

4. All requests for waiver shall be reviewed by the zoning administrator. A final determination regarding the waiver shall be given to the prospective applicant following the decision. Denied requests may be appealed to the village board.

5. The applicant, prior to submitting a formal application for a planned unit development, shall, at the discretion of the zoning administrator, be required to schedule a meeting to discuss the proposed planned unit development and its impact on adjoining properties and area residents. The applicant shall send a written notice of the meeting via mail to all taxpayers of record and residents for all property within 300 feet of the proposed planned unit development. Such notice shall be mailed by the village not less than 15 days prior to the date of the meeting. A written summary of comments made at the meeting shall be maintained and submitted by the applicant with the application.

b. *Filing of application.* Following the completion of the pre-filing conferences, the applicant shall file an application for a planned unit development in accordance with this section. The zoning administrator shall deliver copies of the application to other appropriate village departments for review and comment.

c. *Deficiencies.* The zoning administrator shall determine whether the application is complete. If the zoning administrator determines that the application is not complete, he

shall notify the applicant in writing of any deficiencies and shall take no further steps to process the application until the deficiencies are remedied.

d. *Application review.* The zoning administrator shall work with the development review team and the applicant to review and revise the application.

e. *Report on compliance.* A copy of the complete application and a written report incorporating the comments of village staff and other agencies regarding the compliance of the proposed planned unit development with the requirements and standards of this section shall be delivered to the zoning board of appeals prior to the public hearing.

f. *Determination not binding.* Neither the zoning administrator's determination that an application is complete nor any comment made by the zoning administrator or village staff at a pre-filing conference or as part of the review process shall be intended or construed as a formal or informal recommendation for the approval of a planned unit development for the proposed planned unit development, or component part thereof, nor shall be intended or construed as a binding decision of the village, the zoning board of appeals, or any staff member.

(2) Zoning board of appeals review General Development Plan (GDP).

a. Upon receiving the report from the zoning administrator, the zoning board of appeals shall hold at least one public hearing on the proposed planned unit development General Development Plan. Notice of the public hearing shall be provided and the public hearing shall be conducted in accordance with the provisions of this section, state law and rules of procedure adopted by the zoning board of appeals. The applicant shall provide the Zoning Administrator with a draft GDP plan submittal packet for a determination of completeness prior to placing the proposed GDP on the Zoning Board of Appeals agenda for GDP review. This submittal packet shall contain all of the following items, prior to its acceptance by the Zoning Administrator and placement of the item on a Zoning Board of Appeals agenda for GDP review:

1. A location map of the subject property and its vicinity in the Village of Roscoe, appropriately showing property lines and buildings and structures on the parcel;

2. A map of the subject property showing all lands for which the Planned unit development is proposed, and all other lands within 300 feet of the boundaries of the subject property, together with the names and addresses of the owners of all lands on said map as the same appear on the current records of the Register of Deeds of Winnebago County (as provided by the Village of Roscoe). Said map shall clearly indicate the current zoning of the subject property and its environs, and the jurisdiction(s) which maintains that control. Said map and all its parts and attachments shall be submitted in a form which is clearly reproducible with a photocopier, and shall be at a scale which is not less than one inch equals 800 feet. All lot dimensions of the subject property, a graphic scale, and a North arrow shall be provided;

3. A general written description of the proposed Planned unit development, including:

i. General project themes and images;

ii. The general mix of dwelling unit types and/or land uses;

iii. Approximate residential densities and nonresidential intensities as described by dwelling units per acre, floor area ratio, and impervious surface ratio.

iv. The general treatment of natural features;

v. The general relationship to nearby properties and public streets;

vi. The general relationship to any applicable comprehensive or area plans.

vii. A statement of rationale as to why Planned unit development zoning is proposed. This shall identify barriers that the applicant perceives in the form of requirements of standard zoning districts and opportunities for the highest and best use of the property the applicant suggests are available through the proposed PD zoning;

viii. A complete list of ordinance standards which will not be met by the proposed Planned unit development and the location(s) in which they apply and a complete list of standards which will be more than met by the proposed Planned unit development and the location(s) in which they apply shall be identified.

ix. A written description of potentially requested exemption from the requirements of the underlying zoning district, in the following order:

1. Land use exemptions;
2. Density and intensity exemptions;
3. Bulk exemptions;
4. Landscaping exemptions;
5. Parking and loading requirements exemptions;
6. Engineering exemptions.

x. A general development plan drawing at a minimum scale of one inch equals 100 feet of the proposed project showing at least the following information in sufficient detail to make an evaluation criteria for approval:

1. A conceptual plan drawing of the general land use layout and the general location of major public streets and/or private drives, utilities, and stormwater detention areas;
2. Location of recreational and open space areas and facilities and specifically describing those that are to be reserved or dedicated for public acquisition and use;
3. Statistical data on minimum lot sizes in the development, the approximate areas of large development lots and pads, density/intensity of various parts of the development, floor area ratio, impervious surface area ratio and landscape surface area ratio of various land uses, expected staging, and any other plans required by the Plan Commission or Common Council; and

4. Notations relating the written information provided in the previous standards to specific areas on the GDP drawing.

5. A traffic impact assessment and stormwater management report may be requested by staff if either is deemed needed to make an informed decision on the GDP.

b. Notice of the required public hearing shall be published not more than 30 nor less than 15 days before the scheduled hearing in a newspaper published in the village or if there is none, then in a newspaper of general circulation in the village and shall contain the following information:

1. The application case number;
2. The date and time of the public hearing;
3. The location of the public hearing; and
4. The general location of the property and its common street address, if applicable, and a short description of the proposed planned unit development and purpose of the public hearing.

c. Notice of the required public hearing shall also be provided by posting a sign or signs on the property no less than 15 days prior to the public hearing. Failure to post such signs and/or the removal or knocking down (by the village or others) of the sign after posting but before the public hearing shall not invalidate, impair, or otherwise impact any planned unit development subsequently granted following such public hearing.

d. Notice of the required public hearing shall also be provided by the village by U.S. mail to the taxpayers of record and owners of record of the property which is the subject of the application (if different than the applicant), and the taxpayers of record of all property within 300 feet of the subject property. Such notice shall contain the information as is required in this section and shall be mailed by the village not more than 30 nor less than 15 days prior to the date of the public hearing. The notice shall also include the name of the applicant for the planned unit development.

e. The zoning board of appeals shall review the application, the standards and requirements established by this section, the report of the zoning administrator, and any and all evidence and testimony received by the zoning board of appeals at the public hearing. Following the close of the public hearing and at a regular meeting, the zoning board of appeals shall present its findings addressing each of the standards set forth in this section and transmit such findings, together with a recommendation of approval, approval with conditions, or denial to the village board.

(3) ~~Review and action by the village board.~~Precise Implementation Plan (PIP).

a. After the effective date of the rezoning to PD/GDP, the applicant may file an application for a proposed precise implementation plan (PIP) with the Zoning Board of Appeals. This submittal packet shall contain all of the following items, prior to its acceptance by the Zoning Administrator and placement of the item on a Zoning Board of Appeals agenda for PD review.

1. A location map of the subject property and its vicinity.
2. A general written description of the proposed PIP, including:
 - a. Specific project themes and images;
 - b. The specific mix of dwelling unit types and/or land uses;
 - c. Specific residential densities and nonresidential intensities as described by dwelling units per acre, floor area ratio, and impervious surface area ratio;
 - d. The specific treatment of natural features;
 - e. The specific relationship to nearby properties and public streets;
 - f. A statement of rationale as to why PD zoning is proposed. This shall identify barriers that the applicant perceives in the form of requirements of standard zoning districts and opportunities for community betterment the applicant suggests are available through the proposed PD zoning;
 - g. A complete list of zoning standards which will not be met by the proposed PIP and the location(s) in which they apply and a complete list of zoning standards that will be more than met by the proposed PIP and the location(s) in which they apply shall be identified. Essentially, the purpose of this listing shall be to provide the Zoning Board of Appeals with information necessary to determine the relative merits of the project in regard to private benefit versus public benefit
3. Any more specific relevant information to the approval of the PIP, including:
 - a. The names and addresses of the owner of the subject property, the applicant, and all persons having an ownership or beneficial interest in the subject property and proposed planned unit development.
 - b. A statement from the owner of the subject property, if not the applicant, approving of the filing of the application by the particular applicant.
 - c. A survey of, and legal description and street address for the subject property.
 - d. A statement indicating compliance of the proposed planned unit development with the comprehensive plan and evidence of the proposed project's compliance in specific detail with each of the standards for review for planned unit developments.
 - e. A scaled site plan showing the existing contiguous land uses, natural topographic features, zoning districts, public thoroughfares, transportation, and utilities.
 - f. A scaled site plan of the proposed planned unit development showing lot area, the required yards and setbacks, contour lines, common space, and the location, floor area ratio, lot area coverage and heights of buildings and structures, number of parking spaces and loading areas.
 - g. Schematic drawings illustrating the design and character of the building elevations, building materials, types of construction, and floor plans of all proposed buildings and structures. The drawings shall also include a schedule showing the number, type, and floor area of all uses or combinations of uses, and the floor area of the entire development.
 - h. A professional traffic study acceptable to the village showing the proposed traffic circulation pattern within and in the vicinity of the area

- of the planned unit development, including the location and description of public improvements to be installed, and any streets and access easements, if determined necessary by the zoning administrator.
 - i. A schedule of development showing the approximate date for beginning and completion of each stage of construction of the planned unit development.
 - j. A professional economic analysis acceptable to the village, if determined necessary by the zoning administrator, including the following:
 - i. The financial capability of the applicant to complete the proposed planned unit development;
 - ii. Evidence of the project's economic viability; and
 - iii. An analysis summarizing the economic impact the proposed planned unit development will have upon the village.
 - k. Copies of all environmental impact studies as required by law.
 - l. An analysis setting forth the anticipated demand on all village services, if deemed necessary by Village staff.
 - m. A plan showing off-site utility improvements required to service the planned unit development, and a report showing the cost allocations and funding sources for those improvements, if deemed necessary by Village staff.
 - n. A site drainage plan for the commercial planned unit development.
- 4. A Specific Implementation Plan drawing of the proposed project showing at least the following information in sufficient detail to make an evaluation against criteria for approval:
 - a. A PIP site plan conforming to any and all the requirements of Section 15-775, *Design Review*. If the proposed Planned unit development is a group development, a proposed tentative plat shall be provided in addition to the required site plan;
 - b. Location of recreational/open space areas and facilities, specifically describing those that are to be reserved or dedicated for public acquisition and use;
 - c. Statistical data on minimum lot sizes in the development, the precise areas of all development lots and pads, density/intensity of various parts of the development, floor area ratio, impervious surface area ratio and landscape surface area ratio of various land uses, expected staging, and any other plans required by the Zoning Board of Appeals, and;
 - d. Notations relating the written information provided above to specific areas on the PIP drawing.
- 5. A landscaping plan for the subject property, specifying the location, species, and installed size of all trees and shrubs. This plan shall also include a chart which provides a cumulative total for each species, type, and required location (foundation, parking lot, transition area) of all trees and shrubs.
- 6. A series of building elevations for the entire exterior of all buildings in the Planned unit development, including detailed notes as to the materials and colors proposed.

7. A general signage plan for the project, including all project identification signs, concepts for public fixtures and signs (such as street light fixtures and/or light poles or street sign faces and/or poles), and group development signage themes which are proposed to vary from City standards or common practices.
8. A general outline of the intended organizational structure for a property owners association, if any; deed restrictions and provisions for private provision of common services, if any;
9. A written description which demonstrates the full consistency of the proposed PIP with the approved GDP.
10. Any variations between the requirements of the applicable PD/GDP zoning district and the proposed PIP development; and,
11. The Precise Implementation Plan (PIP) submission may include site plan and design information, allowing the Zoning Board of Appeals to combine Design Review and review of the PIP.
12. The Specific Implementation Plan (PIP) may include final plat drawings and information, allowing the Zoning Board of Appeals to combine Final Plat review and review of the PIP.
13. The Zoning Board of Appeals or Village Board may specify other plans, documents or schedules that must be submitted prior to consideration or approval of the PIP, as such may be relevant to review.
14. The process for review and approval of the PD shall be identical to that for Special Use Permits in Section 15-780. The approval of a PD/PIP shall formally establish the PD overlay zoning district and any such land uses and site plans included in the approved PIPs.
- 4-15. The Village may require the applicant to provide surety, with the approval of Village staff, to ensure the development of public and private improvements.

Sec. 15-724. Application requirements.

- (a) An application for a planned unit development may only be filed by one who has an ownership interest, or the agents thereof; or any contract purchaser or anyone holding an option to purchase the parcel of land on which the use or combination of uses is to be located.
- (b) Applications for a planned unit development shall be filed with the zoning administrator in such form and accompanied by such information, with sufficient copies, as shall be established from time to time by the village. Every application shall contain, at a minimum, the following information, and related data and any other plans or studies necessary to determine the potential impact of the development as determined by the village:
 - (1) The names and addresses of the owner of the subject property, the applicant, and all persons having an ownership or beneficial interest in the subject property and proposed planned unit development.
 - (2) A statement from the owner of the subject property, if not the applicant, approving of the filing of the application by the particular applicant.

(3) A survey of, and legal description and street address for the subject property.

(4) A statement indicating compliance of the proposed planned unit development with the comprehensive plan and evidence of the proposed project's compliance in specific detail with each of the standards for review for planned unit developments.

(5) A scaled site plan showing the existing contiguous land uses, natural topographic features, zoning districts, public thoroughfares, transportation, and utilities.

(6) A scaled site plan of the proposed planned unit development showing lot area, the required yards and setbacks, contour lines, common space, and the location, floor area ratio, lot area coverage and heights of buildings and structures, number of parking spaces and loading areas.

(7) Schematic drawings illustrating the design and character of the building elevations, building materials, types of construction, and floor plans of all proposed buildings and structures. The drawings shall also include a schedule showing the number, type, and floor area of all uses or combinations of uses, and the floor area of the entire development.

(8) A landscaping plan showing the location, size, character and composition of vegetation and other material.

(9) The substance of covenants, easements, and other restrictions existing and any to be imposed on the use of land, including common open space, and buildings or structures.

(10) A schedule of development showing the approximate date for beginning and completion of each stage of construction of the planned unit development.

(11) A professional traffic study acceptable to the village showing the proposed traffic circulation pattern within and in the vicinity of the area of the planned unit development, including the location and description of public improvements to be installed, and any streets and access easements, if determined necessary by the zoning administrator.

(12) A professional economic analysis acceptable to the village, if determined necessary by the zoning administrator, including the following:

a. The financial capability of the applicant to complete the proposed planned unit development;

b. Evidence of the project's economic viability; and

c. An analysis summarizing the economic impact the proposed planned unit development will have upon the village.

(13) Copies of all environmental impact studies as required by law.

(14) An analysis setting forth the anticipated demand on all village services.

(15) A plan showing off-site utility improvements required to service the planned unit development, and a report showing the cost allocations and funding sources for those improvements.

(16) A site drainage plan for the commercial planned unit development.

(17) A written summary of residents' comments, pertaining to the proposed application, from any meeting held pursuant to section 15-723(1)a.5.

(18) Every application must be accompanied by a fee in such amount as established in this Code.

(Ord. of 3-2-2021, § 155.13.6)

Sec. 15-725. Effect of approval or denial.

(a) Approval of the planned unit development by the village board authorizes the applicant to proceed with any necessary applications for building permits, certificates of occupancy, and other permits which the village may require for the proposed planned unit development. The village's zoning administrator shall review applications for these permits for compliance with the terms of the planned unit development granted by the village board. No permit shall be issued for development which does not comply with the terms of the planned unit development.

(b) The village board shall direct the zoning administrator to revise the official zoning map to reflect the existence and boundaries of each planned unit development.

(c) Subject to subsection (g) of this section, an approval of a planned unit development by the village board shall be null and void if the recipient does not file an application for a building permit relative to the proposed planned unit development within twelve months after the date of adoption of the ordinance approving the planned unit development.

(d) Subject to subsection (g) of this section, an approval of a planned unit development by the village board shall be subject to revocation if construction has not commenced within two years and does not comply with the construction schedule filed with the petition or exceeds four years.

(e) Subject to subsection (g) of this section, an approval of a planned unit development with a phasing plan shall be null and void if construction has not commenced or is not completed in accordance with the terms of that phasing plan.

(f) An extension of the time requirements stated in subsections (c) through (e) of this section may be granted by the village board for good cause shown by the applicant, provided a written request is filed with the village at least four weeks prior to the respective deadline.

(g) No application for a planned unit development which was previously denied by the village board shall be considered by the zoning board of appeals or the village board if it is resubmitted in substantially the same form and/or content within one year of the date of such prior denial. In this regard:

(1) The zoning administrator shall review the application for a planned unit development and determine if the application is or is not substantially the same. An applicant has the right to request a hearing before the village board to appeal the determination of the zoning administrator that the application is substantially the same, provided a petition for appeal is filed in writing with the zoning administrator within ten days of the zoning administrator's determination.

(2) The village board shall affirm or reverse the determination of the zoning administrator, regarding whether the new application is in substantially the same form after receipt of a petition for appeal.

(3) If it is determined that the new application is not substantially in the same form, then the applicant shall be entitled to continue with the application process in accordance with the provisions of this chapter.

(Ord. of 3-2-2021, § 155.13.7)

Sec. 15-726. Amendments and alterations to approved planned unit developments.

(a) Except as provided in subsection (b) of this section, any modifications to an approved planned unit development or any addition to or expansion of an existing planned unit development shall require separate review and approval under the provisions of sections 15-723 and 15-724.

(b) A minor change is any change in the site plan or design details of an approved planned unit development which is consistent with the standards and conditions applying to the planned unit development and which does not alter the concept or intent of the planned unit development. A minor change shall not increase the planned unit development's density, increase the height of buildings, reduce open space, modify the proportion of housing types, change or add new parking areas, alter alignment of roads, utilities or drainage, amend final development agreements, provisions or covenants, or provide any other change inconsistent with any standard or condition imposed by the village board in approving the planned unit development. The minor change may be approved by the zoning administrator without obtaining separate approval by the village board. The zoning administrator, after reviewing the request for a minor change made by the applicant, may refer the minor change to the zoning board of appeals for review and approval, not including a public hearing. In addition, the village board may, after reviewing the request for a major change made by the applicant, direct the zoning administrator to process the request as a minor change.

(c) A major change is any change in the site plan or design details of an approved planned unit development which is not a minor change as detailed in subsection (b) of this section.