

CHAPTER 9-10

SPECIAL USES, PLANNED UNIT DEVELOPMENT

SECTION:

- 9-10-1: Special Uses
- 9-10-2: Planned Unit Development Procedure
- 9-10-3: Special Use Procedure

9-10-1: **SPECIAL USES:** Special uses, are those which cannot be adequately controlled by simple pre-regulation through rigid dimensional and use standards. Special uses are those which require individual review by the Planning Commission to insure conformance with the intent of all comprehensive plan elements. Special uses include two (2) basic categories:

- A. Planned Unit Development (PUD) Projects: Complex projects designed to take maximum advantage of unique site characteristics and potentials along with original design and use concepts and submitted for review under the Planned Unit Development Procedure.
- B. Special Uses: Single uses or single aspects of permitted uses specifically identified in this Ordinance as requiring individual review under the Special Use Procedure.

9-10-2: **PLANNED UNIT DEVELOPMENT PROCEDURE:**

A. Purpose

The Planned Unit Development Procedure is intended to provide a single uniform procedure for total review of a proposed development, both design and use. The procedure combines the design-review procedure for subdivisions and the use-review procedure for zoning amendments. It enables the Planning Commission and the Village Board to review all aspects of a proposed development simultaneously, permitting greater flexibility and originality in concept within the intent of comprehensive plan elements. At the same time, it provides greater final control over development than is possible through the pre-regulation provided by a zoning district.

B. Standards

Design Standards: Because the design standards for use, dimensions, density, and qualitative attributes are subject to evolution through continuous plan review, they are not included as an integral part of the Planned Unit Development Procedure. This Ordinance refers to the officially adopted policies, detailed area plans, and other elements of the evolving comprehensive plan for the standards to guide the approval of Planned Unit Development projects. A Planned Unit Development project shall conform with all applicable elements of an officially adopted comprehensive plan.

1. Required Improvements: Planned Unit Development projects shall be subject to the regulations governing required improvements found in the Subdivision Ordinance.
2. Parking, Loading, Traffic, and Access: Planned Unit Development projects shall be subject to the regulations of this Ordinance for parking, loading, traffic, and access.
3. Special Conditions: The Planning Commission and Village Board may attach special conditions to approval of final plats to insure conformance with the intent of all official plan elements.

C. Procedure

1. General: A Planned Unit Development project may be allowed only by amendment to the Zoning District Map according to the procedure found in Chapter 14. For procedural purposes, a Planned Unit Development project shall be treated as a subdivision and the procedure for subdivision approval, as set forth in the Subdivision Ordinance, shall be followed in its entirety whether the development shall be in single or divided ownership.
2. Preliminary Plat: A preliminary plat of the Planned Unit Development project shall be submitted as required by the Subdivision Ordinance. It is recommended that this submission be preceded by pre-application conferences to determine whether the developer's intent agrees with the intent of comprehensive plan elements. Additional supporting material beyond that required by the Subdivision Ordinance for the preliminary plat shall include:
 - a. Explanation of the character of the Planned Unit Development, and the manner in which it has been planned to take advantage of the flexibility of these regulations.
 - b. Statement of present and proposed ownership of all land within the project.
 - c. Development schedule indicating:
 - 1) Stages in which project will be built with emphasis on area, density, use, and public facilities such as open space to be developed with each stage. Overall design of each stage shall be shown on the plat and through supporting graphic material.
 - 2) Approximate dates for beginning and completion of each stage.
 - d. Agreements, provisions, or covenants which will govern the use, maintenance, and continued protection of the Planned Unit Development and any of its common open space.
3. Amendment: The amendment procedure established in Chapter 14 shall be initiated after special approval of the preliminary plat by the Planning Commission. Under this procedure the Zoning District Map may be amended to designate the location proposed in the preliminary plat as a Planned Unit Development District superseding the existing zoning district. This amendment shall conform with all comprehensive plan elements. The Planned Unit Development District shall be valid only for that preliminary plat and supporting material upon which the amendment was based. All supporting material shall remain on file with the preliminary plat.

4. Final Plats: If the amendment is approved, final plats shall be prepared for each stage according to the development schedule. The final plat and supporting material shall show in detail the design and use of all buildings and overall land development plans, as well as such other information the Planning Commission may require for the complete consideration of the project in addition to information required by the Subdivision Ordinance. The final plats shall conform to the preliminary plat and supporting material, except that the Planning Commission and Village Board may approve without public hearing minor changes which do not change the concept or intent of the development. Major changes (changes in density, height of buildings, reduction of proposed open space, changes in the financing, development schedule or final governing agreements, provisions or covenants, or re-subdivision) may be approved only by submission of a new preliminary plat or applicable supporting material followed by the amendment procedure.
5. Continuing Control: The Planned Unit Development project shall be developed only according to the approved and recorded final plat(s) and all supporting material. The recorded final plat and supporting material together with all recorded amendments shall be binding on the applicants, their successors and assigns, and shall limit and control the uses of premises and location of structures in the Planned Unit Development project. Major changes in the final plat during or after construction shall be accomplished by submission of a new preliminary plat followed by the amendment procedure. The Village Board shall consider the Planned Unit Development amendment subject to revocation if construction falls more than one year behind schedule.
6. Fees and Permits: The Village Board may establish a schedule of reasonable fees to be charged for plat review. Building permits shall be required for each structure according to Section 9-13-2. The Zoning Enforcement Officer shall base issuance upon conformance with the final plat and supporting material.

9-10-3: **SPECIAL USE PROCEDURE:**

- A. Procedure. In applying for a Special Use, the applicant shall follow all procedures required for zoning permits (see Section 9-13-2). The Zoning Enforcement Officer shall refer the application to the Planning Commission. The Planning Commission shall, after careful review of the application, and after holding a public hearing in accordance with State Statutes, make a recommendation to the Village Board, which may approve, modify, or disapprove the application. In the case of approval or approval with modification, the Village Board shall issue written authorization to the Zoning Enforcement Officer to issue a Special Use permit in full conformance with Section 9-13-2. This authorization shall remain on permanent file with the application. The Village Board may from time to time attach special conditions to ensure conformance with the intent of all comprehensive plan elements. The Village Board may establish a schedule of reasonable fees to be charged for Special Use permits.

The special use shall, in all other respects, conform to the applicable regulations of the zoning district in which it is located, except as such regulations may be modified by another provision of this Ordinance, or by the Village Board.

- B. Special Uses in All Districts. The following are designated as special uses which may be approved in all zoning districts: public utility and service uses such as electric substations, gas regulator stations, telephone transmission structures, radio, TV and microwave relay towers, water reservoirs, pumping stations, waste water treatment facilities, government buildings, transportation facilities, Planned Unit Developments, and similar uses.
- C. Special Uses in Specified Districts. Other special uses may be approved in only those zoning districts where they are designated as special uses under the zoning district regulations.
- D. Standards for Decisions and Recommendations of the Village Board and Planning Commission:
1. The establishment, maintenance, or operation of the Special Use will not be detrimental to or endanger the public health, safety, morals, comfort, or general welfare.
 2. The Special Use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purpose already permitted, nor substantially diminish property values within the neighborhood.
 3. The establishment of the special use will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district.
 4. Adequate utilities, access roads, drainage, or necessary facilities have been or will be provided.
 5. Adequate measures have been or will be taken to provide ingress and egress designed to minimize traffic congestion in the public streets.
 6. No Special Use permit shall be recommended by the Planning Commission or approved by the Village Board unless there is a concurring vote of the majority of all members present which must, at minimum, comprise a quorum.