

CHAPTER 17 - PLANNED UNIT DEVELOPMENT DISTRICT

17.1 PURPOSE. This Chapter provides enabling authority and standards for the submission, review, and approval of applications to rezone property in the Village of Vermontville for Planned Unit Developments (PUD). It is the intent of this Section to authorize the consideration and use of Planned Unit Development regulations for the following purposes:

- A. To encourage the use of land in accordance with its character, features and adaptability.
- B. To promote the conservation of natural features and fragile lands and the preservation of important community resources.
- C. To encourage flexibility and innovation in land use and design to protect the rural character of the community and enhance the quality of life in the Village.
- D. To promote the efficient use of land to facilitate a more appropriate arrangement of buildings, circulation systems, land use and utilities.
- E. To promote the enhancement of housing diversity, shopping, traffic circulation, and recreational opportunities for the people of the Village.
- F. To promote and ensure greater compatibility of design and use between and among neighboring properties.

A Planned Unit Development must comply with this Article. The provisions of this Article are intended to result in land use and development substantially consistent with the underlying zoning, with modifications and departures from generally applicable requirements made in accordance with standards provided in this Article to ensure appropriate, fair, and consistent decision-making. The Planned Unit Development provisions are not intended as a device for ignoring the Zoning Ordinance or the planning upon which it has been based.

17.2 DEFINITION. A Planned Unit Development (PUD) shall consist of an area of the Village to be planned, developed, operated, and maintained as a single entity and containing one or more residential, recreational, commercial, industrial, public or quasi-public land uses configured as an integrated entity and carried out in conformance with an approved plan.

17.3 QUALIFYING CONDITIONS

- A. In order to be eligible for PUD rezoning, the proposed area shall consist of a minimum of five (5) acres.
- B. A PUD may be permitted in all zoning districts in accord with the terms of this Article and the Village of Vermontville Master Plan.

- C. The applicant must demonstrate that the PUD will result in a recognizable and substantial benefit to the ultimate users and occupants of the project and to the community, where such benefit would otherwise be unfeasible or unlikely. Such benefit may include, but shall not be limited to, the preservation of important natural features, wildlife areas, the provision of open lands, the provision of a mix of housing types or land uses, and/or innovation in design and project configuration.

17.4 DEVELOPMENT REQUIREMENTS

- A. In General. The Village shall evaluate each application for rezoning to PUD in accord with the approval standards set forth at Section 17.6, E.
- B. Density and Dwelling Unit Computation. The total number of residential dwelling units permitted in a PUD shall not exceed the base density for the site. The base density shall be determined by the following formula: The total area of any wetlands, floodplain, slopes in excess of eighteen percent (18%), existing rights-of-way and areas proposed for non-residential development (if any) shall be subtracted from the gross area of the site to determine the adjusted parcel acreage. The adjusted parcel acreage shall be multiplied by eighty-five percent (85%) to account for rights-of-way, drainage facilities and similar facilities, and the resulting product shall be divided by a minimum lot area reflective of the density objectives for the area as expressed in the Village's future land use plan, rounded to the nearest whole number. In the event the parcel includes more than one future land use area, the calculation set forth in this paragraph shall be applied to the portion of the site lying in such area and the result for all areas shall be summed.
- C. Landscaping and Grading. In order to keep all graded areas and cuts to a minimum, to eliminate unsightly grading and to preserve the natural appearance and beauty of the property as far as possible while enabling an economic development, specific requirements may be placed on the size of areas to be graded or to be used for building and on the extent of removal of trees and natural features. All areas indicated as natural open space shall be undisturbed by grading, excavation or structures to the greatest extent possible. Where drainage improvements, utility lines, hiking or bicycle paths or similar recreational improvements are to be placed in natural areas, best engineering and design practices shall be used to make such improvements as unobtrusive as practicable. The PUD Concept and Final Development Plan shall include provision for the retention of existing landscape features and for the installation of appropriate new plantings of varying species, dimensions and design.
- D. Permitted Uses Within a PUD. In the PUD District, the Planning Commission may permit any principal or accessory uses as are consistent with the design principles and purposes of this Section and the land uses in the general vicinity of the proposed project.

17.5 APPLICABLE REGULATIONS.

- A. Unless specifically recommended by the Planning Commission and waived by the Village Council through the provisions of Section 17.5, B below, all regulations of the underlying zoning district prior to the PUD rezoning relative to lot size, lot width, yard area, lot coverage, structure height, setback, signs, parking and loading, landscaping, general provisions and other applicable regulations shall apply. In projects with more than one underlying district, the regulations of the least restrictive district shall apply.
- B. Consistent with the Planned Unit Development concept, and to encourage flexibility and creativity in development, departures from the regulations outlined in the immediately preceding paragraph may be granted at the recommendation of the Planning Commission and upon the approval of the Village Board as part of the approval of a Planned Unit Development. Such departures may be authorized if there are features or planning mechanisms incorporated into the project which would achieve the objectives of each of the regulations from which a departure is being requested.
- C. The stages or phases of any PUD development shall be so structured and scheduled that, if later stages or phases of the development are not implemented, the initial stage(s) shall be consistent with the provisions of this Section and shall not detract from the feasibility of developing the remaining portion of the subject PUD area in an appropriate and desirable manner.
- D. Private roads within the PUD, if any, shall conform to the terms of Article One, Chapter 3 of the Village Code of Ordinances.
- E. The proposed location and arrangement of structures shall not have a detrimental effect on residents of existing developments in the vicinity of the proposed PUD. Open space shall be used as a transitional device to buffer surrounding uses, as appropriate.
- F. An important aspect of any PUD shall be the integration of land uses and design techniques to create a coherent, attractive and well-defined neighborhood. All Planned Unit Development proposals shall include comprehensive design principals and specific design and construction standards to achieve this result. These standards shall include, but not be limited to:
 - ◆ Landscaping, signage and lighting requirements,
 - ◆ Exterior construction style, materials and color schemes,
 - ◆ Building massing and orientation standards,
 - ◆ Pedestrian and vehicular traffic circulation standards, and
 - ◆ Phasing requirements to achieve a unified neighborhood at every phase.

17.6 APPLICATION AND PROCESSING PROCEDURES

- A. In General. The procedure for application, review and approval of a PUD shall be a two-part process. The first part shall be application and approval of a Preliminary Concept Plan, which shall require a public hearing and approval of the PUD as an amendment to the Vermontville Village official Zoning Map. Such action shall result in an amendment to this Zoning Ordinance and confer upon the applicant concept approval for one (1) year to complete the remainder of the PUD process. The second part of the review and approval process shall be the application for approval of a Final Development Plan for the entire project or for any one or more phases of the project. Final Development Plan approval shall require the grant of site plan approval by the Planning Commission pursuant to Chapter 21 of this Article.
- B. Preapplication Conference. Prior to the submission of an application for Planned Unit Development, the applicant shall meet with the Zoning Administrator, and/or such consultants as deemed appropriate. The applicant shall present at such conference, or conferences, a sketch plan of the Planned Unit Development, and the following information:
- 1) A legal description of the property in question;
 - 2) The total number of acres to be included in the project;
 - 3) A site analysis indicating all known natural resources and natural features and the most appropriate areas for development.
 - 4) A statement of the approximate number of residential units and/or the approximate number, type, and square footage of non-residential units;
 - 5) A Comparison Plan indicating the maximum number of dwelling units that may be developed on the site under the terms of the existing Zoning Ordinance, taking into account unbuildable areas as set forth in Section 17.4, B1.
 - 6) The approximate number of acres to be occupied and/or devoted to or by each type of use;
 - 7) Departures from the regulations of the Ordinance which may be requested;
 - 8) The number of acres to be preserved as open space or recreation space; and
 - 9) An outline of the proposed PUD design principals and the benefits that are expected to result from the adoption of the PUD provisions pertaining to the subject site.

Based on the preapplication conference, the Zoning Administrator shall provide the applicant with guidance as to the materials to be included in the preliminary concept plan as set forth in subparagraph C of this section. The Zoning Administrator may direct that a market study be prepared for some or all of the elements of the proposed project.

C. Preliminary Concept Plan: Following the above conference or conferences, twelve (12) copies of a Preliminary Concept Plan and application for a rezoning to Planned Unit Development shall be submitted. The submission shall be made to the Zoning Administrator who shall forward it to the Planning Commission for consideration at a regular or special meeting. The plan shall be prepared by a Licensed Professional Engineer, Community Planner or Architect and shall be accompanied by an application form and fee as determined by the Village Board. The Preliminary Concept Plan shall contain the following information unless specifically waived by the Zoning Administrator:

- 1) Date, north arrow, and scale which shall not be more than 1" = 100'.
- 2) Locational sketch of site in relation to surrounding area.
- 3) A site analysis indicating all known natural resources and natural features and the most appropriate areas for development.
- 4) Legal description of property including common street address.
- 5) Size of parcel.
- 6) All lot or property lines with dimensions.
- 7) General location of all buildings within one hundred (100) feet of the property lines.
- 8) General location and size of all existing structures on the site.
- 9) General location and size of all proposed structures on the site.
- 10) General location and dimensions of all existing and proposed streets, driveways, parking areas, including total number of spaces and typical dimensions.
- 11) General size and location of all areas devoted to open space.
- 12) Location and description of existing vegetation and general location and size of proposed landscaped areas and buffer strips.
- 13) All areas within the 100-year floodplain, wetland areas or bodies of water.
- 14) Existing topographical contours at a minimum of five (5) foot intervals.
- 15) A Comparison Plan indicating the maximum number of dwelling units that may be developed on the site under the terms of the existing Zoning Ordinance, taking into account unbuildable areas as set forth in Section 17.4, B.
- 16) An illustration of any project phases or stages
- 17) The size and location of water, sanitary sewer and stormwater utilities. In the event the proposed project is to be served by properly permitted community water and sanitary sewer systems in accord with Village policies, the Preliminary Concept Plan shall indicate the size, location and capacity of the proposed well and the location, capacity and type of treatment and discharge for the wastewater system.

- 18) Elevation renderings of key elements of the proposed project consistent with the design principals and standards of the project.
- 19) A narrative describing:
 - a) The nature and concept of the project including a detailed description of the design principals and standards to be achieved within the project.
 - b) The proposed density, number, and types of dwelling units if a residential PUD.
 - c) A statement describing how the proposed project meets the objectives of the PUD including the benefits that are expected to result from the adoption of the PUD provisions pertaining to the subject site.
 - d) A detailed description of the legal mechanisms and structures proposed to assure the perpetual maintenance of all open space proposed.
 - e) A statement from a registered professional engineer describing how the proposed project will be served by public water, sanitary sewer, and storm drainage or properly permitted community system s.
 - f) A narrative description of the phasing or staging plan
 - g) A specific listing of all departures from the regulations of the Ordinance which are requested.
 - h) A copy of the project market study, if required, shall be submitted with the narrative.
- 20) Proof of ownership or legal interest in property.
- 21) The name, address and phone number of the applicant.
- 22) The name, address and seal of the professional engineer, planner or architect that prepared the Plan.

D. Public Hearing. Prior to setting the public hearing, the applicant shall submit all required and requested information to the Village. Once complete, the Zoning Administrator shall transmit the complete application to the Planning Commission and schedule the Public Hearing before the Planning Commission. *Notice of the public hearing shall be delivered and published in accordance with Section 24.9 of this Ordinance.*

Revised 7-13-06/Revision E

E. Standards for PUD Approval. Following the public hearing, the Planning Commission shall take action on the rezoning application for a PUD pursuant to Article 25 of this Zoning Ordinance. The Planning Commission may recommend to the Village Board approval, denial or approval with conditions. In making its recommendation, the Planning Commission shall find that the proposed PUD meets the intent of this Section and the following standards:

- 1) Approval of a rezoning to Planned Unit Development will result in a recognizable and substantial benefit to the ultimate users of the project and to the community where such benefit would otherwise be unfeasible or unlikely to be achieved.
 - 2) In relation to underlying zoning, the proposed type and density of use shall not result in a material increase in the need for public services, facilities, and utilities, and shall not place a material burden upon the subject or surrounding land or property owners and occupants or the natural environment.
 - 3) The proposed development shall be compatible with the Master Plan of the Village.
 - 4) The Planned Unit Development shall not materially change the essential character of the surrounding area.
 - 5) The proposed development shall be under single ownership or control such that there is a single person or entity having responsibility for completing the project in conformity with this Ordinance. This provision shall not prohibit a transfer of ownership or control upon due notice to the Zoning Administrator.
 - 6) The proposed phasing plan is feasible and each of the proposed phases shall be capable of standing on its own and in conjunction with previously constructed phases in terms of the provision of all required services, facilities, open space and amenities to insure the protection of natural resources and the health, safety and welfare of the users of the PUD and surrounding residents .
- F. Village Board Approval. Upon receipt of the recommendation of the Planning Commission, the Village Board shall approve, deny or approve with conditions the application for a re-zoning to Planned Unit Development. Alternatively, the Village Board may remand the application to the Planning Commission for further study and recommendation.

17.7 EFFECT OF APPROVAL. The Planned Unit Development amendment including the Preliminary Concept Development Plan as approved, the incorporated narrative and all conditions imposed, if any, shall constitute the land use authorization for the property. Such authorization shall remain in effect for a period of one (1) year unless a longer period is granted by the Village Board upon the recommendation of the Planning Commission. All uses not specifically identified in the Preliminary Concept Development Plan are disallowed and not permitted on the property. All improvements and uses shall be in conformity with this amendment, except as permitted by Section 17.13. During the period of effectiveness of the Concept Development Plan, the applicant shall be permitted to submit one (or more if the project is to be proposed in phases) site plan applications seeking Final Site Development Plan approval pursuant to Section 17.8 of this Chapter.

In the event that an application for a Final Site Development Plan is not submitted within the time limits set forth in the approved Preliminary Concept Development Plan and any extensions thereof that may be permitted and approved, the approval granted under this

Article shall expire, and the Planning Commission shall commence rezoning proceedings to an appropriate zone district in accord with the Vermontville Village Master Plan.

The applicant shall record an affidavit with the Eaton County Register of Deeds which shall contain the following:

- A. Date of approval of the PUD by the Village Board
- B. Legal Description of the property.
- C. Legal Description of the required open space along with a plan stating how this open space is to be maintained.
- D. A statement that the property shall be developed in accordance with the approved PUD Final Site Development Plan and any conditions imposed by the Village Board or Planning Commission unless an amendment thereto is duly approved by the Village upon the request and/or approval of the applicant or applicant's transferee's and/or assigns.

17.8 FINAL SITE PLAN. After receiving the approval of the rezoning to a PUD and Preliminary Concept Plan, the applicant shall submit a final Site Plan for review and approval by the Planning Commission prior to starting any construction. The final Site Plan shall contain the same information required for the Preliminary Concept Plan, the information required for Site Plan Review in Chapter 21, and any additional information required by the Planning Commission in its review of the Preliminary Concept Plan.

17.9 STANDARDS FOR PUD FINAL SITE PLAN APPROVAL. The Planning Commission shall either approve, deny, or approve with conditions the final site development plan. In making its decision, the Planning Commission shall find that the final Site Plan for the PUD meets the intent of the PUD and the following standards:

- A. The Site Plan Approval Standards set forth in Chapter 21 except where specific deviations have been authorized pursuant to the approved PUD Preliminary Concept Plan.
- B. The Standards for approval of a PUD set forth in Section 17.6, E.
- C. Ingress and egress to the property and proposed structures, with particular reference to motor vehicle and pedestrian safety and convenience, traffic flow and control, and access in cases of fire, catastrophe, or emergency.
- D. Off-street parking and loading areas where required, with particular attention to noise, glare, and odor effects of each use in the plan on adjoining properties and properties in the proposed development.
- E. Sewer, water, and storm drainage with reference to locations, availability, and compatibility.
- F. Screening and buffering with reference to type, dimensions, and character.

- G. Signs, if any, and their proposed lighting relative to glare, traffic safety, economic effect, and compatibility and harmony with adjoining properties.

17.10 CONDITIONS.

- A. In approving a PUD Final Site Plan, the Planning Commission may impose reasonable conditions which include but are not limited to conditions necessary to: ensure that public services and facilities affected by a proposed land use or activity will be capable of accommodating increased service and facility loads caused by the land use or activity; protect the natural environment and conserve natural resources and energy; ensure compatibility with adjacent uses of land, and to promote the use of land in a socially and economically desirable manner. Conditions imposed shall meet all of the requirements of Section 20.3, E, of this Article.
- B. The conditions imposed with respect to the approval of a PUD final Site Plan shall be recorded in the record of the approval action and shall remain unchanged except upon the mutual consent of the Planning Commission and the landowner. The Planning Commission shall maintain a record of conditions which are unchanged. The final Site Plan, as approved, shall act as a restriction upon the development. The development must conform with the final Site Plan and no Land Use Permit or Building Permit shall be issued for any improvements that are not in compliance with said Plan.

17.11 PERFORMANCE GUARANTEE. The Planning Commission may require the posting of a cash bond, performance bond, irrevocable letter of credit or another form of performance guarantee satisfactory to the Village to assure the completion of the proposed planned unit development, in accord with Section 21.6 of this Article.

17.12 COMMENCEMENT OF CONSTRUCTION. Construction of a PUD must be started within one (1) year from the effective date of the final Site Plan approval. This time limit may be extended one (1) year upon application to the Planning Commission if it is demonstrated that substantial progress is being made in completing plans and securing financing. In the case of a multiple-phase PUD, beginning construction of a phase shall satisfy the requirements of this paragraph even though the total PUD may be a number of years from completion. Provided, however, that consecutive phases must be started within the later of one (1) year of: The schedule set forth in the approved Preliminary Concept Plan, or completion of the previous phase. This time limit may be extended by the Planning Commission annually for a cumulative total of four (4) years, if it is determined by the Planning Commission that conditions beyond the applicant's control have caused the need for the extension, and, taking into consideration any changed facts or circumstances. In the event that construction has not commenced within these time limits and any extensions thereof that may be permitted and approved, the approval granted under this Article shall expire. For the purposes of this paragraph, completion of a phase

shall be the date all structures intended for occupancy by home owners, tenants, residents or businesses have been approved for occupancy. Where a PUD project is proposed for construction in phases, the planning and construction of each phase, in conjunction with any previously completed phases shall be capable of standing on its own in terms of the provision of all required services, facilities, open space and amenities to insure the protection of natural resources and the health, safety and welfare of the users of the PUD and surrounding residents.

17.13 MODIFICATION OF A PUD.

- A. Minor Changes. Minor changes to a PUD final Site Plan may be approved by mutual agreement of the applicant or successors in interest and the Planning Commission, provided the changes comply with all applicable requirements of this Zoning Ordinance and all other Village regulations or state law. Minor changes include:
- 1) All matters that were approved by the Planning Commission in the final Site Plan that were not part of the Preliminary Concept Plan,
 - 2) The relocation of structures, roads, planting areas, parking areas, signs, lighting, and driveways provided that all such improvements remain in the same general location as approved in the Preliminary Concept Plan, as determined by the Planning Commission, and
 - 3) Adjustments to building size that does not exceed five thousand (5,000) square feet or five (5) percent of the gross floor area, whichever is smaller.
- B. Major Changes. A major change to an approved PUD shall comply with the original approval procedures for a PUD. Major changes include but are not limited to increase in density or number of dwelling units, increase in land area or building size, except as noted above or changes in, or the addition of other uses not authorized by the original PUD approval.