

## **Section 6.4 Residential Planned Development**

6.4-1 **Purpose.** The purpose of the Planned Development regulations is to encourage and allow more creative and imaginative design for land developments than is possible under the more conventional zoning regulations, in order to preserve special features associated with the subject property. The Planned Unit Development also provides for more efficient use of the land and thus results in more economical residential development. Preservation of natural site qualities, better lifestyle amenities, more open space, and a higher quality project are the goals and expected results of the Planned Development process. The following objectives may be obtained through the use of the Planned Development procedure:

- (a) To permit a maximum choice in the types of environment available to the public by allowing a development that would not be possible under the strict application of the other sections of this Ordinance;
- (b) To promote a creative approach to the use of land and related physical facilities that results in better design and development, with the inclusion of aesthetic amenities;
- (c) To combine and coordinate architectural styles, building forms and building relationships with a possible mixing of different uses in an innovative design;
- (d) To encourage a pattern of development to preserve natural vegetation, topographic and geological features, and environmentally appropriate features;
- (e) To provide for the prevention and/or control of soil erosion, surface flooding and the preservation of sub-surface water;
- (f) To create a method for the permanent preservation of common open space for the continued use and enjoyment of the residents of the Development;
- (g) To promote the more efficient use of the land resulting in more economic networks of utilities, streets, and other facilities;
- (h) To encourage a land use which promotes the public health, safety, comfort, morals and welfare.

The Planned Development is intended to provide for projects incorporating a single type or a variety of residential uses which are planned and developed as a unit. The Planned Development should provide amenities not otherwise required by law and often establishes facilities and open space greater than the minimums required by law.

Such development may consist of conventionally subdivided lots to be sold, unsubdivided single ownership, or other ownership methods, and shall provide for development by means of a Planned Development Plat which establishes the location and extent of the features of the Planned Development in keeping with the purpose of the plan. The unique and substantially different character of Planned Developments requires their administrative processing as a "special use" in this Ordinance.

Planned Developments are more complex and of a different character than other special uses requiring the establishment herein of specific and additional procedures, standards and exceptions to govern the recommendations of the Planning and Zoning Commission and the action of the Village Board.

6.4-2 **Limitation.** A Planned Development for single family dwellings shall be subject to the following:

- (a) The buildings shall be used only for single-family dwellings or shared wall townhouses, and permitted accessory uses;
- (b) The specific requirements of this Ordinance for **intensity and kind of residential land use and front yard requirements** for the designated use district in which the development is located, and the flood plain requirements of Section 10 shall be maintained;
- (c) All other sections of this Ordinance may, by specific mention, be varied in whole or in part for any Planned Residential Development under the terms of this section, except that the allowable lot area may be reduced to a density of no less than three acres for a single family dwelling;
- (d) Where a reduction of lot area is allowed within the limits above, an area equal in the aggregate to not less than the sum of such area reduction in all lots shall be either set aside as common open land to be used by owners of homes in the development, or may be added, at the sole discretion of the Village Board of Trustees, to the public lands required by any subdivision ordinance to be dedicated to the Village or any other governmental unit;
- (e) In determining the total number of lots which may be created under the terms of this Section, the land available for development shall be reduced by 20 percent and the remainder shall be divided by the minimum lot area allowed under sub-section (c). The resulting figure, reduced to the closest smaller whole number, shall be the greatest number of lots developable under the terms of this Section. "Land available for development" does not include the following: any dedicated or to be dedicated roads, easements for utilities or access, lands to be used for flood water retention, wetlands or lands otherwise subject to the flood plain regulations of Section 10;
- (f) Each proposed lot must have at least 25 percent of its periphery bounded by the common open area or dedicated lands. Lots may face each other across streets, but may not back up to each other, that is, **the rear lot line of one lot may not comprise the rear yard line of another lot.** The average minimum width of any continuous open space shall be not less than 100 feet. All open spaces shall be directly accessible to a public street or a public area having access to a public street;
- (g) In addition, the arrangement and use of the common land or land to be dedicated to the area and the method of maintenance of any common land shall be subject to approval by the Village Board as hereinafter set forth before the provisions of this Section apply.

6.4-3 **Procedure.** Application shall be made in writing, accompanied by the plats and documents as required hereafter. Detailed plans, drawings and other information as required by this Ordinance shall be submitted at the times, from time to time, as hereinafter set forth. The hearings required in a Planned Development (hereinafter sometimes referred to a "PD") proceeding may consist of three steps: (i) pre-application procedure, which is mandatory;

(ii) preliminary plan procedure, and (iii) final plat procedure. Such hearings, the procedure therefore and information required thereat are as follows:

- (a) **Step 1: Pre-Application Procedure.** This procedure is mandatory but requires no formal application, or filing of any information or document other than as set forth as follows:

Conference: Prior to the filing of an application for approval of a PD, the developer shall request of the Planning and Zoning Commission an informal meeting to discuss the development of his land in conjunction with planning and zoning objectives and the official plan. The request for a Pre-Application Conference shall include such information as provided for under subsection (a)(ii). Said meeting shall be a part of a scheduled Planning and Zoning Commission meeting, shall be open to the public, and included on their agenda in advance of the meeting;

The owner of the subject property shall submit a filing fee of \$1000.00 and enter into a Reimbursement of Fees Agreement in accordance with Section 9.02 of the Bull Valley Municipal Code. Such Reimbursement of Fees Agreement shall be maintained and remain in full force and effect for the duration of the development process including sketch, preliminary and final plat stages.

- i. Required Information:
- a. Name, address and contact information of the owner(s), engineer, and any other person involved with the development.
  - b. A drawing in simple sketch form showing topography, water features and other land characteristics, extent of tree cover and other extensive vegetated areas,
  - c. Information on available community facilities, i.e., streets, schools, parks and fire protection, and utilities, existing covenants, existing improvements and other related information.
  - d. Survey and Legal Description: A complete property survey and legal description of the site proposed for development.
  - e. Zoning: A copy of the survey showing existing zoning of the land and adjacent property on each side and across a street or road.
  - f. Whether the property is included in a flood plain, Sensitive Aquifer Recharge Area, Boone Creek Fen and Class III, or Natural Resource Conservation District as described in Section 5 of this ordinance
  - g. Existing natural features on the property shall be described by the submittal of a Natural Resource Information Report (NRI) prepared by the McHenry County Soil and Water Conservation District, and obtained by the owner.
  - h. An aerial photograph (available at McHenry County Planning and Development Department or the U.S. Department of Agriculture's Natural Resources Conservation Service (NRCS) in Woodstock) on which the property is outlined and which includes adjoining lands up to one-half mile from the perimeter of the proposed Retail PD, reduced to an 11-inch by 17-inch exhibit.
  - i. An Endangered Species Consultation Program Agency Action Report application and a map delineating the location of the proposed Retail PD

shall be submitted to the IDNR. A copy of that application and the IDNR's response to the application shall be submitted to the Village.

ii. Action:

- a. The Planning and Zoning Commission shall review the sketch plan and any related materials for compliance with the Village Comprehensive Land Use and Preservation Plan, as amended from time to time, and make recommendations to the Board of Trustees and owner.
- b. The Planning and Zoning Commission shall review the sketch plan for compliance with this ordinance. No action shall be taken on any preliminary plan until a sketch plan has been filed and considered by the Planning and Zoning Commission.
- c. In its review, the Planning and Zoning Commission may make recommendations of a general nature with regard to consistency of the sketch plan with the Comprehensive Plan and this Ordinance. The Planning and Zoning Commission may choose to request additional information, drawings and reports, and recommend that the petitioner submit this material at subsequent meetings.
- d. If the proposed development raises significant questions as to its effect on **an aquifer of local significance** due to potential loadings of pollutants which would adversely affect either human health at homes which draw water from the aquifer, the ecological stability of nearby communities, or the potential depletion of the aquifer, the Planning and Zoning Commission, upon the advice of the Village's designated engineer or ecologist, may recommend that soil borings within the proposed development area be undertaken or groundwater and/or monitoring wells be established to furnish hydro-geological data. In the event monitoring wells are required, data collection may be required for a minimum period of 12 months for observation of seasonal fluctuations. Such data collection would be required in advance of any review and vote on a preliminary plan. The cost of such data collection, the establishment of monitoring wells or undertaking of soil borings shall be borne by the owner of the subject property.

(b) **Step 2: Preliminary Plan Procedure.**

- i. Purpose: The purpose of the preliminary plan submission is to obtain tentative approval and/or commitments from the Village that the plans, designs, and program that the developer intends to build and follow are acceptable. It is in this stage that final modifications, adjustments, and interpretations are made to the Pre-Application Plan. Steps completed in the Pre-Application Plan stage need not be repeated in the preliminary plan procedure unless documentation is

more than 6 months old, or there are substantial changes in proposed density or land uses.

- ii. Procedure: A request for preliminary approval of the Planned Development shall be filed with the Village Clerk who shall refer the same to the Planning and Zoning Commission for public hearing, report and recommendation as to whether or not the Village Board should issue the special use permit applied for. The required procedure for review of the preliminary plan shall be:

- 1. Filing of the following:

- a. Written Application for review of a Planned Development shall be made on forms and in the manner prescribed by rules of the Village, and in the absence of such forms or rules, in the form and manner as prescribed for application for special use permit.

A filing fee of \$5,000, plus \$1000 for each building in the proposed Residential PD shall also be paid at the time of filing the preliminary plan. This filing fee is in addition to the Reimbursement of Fees deposit required by Section 9.02 of the Bull Valley Municipal Code.

- b. Sufficient supporting data, plans or information to indicate the extent and nature of the proposal and that the project is ready for public hearing. Sixteen copies of all required information shall be filed, which shall include the following:

- i. Detailed Plan: A drawing of the Planned Development shall be prepared at a scale of not less than 1"=100' and shall designate all facilities and features to indicate the character of the proposed development. The submission may be composed of one or more sheets and drawings and shall include:

- 1. boundary lines (bearing and distances);
- 2. easements-existing and proposed (location, dimensions and purpose);
- 3. streets on and adjacent to the tract (existing and proposed streets, with street names, right-of-way width, existing or proposed center line elevations, pavement type, walks, curbs, gutters, culverts, etc);
- 4. utilities on and adjacent to the tract (location, size and invert elevation of sanitary, storm and combined sewers; location and size of water mains; location of gas lines, fire hydrants, electric and telephone lines, and street lights; direction and distance to and size of the nearest usable water mains and sewers adjacent to the tract showing invert elevation of sewers);

5. ground elevations on the tract for land that slopes less than one-half percent, show one-foot contours; for land that slopes more than one-half percent, show two-foot contours, also show spot elevations at all breaks in grades, along all drainage channels or swales, and at points of special significance;
  6. subsurface conditions on the tract (location and results of tests made to generally ascertain subsurface soil, rock and ground water conditions; depth to ground water;
  7. other conditions on the tract - water courses, flood plains, marshes, rock outcrop, wooded areas, houses, barns, accessory buildings, and other significant features;
  8. other conditions on adjacent land - approximate direction and gradient of ground slope, including any embankments or retaining walls; character and location of major buildings, railroads, power lines, towers, and other non-residential land uses or adverse influences; for adjacent platted land, refer to subdivision plat by name and show approximate percent build-up, typical lot size, and dwelling type;
  9. zoning - show zoning districts on and adjacent to the tract;
  10. proposed public improvements - highways or other major improvements planned by public authorities for future construction on or near the tract;
  11. open space - all parcels of land intended to be dedicated for public use or reserved for the use or benefit of all property owners with purpose indicated, including but not limited to common open space, recreational facilities, parking areas and service areas;
  12. structures - general location, purpose and height, in feet or stories, of each building other than single-family residences on individually platted lots;
  13. map data - name of development, name of site planner, north point, scale, date of preparation and acreage of site;
  14. tree preservation plan pursuant to chapter 12 Section 14-k of the Bull Valley Municipal Code.
  15. miscellaneous - such additional related information as may be required by the Planning and Zoning Commission.
- c. Objectives - A statement of planning objectives to be achieved by the Planned Development. This statement should include a description of the character of the proposed development and the rationale behind the assumptions and choices of the developer.
  - d. Character - Explanation of the character of the Planned Development and the manner in which it has been planned to take advantage of the flexibility of these regulations.
  - e. Ownership - Statement of present and proposed ownership of all land within the project, owners of beneficial interests, including present tract

designation according to official records in offices of the County Recorder of Deeds. A certificate shall be furnished that there are no delinquent taxes or unpaid contractors or material men who have either labor or materials to the subject property constituting a lien on the whole or any part of the property.

- f. Names - The names and addresses of the persons who last paid taxes on all property adjacent to, contiguous to, or across any road from the property proposed for development.
- g. Schedule - Development schedule indicating:
  - i. stages in which project will be built, including but not limited to, housing units, housing types, density, use and public facilities such as open space recreational facilities and other amenities to be developed with each stage; overall design of each stage shall be shown on the plat and through supporting graphic material;
  - ii. scheduling of the various stages of development with an approximate time frame;
  - iii. if different residential use types are to be included within the PD, the schedule must include the mix of uses to be built in each stage.
- h. Covenants - Proposed agreements, provisions or covenants which will govern the use, maintenance and continued protection of the Planned Development and any of its common open space.
- i. Residential Density - Provide information on the density of residential uses, including the number of dwelling units per acre, the number of dwelling units by housing type, and the number of bedrooms in each building and dwelling unit type.
- j. Provide information on the type and amount of ancillary uses, including the amount of common open space, name of entity that will hold title to open space and any associated maintenance agreement, and per centage of permeable coverage.
- k. Service Facilities. Provide information on all service facilities and off street parking facilities including comprehensive fire protection systems.
- l. Architectural Plans - Preliminary architectural plans for all buildings shall be permitted in sufficient detail to permit an understanding of the style of the development, the design of the building and the number, size and type of dwelling units. Also, provide floor area of building types and total ground coverage of building.
- m. Landscape Plans - Preliminary plans for plant materials, earth sculpture, water berming, and screening features shall be submitted. Native plantings are strongly preferred, with short grass lawns kept to a minimum.
- n. Facilities Plans - Preliminary plans or information adequate to indicate that the proposed development can be serviced, shall be submitted for:
  - i. roads, including classification, width of right-of-way, width of pavement, and typical construction details;
  - ii. sanitary sewers if applicable;;
  - iii. storm drainage, subject to a County Storm Water Ordinance permit;

- iv. water supply system; results of any soil borings or test well reports requested during pre-application procedure.
  - o. Lighting plan pursuant to Chapter 27 of the Bull Valley Municipal Code;
  - p. Sidewalks, paths and non-motorized bicycle trails;
  - q. Public utilities.
  - r. School Impact Study - Provide information on the student load and financial impact on the local school districts, including expected scheduling of potential students.
  - s. Tax Impact Study - Provide information on the taxes to be generated by the proposed project and the cost to the various taxing bodies to provide the necessary services to the project.
  - t. Traffic Analysis - Provide information on the adequacy of the local transportation and thoroughfare system to handle anticipated traffic volumes generated by the PD. Also an analysis should be made of the adequacy of the internal vehicular circulation pattern.
  - u. Market Study - Evidence should be presented showing the need and feasibility of the proposed development, including information on land utilization and marketing potential, unless waived or excused by the Planning and Zoning Commission upon application of the developer.
2. Copies of the preliminary Planned Development Plat and supporting data shall be submitted to the Village Engineer for certification as to conformity with these regulations, recommendations and suggestions regarding the overall design, if any.
  3. The Planning and Zoning Commission shall hold a public hearing on the application for a Planned Development, in accord with the procedures of Section 13.7.
  4. Following the public hearing and review of the preliminary Planned Unit Development Plan and supporting data for conformity to these regulations, the Planning and Zoning Commission shall, within 30 days, unless an extension is requested by the petitioner, recommend approval, modification or disapproval, and the reasons therefore, or indicate why a report cannot be rendered to the Village Board. The Planning and Zoning Commission shall set forth in a separate communication to the Village Board finding of fact, in accord with Section on which they base their recommendation and describing how the proposal meets the standards of Section 6.4-4.
  5. The Village Board, in accordance with Section 6.5-5 of the Zoning Ordinance, after receipt of the preliminary Planned Development Plan from the Planning and Zoning Commission, shall approve, modify or disapprove the preliminary plan within a period of 60 days, unless an extension is requested by the petitioner. The Village Board may require such special conditions as they may deem necessary to insure conformance with the intent of the planning objectives of the Village and the stated purposes of the Planned Development.



6. Approval of a preliminary Planned Development shall not constitute approval of the final plat. Rather, it shall be deemed an expression of approval to the layout submitted on the preliminary plat as a guide to the preparation of the final plat which will be submitted for approval of the Village and subsequent recording upon the fulfillment of the requirements of these regulations and conditions of the preliminary approval, if any. The preliminary plan and final plats may be filed and approved simultaneously or the final plat may be filed and approved without a preliminary plat if all of the land is to be developed at one time, and if all requirements hereof are met. No building permit shall be issued for any structure until the final plat has been filed, approved and recorded.

(c) Step 3: Final Plat Procedure.

- i. Fees: A filing fee of \$5,000, shall be paid at the time of filing the final plat. This filing fee is in addition to the Reimbursement of Fees deposit required by Section 9.02 of the Bull Valley Municipal Code.
- ii. Purpose: The purpose of the final plat is to designate with particularity the land subdivided into conventional lots as well as the division of other lands, not so subdivided, into common open space and building sites. The final plat is intended as a document to be recorded. The final plat shows the exact location of facilities while the preliminary plan shows the general location of the same facilities.
- iii. Procedure: The final plat shall be submitted as a Planned Development Plat and shall conform substantially to the preliminary plat as approved and, if desired by the developer, may be submitted in stages with each stage reflecting the approved preliminary plan which is proposed to be recorded and developed; provided, however, that such portion conforms to all requirements of these regulations. The required procedure for approval of a final plat shall be:
  - a. A final Planned Development Plat and other supporting data required for approval shall be filed with the Village Clerk. Final plats and supporting data shall show in detail the design, location and use of all buildings, facilities and site improvements, and shall include the following:
    - i. Final Detailed Plan, i.e., a final Planned Development Plat, suitable for recording with the County Recorder. The final plat shall include, but not be limited to:
    - ii. An accurate legal description of the entire area under immediate development within the Planned Development.
    - iii. A subdivision plat of all subdivided land in the same form and meeting all requirements of a subdivision plat.

- iv. An accurate legal description of each separate unsubdivided use area, including common open space.
  - v. Designation of the exact location of all buildings to be constructed.
  - vi. Description of lighting plan, compliance with the Bull Valley lighting ordinance.
  - vii. Certificates, affidavits, seals and signatures required by law.
  - viii. Tabulation of separate unsubdivided use areas, including land area, number of buildings, number of dwelling units, and dwelling units per acre.
- b. Common Open Space documents: All common open space shall be either conveyed to a business corporation, N/F/P corporation or trust established for the purpose of benefitting the owners and residents of the planned development or retained by the developer with legally binding guarantees, in a form approved by the Village Attorney, that the common open space will be permanently preserved as open area. All documents reserving, creating or otherwise allocating open space, rights-of-way, easements or other common lands shall be submitted to the Village Attorney for his review and approval. No such document shall be entitled to recordation without the endorsement of approval by the Village Attorney. All land conveyed to a corporation or like entity shall be subject to the right of said corporation to impose a legally enforceable lien upon all benefitted properties for maintenance and improvement of the common open space. Any such conveyance shall also contain a covenant that the Village shall have a legally enforceable lien upon all benefitted properties for the maintenance of the open space in the event of a default by a managing corporation, and further that any maintenance by the Village shall not constitute acceptance of such open space as a public right-of-way or as a tacit dedication thereof. Such open space and benefitted land shall be subject to a “back up” SSA in a form approved by the Village.
- c. Public Facilities: All required land improvements made necessary as a result of the Planned Development shall be either constructed in advance of the approval of the final plat or the subdivider shall post a cash bond or surety bond to guarantee construction of the required land improvements. The subdivider’s cash bond, or letter of credit, payable to the Village of Bull Valley, shall be sufficient to cover the full cost of attorney’s fees and the required land improvements plus 30 percent. The cost of all required land improvements shall be certified by a registered professional engineer. Detailed construction plans shall be submitted for all required land improvements to be built and shall be certified by a registered professional engineer. In lieu of cash, the subdivider or developer may post a surety bond, written by a corporate surety,

acceptable to the Village in the penal sum equal to one and one-half of the cost of the construction.

- d. Construction Plans: Detailed plans shall be submitted for the design, construction or installation of site amenities, including buildings, landscaping, lakes and other site improvements.
  - e. Construction Schedule: A final construction schedule shall be submitted for that portion of the Planned Development for which approval is being requested.
  - f. Guarantee Deposit: A deposit shall be made to the Village in cash, or maintenance bond equal to 25 percent of required public and private land improvements. This deposit shall be a guarantee of satisfactory performance of the facilities constructed within the Planned Development and shall be held by the Village for a period of 18 months; the deposit shall be refunded if no defects have developed or, if any defects have developed, the balance of such deposit shall be refunded after reimbursement for amounts expended in correcting defective facilities as recommended by the Village engineer after inspection. No deposit shall be refunded until the developer applies therefore in writing. The Village Board shall approve the release of any funds in writing.
  - g. Delinquent Taxes: A certificate shall be furnished from the appropriate County official that no delinquent taxes exist and that all special assessments constituting a lien on the whole or any part of the property of the Planned Development have been paid.
  - h. Covenants: Final agreements, provisions or covenants which will govern the use, maintenance and continued protection of the Planned Development shall be recorded in the office of the Recorder of Deeds at the same time as the final Planned Development Plat.
  - i. Other: Such conditions and restrictions upon the establishment, location, design, layout, height, density, construction, maintenance, operation and other elements of the PD as the Planning and Zoning Commission may recommend and the Village Board may require as necessary for the protection of the public interest, improvement of the development, protection of adjacent areas, and to come into compliance with the standards of Section 6.4-4.
2. The final plat and supporting data shall be submitted to the Village Engineer for certification that the final plat is insubstantial conformance with these regulations and in agreement with the approved preliminary plat

3. After review of the final plat, the Planning and Zoning Commission shall, within 30 days, unless extension is requested by the petitioner, recommend approval or disapproval, and the reasons therefore, to the Village Board.
  4. The Village Board, after receipt of the final plat from the Planning and Zoning Commission, shall approve, or disapprove the final plat within a period of 60 days from the date of Planning and Zoning Commission recommendation, unless an extension is requested by the petitioner, and if approved, shall pass an ordinance authorizing the Planned Development and allowing the issuance of all necessary permits, provided, however that all fees due at the time have been paid.
  5. Permits are to be issued only after the final Planned Development Plat and supporting data have been recorded with the County Recorder of Deeds, and shall be issued in full conformance with this Ordinance. After the recording of the final plat, petitioner shall file one certified copy of the recorded plat with the Village.
- iv. Recording the Final Plat: The ordinance authorizing construction of the Planned Development shall be effective only upon recording of the final Planned Development Plat and supporting data with the County Recorder. The recording of the final Plat shall inform all who deal with the Planned Development of the restrictions placed upon the land and act as a zoning control device.
- v. Submission Requirements:
1. The first final plat must be submitted to the Village Board for action thereon no later than one year after the approval of the preliminary plat
  2. If formally approved by the Village Board the plat shall be recorded with the County Recorder no later than 60 days after the date of approval.
  3. Construction, to be authorized only by issuance of a building permit or permits, shall commence no later than one year after the date the final plat is filed of record with the County Recorder.
  4. If the plat is not so submitted for action within one year after the approval of the preliminary plat, or, said plat having been so submitted within said time, is not so recorded within 60 days of said approval, or if it is recorded but construction does not so commence within one year after the date of such recording, then, in any of those events, the PD Special Use granted hereby shall be deemed and shall be automatically revoked and canceled, the Planning and Zoning Commission shall, no later than 30 days after such revocation and cancellation, recommend to the Village Board such zoning classification as it deems in the public

interest, and the Village Board shall thereupon, by appropriate ordinance, reclassify the property to such zoning classification as it deems in the public interest.

5. If construction falls more than one year behind the building schedule filed with the final plat, the Planning and Zoning Commission shall either recommend to the Village Board extension of the schedule or initiate action to revoke the PD Special Use. Such extensions may aggregate no more than two years. A revocation hearing shall be held at any time no earlier than 30 and no more than 60 days after the Planning and Zoning Commission determines to take such action, and notice thereof shall be served on the developer and any other party entitled to notice under this Section 6.

vi. Occupancy. A certificate of occupancy, which is the formal document of the right to occupy and use a building or facility, shall be issued as to the PD as a whole, or portion thereof, or as to an individual building or element thereof if:

1. The unit or units to be occupied are constructed, located and otherwise in compliance with the Final Plat and supporting information; and
2. All open space, walkways, recreational facilities and other amenities to be provided for the unit or units in question and for the entire PD are developed or constructed and are otherwise operable and usable by the occupants of the unit or structure.

6.4-4 **Standards.** The Planned Development must meet the following standards:

- (a) Comprehensive Plan: A Planned Development must conform to the intent and spirit of the Comprehensive Plan of the Village or, if none, this Ordinance.
- (b) Size and Ownership: The site of the Planned Development must be under single ownership and/or unified control and be not less than 40 acres in area.
- (c) Compatibility: The uses permitted in a Planned Development must be of a type and so located as to exercise no detrimental influence upon surrounding properties.
- (d) Open Space: The Planned Development must include 20% dedicated open space exclusive of dedicated or to be dedicated roads, easements for utilities or access, lands to be used for flood water retention, wetlands or lands otherwise subject to the flood plain regulations of Section 10;
- (e) Parking Requirements: Adequate parking shall be provided and in no event shall the parking be less than that provided for in other sections of this Ordinance. Parking for residential uses shall be not less than required in Section 9 of this Ordinance.
- (f) Traffic: Adequate provision shall be made to provide ingress and egress so designed as to minimize congestion and promote safety in the public streets.

- (g) Design Standards for Required Improvements: The provisions of the Bull Valley Subdivision Ordinance, and Section 5.5-8 of this ordinance, shall be adhered to, unless a variance is granted under provisions of the Subdivision Ordinance.
- (h) Other Standards: The Planned Development may depart from strict conformance with the required density, dimension, area, height, bulk, use, and other regulations for the standard zoning districts and other provisions of this Ordinance to the extent specified in the preliminary plan and documents authorizing and approving the Planned Development so long as the Planned Development will not be detrimental to or endanger the public health, safety, morals, comfort or general welfare and if it promotes the quality and character of the proposed development. Any such departure from design standards shall be allowed only on the written recommendation of the Planning and Zoning Commission and the formal approval of the Village Board.

6.4-5 **Findings.** The Planning and Zoning Commission shall, after the public hearing, transmit its recommendations and reasons therefore to the Board of Trustees. The recommendations shall set forth with particularity in what respects the proposal would be in the public interest, including but not limited to findings of fact on the following:

- (a) In what respects the proposed plan is consistent with the stated purpose of the Planned Development regulations.
- (b) The extent to which the proposed plan meets the requirements and standards of the Planned 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 by which such departures are deemed to be in the public interest.
- (d) The method by which the proposed plan 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 as regards the physical development, tax base and economic well-being of the Village.
- (g) The conformity with the intent and spirit of the Planning Objectives of the Village.

6.4-6 **Conditions and Guarantees.** The Village Board, as a condition of approval of a Final Plat (Step 3), may require such evidence and guarantees as it deems necessary to insure that the condition of approval, all requirements of this Ordinance and all provisions of the subject Planned Development are being, and will continue to be, complied with.

6.4-7 **Changes in the Planned Development.** Changes to the recorded Planned Development may be made as follows:

- (a) Major Changes: Changes which alter the concept or intent of the Planned Development including, but not limited to, increases in density, increases in the height of buildings, reductions of proposed open spaces, changes in road standards; or changes in the final governing agreements, provisions or covenants, may be approved only by submission of a new final Planned Development Plan and supporting data and following the “final plat” (Step 3) procedure. All changes to the “original” final plat shall be recorded with the County Recorder as amendments to the final plat, or reflected in the recording of a new “corrected” final plat.
- (b) Minor Changes: The Village Board may approve minor changes in the Planned Development which do not change the concept or intent of the development. A Minor Change shall be any change not defined as a Major Change (see Major Changes).
- (c) The Village Board shall determine what other changes constitute a “Major Change.”