

CHAPTER 5
PLANNED RESIDENTIAL DEVELOPMENT

Section

- 10-5-1 Definition
- 10-5-2 Planned Development

§10-5-1: DEFINITION:

A planned development is a tract of land developed solely for single-family detached residences, pursuant to a special use granted by the Village to permit such development in a way which may not otherwise be permitted under zoning district requirements, where the property is of such size and character that it may be treated as a separate development and may create its own environment. A planned development is intended to provide flexibility in land use and retain controls for the Village which otherwise would not be present or available and must be compatible with the goals and objectives of the then applicable Comprehensive Plan of the Village.

(Ord. 74-7.8, 5-20-1974; Amd. Ord. 2009-005, passed 07-20-2009)

§10-5-2: PLANNED DEVELOPMENT:

(A) Purposes:

A special use for a planned development is a privilege to be earned and not a right which can be claimed simply upon complying with all the standards established in this Chapter. The Plan Commission may, after a public hearing, recommend, and the Corporate Authorities may require, any reasonable condition or design consideration which will promote proper development of benefit to the community. It is not intended that the Corporate Authorities automatically grant the maximum use exceptions or density increase in the case of each planned development. The Plan Commission shall recommend, and the Corporate Authorities shall grant, only such increase or latitude which is consistent with the benefit accruing to the Village as a result of the planned development. As a condition for approval, each planned development must be compatible with the character and objectives of the zoning district or districts within which it is located, and each planned development shall be consistent with the objectives of the Village of Tower Lakes Comprehensive Plan.

Some specific purposes of the planned development special use are: To add to the sense of spaciousness through the preservation of natural green spaces, to offer recreational opportunities close to home, to enhance the appearance of neighborhood's local areas of natural beauty, to encourage cooperative relationships between neighbors and participation by all age groups in the use and care of local open space tracts in new single-family detached residential subdivisions, to promote harmonious architecture between adjacent dwellings and to encourage the placement of structures in proper relationship to the natural characteristics of the site.

(B) Required Information and Procedures:

Prior to submitting a formal application for a planned development, the developer shall file with the Village President preliminary information, including a rough sketch or plan and a tentative

construction schedule. The Village President shall arrange a preliminary conference with the developer and other Village officials selected by the President.

Thereafter, as part of the formal application, or at the time of public hearing and other formal presentations, the developer shall be required to submit the following information, and any other information that may reasonably be required by the Plan Commission or Corporate Authorities.

1. A site plan indicating the arrangement and tentative location of buildings, dwelling unit density, uses permitted, land to be preserved as permanent common open space, parking, existing natural features and other special features of the development plan.
2. A preliminary plan or plat similar to that required under Chapter 1, "Subdivision Regulations", of Title 5 hereof.
3. Architectural renderings of proposed building, if requested by the Plan Commission or Corporate Authorities.
4. A draft of any proposed protective covenants whereby the owner proposes to regulate land use and open space and otherwise protect the proposed development and the municipality. Such covenants are required whenever the planned development includes open space areas or whenever such covenants otherwise are required by the Plan Commission or Corporate Authorities.
5. A draft of any proposed incorporation agreement and a draft of any bylaws or easement declarations concerning maintenance of recreational and other common facilities.
6. A schedule of proposed stages of construction of all improvements (utilities as well as building), indicating order of priority of construction.
7. Evidence that the establishment, maintenance, or operation of the special use will not be detrimental to or endanger the public health, safety, morals, comfort, or general welfare.
8. Evidence that the special use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor unreasonably diminish and impair property values within the neighborhood.
9. Evidence that the establishment of the special use will not impede the normal and orderly development and improvement of surrounding property for uses permitted in the district.
10. Evidence that adequate utilities, access roads, drainage, park sites and other necessary facilities have been or are being provided, including facilities to minimize the impact of the development on the immediate neighborhood in particular and the community in general.
11. Evidence that adequate measures have been or will be taken to provide ingress and egress, so designed as to minimize traffic congestion in the public streets.

(C) Use Exceptions:

The Plan Commission may recommend and the Corporate Authorities may authorize that there be in parts of the area of such development, specified uses not permitted by the use regulations of the district in which said development is located, provided that evidence is presented to the Plan Commission that:

1. The uses permitted by such exception are necessary or desirable and are appropriate with respect to the primary purpose of a single-family detached residential development; and
2. The uses permitted by such exception are not of such a nature or so located as to be likely to constitute a detrimental influence to the surrounding neighborhood.

(D) Area and Setback Regulations:

Open space or yard areas on the periphery of the planned development shall be required, to the satisfaction of the Corporate Authorities upon recommendations of the Plan Commission.

The Plan Commission may recommend and the Corporate Authorities may authorize exceptions to the applicable lot areas, yard or frontage regulations of the zoning ordinance within the boundaries of such development, provided that evidence is presented to the Plan Commission that:

1. Such exceptions are solely for the purpose of promoting an integrated site plan no less beneficial to the residents or occupants of such development, as well as the neighboring property, than would be obtained under the regulations of the applicable zoning district for buildings developed on separate zoning lots.
2. In a planned development, the maximum number of dwelling units permitted shall be determined by dividing the net development area by the minimum lot area per dwelling unit required by the district or districts in which the area is located. Net development area shall be determined by subtracting the area set aside for nonresidential uses (other than public or private streets) from the gross development area and deducting fifteen percent (15%) of the remainder for public and private streets (regardless of the amount of land actually required for streets). The Corporate Authorities may determine that the area of land set aside for common open space or recreational use may be included in the net development area in determining the number of dwelling units permitted.

(E) Designation of Permanent Common Open Space:

1. Definition: “Permanent common open space” may include parks, playgrounds, parkway medians, landscaped green space, lakes, ponds, streams, community center sites or other similar areas in public or private ownership or covered by an open space easement or articles of incorporation.
2. Designation: No plan for a planned development shall be approved unless such plan provides for permanent open space of such size and location as determined by the Plan Commission to be reasonably appropriate.

(F) Public Improvements:

All streets, sewers and water service shall be dedicated to the Village and shall meet the minimum requirements of the Village Subdivision Control Ordinance and all other ordinances, unless any of such requirements are waived by the Corporate Authorities and unless such dedication is waived by the Corporate Authorities.

(G) Revocation:

In any case where a special use has not been established within one year after the date of granting thereof, then, without further action by the Plan Commission or the Corporate Authorities, the special

use or authorization thereof shall be null and void and if in connection with such planned development, the property was rezoned from one zoning district to a different zoning district, then the zoning classification shall automatically revert to that existing prior to the grant of a special use. For the purpose of this Chapter, a special use is established if a building permit for the project or part thereof is secured within one year from date of the passage of the ordinance granting the special use, provided, however, that if construction on a special use is discontinued for a period of one year or more, or if progress on any stage of a planned development falls behind the approved schedule by more than one year, then the uncompleted portions of the planned development will be subject to review by the Corporate Authorities, who will have the authority to revoke the special use permit for the uncompleted portions.

(Ord. 74-7.8, 5-20-1974; Amd. Ord. 2009-005, passed 07-20-2009)