

SECTION 7 - PLANNED UNIT DEVELOPMENT REGULATIONS

7.01 Purpose

The purpose and intent of planned unit developments are to provide for certain exceptions to the use and bulk regulations of this code, where such exceptions will be utilized to provide greater flexibility and originality in the design of projects than might otherwise be possible under conventional zoning. A planned unit development is intended to permit and encourage such flexibility and to accomplish the following goals:

1. To stimulate unique and creative approaches to the development of land;
2. To provide for the more efficient use of land;
3. To promote flexibility in design and permit planned diversification in the location of structures;
4. To promote an efficient use of land to facilitate sustainability in the arrangement of buildings, circulation systems, utilities, open space and natural resources;
5. To preserve existing natural resources and landscape features and to utilize them in a manner harmonious with the development;
6. To provide for more usable and suitably located recreation facilities and other public facilities than would otherwise be provided under conventional development;
7. To provide for the aesthetic and functional harmony of various types of buildings, land uses, and landscape elements;
8. To develop new approaches to the living environment through variety in type, design and layout of residential structures, commercial and industrial buildings, transportation systems and public facilities;
9. To allow for the development of properties with unique constraints such as environmentally-sensitive areas or infill parcels which require a more flexible approach to land use control to make possible development that is sensitive to such constraints.
10. A land use which promotes the public health, safety, comfort, morals, and welfare.

The planned unit development is intended to provide for developments incorporating a single type or a variety of related uses which are planned and developed as a unit. The planned unit development may provide amenities not otherwise required by law and should establish facilities and open space greater than the minimums required by law. Such development may consist of conventional subdivided lots or provide for development by a planned unit development plat which establishes the location and extent of the features of the planned unit development in keeping with the purpose of the plan.

7.02 Standards and Regulations

A planned unit development shall be granted as a special use. Even though specified as a special use, a planned unit development is substantially different from other special uses. To reflect this difference, additional regulations and standards are hereby established. The planned unit development shall conform to the intent, purpose and character of the zoning district in which it is located.

7.03 Permitted Uses in a PUD

1. Residential PUDs are permitted under the provisions of this Ordinance in the Residential Districts and may include any uses permitted by right, special uses, or accessory uses in the underlying Residential district.
2. Commercial PUDs are permitted under the provisions of this Ordinance in the Business Districts and may include any uses permitted by right, special permitted uses, or accessory uses as provided in the underlying Business district.
3. Industrial PUDs are permitted under the provisions of this Ordinance in the Industrial Districts and may include any uses permitted by right, special permitted uses, or accessory uses as provided in the underlying Industrial district.
4. Mixed Use PUDS are permitted under the provisions of this Ordinance, provided that the underlying district boundaries conform with the uses being proposed.

The uses included in any proposed PUD are subject to the review and approval procedures specified herein, and shall not be deemed to be permitted by right.

7.04 Minimum Standards for a PUD

No development shall be filed as a Planned Unit Development unless it:

1. Is at least five (5) acres in size, and
2. Is initially under the same ownership or control.

7.05 Procedure: A planned unit development shall be granted a special use in accord with the following procedures and may depart from the normal procedure, standards, and other requirements of this ordinance. Applications shall be accompanied by the required plats and documents.

The process for a Planned Unit Development shall be as follows:

1. Pre-Application

Prior to filing a formal application, the applicant thereof shall meet with the Zoning, Planning and Engineering staff of the Village to discuss the proposed development. The applicant will provide a concept of the PUD at this time. Staff will advise the applicant at this time of all applicable officially adopted policies, standards, regulations and procedures.

A concept review before the Plan Commission may be directed at the discretion of Village staff or upon the request of the applicant. A concept review provides the Plan Commission an opportunity to determine what additional information will be necessary concerning the application.

2. Preliminary Plat of Planned Unit Development

Procedure for the submission of the Preliminary Plat for a Planned Unit Development shall be identical to the Preliminary Plat procedure described in the Village of Elwood Subdivision Regulations except that it shall be accompanied by an application for a special use permit for a Planned Unit Development in accordance with the procedures for special permitted uses established in Section 2.09 of this Ordinance.

3. Special Use for Planned Unit Development

Concurrent with the application for Preliminary Plat for a Planned Unit Development, the applicant shall submit an application for a special use for a Planned Unit Development. The Special Use Permit shall be approved contingent upon Final PUD approval.

4. Final Plat of Planned Unit Development

Procedure for submission of the Final Plat of Planned Unit Development shall be identical to the Final Plat procedure described in the Village of Elwood Subdivision Regulations.

7.06 Requirements for Submission

1. *Pre-Application:* The following items need to be provided by the applicant for a pre-application conference review to occur:
 - a. General Site Information - Data regarding site conditions, land characteristics, available community facilities and utilities, and other related information.
 - b. Concept Plan - A drawing in simple sketch form showing the proposed location, land uses, streets, buildings, and other related information.
2. *Preliminary Plat of Planned Unit Development:* In addition to the requirements for Preliminary Plat set forth in the Village of Elwood Subdivision Regulations, the following items and information are required for the submission of a Planned Unit Development:
 - a. Statement of Objectives - A statement of the objectives to be achieved by the PUD. This statement should provide the rationale behind the assumptions and choices of the developer/applicant. This statement should explain the benefits to the Village of Elwood that will result from the PUD.
 - b. Statement of Character - Explanation of the character of the PUD and the manner in which it has been planned to take advantage of the flexibility of these regulations.
 - c. List of Variances - a list of the variances from the zoning and subdivision ordinances that are being employed in the proposed PUD.
 - d. Design Schedule - A list of the area, lot width, yard, setback and bulk requirements applicable to the PUD.
 - e. Preliminary Landscape Plan - A landscape plan showing all landscape improvements (both plantings and hardscape) being proposed in the PUD. Details should be provided for landscape design elements intended for screening or buffering as well as for any unique landscape design features such as entry features, parks, etc.

In addition, the Plan Commission or Village Board may request at any time during the review process that the applicant provide any of the following additional items:

- a. Architectural Plans - If directed by the Plan Commission, the applicant shall submit Preliminary architectural plans for all primary buildings. The plans shall be submitted in sufficient detail to allow an understanding of the style of the development except for single-family detached structures proposed to be constructed on lots in compliance with all applicable zoning district requirements.
- b. School Impact Analysis - Provide information on the student count to be generated by the PUD and the financial impact on the local school districts.

- c. Tax Impact Analysis - Provide information on the taxes to be generated by the proposed project and the cost for the various taxing bodies to provide the necessary services.
- d. Traffic Analysis - Provide information on the traffic to be generated by the PUD and the adequacy of the local transportation and thoroughfare to handle the anticipated volumes. Also an analysis may be necessary of the internal streets, drives, parking, sidewalks and pathways.
- e. Covenants and Restrictions - Provide any proposed covenants and restrictions, agreements or provisions that will govern the use, maintenance, and continued protection of the PUD.

3. *Final Plat of Planned Unit Development*

In addition to the requirements for Final Plat set forth in the Village of Elwood Subdivision Regulations, the following items and information are required for the submission of a Final Plat of Planned Unit Development:

- a. Final landscape plans and landscape details.
- b. Covenants and Restrictions - Provide the final covenants and restrictions, agreements or provisions that will govern the use, maintenance, and continued protection of the PUD.

7.07 Changes to Preliminary Plat

A Planned Unit Development shall be constructed in complete accordance with the approved preliminary and final plat of Planned Unit Development and all supporting data. Major changes to an approved Preliminary or Final Plat of Planned Unit Development require the resubmission and reconsideration of the Planned Unit Development according to the process set forth herein for Preliminary and Final Plat approval. With the aid of the following criteria, the Zoning Officer shall be responsible for determining whether a change is classified as major or minor. Minor changes shall, at the direction of the Zoning Officer, be brought before the Plan Commission for final action but shall not require a new public hearing.

1. *Criteria for Major Change*

A major change is one that alters the concept or intent of the Planned Unit Development. This includes but is not limited to:

For a Residential PUD

- a. Any change in the location, size or type of dwelling units or land uses
- b. Any increase in the number of dwelling units from that in the approved Preliminary Plat
- c. Any change, greater than ten (10) percent, in the height of any building or structure in the PUD other than single-family detached dwelling units.
- d. Any change in the functional classification of a roadway
- e. Any reduction in the acreage of open space

For a Non-Residential PUD or Non-residential portion of a PUD

- a. Any change in the location or type of land use
- b. Any change in the type, number or location of a building
- c. Greater than ten (10) percent increase in the height of a building
- d. Any change in the functional classification of a roadway
- e. Any reduction in the acreage of open space
- f. A greater than ten (10) percent increase in the gross floor area of a non-residential building
- g. A greater than ten (10) percent increase in the total gross floor area of all the non-residential buildings in the PUD
- h. Any reduction in the total number of parking spaces for the project

2. *Criteria for Minor Change*

Minor changes are changes not defined as major changes and which do not alter the concept or intent of a PUD.

7.08 Design Incentives

Design incentives are contingent upon the provision of amenities, landscaping, open space, and architectural design requirements. These must be provided to counter any concerns over the effects of the incentives. Examples of such are listed below.

Amenities - Amenities may include gazebos, bike trails, tennis courts, swimming pools, recreational centers or areas, or any number of improvements to the community's quality of life and leisure.

Landscaping - Landscaping increases the visual aesthetics and natural habitat of a community as well as providing an environmentally sustainable development. Landscaping can include trees, shrubs and grasses for aesthetics as well as providing a reduction in storm water run off and erosion.

Open Space - Open space can be provided in many ways. Conservation areas, recreational areas, wildlife habitats, lakes and ponds, and trails are all examples of how open space can increase the economic, social, and environmental qualities of a development without compromising other values of the development from additional design incentives.

Architectural Design - Excellence in architectural design may include developing buildings with varying styles, facades, materials, roof lines, etc. Anti-monotony is an essential variable in community development along with landscaping and other design requirements.

To further creativity and excellence in design, the following incentives are offered in Planned Unit Developments:

1. *Varied Zoning Requirements* - Bulk requirements of the underlying zoning district(s) may be varied provided that it can be demonstrated that the variations conform to all of the review criteria contained herein as well as those established for special uses and those established for subdivision plats.

2. *Varied Subdivision Requirements* - Dimensional and design standards for subdivisions and subdivision improvements such as streets, blocks, sidewalks, and parkways may vary from Village standards established or referenced in the Village Subdivision regulations provided that it can be demonstrated that the variations conform to all of the review criteria contained herein as well as those established for special uses and those established for subdivision plats. Required subdivision improvements may not vary from the required construction improvement specifications.
3. *Mixed Uses* - A PUD may include a variety of land uses designed and planned as part of a unified development provided that the underlying zoning conforms to the uses being proposed.
4. *On-Site Density Transfer* - The density permitted in a given portion of a total site may be transferred to another portion of site in order to preserve environmentally sensitive areas or to achieve excellence in design provided that the gross density does not exceed the maximum allowed herein for the underlying zoning district.
5. *Density Bonuses* - Design excellence in the provision of site amenities such as exceptional landscaping, recreational facilities, preservation of architectural and historic sites, and the preservation of environmentally sensitive areas may allow the granting of an increase in density of up to fifteen percent (15%).

The gross maximum density of a residential PUD shall not exceed the following standard for the district in which it is situated:

GR -	2 du/acre
R1 -	2.5 du/acre
R2 -	3.0 du/acre for single-family detached 6.0 du/acre for two-family
R2A -	3.0 du/acre
R3 -	3 du/acre for single-family detached 5 du/acre for two-family 6 du/acre for single-family attached 12 du/acre for multi-family
R4 -	3 du/acre for single-family detached 5 du/acre for two-family
R5 -	3 du/acre for single-family detached 5 du/acre for two-family 6 du/acre for single-family attached
R6 -	3 du/acre for single-family detached 5 du/acre for two-family 6 du/acre for single-family attached 12 du/acre for multi-family

Flexibility to suspend requirements imposed by the Village's zoning and subdivision regulations is not conferred upon the PUD applicant as a matter of right but in all cases subject to the finding by the Village that the objectives of these provisions are being served by the PUD and that all applicable review standards are being adhered to. Variations in a PUD from normally applicable standards shall not be considered as variances as defined in this Ordinance and shall not be required to conform to the approval criteria herein provided for variances.

7.09 Schedule: The President and Board of Trustees shall consider the planned unit development subject to revocation if construction falls more than two (2) years behind the schedule filed with the final plat. Extensions in the building schedule may be granted by the Plan Commission.

7.10 Location: The planned unit development is authorized as a special use in each of the zoning districts of this ordinance.

7.11 Standards: The planned unit development must meet the following standards:

- A. **Comprehensive Plan:** A planned unit development must conform with the intent and spirit of the proposals of the Comprehensive Plan.
- B. **Size:** The site of the planned unit development must be under single ownership and/or unified control and shall not be less than five (5) acres in area.
- C. **Compatibility:** The uses permitted in a planned unit development must be of a type and so located so as to exercise no undue detrimental influence upon surrounding properties.
- D. **Need:** A clear showing of need must be made.
- E. **Space Between Buildings:** The minimum horizontal distance between buildings shall be:
 - 1. Ten (10) feet between one story single-family dwellings.
 - 2. Fifteen feet (15') between two (2) story, two and one-half (2½) story buildings or combinations thereof.
 - 3. Equal to the height of the taller buildings in the case of freestanding unattached buildings other than one, two (2) or two and one-half (2½) story buildings.
- F. **Yards:** The required yards along the periphery of the planned unit development shall be at least equal in width or depth to that of the adjacent zoning district.

Buildings of more than twenty four feet (24') in height shall provide a setback from any property line of not less than equal to the height of such buildings.
- G. **Parking Requirements:** Adequate parking shall be provided and in no event shall the parking be less than that provided for in Section 8 of this ordinance.
- H. **Traffic:** Adequate provision shall be made to provide ingress and egress so designed as to minimize traffic congestion in the public streets.
- I. **Density:** The density of any planned unit development shall not exceed, by more than fifteen percent (15%), the density allowed in the district in which the planned unit development is located. Land within the planned unit development which is used for industrial purposes, commercial purposes, and open space may be included as gross area for calculations of density. (See densities in Section 7.08, Design Incentives)
- J. **Other Standards:** The planned unit development may depart from strict conformance with the required density, dimension, area, bulk, use, and other regulations for the standard zoning districts and other provisions of this ordinance to the extent specified in the preliminary land use and zoning plat and documents authorizing the planned unit development so long as the planned unit development will not be detrimental to or endanger the public health, safety, morals, comfort, or general welfare.

7.12 Findings: The Plan Commission shall provide findings of fact setting forth the reasons for the recommendation, and said findings shall set forth with particularity in what respects the proposal would serve the public interest including but not limited to findings of fact on the following:

- A. The extent to which the proposed plan is consistent with the stated purpose of the planned unit development regulations.
- B. The extent to which the proposed plan meets the requirements and standards of the planned unit development regulations.
- C. The extent to which the proposed plan departs from the zoning and subdivision regulations otherwise applicable to the subject property, including but not limited to the density, dimension, area, bulk, and use, and the reasons why such departures are deemed to serve the public interest.
- D. The physical design of the proposed plan and the manner in which said design makes adequate provision for public services; provides adequate control over vehicular traffic; provides for and protects designated common open space; and furthers the amenities of light and air, recreation and visual enjoyment.
- E. The relationship and compatibility of the proposed plan to the adjacent properties and neighborhood.
- F. The desirability of the proposed plan to physical development, tax base and economic well-being of the entire community.
- G. The conformity with the intent and spirit of the Comprehensive Plan.

7.13 Conditions and Guarantees: Prior to the granting of any planned unit development the Plan Commission may recommend, and the Village Board may stipulate, such conditions and restrictions upon the establishment, location, design, layout, height, density, construction, maintenance, aesthetics, operation and other elements of the planned unit development as deemed necessary for the protection of the public interest, improvement of the development, protection of the adjacent area, and to secure compliance with the standards specified. In all cases in which planned unit developments are granted, the Village Board shall require such evidence and guarantees to insure compliance with the conditions set forth in the approved planned unit development.