

Chapter 19 - PLANNED DEVELOPMENTS

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10-19-1: INTENT AND PURPOSE:

- A. One of the principal objectives of this zoning title is to provide for a compatible arrangement of uses of land and buildings which is consistent with the requirements and welfare of the village. To accomplish this objective most uses are classified as permitted or special uses in one or more of the districts established by this zoning title. It is recognized, however, that there are certain uses, whether or not designated as permitted or special, which because of their scope, location or specific characteristics give rise to a need for a more comprehensive consideration of their impact both with regard to the neighboring land and the village in general. Such uses as fall within the provisions of this section shall only be permitted if authorized as a planned development.
- B. The board of trustees, in accordance with the procedures and standards set forth in this section, may grant planned development permits authorizing the establishment of planned developments.
- C. Planned developments may include uses or combinations of uses currently permitted in the underlying zoning district and those uses which are currently prohibited or special uses provided for elsewhere in this zoning title. However, an applicant may petition for consideration of a use or combination of uses not specifically allowed in the underlying zoning district provided that the village board finds that the conditions, procedures and standards of this section are met and provided further that such use or combination of uses is clearly shown to be beneficial to the village and surrounding neighborhood.
- D. It is the purpose of planned developments to enable the granting of certain allowances or modifications from the basic provisions of this zoning title to achieve attractive and timely development in furtherance of the village's objectives and proposed land uses as stated in the comprehensive plan and policy resolutions of the village board.
- E. Through the flexibility of the planned development process, the village seeks to achieve the following specific objectives:
 - 1. Creation of a more desirable environment than would be possible through strict application of other village land use regulations.

2. Promotion of a creative approach to the use of land and related physical facilities resulting in better design and development, including aesthetic amenities.
 3. Combination and coordination of the character, the form, and the relationship of structures to one another.
 4. Preservation and enhancement of desirable site characteristics such as natural topography, vegetation, and geologic features.
 5. Provision for the preservation and beneficial use of open space, or an increase in the amount of open space over that which would result from the application of conventional zoning regulations.
 6. Encouragement of land uses or combination of uses that maintain the existing character and property values of the village, and promote the public health, safety, comfort, and general welfare of its residents.
 7. Promotion of long term planning pursuant to a master plan which will allow harmonious and compatible land uses or combination of uses with surrounding areas.
- F. The development of village owned buildings or property shall be exempt from the requirements of this section. (Ord. 3587, 2-29-2016)

10-19-2: GENERAL PROVISIONS:

- A. No development of twenty thousand square feet or more of land area or gross floor area and no multi-family housing of any size shall be permitted unless approved as a planned development in accordance with this chapter. Provided, however, that: 1) this chapter shall not apply to the construction, reconstruction or remodeling of one single-family detached dwelling unless the proposed project is submitted pursuant to subsection B of this section, and 2) this chapter shall not apply to the reconstruction or restoration of any existing structure which is damaged to the extent of less than fifty percent of its value unless the proposed project is submitted pursuant to subsection B of this section.

The reconstruction or restoration of any existing multi-family housing which is damaged to the extent of fifty percent or more of its value shall be governed by this chapter and not subsection 10-5-7A2 of this title.

- B. The development of any parcel or tract of land in any zoning district, irrespective of size, may be submitted to the village for consideration as a planned development.
- C. Approval of a planned development permit must be obtained in accordance with the provisions of this section if both of the following conditions exist:

1. The proposed development involves a parcel of land held in common ownership with a contiguous parcel which obtained approval as a planned development within three years prior to the date of this application; and
 2. The parcel proposed for development, when combined with the contiguous parcel that is held in common ownership with the subject parcel, equals or exceeds the general provisions contained in subsection A or B of this section.
- D. Each planned development should be presented and judged on its own merits. It shall not be sufficient to base justification for approval of a development upon an already existing planned development except to the extent such development has been approved as part of a master plan.
- E. The burden of providing evidence and persuasion that any planned development permit is necessary and desirable shall in every case rest with the applicant.
- F. Buildings and uses or combination of uses within a planned development shall be limited solely to those approved as part of the zoning ordinance granting a planned development permit provided, however, that any buildings and uses or combination of uses in compliance with the master plan approved as part of the zoning ordinance granting a planned development permit may be approved by the development review board and the village board of trustees.
- G. Any applicant shall be subject to a penalty of up to seven hundred fifty dollars per day to be assessed against the applicant and recorded as a lien against the applicant's property in the village for failure to comply with any condition, contingency or master plan submitted by the applicant or imposed by the village to comply with this chapter. (Ord. 3587, 2-29-2016)

10-19-3: STANDARDS FOR REVIEW:

An application for approval as a planned development shall be granted by the board of trustees only if it finds that the applicant has demonstrated that at a minimum the proposed use or combination of uses complies with the following standards:

- A. The proposed use or combination of uses is consistent with the goals and policies of the comprehensive plan;
- B. The establishment, maintenance, or operation of the use or combination of uses will not be detrimental to or endanger the public health, safety, comfort, morals, or general welfare of the residents of the village;
- C. The proposed use or combination of uses will not diminish the use or enjoyment of other property in the vicinity for those uses or combination of uses which are permitted by this zoning title;

- D. The establishment of the proposed use or combination of uses will not impede the normal and orderly development and improvement of surrounding properties for uses or combination of uses otherwise permitted in the zoning district;
- E. The proposed use or combination of uses will not diminish property values in the vicinity;
- F. Adequate utilities, road access, drainage, police and fire service and other necessary facilities already exist or will be provided to serve the proposed use or combination of uses;
- G. Adequate measures already exist or will be taken to provide ingress and egress to the proposed use or combination of uses in a manner that minimizes traffic congestion in the public streets;
- H. The proposed use or combination of uses will be consistent with the character of the village;
- I. Development of the proposed use or combination of uses will not materially affect a known historical or cultural resource;
- J. The design of the proposed use or combination of uses considers the relationship of the proposed use or combination of uses to the surrounding area and minimizes adverse effects, including visual impacts of the proposed use or combination of uses on adjacent property;
- K. The design of the proposed use or combination of uses promotes a safe and comfortable environment for pedestrians and individuals with disabilities; (Ord. 3741, 4-22-2019)
- L. The applicant has the financial and technical capacity to complete the proposed use or combination of uses and has made adequate provisions to guarantee the development of any buffers, landscaping, public open space, and other improvements associated with the proposed use or combination of uses;
- M. The proposed use or combination of uses is economically viable and does not pose a current or potential burden upon the services, tax base, or other economic factors that affect the financial operations of the village, except to the extent that such burden is balanced by the benefit derived by the village from the proposed use; and
- N. The proposed use or combination of uses will meet the objectives and other requirements set forth in this chapter.
- O. Except as provided in subsection 10-19-4B of this chapter, no planned development containing multi-family housing shall be approved unless the following standards are met:
 - 1. At least 2.5 parking spaces per dwelling unit are provided for. This requirement may be met by a contract, easement or other device providing permanent rights to off-site parking; and

2. No less than two thousand eight hundred square feet of land area shall be provided for each residential unit. A parking area which meets the requirements of subsection O1 of this section may be used in meeting this requirement; and
3. One of the following criteria is met:
 - a. If the underlying zoning district is C1, C2 or C3, the proposed development provides for space devoted exclusively to retail sales;
 - b. The total number of parking spaces on the site is increased from that existing at the time of the application.
4. The requirements of this subsection O may be met using more than one site within the village and as part of a master plan submitted by the applicant with the application. (Ord. 3587, 2-29-2016)

10-19-4: SITE DEVELOPMENT ALLOWANCES:

- A. Site development allowances, i.e., alterations or variations from the underlying zoning provisions set forth outside this chapter 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 and is in furtherance of the stated objectives of this section.
- B. A waiver may be granted for any of the requirements set forth in subsection 10-19-30 of this chapter for any planned development containing multi-family housing which replaces an existing structure on the same site containing multi-family housing or submitted by the applicant as part of a master plan. (Ord. 3587, 2-29-2016)

10-19-5: PROCEDURES:

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

- A. Prefiling Review and Transmittal of Application:
 1. Conference:
 - a. A prospective applicant, prior to submitting a formal application for a planned development, shall meet for a prefiling conference(s) with the zoning administrator and any other village official designated by the village administrator. The purpose of the conference(s) is to help the applicant understand the planned development process, comprehensive plan, the zoning title, the site development allowances, the standards by which the application will be evaluated, and the application requirements.

- b. After the initial prefiling conference, the prospective applicant shall introduce their project to the village board of trustees. The village board may provide feedback to the applicant and shall refer the application to the village's economic development commission in accordance with the village's policy of economic development commission duties pertaining to development.
 - c. After reviewing the planned development process, the applicant may request a meeting with the village staff and the development review board to discuss a request for waiver of any application requirement which in the applicant's judgment should not apply to the proposed development. Such request shall be made in writing prior to the submission of the formal application documents.
 - d. All requests for waiver shall be reviewed and acted upon by the development review board. A final determination regarding the waiver shall be given to the prospective applicant within five working days following the completion of the development review board's deliberation and decision.
 - e. The applicant, prior to submitting a formal application for a planned development, may be required to schedule a meeting to discuss the proposed development and its impact on area residents. If such a meeting is required, the applicant shall send a written notice of the meeting to all property owners within five hundred feet of the proposed development. Such notice shall be mailed not less than fifteen days prior to the date of the meeting. A copy of the notice and mailing list shall be provided to the zoning administrator. A written summary of comments made at the meeting shall be maintained and submitted by the applicant with the application.
2. Development Review Board: The zoning administrator shall confer with the chairman of the development review board on all applications. Upon the determination of both the zoning administrator and the chairman, the development review board may conduct its own prefiling conference(s).
3. Filing Of Application: Following the completion of the prefiling conference(s), the applicant shall file an application for a planned development in accordance with section 10-19-6 of this chapter. The zoning administrator may deliver copies of the application to other appropriate village departments for review and comment.
4. 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.
5. 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 development with the requirements and standards of this section shall be delivered to the development review board prior to the public hearing.

6. Determination Not Binding: Neither the zoning administrator's determination that an application is complete nor any comment made by the zoning administrator, staff or the development review board 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 development permit for the proposed development, or component part thereof, nor shall be intended or construed as a binding decision of the village, the development review board or any staff member.

B. Review and Action by the Development Review Board:

1. Upon receiving the report from the zoning administrator, the development review board shall hold at least one public hearing on the proposed planned development. 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 development review board, which rules shall not be inconsistent with this section and state law.
2. Notice of the required public hearing shall be published by the village fifteen to thirty 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:
 - a. The identification number designation of the application;
 - b. The date and time of the public hearing;
 - c. The location of the public hearing; and
 - d. The general location of the property, the legal description of the property and its street address, if applicable, and a short description of the proposed development and purpose of the public hearing.
3. Notice of the required public hearing shall also be provided by the village by posting a sign or signs on the property no less than fifteen days before the public hearing. The sign shall be weatherproof and contain the following information:
 - a. The date and time of the public hearing;
 - b. The location of the public hearing;
 - c. The general location of the property including street address, if applicable; and
 - d. A short description of the proposed development and purpose of the public hearing.

The removal or knocking down (by the village or others) of the sign after posting but

before the hearing shall not invalidate, impair, or otherwise affect any planned development permit subsequently granted following such public hearing.

4. Notice of the public hearing and the application shall be posted to the village's website at least fifteen days before the public hearing.

The removal or unavailability of such notice on the village's website prior to the start of the public hearing, shall not invalidate, impair, or otherwise affect any planned development permit subsequently granted following such public hearing.

5. Notice of the required public hearing shall also be provided by the applicant by regular mail to the owners of record of the property which is the subject of the application (if different than the applicant), and the owners of all property within five hundred feet of the subject property as shown on the written list provided by the applicant pursuant to the requirements of 65 Illinois Compiled Statutes 5/11-13-7 of the Illinois municipal code (such notice should be sent to the owners as recorded in the office of the recorder of deeds or the registrar of zoning ordinances of Cook County and as they appear from the authentic tax records of Cook County, as shown on the list prepared by the applicant as required in 65 Illinois Compiled Statutes 5/11-13-7 of the Illinois municipal code). The applicant shall be required to submit to the village a search by a reputable zoning ordinance company or other evidence satisfactory to the village indicating the identity of all such owners required to receive notice, and an affidavit certifying that the applicant has complied with the requirements of 65 Illinois Compiled Statutes 5/11-13-7 of the Illinois municipal code. Such notice shall contain the information as is required in subsection B2 of this section and shall be mailed not more than thirty nor less than fifteen days prior to the date of the public hearing. The notice shall also include the name and address of the applicant for the planned development. The applicant shall provide the zoning administrator with proof of mailing of the mailed notice required herein before the public hearing starts.
6. The development review board shall review the application, the standards and requirements established by this section, the report of the zoning administrator, and any oral and written comments received by the development review board before or at the public hearing. Within forty five days following the close of the public hearing, the development review board shall make specific written findings addressing each of the standards set forth in section 10-19-3 of this chapter and transmit such findings, together with a recommendation of approval, approval with conditions, or disapproval to the board of trustees.

C. Review and Action by the Board of Trustees:

1. The applicant shall, at its own cost, give advance written notice of the first meeting of the village board where the planned development application will be considered by regular mail to the owners of record of the property which is the subject of the application (if different from the applicant), and the owners of all property within five hundred feet of

the subject property, not less than seven days prior to the date of the first village board meeting. This requirement is enacted to assure the most complete public notice possible for the proposed application for a planned development, it is not required by state law. Accordingly, any failure to comply with this subsection shall not invalidate, impair or otherwise affect any planned development permit subsequently granted following such meetings. The applicant shall provide the zoning administrator with proof of mailing of the mailed notice required herein, which proof shall be provided prior to the start of the first meeting of the village board where the planned development application will be considered.

2. Within seven to sixty days after receiving the receipt of the report and recommendation of the development review board, and without further public hearing, the board of trustees may deny the application, may refer the application to the development review board for further review, may postpone further consideration pending the submittal of additional information including any application requirement previously waived by the development review board or may adopt a zoning ordinance approving the planned development permit.
3. Any action taken by the board of trustees pursuant to subsection C2 of this section shall require the concurrence of a majority of all the trustees of the village then holding office, including the village president; however, if the planned development fails to receive the approval of the development review board, the ordinance shall not be approved except by a favorable majority vote of all trustees then holding office.
4. In approving a planned development permit, the board of trustees may attach such conditions to the approval as it deems necessary, or modify conditions imposed by the development review board, to have the proposed use or combination of uses meet the standards set forth in section 10-19-3 of this chapter and to prevent or minimize adverse effects on other property in the immediate vicinity. Such conditions may include, but are not limited to: limitations on size, bulk and location; requirements for landscaping, stormwater management, signage, outdoor lighting, provisions for adequate ingress and egress; hours of operation; and such other conditions as the village board may deem to be in furtherance of the objectives of this section. (Ord. 3587, 2-29-2016)

10-19-6: APPLICATION REQUIREMENTS:

- A. An application for a planned 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; or any unit of government which either owns the parcel or which is not the owner of the parcel but proposes to acquire the parcel by purchase, gift, or condemnation; or any developer or development team which has entered into a redevelopment agreement with the unit of local government seeking to acquire the parcel.

- B. Applications for a planned 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:
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 development.
 2. A statement from the owner, if not the applicant, approving the filing of the application by the particular applicant.
 3. A survey, legal description and street address of the subject property.
 4. A statement indicating compliance of the proposed development to the comprehensive plan; and evidence of the proposed project's compliance in specific detail with each of the standards and objectives of this section.
 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 development showing lot area, the required yards and setbacks, contour lines, common space and the location, bulk, and 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, 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 combination 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 development.
 11. A statement acknowledging the responsibility of the applicant to record a certified copy of the zoning ordinance granting the planned development permit with the Cook County recorder of deeds' office and to provide evidence of said recording to the village within thirty days of passage in the event the proposed planned development is approved by the village board.

12. A professional traffic study acceptable to the village showing the proposed traffic circulation pattern within and in the vicinity of the area of the development, including the location and description of public improvements to be installed, including any streets and access easements.
 13. A professional economic analysis acceptable to the village, including the following:
 - a. The financial capability of the applicant to complete the proposed development;
 - b. Evidence of the project's economic viability; and
 - c. An analysis summarizing the economic impact the proposed development will have upon the village.
 14. Copies of all environmental impact studies as required by law.
 15. An analysis reporting the anticipated demand on all village services.
 16. A plan showing off site utility improvements required to service the planned development, and a report showing the cost allocations for those improvements.
 17. A site drainage plan for the developed tract.
 18. A list of the site development allowances sought.
 19. A written summary of residents' comments pertaining to the proposed application. This summary shall serve as the official record of the meeting that the applicant shall be required to hold with all property owners within five hundred feet of the proposed development. This meeting shall be held prior to the submission of the application for a planned development. The applicant is further required to provide evidence that a notice of this meeting was sent by regular mail to all affected property owners at least fifteen days before the required meeting date.
- C. The applicant may submit a written request for waiver of any application requirement in accordance with subsections 10-19-5A1c and A1d of this chapter. The decision of the development review board shall be final regarding the approval or denial of the request. However, the development review board's decision regarding the request for a waiver of an application requirement does not preclude the village board from requesting that same information or any additional information it deems applicable for its review of the planned development application.
- D. Every application must be accompanied by a fee in such amount as established from time to time by the village board to defray the costs of providing notice and contracting with independent professionals to review applications as required. Such professional costs may include, but are not limited to, engineering, legal fees, traffic analyses, environmental impact studies, land use design or other similarly related professional studies. Additional materials

may be required during the review of a proposed planned development if determined necessary by the development review board or the village board. (Ord. 3587, 2-29-2016)

10-19-7: EFFECT OF APPROVAL OR DENIAL:

- A. Approval of the planned development permit by the board of trustees 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 development. The zoning administrator shall review applications for these permits for compliance with the terms of the planned development permit granted by the board of trustees. No permit shall be issued for development which does not comply with the terms of the planned development permit.
- B. The village board shall direct the zoning administrator to revise the official zoning map to reflect the existence and boundaries of each planned development permit granted.
- C. An approval of a planned development permit by the board of trustees shall be null and void if the recipient does not file an application for a building permit for the proposed development within nine months after the date of adoption of the zoning ordinance approving the development permit.
- D. An approval of a planned development permit by the board of trustees shall be null and void if construction has not commenced within fifteen months and is not completed within thirty-three months after the date of adoption of the zoning ordinance approving the planned development permit.
- E. An approval of a planned development permit 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 approval of a planned development permit with a master plan shall be null and void if construction has not commenced or is not completed in accordance with the terms and conditions contained in the master plan.
- G. An extension of the time requirements stated in subsections C, D, and E of this section may be granted by the board of trustees 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.
- H. A planned development permit shall be null and void if the use or combination of uses for which the approval was granted ceases for a period of one year.
- I. No application for a planned development which was previously denied by the board of trustees shall be considered by the development review board or the board of trustees if it is resubmitted in substantially the same form and/or content within two years of the date of such prior denial.

1. The zoning administrator shall review the application for a planned 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, provided a petition for appeal is filed in writing to the zoning administrator within ten days of the decision.
2. The board shall affirm or reverse the determination of the administrator regarding whether the new application is in substantially the same form within thirty days of 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 is entitled to submit an application and have it reviewed in accordance with the provisions of section 10-19-5 of this chapter. (Ord. 3587, 2-29-2016)

10-19-8: AMENDMENTS AND ALTERATIONS TO APPROVED PLANNED DEVELOPMENT PERMITS:

- A. Except as provided in subsection B of this section, any modifications to a project operating under an approved planned development permit or any addition to or expansion of a project operating under an existing planned development permit shall require separate review and approval under the provisions of this section.
- B. A minor change is any change in the site plan or design details of a project operating under an approved planned development permit which is consistent with the standards and conditions applying to the project and which does not alter the concept or intent of the project.

A change is not minor if it, with regard to the approvals granted in the planned development permit:

1. Increases the density;
2. Increases the height of buildings, unless the proposed height change is less than or equal to the lesser of: a) the height permitted in the property's zoning district regulations in effect as of the date the planned development permit is approved, or b) the height permitted in the property's zoning district regulations in effect as of the date the minor amendment is requested;
3. Increases the footprint of a building;
4. Modifies the proportion of housing types;
5. Reduces the number of parking spaces;
6. Creates a greater demand or burden on village services or alters the alignment of roads;

7. Increases the amount of stormwater conveyed to the village's stormwater sewer system;
or
8. Amends final governing agreements, provisions or covenants, or provides any other change inconsistent with any standard or condition imposed by the board of trustees in approving the planned development permit.

A minor change may be approved by the zoning administrator without obtaining separate approval by the board of trustees. In addition, the village board may, after reviewing the request for a minor change made by the village staff or the applicant, direct the village administrator to process the minor change administratively. A minor change that would constitute a variation under the zoning title may only be approved at the direction of the village board. Any minor change approved by the zoning administrator shall be reported to the village board. (Ord. 3587, 2-29-2016)