

## Article XVI

### Section 16.1 Purpose

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It is recognized that traditional zoning, with its segregation of uses and rigid dimensional requirements may not be suitable in all situations to best achieve the objectives of the Village relative to desired land use and preservation of its resources and character. In order to permit and encourage more creative and innovative land development for the benefit of the community as a whole and in furtherance of the vision and goals of the Village of Ottawa Hills, planned unit development may be permitted as a zoning district to achieve the following purposes:

- A. Provide for flexibility in development that will result in a better project for the developer, residents and users, as well as for the Village in general;
- B. Accomplish a more desirable and sustainable built environment than would be possible through the strict application of minimum requirements of this Code;
- C. Encourage the redevelopment of properties into vibrant, economically successful areas that further define Ottawa Hills' sense of place;
- D. Encourage a mixture of complementary uses where appropriate, allowing for integration of multiple uses vertically and horizontally, with an emphasis on the pedestrian environment;
- E. Encourage the creation and utilization of public space within the development that serves the community;
- F. Encourage the efficient use of land by facilitating economical and suitable arrangements for buildings, streets, utilities and other land use features.

### Section 16.2 Qualifying Conditions

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At a minimum, all proposed planned unit developments shall meet the following qualifying conditions, as applicable, to be considered for approval:

- A. *Location.* Planned unit developments may be located in any part of the Village, subject to meeting all other applicable requirements.
- B. *PUD Purpose:* The applicant shall demonstrate that the planned unit development will achieve two or more of the purposes listed in *Section 16.1*.
- C. *Size:* The minimum site size for a planned unit development shall be based on the type of development, as shown in Table 16.1. Sites containing less than the minimum required acreage may be approved by Village Council, if Council determines that the site will advance the purposes of the planned unit development District and:
  - 1. rezoning the property to PUD will not result in a significant adverse effect upon nearby properties;
  - 2. the proposed uses will enhance the character of the surrounding area;
  - 3. the purpose and qualifying conditions of the PUD District can be achieved within a smaller area; and
  - 4. PUD zoning is not being used as a means to circumvent conventional zoning requirements.

<b>Table 16.1: Minimum Site Size</b>	
<b>PUD Type</b>	<b>Minimum Required Site Size</b>
Mixed Use (residential/non-residential)	2 acres

- D. *Utilities:* The planned unit development shall be served by public water and sanitary sewer facilities.
- E. *Ownership and Control:* The tract(s) of land for which a PUD application is submitted must be either in single ownership or the subject of an application filed collectively by all owners of the property. Each property owner, or their agent, must sign the PUD application.
- F. *Recognizable Public Benefit:* The planned unit development shall achieve recognizable and substantial benefits that may not be possible under the existing zoning classification(s). At least two of the following benefits shall be accrued to the community as a result of the proposed PUD:
1. Removal or renovation of deteriorating buildings, sites or contamination clean-up,
  2. A complementary and desirable mix of land uses or housing types,
  3. Connectivity of pedestrian spaces with adjacent parks, public spaces, greenways, public trails, or commercial centers;
  4. Preservation of significant natural features, including mature trees;
  5. Creation of significant public spaces, including but not limited to plazas, greens, squares, outdoor eating areas, enhanced streetscapes, parks, and pocket parks;
  6. Coordinated development of multiple small lots or parcels.

### **Section 16.3 Permitted Uses**

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Any land use or combination of land uses listed as permitted, conditional, or accessory in any B or C district, as well as the uses listed in Table 16.2 may be considered for inclusion within a planned unit development. Any use labeled in Table 16.3 shall not be permitted within a PUD District.

<b>Table 16.2 Allowable Uses</b>
Restaurants, not including drive-thru facilities
Bars, restaurants, taverns, microbreweries serving alcoholic beverages, not including drive-thru facilities
Grocery stores, food markets
Drug stores

<b>Table 16.3 Prohibited Uses</b>
Drive-thru services
Outdoor storage
Funeral home or mortuary
Self-storage facilities, unless used specifically for businesses or residents on-site
Kennels

Day-care facilities
All automotive and transportation facilities or uses
Utility substation
Adult care facility for 6-16 persons (adult group home)
Residential facility for 9-16 persons (group home)
Sexually oriented businesses

## Section 16.4 Development Requirements

- A. *Minimum Lot Size and Zoning Requirements:* Lot area, width, setbacks, height, lot coverage, minimum floor area, landscaping, lighting and other requirements for the district specified in the following table for the proposed use shall apply to all such uses within a planned unit development, unless modified in accordance with the provisions of Section 16.4B. Parking standards as required for each use shall comply with Article X (10), unless modified in accordance with the provisions of Section 16.4B.

The minimum requirements for each

Land Use Type	Applicable Zoning District
Two family residential	B-1
Four family residential	B-2
Multiple family residential	B-3
All other allowable uses	C-1

- B. *Modification of Minimum Requirements:* District regulations applicable to a land use in the planned unit development may be altered from the requirements specified in Table 16.4, including but not limited to, modification from the lot area and width, building setbacks, height, lot coverage, signs and parking.
- C. The applicant for a planned unit development shall identify, in writing, all proposed deviations from the zoning district requirements. Modifications may be approved by Village Council during the preliminary development plan review stage, after Zoning Commission recommendation. Adjustments to the minimum requirements may be permitted only if they will result in a higher quality and more sustainable development, consistent with the purpose of the planned unit development District, as expressed in Section 16.1.
- D. *Common Public Space:* For purposes of the planned unit development requirements, "common public space" is defined as an improved area intended for the perpetual use and enjoyment of the users of the development and/or the general public. Common public space may contain accessory structures and improvements necessary or desirable for educational, noncommercial, recreational or cultural uses. A variety of public space areas are encouraged such as: formal parks, terraces, plazas, squares, picnic areas and playgrounds; pathways and trails. At a minimum, the following regulations shall apply to all common public space within a planned unit development:

1. The area of common public space shall not be less than 10 percent of the total land area in the development. Land dedicated for recreation shall count toward the common public space requirement. All common public space shown on the Final Development Plan must be reserved or dedicated by conveyance of title to a corporation, association or other legal entity, by means of a restrictive covenant, easement or through other legal instrument. The terms of such legal instrument must include provisions guaranteeing the continued use in perpetuity of such open space for the purposes intended and for continuity of proper maintenance of those portions of the open space requiring maintenance.
2. The public space shall meet the following minimum dimensional, contiguity and connectivity requirements:
  - a. The required open space shall be prominently located, along the street frontage of the development to protect or enhance views, located to preserve significant natural features, adjacent to dwellings or commercial users, and/or located to interconnect other open spaces throughout the development or on contiguous properties.
  - b. Required open space areas shall be of sufficient size and dimension and located, configured, or designed in such a way as to achieve the applicable purposes of these regulations and enhance the quality of the development. The open space shall neither be perceived nor function simply as an extension of the rear yard of those lots abutting it.
  - c. If the site contains a lake, stream or other body of water, the Village may require that a portion of the required open space shall abut the body of water.
  - d. All required open space areas shall be configured so the open space is reasonably accessible to and usable by residents, visitors and other users of the development.
  - e. Open space areas are encouraged to be linked with any adjacent open spaces, public parks, bicycle paths or pedestrian paths.
  - f. A sign, structure, or building may be erected within the required public space if it is determined to be accessory to a recreation or conservation use or an entryway. These accessory structure(s) and building(s), shall not exceed, in the aggregate, one percent of the open space area. Accessory structures or uses of a significantly different scale or character than abutting residential districts shall not be located near the boundary of the development if they may negatively impact the residential use of adjacent lands as determined by the Zoning Commission.
  - g. The following areas shall not qualify as required common open space for the purposes of this section.
    - i. The area within any public street right-of-way.
    - ii. The area within private road easements.
    - iii. Any easement for overhead utility lines.
    - iv. Fifty percent of any steep slopes (12 percent or over) and habitats of endangered species.
    - v. Land within any required yard or setback area.
    - vi. Parking and loading areas.

E. *Connectivity:* Pathways for bicycles and pedestrians shall be incorporated throughout the planned unit development and along all perimeter streets to ensure connectivity between uses and with adjacent properties

F. *Parking:* Parking standards as required in Article X shall apply.

G. *Architecture*. The architectural design of buildings must create and enhance the community image. Scale will play an important role in the creation of pedestrian-friendly mixed use development patterns. The regulations of this section are intended to establish a unified character within the district without strict regimentation that would compromise individual style and creativity.

a. Architectural Style & Building Composition

- i. Variations in facade elements shall be incorporated into all sides of buildings to minimize the perceived mass and scale:
  1. Variations in color and/or texture shall be used.
  2. Any building facade that faces a public street shall be architecturally varied to avoid monotony or the appearance of a blank wall. Compositions that express rhythms and patterns such as windows, columns, pilasters, trellises, wall indentations, arcades, material changes, awnings, canopies, porticos, clerestory, brackets, arches or other features shall be incorporated into the building design in approximately 15 to 35 foot increments to “break-up” the building façade and add interest along the street edge.
- ii. Main entrances shall be clearly identifiable from primary driveways and drop-offs:
  1. Building entrances shall contrast with the surrounding wall plane.
  2. Tinted glass, painted doors, or recessed features shall be used to create a shaded effect.
  3. Doorways shall be framed.
  4. Primary entrances shall be accessible to handicapped users without complex ramp systems.
  5. Buildings must incorporate variation in height, mass, roof forms and changes in wall planes in the architectural design to mitigate the linear effect of “strip” development. Physical separation of one building into two or more buildings or façade changes that give the appearance of two or more buildings shall be employed.
  6. To provide continuity and harmony, some of the materials and architectural features used on the street-facing façade(s) shall be incorporated into all other façades that are visible from a public street, alley, residential use, or parking area.
  7. The minimum height of all buildings within this district shall be 16 feet.
  8. The width of building façades along a public street shall be a minimum of 60 percent of the lot width. Significant architectural appurtenances (such as balconies and porches) or outdoor activity space accessory to the use of the building (such as restaurant seating) may be included in the minimum width calculation.

b. Building Materials.

- i. Exterior building materials shall be factory finished, stained, integrally colored, or otherwise suitably treated. Materials shall be limited to:
  1. Brick
  2. Stone veneer; cultured or natural
  3. Insulated glazing and framing systems
  4. Architectural pre-cast concrete

5. Painted or stained site-cast concrete
  6. Architectural concrete
  7. Factory finished, standing seam metal roofing (for application to pitched roof systems only)
  8. Architectural metal as building accent only
  9. Wood
  10. Cementitious siding
- ii. Highly reflective materials such as bright aluminum or metal are not permitted as the primary building material.
  - iii. Smooth faced concrete block, tilt-up concrete panels, or metal siding is prohibited on any façade facing a street and not to exceed more than 25 percent of any other façade.
- c. Color.
- i. Colors shall be neutral and natural tones with low reflectivity. Accent and trim colors must complement the effect of the primary building color. Bold, brash, intense, bright, fluorescent, black or metallic accent colors are prohibited, unless approved by the Zoning Commission for very limited application.
  - ii. While subdued or muted colors generally work best as a dominant, overall color, a brighter color may be appropriate for accent elements, such as door and window frames, and architectural details.
  - iii. Color palettes for new buildings shall be compatible with the colors of adjacent structures. Architectural detailing shall complement the facade and coordinate with adjacent buildings. Roof colors shall be muted and compatible with the dominant building color.
- d. Roof Forms and Rooflines.
- i. Sloped roofs and roof facades shall be traditional materials, natural or simulated, such as slate, wood shakes, dimensional shingles, metal standing seam, or copper.
  - ii. One story buildings are required to have a sloped roof. Sloped roofs shall be a minimum 6/12 pitch and a maximum 12/12 pitch with the eave line at a minimum of 12 feet above grade.
  - iii. Buildings two stories or greater may have a flat roof but shall be required to incorporate a parapet wall and cornice treatment along the entire perimeter of the roof.
- e. Windows
- i. All building facades facing a street shall contain at least 60 percent window glass between the height of two feet and 10 feet above the nearest sidewalk grade. Such glass shall not be tinted more than 15 percent and permit a view of the building's interior to a minimum depth of four feet. The pattern of window glass shall continue around the corner of the building from the street frontage facade a minimum distance of 10 feet.
  - ii. Reflective glass is not permitted.
  - iii. The following standards apply to upper story windows, to ensure that any story above ground level continues a repeated pattern for unity and is integral to the building design. Upper story windows are generally smaller than storefront

windows at street level, are spaced at regular intervals and give scale and texture to the street edge formed by building facades.

1. For any new installation or replacement of upper story windows, the new/replacement windows shall be clear/non-tinted glass.
2. Windows shall not be blocked, boarded up, or reduced in size, unless otherwise required by code for securing a vacant structure.
3. At least 25 percent (as measured from floor to ceiling) of the façade facing a street and above the first floor shall be window glass.

f. Mechanical Equipment.

- i. All mechanical equipment such as compressors, air conditioners, antennas, pumps, heating and ventilating equipment, emergency generators, coolers, chillers, elevator penthouses, water tanks, stand pipes, satellite dishes and communications equipment, and any other type of mechanical equipment for the building shall be completely screened from view from the public right-of-way and from adjacent properties by walls, fences, roof elements, penthouse-type screening devices or landscaping, as applicable. All roof-mounted mechanical equipment shall be screened from public view to the height of the equipment. The design, colors and materials used in screening shall be architecturally compatible with the rooftop and the aesthetic character of the building.
- ii. There shall be no exterior fire escapes.
- iii. Ground-mounted mechanical equipment shall be located at the rear of the building or, if located along a side, shall be set back as far from the street-facing façade as practicable.

H. *All other requirements:* Unless otherwise stated, any development standard not addressed within this chapter shall conform to the development standards for each applicable zoning district as identified in Table 16.4.

## Section 16.5 Application Process

A. *Pre-application Conference.* Prior to submitting a formal application, the applicant shall schedule a meeting with the Village Manager to discuss the zoning classification of the site, the applicable requirements and materials, the qualifying conditions, the review procedures and the proposed development concept. The Village Manager shall notify other Village staff such as the Service Department Foreman, Fire Chief, and any professionals working on behalf of the Village. The purpose of this meeting is to discuss the proposed project and provide relevant information to the applicant. However, no statements or representations made at this meeting shall be construed to be a commitment or an assurance of approval on the part of the Village.

B. *Preliminary Planned Unit Development Review and Rezoning.* The following procedures shall be followed for the review of any planned unit development request.

1. Application. An application for rezoning to planned unit development District shall be submitted to the Village Manager by the owner, owner's authorized representative or option holder of the property that is the subject of the application. The application shall be filed on a form provided for that purpose, along with a fee established by the Village

Council, and a concept plan and narrative containing the information specified in the following subsections. Incomplete applications will not be accepted and will not be processed or forwarded to the Zoning Commission.

- a. Concept Plan. A Concept Plan shall be submitted and include the following:
  - i. Name, address, phone number and email address of the applicant
  - ii. Name, address, phone number and email address of the professional or firm that prepared the plan
  - iii. Legal description of the property
  - iv. North arrow, scale and title block
  - v. General location map
  - vi. Existing zoning on the subject property and all abutting properties
  - vii. Property boundary survey
  - viii. Adjacent buildings and structures within 100 feet of the property boundaries
  - ix. All perimeter streets abutting the property, including right-of-way width
  - x. Existing topographic conditions (two foot intervals)
  - xi. Existing natural features (woods, ponds, streams, wetlands, slopes greater than 12 percent)
  - xii. Approximate location of existing and proposed utilities, including a preliminary utility and drainage concept plan
  - xiii. Uses proposed within the planned unit development
  - xiv. Number and type of dwelling units proposed
  - xv. Conceptual layout of the development illustrating the general location of interior streets, access points to abutting streets, common open spaces, areas to be developed by type of use, parking areas and easements
  - xvi. Perspective sketches or photographs of representative building types, illustrating the proposed architectural style and building materials
  
- b. Project Narrative. A written statement shall also be submitted with the application, providing the following information:
  - i. Statement of how the planned unit development meets each of the Qualifying Conditions specified in Section 16.2
  - ii. Identification of the present owners of all land within the proposed project
  - iii. Explanation of the proposed character of the planned unit development, including a summary of acreage by use, number and type of dwelling units, gross density, area and percent of the project to be preserved as common open space, minimum lot sizes by type of use
  - iv. A complete description of any requested deviations, in accordance with Section 16.4 B, from the minimum spatial or other requirements applying to the property.
  - v. A general description of the proposed development schedule and anticipated phases.
  - vi. Intended agreements, provisions and covenants to govern the use of the development, approval of building materials and architectural styles and any common open space areas to be preserved
  
2. Zoning Commission Review. Following receipt of a complete application package, the Village Manager will cause the application materials to be forwarded to the Zoning Commission for review. Within 45 days after submission of a complete application and

all required plans and information, the Zoning Commission shall conduct a public hearing and make a recommendation to the Village Council, as follows:

- a. Notice of hearing. The following notices shall be provided:
    - i. Written notice of the hearing shall be mailed by first class mail from the office of the Village Manager to all property owners within 200 feet of the subject property. The notice shall be sent at least 10 days before the day of the hearing and shall contain the time, place and purpose of the hearing.
    - ii. Notice to the general public of the Commission's agenda shall be publicized in a newspaper of general circulation at least 20 days prior to the date of the hearing.
    - iii. Fourteen days prior to the date of the public hearing, the agenda of the Commission meeting shall be displayed on the Village's website and on the public bulletin board at Village Hall, containing information as to the time and place(s) at which the application and all related plans and information may be examined by the public.
  - b. Public hearing. The Zoning Commission shall conduct a public hearing in accordance with its rules of procedure.
  - c. Recommendation. Within 60 days following the public hearing, the Commission shall recommend to Council that the Preliminary Concept Plan and planned unit development zoning be approved as presented, approved with supplementary conditions, or disapproved. The recommendation shall be based on the standards of Section 16.6.
3. Village Council Action. Within 45 days of receiving the recommendation from the Zoning Commission, Council shall conduct a public hearing prior to taking final action on the request.
- a. Notice of hearing. The following notification shall be provided in advance of the hearing:
    - i. Notice shall be provided in one or more newspapers of general circulation in the Village at least once each week for two weeks, not less than 20 days prior to the date of the hearing.
    - ii. Written notice of the hearing shall be mailed by first class mail from the office of the Village manager to all property owners within 200 feet of the subject property. The notice shall be sent at least ten days before the day of the hearing and shall contain the time, place and purpose of the hearing. A failure to notify, as provided in this section, shall not invalidate any action taken by the Council.
  - b. Public hearing. The Village Council shall conduct a public hearing in accordance with its rules of procedure.
  - c. Action. Within 15 days of the public hearing, Council shall approve, approve with supplementary conditions or disapprove the Preliminary Concept Plan and zoning change, based on the standards of Section 16.6.
  - d. Failure of the applicant to comply with any conditions of approval shall be considered

a violation of the Zoning Code and subject to all applicable enforcement, remedies and penalties provided for in this Code.

C. *Final Planned Unit Development Review:* The following procedures shall be followed for the review of the Final Development Plan.

1. Timing. An application for Final Development Plan approval shall be filed not later than 24 months after the date of Village Council approval of the Concept Plan, otherwise the Concept Plan approval shall be considered expired. One extension of up to six months may be authorized by the Village Manager for reason/cause. The applicant shall submit the request for extension in writing to the Village Manager who shall make a written determination regarding his decision to extend or deny the extension. Both the request and the determination shall be made part of the record.
2. Pre-application Conference. Prior to submitting a formal application, the applicant shall schedule a meeting with the Village Manager to discuss the applicable requirements and materials, compliance with conditions that may have been imposed as part of the Concept Plan approval, review procedures and the proposed Final Development Plan. The **Village Manager** shall notify other Village staff such as the **Service Department Foreman**, **Fire Chief**, and any professionals working on behalf of the Village. The purpose of this meeting is to discuss the proposed project and provide relevant information to the applicant. However, no statements or representations made at this meeting shall be construed to be a commitment or an assurance of approval on the part of the Village.
3. Application. An application for approval of the Final Development Plan shall be submitted to the Village Manager by the property owner or owner's authorized representative. The application shall be filed on a form provided for that purpose, along with a fee established by the Village Council, including a Final Development Plan and narrative containing the information specified in the following subsections. Incomplete applications will not be accepted and will not be processed or forwarded to the Zoning Commission.
  - a. Final Plan. A Final Development Plan, substantially consistent with the approved Preliminary Concept Plan and containing with the application along with all the required information below:
    1. General Information
      - a. Date, north arrow, and scale
      - b. Name and firm address of the professional individual responsible for preparing site plan
      - c. Name and address of the property owner or petitioner
      - d. Location sketch
      - e. Legal description of the subject property
      - f. Size of subject property in acres or square feet
      - g. Boundary survey
      - h. Preparer's professional seal
    2. Existing Conditions
      - a. Existing zoning classification of subject property
      - b. Property lines and required setbacks (dimensioned)
      - c. Location, width and purpose of all existing easements

- d. Location and dimension of all existing structures on the subject property
  - e. Location of all existing driveways, parking areas and total number of existing parking spaces on subject property
  - f. Abutting street right-of-way width
  - g. Location of all existing structures, driveways, and parking areas within 300 feet of the subject property's boundary
  - h. Existing water bodies (rivers, creeks, wetlands, etc.)
  - i. Existing landscaping and vegetation on the subject property
  - j. Size and location of existing utilities
  - k. Location of all existing surface water drainage facilities
3. Proposed Development
- a. Location and dimensions of all proposed buildings
  - b. Location of all proposed drives (including dimensions and radii), acceleration/deceleration lanes, sidewalks, walls, fences, signs, exterior lighting, curbing, parking areas (including dimensions of a typical parking space and the total number of spaces to be provided), and loading and unloading areas
  - c. Type and location of exterior mechanical equipment
  - d. Setback for all buildings and structures
  - e. Recreation areas, common use areas, dedicated open space and areas to be conveyed for public use
  - f. Flood plain areas and basements and finished floor elevations of all buildings
  - g. Landscape plan (showing location, size and type of proposed materials)
  - h. Layout and typical dimensions of proposed parcels and lots, if applicable
  - i. Number of proposed dwelling units (by type), including typical floor plans for each type of unit
  - j. Number and location (by code, if necessary) of efficiency and one, two and three or more bedroom units
  - k. All deed restrictions or covenants
  - l. Brief narrative description of the project including proposed use, existing floor area (square feet), size of proposed expansion (square feet), and any change in the number of parking spaces
4. Engineering
- a. Proposed method of handling sanitary sewage and providing potable water
  - b. Location and size of proposed utilities, including connections to public sewer and water supply systems
  - c. Location and spacing of fire hydrants and fire department connections
  - d. Location and type of all proposed surface water drainage facilities
  - e. Grading plan at no more than two foot contour intervals
  - f. Proposed streets (including pavement width, materials, and easement or right-of-way dimensions)
5. Building Details
- a. Typical elevation views of all sides of each building type
  - b. Gross and net floor area
  - c. Elevation views of building additions
  - d. Building height

6. Additional Information
  - a. Any other information required by the Village Manager, Zoning Commission and/or Village staff to demonstrate compliance with the review standards or other applicable provisions of this code
  - b. Project Narrative. A project narrative shall also accompany the application and Final Development Plan and provide the following:
    - i. proposed covenants and/or deed restrictions governing the use, design, maintenance, ownership and control of development and common areas;
    - ii. identification of the entity responsible for maintenance of common areas;
    - iii. description of all deviations from the otherwise applicable zoning requirements;
    - iv. net and gross density of any residential component of the project;
    - v. open space calculations, identifying the gross acreage and percent of lands to be preserved as common open space, including calculations by phase of the development, if applicable.
    - vi. restrictions or requirements regarding architectural style and/or building materials;
    - vii. improvements that would be the responsibility of the developer such as construction of roads, parks, utilities, pathways, sidewalks and similar elements; and
    - viii. an anticipated development schedule by phase, if applicable.
4. Phased Projects. If a proposed planned unit development is to be constructed in two or more phases, Final Development Plan approval may be granted for individual phases; provided, a complete plan for the entire development was first given Concept Plan approval and that each subsequent phase shall be submitted for Final Development Plan approval and is consistent with the approved Concept Plan. The Zoning Commission may require additional information beyond what is otherwise required if, in its judgment, more detailed information is necessary due to the size of the development; number of phases proposed; or the interrelationship of roads, utilities or drainage systems within the total site.
5. Zoning Commission Review. Following receipt of a complete application package, the Village Manager shall cause the application materials to be forwarded to the Zoning Commission for review. Within 45 days after submission of a complete application and all required plans and information, the Zoning Commission shall consider the application and take action to approve, approve with supplementary conditions or disapprove the Final Development Plan, based on the review standards of Section 16.6.
6. Performance Guarantee. In conjunction with the approval of a Final Development Plan, the petitioner may be required to provide a performance guarantee for all public and common improvements.

## **Section 16.6 Review Standards**

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In considering a planned unit development request, the Zoning Commission and Village Council shall find that the proposed development meets all applicable requirements and qualifying conditions, as well as the following general standards:

- A. *Purpose of PUD.* The proposed development shall be consistent with the stated Purpose of this district, as found in Section 16.1.
- B. *Qualifying Conditions.* The proposed development shall satisfy each of the Qualifying Conditions, as stated in Section 16.2.
- C. *Surrounding Uses.* The development shall be compatible with or enhance the existing and intended uses surrounding the subject property.
- D. *Natural Environment.* The design and layout of the planned unit development shall be harmonious with the natural character of the site and surrounding area and shall employ best management practices to ensure their conservation.
- E. *Public Facilities and Services.* The proposed development shall not place undue burden on the capacity of public facilities and services such as, but not limited to, roads, fire and police protection, water, sanitary sewer service and drainage.
- F. *Protects Health, Safety and Welfare.* The planned unit development shall not contain uses or conditions of use that may be injurious to the public health, safety or welfare.
- G. *Consistent with All Applicable Standards and Requirements.* The proposed development shall conform to all applicable requirements of this Code, unless specifically modified and approved, as authorized by Section 16.4 B.
- H. *Final Development Plan.* The Final Development Plan is substantially consistent with the representations made and plans shown during the prior Concept Plan stage of approval.
- I. *Recognizable and Substantial Benefits.* Approval of the planned unit development will result in a recognizable and substantial benefit to the users of the project and to the community, which would not otherwise be feasible or achievable under conventional zoning districts.

### **Section 16.7 Commencement of Construction**

Construction shall have commenced and proceeded meaningfully toward completion within 12 months of the date of Final Development Plan approval, in accordance with the following:

- A. If construction has not commenced within 12 months, the applicant may request one extension of up to 12 additional months. The request shall be submitted, in writing, to the Zoning Commission prior to the expiration of the original 12 month time limit and shall provide reasonable evidence to the effect that unforeseen difficulties or special circumstances have been encountered, causing delay in commencement of the PUD. If an extension is not requested or is not submitted prior to the expiration of the original time limit, the PUD final development plan shall become null and void.
- B. In the event meaningful progress toward completion has not commenced within the original 12 month period or an approved extension, any building permits or other permits issued by the village for construction within the PUD shall be of no further effect.
- C. Following expiration of the time limits, the Village Council may initiate proceedings to rezone the PUD site to some other district(s).
- D. For purposes of this section, meaningful progress toward completion shall mean, at a minimum, all of the following: site clearing, rough grading, and installation of infrastructure improvements such as underground utilities.

### **Section 16.8 Changes to Approved Planned Unit Development**

Changes to an approved Final Development Plan shall be permitted only under the following circumstances:

- A. The holder of an approved Final Development Plan shall notify the Village Manager of any proposed change to the approved plan.
- B. Minor changes may be approved by the Village manager upon determining that the proposed revision(s) will not alter the basic design nor any specified conditions or commitments imposed as part of the original approval. Minor changes shall include the following:
  - 1. Reduction in building size or increase in building size up to five percent of the total approved floor area;
  - 2. Movement of building or other structures by no more than ten feet;
  - 3. Replacement of plant material specified in the landscape plan with comparable materials of an equal or greater size;
  - 4. Changes in building materials to a comparable or higher quality;
  - 5. Changes in floor plans which do not alter the character of the use;
  - 6. Changes in parking layout that do not alter the number of spaces by more than five percent of the total spaces within the parking area and do not change the location of driveways or roads providing access to the parking area.
  - 7. Changes required or requested by a county, state or federal regulatory agency in order to conform to other laws or regulations.
- C. A proposed change to an approved Final Development Plan that is determined by the Village Manager to not be a minor change shall be considered an amendment to the approved Final Development Plan and shall be submitted and reviewed in accordance with the procedures established for the Final Development Plan. When, in the sole judgment of the Zoning Commission, the proposed change is a substantial deviation from the approved Concept Plan, the change shall be reviewed as a Concept Plan, in accordance with the provisions of Section 16.5 B; provided, public hearings shall not be required, but may be conducted at the discretion of the Zoning Commission and/or the Village Council.