

**CITY OF PARK RIDGE**

**ORDINANCE NO. 2017-23**

**AN ORDINANCE AMENDING THE ZONING ORDINANCE OF THE CITY OF PARK RIDGE  
REGARDING COMMERCIAL DISTRICT PURPOSES AND PLANNED DEVELOPMENTS  
(17-05-TA)**

**WHEREAS**, the City of Park Ridge is an Illinois home rule municipality operating under the Constitution and Laws of the State of Illinois;

**WHEREAS**, pursuant to its home rule powers and 65 ILCS 5/11-13-1 *et seq.*, the City has enacted zoning regulations that have been codified as the Zoning Ordinance of the City of Park Ridge (“the Zoning Ordinance”); and

**WHEREAS**, in accordance with Section 4.8 of the Zoning Ordinance, proposed amendments to the Zoning Ordinance pertaining to purpose statements for commercial districts and planned developments were referred to the Planning and Zoning Commission (“P&Z”) for public hearing and recommendation; and

**WHEREAS**, pursuant to legal notice required by law, including notice by local newspapers of the *Chicago Tribune* Media Group on February 9, 2017, a public hearing on the proposed amendments was opened on February 28, 2017 and continued to March 14, 2017, and at the conclusion of the public hearing the P&Z recommended in favor of the adoption of the proposed amendments regarding purpose statements for commercial districts and planned developments; and

**WHEREAS**, the P&Z considered the standards for zoning amendments found in Table 1 of Section 4.8 of the Zoning Ordinance, and upon conclusion of the public hearings voted [insert votes] to recommend adoption of the proposed amendments regarding purpose statements for commercial districts and planned developments; and

**WHEREAS**, The City Council has duly considered the recommendations of the Planning and Zoning Commission as well as the standards for text amendments found in Table 1 of Section 4.8 of the Zoning Ordinance; and

**WHEREAS**, the City Council finds and determines that it is in the best interests of the City and its residents to amend the Zoning Ordinance, as set forth in this Ordinance; and

**BE IT ORDAINED** by the City Council of the City of Park Ridge, Cook County, Illinois, pursuant to its home rule authority provided under Article VII of the Illinois Constitution of 1970 as follows:

**SECTION 1: Recitals.** The recitals set forth above are hereby incorporated into and made a part of this Ordinance as if fully set forth in this Section 1.

**SECTION 2: Purpose Statement for Commercial Districts.** Paragraphs B and C, entitled “Purpose of B-1 Retail and Office District,” and “Purpose of B-2 General Commercial District” respectively, of Section 8.1, entitled “Commercial Districts Purpose,” of the Zoning Ordinance are amended as follows:

## **B. Purpose of B-1 Retail and Office District**

The B-1 Retail and Office District is intended to provide an environment suitable for a variety of retail, service, office and mixed (residential above ground-floor commercial) uses. Additionally, this district is intended to accommodate uses that: provide for the needs of local residents; are oriented to pedestrian access; generate relatively minimal vehicular traffic; and have minimal off-street parking demands. Areas within the district should have access to major streets and/or public transportation and may be located adjacent to residential districts.

## **C. Purpose of B-2 General Commercial District**

The B-2 General Commercial District is intended to provide an environment suitable for a variety of retail, service and office uses that have higher traffic, illumination and other operational impacts on surrounding areas than those in the B-1 District. Additionally, this district is intended to accommodate uses that: serve both local and regional patrons; are oriented to the demands of heavy vehicular traffic, and provide for relatively high off-street parking demands. Ideally, areas within this district should be adjacent to major streets and should be either physically separated or adequately buffered from R-1 and R-2 residential areas.

**SECTION 3: Planned Developments.** Section 5, entitled "Planned Developments," of the Zoning Ordinance is amended in accordance with **Exhibit A**, as though fully restated in this Ordinance.

**SECTION 4: Superseding Effect.** The specific terms and conditions of this Ordinance shall prevail against other existing ordinances of the City to the extent of any conflicts.

**SECTION 5: Effective Date.** This Ordinance shall be in full force and effect from and after its passage, approval and publication in pamphlet form as provided by law.

**SECTION 6: Publication.** The City Clerk is hereby authorized and directed to publish this Ordinance in pamphlet form according to law.

Adopted by the City Council of the City of Park Ridge, Illinois this 5<sup>th</sup> day of April, 2017.

VOTE:

AYES:	Ald. Van Roeyen, Moran, Shubert, Milissis, Mazzuca, Melidosian, and Maloney
NAYS:	None
ABSENT:	None

Approved by me this 5<sup>th</sup> day of April, 2017.

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Acting Mayor Marty Maloney

Attest:

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Betty W. Henneman, City Clerk

**EXHIBIT A TO ORDINANCE 2017-21 AMENDING THE ZONING ORDINANCE OF THE CITY OF PARK RIDGE  
REGARDING COMMERCIAL DISTRICT PURPOSES AND PLANNED DEVELOPMENTS**

## **Section 5, Planned Developments**

<b>5.1</b>	<b>PURPOSE</b>
<b>5.2</b>	<b>INITIATION</b>
<b>5.3</b>	<b>AUTHORIZATION</b>
<b>5.4</b>	<b>GENERAL STANDARDS FOR PLANNED DEVELOPMENTS</b>
<b>5.5</b>	<b>EXCEPTIONS FROM DISTRICT REGULATIONS</b>
<b>5.6</b>	<b>PROCEDURE</b>
<b>5.7</b>	<b>CHANGES TO PLANNED DEVELOPMENTS</b>
<b>5.8</b>	<b>REVOCATIONS AND EXTENSIONS</b>
<b>5.9</b>	<b>CONDITIONS AND GUARANTEES</b>
<b>5.10</b>	<b>ISSUANCE OF PERMITS</b>
<b>5.11</b>	<b>ENFORCEMENT OF PLANNED DEVELOPMENT</b>

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### **5.1 PURPOSE**

The purpose of these planned development regulations is to:

- A.** Encourage flexibility in the development of land and in the design of structures.
- B.** Encourage planned diversification in the location of structures.
- C.** Encourage a creative approach to the use of land that results in better development and design than might otherwise be accomplished under the strict application of other Sections of this Ordinance.
- D.** Provide for the efficient use of land to facilitate a more effective arrangement of land uses, buildings, circulation systems and utilities.
- E.** Provide for more usable and suitably located open space and recreation areas than might otherwise be provided under the application of other Sections of this Ordinance.
- F.** Encourage the construction of appropriate aesthetic amenities which will enhance the character of the site.
- G.** Guarantee quality construction commensurate with other developments within the community, and compatible with the character of the surrounding area and adjoining properties.

- H. Facilitate the implementation of the Comprehensive Plan, particularly with respect to areas designated for potential redevelopment within the Plan.
- I. Provide for the development of unique land areas and sites that would not be possible under the strict application of the other Sections of this Ordinance.
- J. Encourage quality construction and design through an efficient application procedure which is sensitive to the need for expeditious development review.

## **5.2 INITIATION**

Applications for planned developments may be filed by an owner of any property in the City for that property, in accordance with the provisions of Section 5.3 (Authorization).  
(Ordinance 2008-65, 9/2/2008)

## **5.3 AUTHORIZATION**

A planned development may be authorized as a special use in all zoning districts except the R-1 and R-2 Districts. A planned development shall be granted in accordance with the procedures and standards of this Section, and the special use provisions of Section 4.6 (Special Use). Unless specifically approved by the ordinance granting or amending the planned development as a special use, the requirements of the underlying district shall apply. The ordinance granting or amending the planned development as a special use may depart from the normal procedures, standards and other requirements of this Ordinance. Planned developments are not intended to serve as a means by which an applicant seeks to circumvent normal zoning or other land use regulations. The Planning & Zoning Commission may recommend, and the City Council may approve, specific conditions when recommending or authorizing a Planned Development.

## **5.4 GENERAL STANDARDS FOR PLANNED DEVELOPMENTS**

- A. The site of the planned development shall be under common ownership and/or unified control. If there are two (2) or more owners, the application for the planned development shall be jointly filed by all such owners.
- B. With the exception of the B-4 Uptown Business District, the minimum zoning lot area for planned developments shall be twenty-thousand (20,000) square feet. In the B-4 Uptown Business District there shall be no minimum size requirement.
- C. The ordinance authorizing the special use for a planned development may grant exceptions to the regulations contained in this Ordinance including, but not limited to, use, density, area, bulk, off-street parking and loading, and signs, as may be desirable to achieve the objectives of the proposed planned development, provided that such exceptions are fully consistent with and authorized by this Section.

- D. Planned developments shall be compatible with the purpose and intent of this Ordinance and the City's Comprehensive Plan. A planned development shall not substantially diminish the market value of surrounding properties, and it shall cause no substantial impairment of the use of those properties.
- E. Planned developments shall not adversely affect the natural environment of the community as a whole. Natural assets and features, such as existing trees and native vegetation, shall be protected and preserved to the greatest extent practical.
- F. The site shall be accessible to public streets that are adequate to carry the traffic that will be generated by the proposed development. The streets and driveways within the proposed development shall be adequate to serve the uses within the development. The applicant shall be responsible for the cost and installation of additional traffic controls and regulating devices that are required.
- G. All proposed streets, alleys and driveways shall be adequate to serve the residents, occupants, visitors or other anticipated traffic. The planned development may be designed to discourage outside through traffic from traversing the development. Access points to public streets, and the location of private streets, alleys and driveways shall be subject to the approval of the Planning and Zoning Commission when granting the special use.
- H. The pedestrian circulation system and its related walkways shall be located to provide for separation of pedestrian and vehicular movement and for maximum pedestrian safety.
- I. All planned developments shall provide for underground installation of utilities, including electricity, cable and telephone. Provisions shall be made for acceptable design and construction of storm sewer facilities and appropriate storm retention and detention devices. The construction and maintenance of all utilities, roadways, parking facilities and other site improvements shall be in accordance with the requirements of this Ordinance and other regulations of the City.

## **5.5 EXCEPTIONS FROM DISTRICT REGULATIONS**

- A. The Planning and Zoning Commission may recommend and the City Council may grant exceptions to the district bulk regulations where a planned development is located. The planned development is subject to the underlying district regulations unless such exception is granted. Exceptions from district regulations may be granted for planned developments with respect to height, density, bulk regulations and setbacks, off street parking and loading, landscaping and screening and signage, if the City Council finds that allowing such exceptions:
  - 1. Enhances the overall merit of the planned development.
  - 2. Promotes the objectives of both the City and the development.

3. Enhances the quality of the design of the structures and the site plan.
  4. Enables the development to offer environmental and pedestrian amenities.
  5. Will not cause such an adverse impact on neighboring properties so as to outweigh the benefits of the development.
  6. Is compatible with the land use policies of the City's Comprehensive Plan.
  7. Provides a public benefit to the City, as described in Paragraph C below.
- B.** The planned development is subject to the underlying district use regulations unless the Planning and Zoning Commission recommends and the the City Council permits uses other than those allowed within the district when it is determined by the City Council to be desirable in achieving the objectives of the planned development. However, there must be clear evidence that such uses: 1) are desirable and appropriate with respect to the primary purpose of the development; and 2) are not of such a nature, or so located, as to exercise a detrimental influence on the development or the surrounding neighborhood.
- C.** The underlying zoning district requirements shall apply, unless an exception is granted by ordinance as part of the approved special use. Exceptions to district regulations may be granted where it is determined that such modifications shall not negatively affect the value and enjoyment of surrounding property, the provision of municipal services, or the flow of traffic. To be granted such exceptions, the planned development applicant must demonstrate superior design and enhanced amenities. In no case shall an exception to district regulations within a planned development be granted unless the applicant demonstrates a substantial benefit to the City. Design characteristics and amenities to be considered in this determination shall include, but are not limited to the following:
1. Landscaping, buffering or screening within or around the perimeter of the planned development that is in addition to the minimum required by this Ordinance.
  2. The provision of underground parking, and additional landscaping and screening of parking lots and structures in addition to the minimum required by this Ordinance.
  3. Reduced use of impervious surface materials, including cluster development and use of semi-pervious materials such as grass-crete.
  4. Design characteristics including, but not limited to, mixed-use development, circulation systems that utilize alleys or traffic-calming techniques, and a pedestrian-oriented environment.
  5. Use of sustainable design and green architecture such as: green roofs and other energy efficient design concepts; water conservation; environmental sensitivity; new building technologies; Leadership in Energy and Environmental Design (LEED) techniques; and xeriscaping (water conservation landscaping).

6. Community amenities including plazas, malls, formal gardens, places to congregate, outdoor seating, public art, and pedestrian and transit facilities.
7. Preservation of environmental features.
8. Preservation of historic features.
9. Open space and recreational amenities that are available to the public such as:
  - a. Swimming pools
  - b. Tennis courts
  - c. Recreational open space accessory buildings
  - d. Jogging trails and fitness courses
  - e. Playgrounds
  - f. Natural water features, wetlands and conservation areas
  - g. Detention areas which are accessible to occupants or the public via nature trails, boardwalks, and/or perimeter walkways, but only if they are designed as natural water features and are landscaped with native vegetation
10. Additional public infrastructure improvements in addition to the minimum required by the planned development, such as new or repaved streets, installation of gutters and sewers, and traffic control devices to improve traffic flow.
11. An affordable housing set-aside of twenty percent (20%) or more of all units as either rental or for-sale, according to the U. S. Department of Housing and Urban Development (HUD) guidelines.
12. A senior housing set-aside, either rental or for-sale.
13. Provision of accessible dwelling units with accessible features beyond what is required by the Americans with Disabilities Act (ADA) or any other applicable codes.

## **5.6 PROCEDURE (Ordinance 2008-65, 9/2/2008) (Ordinance 2010-07, 1/18/2010)**

### **A. Pre-Application Consultation**

1. Staff Review. Prior to filing a formal application for a PD, the developer shall request on forms available from the City's Community Preservation and Development Department (CP&D), a concept plan and technical review by the

City's staff, including representatives from the Community Preservation and Development Department, the Fire Department, and the Public Works Department. Upon receipt of a complete application for such a review, the CP&D shall distribute copies of the application to appropriate staff and consultants, and schedule a meeting for the review. Unless agreed upon by the applicant, this meeting shall occur no later than 30 days after submission of a complete application. At a minimum, the application for concept plan and technical review shall include:

- a. A map showing the proposed development site and surrounding land uses.
  - b. Concept site plan showing location of streets, existing and proposed buildings, landscaping and subdivision of land.
  - c. Information regarding site topography, drainage, intentions for storm water management, and existing utilities.
  - d. Building materials with proposed materials.
2. **Technical Review Staff Meeting.** The advisory only. Nothing offered or said by the staff members shall be construed as approval of the project or approval of any particular element of the project. All advice and recommendations are subject to modification during later stages of the approval process. The purposes of the technical review staff meeting are to advise:
- a. Whether the proposed planned development appears to be in general compliance with the provisions of this Ordinance and other regulations.
  - b. Whether the proposed planned development will be in conformity with the Comprehensive Plan, and the goals and policies of the City for development.
3. **Post-Meeting Report.** Each member of the technical review staff will be given an opportunity to present recommendations on the concept plan, and the City shall provide a written report to the applicant containing a summary of the staff recommendations.

#### **B. Optional Concept Plan**

1. Before submitting a formal application for a planned development, the applicant may present a concept plan to the Planning and Zoning Commission. The purpose of this submission is to obtain information and guidance prior to entering into binding commitments or incurring substantial expense. At minimum, such a concept presentation shall consist of the following:



- a. A map or maps in general form containing the proposed land uses, the natural features of the development site, the character and approximate location of all roadways and access drives proposed within the planned development, the location of all adjacent public streets, thoroughfares and public utilities, and schematic drawings showing the size, character and location of buildings on the site.
    - b. A written statement containing a general explanation of the planned development, including a statement of the present ownership of all the land within the development and the expected schedule of construction.
  - 2. The Planning and Zoning Commission shall review the concept plan, and may provide such information and guidance as it deems appropriate. Any opinions or advice provided by the Commission shall in no way be binding with respect to any official action the Commission or City Council may take on the subsequent formal application. The review of the concept plan shall not be a public hearing, and any failure to observe formal procedures shall not affect the validity of any decision of the Commission or the City Council.
- C. Application for a Special Use for a Planned Development. (Including Review of the PD Preliminary Development Plan/Plat/Plat Procedure)**

Applications for planned developments shall be filed with the Zoning Administrator, in accordance with the requirements of Section 3.2 (Application) and shall contain a PD Preliminary Development Plan/Plat. Upon receiving a complete application, the Zoning Administrator shall forward the application and PD Preliminary Development Plan/Plat to the Planning and Zoning Commission.

#### **1. Minimum Substantive Requirements**

Every application for a planned development and review of the PD Preliminary Development Plan/Plat shall contain the following:

- a. A plat of survey of the parcel or parcels of land comprising the zoning lot. The plat shall be drawn to scale showing the actual dimensions of this zoning lot, including all parcels or lots within the zoning lot. The plat shall be drawn in accordance with the recorded plat of such land.
- b. Proof of ownership.
- c. A site location map drawn to an appropriate scale showing the streets and all property uses located within six hundred (600) feet in all directions of the development site. The map shall indicate the location, height and use of all

existing buildings and structures on properties immediately adjacent to the development site.

- d.** A preliminary site plan drawn to an appropriate scale showing:
  - i.** The location, ground area, height, bulk and approximate dimensions of all existing and proposed buildings and structures within the planned development.
  - ii.** The use or uses to be made of such existing and proposed buildings and structures.
  - iii.** The dimensions of all perimeter setbacks and the distance between all buildings and structures.
  - iv.** The location and dimensions of all pedestrian walkways, driveways, streets, parking and loading facilities, including the number of parking spaces serving each building or land use type and all parking related screening and landscaping.
  - v.** The location, height, design and illumination characteristics of all external lighting fixtures within the development.
  - vi.** The location and dimensions of any areas proposed to be conveyed, dedicated or reserved for parks, parkways, playgrounds, places of worship, school sites, public buildings or for any other public or quasi-public use.
- e.** Typical building elevations and schematic design presentations indicating the general architectural character of all proposed buildings and structures. The drawings need not be the result of final architectural decisions and need not be in detail.
- f.** A traffic circulation plan indicating the proposed movement of vehicles, goods and pedestrians within the planned development and to and from adjacent streets. The plan shall address the impact of the proposed planned development upon existing traffic patterns. Such study shall also include an examination of the adequacy of on-site parking facilities, vehicular circulation patterns and pedestrian access and safety.
- g.** A drainage plan indicating the manner in which surface drainage will be controlled and managed.
- h.** A utilities study prepared by a qualified professional indicating the adequacy of the utility systems serving the proposed planned

development, including water distribution lines, sanitary sewers and storm water drainage facilities.

- i. A preliminary landscape plan prepared by a qualified professional indicating the general character of all proposed landscaping, screening and fencing, including all open space areas around buildings and structures. The landscape plan need not be the result of final architectural decisions and need not be in detail.
- j. A separate schedule setting forth any proposed exceptions to any City regulations. The schedule shall include, but not necessarily be limited to, the regulations governing use, density, area, bulk, off street parking and loading and signs as they apply to the zoning district or districts within which the planned development is to be located. This schedule shall cite by Section number each and every regulation from which an exception is sought.
- k. Such other documentation as the Planning and Zoning Commission may, by general rule, require.

## **2. Procedural Requirements**

The procedure for approval of the Planned Development shall be:

- a. The Planning and Zoning Commission shall conduct a public hearing for the approval of the special use for a planned development and for review of the PD Preliminary Development Plan/Plat, in accordance with Section 3.4 (Public Hearing) no more than sixty (60) days after receipt of a complete application. Notice for the public hearing shall be in accordance with Section 3.3 (Public Notice). If, in the Planning and Zoning Commission's judgment, the application does not contain sufficient information to enable the Commission to properly discharge its responsibilities, or the Commission desires to review amendments to the submittals, the Commission may request additional information from the applicant. In that event, the sixty (60) day period shall be suspended pending receipt of all requested information. No planned development may be approved unless the PD Preliminary Development Plan/Plat is also approved.
- b. The Planning and Zoning Commission shall set forth, in writing, the respects in which the planned development is or is not in the public interest including, but not limited to, findings of fact on the following:
  - i. Is the site or zoning lot upon which the planned development is to be located adaptable to the unified development proposed?

- ii. Will the proposed planned development be detrimental to or endanger the public health, safety, comfort or general welfare of any portion of the community?
  - iii. Will the proposed planned development be injurious to the use and enjoyment of other property in the vicinity for the purposes already permitted?
  - iv. Will the proposed planned development diminish or impair property values within the neighborhood?
  - v. Will the proposed planned development impede the normal and orderly development and improvement of surrounding property for uses permitted in the zoning district?
  - vi. Is there provision for adequate utilities, drainage, off street parking and loading, pedestrian access and all other necessary facilities?
  - vii. Is there provision for adequate vehicular ingress and egress designed to minimize traffic congestion upon public streets?
  - viii. Are the location and arrangement of structures, parking areas, walks, lighting and appurtenant facilities, compatible with the surrounding neighborhood and adjacent land uses?
  - ix. Is there suitable landscaping for the portions of the proposed planned development which are not to be used for structures, parking and loading areas or access ways?
  - x. Is the planned development, in the specific location proposed consistent with the spirit and intent of this Ordinance and the Comprehensive Plan?
- c. Within forty-five (45) days of the close of the public hearing, the Planning and Zoning Commission shall take one of the following actions:
- i. Advise the applicant in writing of any recommended changes, additions or corrections to the PD Preliminary Development Plan/Plat. If such advice is given, the applicant may, within thirty (30) days, submit a revised PD Preliminary Development Plan/Plat for Planning and Zoning Commission consideration at a new public hearing. The applicant may do so without paying an additional filing fee. The Planning and Zoning Commission shall then recommend approval or denial of the Planned Development and submit its written recommendation to the City Council; or

- ii. Recommend denial of the application for the planned development; or
- iii. Recommend approval of the planned development (including the PD Preliminary Development Plan/Plat) and submit its written recommendation to the City Council.

### **3. City Council Action**

The City Council, after receipt of the recommendations from the Planning and Zoning Commission, shall approve, modify or deny the Planned Development within thirty (30) days following the receipt of the written recommendations of the Planning and Zoning Commission. However, the City Council may, by motion, extend the thirty (30) day period.

- a. If the planned development is denied, the City Council shall state in writing the reasons for the denial, and such writing shall be filed with the Zoning Administrator and a copy shall be sent to the applicant.
- b. If the planned development is approved, the applicant shall submit a PD Final Development Plan/Plat for the planned development as set forth in (D) below.

### **4. Limitations on Denials**

If an application for a planned development has been denied, no application for substantially the same special use may be filed for a period of one (1) year from that date of denial. Whether the application is for “substantially the same” special use shall be within the discretion of the Zoning Administrator. (Ordinance 2011-61, 11/21/2011)

### **5. Effect of Approval**

Once a PD Preliminary Plan is approved, applicants shall proceed to the final plan/plat stage of the development review and approval process. Approval of the PD Preliminary Development Plan/Plat shall not constitute approval of the final plan/plat. Rather it shall be deemed an expression of the approval of the layout submitted on the PD Preliminary Plan/Plat.

## **D. PD Final Development Plan/Plat**

### **1. PD Final Development Plan/Plat Initiation**

Within one (1) year following the approval of the planned development, the applicant shall file with the Director for review by the Planning and Zoning

Commission a PD Final Development Plan/Plat. If the planned development is to be developed in phases, the applicant need only file a PD Final Development Plan/Plat for the first phase of development, as indicated in the development and construction schedule prescribed below. The PD Final Development Plan/Plat for the remaining phases shall be filed in accordance with the development and construction schedule. Every PD Final Development Plan/Plat shall contain the following information and documentation:

- a.** In final form, all of the information required for the PD Preliminary Development Plan/Plat.
- b.** A final site plan drawn to an appropriate scale on Mylar or other material suitable for recording with the Cook County Recorder of Deeds. The final site plan shall include the following information:
  - i.** Final designation of the location, ground area, height, bulk and exact dimensions of all existing and proposed buildings and structures within the planned development.
  - ii.** A detailed tabulation of each separate land use area, including land and building areas, and where applicable, the total number of residential dwelling units, the number of bedrooms in each unit, and the residential density.
  - iii.** The use or uses to be made of existing and proposed buildings or structures.
  - iv.** The dimensions of all perimeter setbacks and the distances between all buildings and structures.
  - v.** The final location and dimensions of all pedestrian walkways, driveways, streets, parking and loading facilities, including the number of parking spaces serving each building or land use type and all parking related screening and landscaping.
  - vi.** The exact location and dimensions of any areas to be conveyed, dedicated or reserved for parks, parkways, playgrounds, places of worship, school sites, public buildings or for any other public or quasi-public use.
- c.** An accurate legal description of the entire zoning lot upon which the planned development is to be located, and a legal description of each separate subdivided parcel, including any areas to be conveyed, dedicated or reserved for public or quasi-public uses.

- d. All covenants, easements, agreements and other provisions required to govern the use, maintenance and continued protection of the planned development, along with an agreement assuring that the applicant, any subsequent owner or, where applicable, a condominium or owners' association shall be responsible for snow plowing, refuse disposal, all street, utility and common area and open space maintenance within the development.
- e. All plats, certificates, seals and signatures required for the dedication or vacation of land and/or the recording of the final site plan.
- f. If subdivision of the development site is included in the planned development, a plat of subdivision shall be prepared suitable for recording with the Cook County Recorder of Deeds. Such plat of subdivision shall be prepared in the same form and meet the same specifications required for any subdivision as prescribed in the City's Subdivision Regulations. In like manner, if a vacation or dedication of a public street or alley is included, a plat of vacation or dedication shall be prepared.
- g. A detailed landscape plan based on final architectural decisions indicating the specific location and character of all landscaping, including the size and species of all trees, shrubs, hedges and other groundcover, the location, size and type of all screening and fencing and the location, height, design and illumination characteristics of all external lighting fixtures within the development.
- h. A detailed final utilities and drainage plan based on final architectural and engineering decisions indicating the size and location of all water distribution lines, sanitary sewers and storm drainage facilities required to serve the planned development and the manner in which surface drainage will be controlled and managed.
- i. Typical building elevations and schematic design presentations indicating the architectural character of all proposed buildings and structures based on final architectural decisions and prepared in detail.
- j. Detailed drawings and design presentations of all signs to be erected within the planned development in accordance with the applicable regulations contained in this Ordinance.
- k. A development and construction schedule indicating the following:
  - i. The date when construction of the planned development will begin or, if developed in phases, the date when construction of the initial phase will begin.

- ii. If the planned development is to be developed in phases, a map indicating the phases in which the planned development will be built, the dates when the PD Final Development Plans/Plats for all but the initial phase will be filed, and the approximate dates when construction of each subsequent phase will begin.
- iii. The date when construction of the planned development will be completed, and the date when a specific use or uses will be established, or if developed in phases, the date when construction of each phase will be completed, and the date when a specific use or uses will be established for each phase.

## **2. Approval of PD Final Development Plan/Plat**

The PD Final Development Plan/Plat shall be reviewed, and, if appropriate, approved as follows:

### **a. Review by the Planning & Zoning Commission**

The Planning and Zoning Commission shall review the PD Final Development Plan/Plat within thirty (30) days of certification by the Director that the application is complete. The review shall be for the purpose of determining whether the PD Final Development Plan/Plat is in conformity with this Section 5.6 and the approved planned development. Although comments may be taken from those in attendance, such review shall not be a public hearing. Standards for this review in determining conformity shall include, but may not be necessarily limited to:

- i. The number of dwelling units has not been increased; and
- ii. The heights of the buildings have not been increased; and
- iii. The exterior building materials are the same or of equal quality, type and quantity; and
- iv. The general quantities, quality, and type of landscaping have not been changed; and
- v. Final engineering does not substantially alter the design characteristics of the Preliminary Plan/Plat

### **b. Procedure after Review**



- i. If the Planning and Zoning Commission determines that the PD Final Development Plan/Plat is substantially changed from the approved planned development, or is otherwise not in accordance with City regulations, the Planning and Zoning Commission shall inform the applicant with regard to the specific areas found not to be in compliance. The applicant may then, within thirty (30) days of being so informed, resubmit the PD Final Development Plan/Plat to the Planning and Zoning Commission with changes to those areas found not to be in compliance. If upon resubmission and reconsideration, or if no resubmission is made within thirty (30) days, the Planning and Zoning Commission shall recommend to the City Council that approval of the PD Final Development Plan/Plat be denied.
- ii. If the Planning and Zoning Commission finds that the PD Final Development Plan/Plat is in conformity with the approved special use for a planned development and all other City regulations; then the Commission shall so certify to the City Council.
- iii. Within thirty (30) days of receipt of the Planning and Zoning Commission's certification, the City Council shall review the PD Final Development Plan/Plat. The City Council may then accept the certification of the Planning and Zoning Commission or may conduct its own review of the PD Final Development Plan/Plat. If the PD Final Development Plan/Plat is found not to be in conformity with the approved planned development or other City regulations, the City Council shall inform the applicant with regard to specific areas found not to be in compliance. The applicant may resubmit the PD Final Development Plan/Plat to the City Council with changes to those areas found not to be in compliance. The applicant may also resubmit the plan as a PD Preliminary Development Plan/Plat in conformance with the procedures for approval of a PD Final Development Plan/Plat.

**c. Approval**

After the approval of the PD Final Development Plan/Plat, the use of the land and the construction, modification or alteration of any buildings or structures within the planned development will be governed by the approved PD Final Development Plan/Plat and all other City regulations. If there is a conflict between the PD Final Development Plan/Plat and other regulations, the PD Final Development Plan/Plat shall prevail.

(Ord. No. 2008-65, 9-2-2008; Ord. No. 2010-07, 1-18-2010; Ord. No. 2011-61, 11-21-2011)

**5.7 CHANGES TO PLANNED DEVELOPMENTS**

No changes may be made in the approved PD Final Development Plan/Plat, except upon application to the City, according to the following provisions.

**A. Prior to Commencement of Construction**

No changes may be made prior to the commencement of construction, except that the City Council, by a 2/3 supermajority vote, may approve changes to the temporal schedule of the development.

**B. During Construction**

During the construction of the planned development, the procedure shall be as follows:

**1. Minor Changes**

Minor changes, as required by engineering or other physical site circumstances not foreseen at that time that the PD Final Development Plan/Plat was approved, and verified by the City Engineer, may be authorized by the Planning and Zoning Commission. Any changes to the PD Final Development Plan/Plat must be recorded as amendments to the planned development ordinance. If changes are allowed in a final site plan, then a new site plan reflecting such changes must be filed with the City noting the date of the changes.

**2. Major Changes**

Major changes are those changes that substantially affect the design, density or bulk of the development. All changes in land use, building height or density, or in the arrangement of lots, blocks and building tracts changes that substantially affect the basic design, density or bulk of the development shall be considered a major change, and must be approved by the City Council after a public hearing before the Planning and Zoning Commission and following the same procedures as required for the original planned development approval.

**C. After Construction**

After the completion of construction of the planned development, the procedure shall be as follows:

1. Any minor extension, alteration or modification of existing buildings or structures may be authorized by the Planning & Zoning Commission. No such change may increase the cubic area of any single building or structure by more than ten percent (10%).
2. If a building or structure that is totally or substantially destroyed, it may be reconstructed in compliance with the PD Final Development Plan/Plat. If it is to be reconstructed in a manner not in compliance with the PD Final Development Plan/Plat,

an amendment to the PD Final Development Plan/Plat, following the procedures for an amendment, shall be required.

3. All other changes in the PD Final Development Plan/Plat must be reviewed and approved by the City Council, under the procedure authorized for an amendment. No changes may be made in the PD Final Development Plan/Plat unless required for the continued successful functioning of the planned development, or unless required by changes in conditions that have occurred since the PD Final Development Plan/Plat was approved or according to changes in the development policy of the City.

(Ordinance 2010-07, 1/18/2010)

## **5.8 REVOCATIONS AND EXTENSIONS**

If construction work on the proposed planned development has not begun within eighteen (18) months from the date of the City Council's vote to approve the PD Final Development Plan/Plat, the approval of the special use for a planned development shall become null and void and all rights shall lapse. However, the applicant may request an extension, upon written application, filed prior to the expiration of the eighteen (18) month time limit. The City Council may authorize a single extension of not more than twelve (12) months without a public hearing. Any further extensions shall require a public hearing before the Planning and Zoning Commission

(Ordinance 2010-07, 1/18/2010)

## **5.9 CONDITIONS AND GUARANTEES**

Prior to granting any special uses, the Planning and Zoning Commission may recommend, and the City Council may stipulate, such conditions and restrictions upon the establishment, location, construction, maintenance and operation of the planned development as deemed necessary to guarantee performance of all conditions.

## **5.10 ISSUANCE OF BUILDING PERMIT**

Building permits may only be issued if the construction work in question is in conformity with the approved Plan PD Final Plan/Plat and with all other applicable ordinances and regulations.

## **5.11 ENFORCEMENT OF PLANNED DEVELOPMENT**

The Zoning Administrator shall periodically review all permits issued for the planned development in conjunction with the construction that has taken place on the planned development site, and compare actual development with the approved development and construction schedule.

(Ordinance 2010-07, 1/18/2010)