

ARTICLE J. PLANNED RESIDENTIAL DEVELOPMENT (PRD)

10-5J-1: PURPOSE:

The intent of this article is:

- A. To preserve the natural scenic qualities of open spaces;
- B. To provide a harmonious variety of architectural styles, building forms and building relationships within the development;
- C. To permit creative and imaginative design not always possible under conventional zoning regulations; and
- D. In general, to permit greater flexibility and facilitate the use of techniques of large area land development which will be most advantageous to the village. (Ord. 87-38, 12-14-1987)

10-5J-2: PERMITTED USES:

Uses permitted in a planned residential development may include, and shall be limited to, single-family dwellings and multiple-family dwellings and lawful accessory structures incidental thereto, buildings primarily devoted to religious worship, private elementary or high schools without dormitory accommodations, and buildings, structures or other facilities for common recreational use, provided such structures shall be in compliance with the standards and regulations set forth in this article and in compliance with all other applicable ordinances and acts of the village and the statutes and regulations of other governmental units having jurisdiction. Other uses which shall have been permitted in the zoning district or districts in which the proposed development is located prior to approval of the planned residential development pursuant to this article shall be superseded and not permitted in the development area, after such approval. (Ord. 87-38, 12-14-1987)

10-5J-3: STANDARDS:

A planned residential development must meet the following standards:

- A. **Ownership:** The site must be under common ownership prior to final approval of a planned residential development. Applications for a planned residential development must be filed by and executed by all parties in interest as landowners, owners, beneficiaries, trustees, mortgagees or otherwise. Until approval of a final plat for a planned residential development, applications therefor must be amended to reflect all changes in ownership. The names of all beneficial owners, shareholders and the like must be disclosed in all instances where such party has more than a five percent (5%) interest in an entity that is an applicant for the planned residential development.
- B. **Minimum Size:** The site must be not less than six (6) acres; provided, however, that the board of trustees may approve a site of less than six (6) acres if, after public hearings, the board shall find that a planned residential development on such site is in the public interest and that one or more of the following conditions exist:
1. Because of unusual physical features of the property itself or of the neighborhood in which it is located, a deviation from the regulations otherwise applicable is necessary or appropriate in order to conserve a physical or topographic feature of importance to the village.
 2. The property of its neighborhood has a historic character or economic importance to the community that will be protected by use of a planned residential development.
 3. The property is adjacent to or across the street from property which has been developed or redeveloped under a planned residential development, and a planned residential development will contribute to the maintenance of the amenities and values of the neighboring property.
- C. **Zoning:** The site must be zoned consistent with the proposed development and must not require any rezoning for consideration of the application; provided, however, that the village board of trustees may permit or direct the consideration of any planned residential development by the PCZBA in conjunction with any request for rezoning by the petitioner.
- D. **Density:**
1. The cumulative total number of dwelling units within the development, for all phases of construction, shall not exceed the maximum number of dwelling units determined at the applicable rate as set forth in the following table for the zoning district classifications which were in effect for the various parts of the subject area immediately prior to the filing of the

plan:

Zoning District	Rate Of Dwelling Units Per 100 Acres
C-E	25
E-1	67
E-2	100
R-1	193
R-2	289
R-3	363

2. If the proposed development is located in more than one zoning district, the rate of dwelling units shall be calculated separately for the area in each district without rounding off, and then totaled. Remaining fractional units, if any, shall be rounded off to the nearest whole number of units, with one-half ($1/2$) or more raised to the next higher whole number and less than one-half ($1/2$) units reduced to the next lower whole number. No more than four (4) dwelling units shall be under one roof or otherwise attached.

E. Ground Coverage: The total ground area occupied by buildings and structures shall not exceed thirty percent (30%). If the village board shall determine, upon a showing by the landowner that a greater percentage of ground coverage will not have an undue adverse impact on existing public facilities or on the reasonable enjoyment of neighboring property, and that an increase in the ground coverage is appropriate because of unique physical characteristics of the site, the board may permit an increase of the total ground coverage from said thirty percent (30%) to a total ground coverage of thirty three percent (33%).

F. Building Height: The maximum height of buildings shall be thirty four feet (34') and shall not exceed two and one-half ($2\frac{1}{2}$) stories.

G. Parking: Two (2) off street automobile parking spaces, at least one of which is enclosed, shall be provided for each dwelling unit, and all other parking requirements for residential uses provided in other sections of this title shall be met.

- H. Common Open Space And Parks: A reasonable amount of land shall be reserved for use as common open space or dedicated for public use as parks. Common open space may contain structures for recreational use. In addition thereto, there shall be provided a yard at least thirty feet (30') in depth along and within the entire perimeter of the planned residential development as additional common open space to remain open and unoccupied. There shall be provisions for the ownership and maintenance of common open space such as reasonably will ensure its continuity and conservation, including provisions for payment of taxes and other maintenance expenses.
- I. Drainage: Adequate drainage facilities for surface waters and stormwaters shall be provided.
- J. Traffic: Public roads adequate to serve the residents and meeting the minimum standards of all applicable ordinances of the village shall be provided.
- K. Water And Sewers: Public water and sewer facilities shall be provided.
- L. Streetlights: Streetlights as approved by the village board shall be provided. (Ord. 87-38, 12-14-1987; amd. Ord. 2012-10, 4-9-2012, eff. 5-1-2012)

10-5J-4: PROCEDURE:

- A. Preapplication: Any landowner who proposes to file a plan may, at his request, appear before the PCZBA to review with the PCZBA the general nature of the proposed plan prior to filing the plan. Nothing that transpires at such meeting will be deemed to constitute a commitment on the part of the landowner, the PCZBA or the village.
- B. Preliminary Plan:
1. Application And Contents: The landowner shall submit to the village board, in nine (9) copies, written application for approval of a plan on forms supplied by the village. The application shall be accompanied by payment of requisite filing fees and a preliminary development plan, which shall include at least the following information:
 - a. Survey: A survey including legal description of the site to include thereon floodplain, floodway and flood fringe boundaries on the site, if any.

- b. Drawing: A scale drawing showing a subdivision layout based upon the existing zoning. In addition, there shall also be filed a drawing or sketch showing the proposed location of buildings, streets, parking areas, pedestrian walks, landscaping and other land uses, and an artist's renderings of the proposed building types.
 - c. Community Characteristics: Data regarding site conditions, land characteristics, community facilities and utilities, existing covenants and easements, and general information about land uses within one-half ($1/2$) mile of the site.
 - d. Construction Sequence: Proposed construction sequence for buildings, parking spaces and landscaped areas, and the number of each type of building and bedroom mix in each phase.
 - e. Ownership Information: The names and addresses of all present and proposed owners, as defined in subsection [10-5J-3A](#) of this article, of all land within the project.
 - f. Maintenance Of Common Open Space: An outline of proposed articles of incorporation and bylaws for a property owners' and renters' association and of a proposed declaration of covenants and restrictions which may be a part of the plan. The landowner or his successor shall maintain control of and responsibility for the common open space.
2. PCZBA Review; Hearing: The application and preliminary development plan shall be referred to the PCZBA for review. The PCZBA shall hold a public hearing on the application pursuant to the provisions of this title, following publication of legal notice thereof, within ninety (90) days after the filing of the application, or such later meeting date as has been requested by and granted to the landowner. Following such a hearing, the PCZBA shall prepare its recommendations on the preliminary development plan and forward a copy thereof to the village board. Such recommendations shall recommend approval, modification or disapproval of the preliminary development plan and the reasons therefor. The planned residential development plan, subdivision plat, articles of incorporation, and declaration of covenants and restrictions shall be examined and evaluated by the PCZBA in terms of the statement of purpose, standards and requirements contained herein and shall be recommended for approval to the village board only after a determination has been made that the proposed development does in fact serve such purpose and comply with such standards and requirements. However, the village retains the right to approve or deny any proposed development under this section which, in their judgment, is not in keeping with the purpose and intent expressed herein for this type of development in the village. All exhibits are to be part of the village files.
 3. Village Board Review: Upon receipt of the PCZBA's recommendations, the village board shall within sixty (60) days approve, modify or disapprove the preliminary development plan. The village board may require such special conditions in the approval of the preliminary development plan as it may deem necessary to ensure conformity with the Lake Bluff comprehensive plan and all amendments thereto in effect from time to time, and the stated purposes of planned residential developments. Upon approval by the village board of the preliminary development plan, the landowner shall commence the final phase of the plan.

C. Final Plan:

1. Submission And Contents: Upon approval of a preliminary development plan, the landowner shall submit a final development plan to the PCZBA for review. The development plan shall be prepared by a licensed architect, land surveyor, civil engineer and/or planning consultant and shall include the following:
 - a. A survey showing existing features of the property, including contours, buildings, structures, trees over four inches (4") in trunk diameter, streets, utility easements, rights of way, land use and other data required by the village subdivision control ordinance.
 - b. Site plan showing proposed building location and land use areas.
 - c. Traffic circulation, parking areas, sidewalks and pedestrian walks.
 - d. Landscaping plans, including site grading and landscaping design.
 - e. Preliminary drawings for buildings to be constructed in each phase, including floor plans, exterior elevations and sections, and an artist's renderings thereof, all of which shall have been submitted to the architectural board of review for its report and recommendation. A copy of the report and recommendation of the architectural board of review shall be submitted with the final development plan.
 - f. Engineering plans, including street, yard and open space lighting, street improvements, drainage system, sewer system and public utility extensions. There must be full compliance with all requirements of the subdivision control ordinance, including, but not limited to, construction of underground electrical and telephone service. Location of garbage and refuse collection points and of mail pick up points shall also be specified.
 - g. Such engineering feasibility studies on the handling of anticipated problems arising out of or in connection with the development as may be required by the PCZBA.
 - h. The final development plan may be submitted in stages, with each stage or phase reflecting a portion of the approved preliminary development plan.
 - i. Construction sequence and time schedule for completion of buildings, parking spaces and landscaped areas within the planned residential development. Such time scheduled shall not exceed seven (7) years if the planned residential development land is the subject of a preannexation agreement, or five (5) years if the land is then within the village. If the actual development period exceeds five (5) years, the village may revoke approval of the planned residential development and initiate such zoning changes as it deems necessary to preserve the public interest. If the construction schedule provides for construction in stages or phases, the time for completion of each phase shall not exceed a period of two (2) years.
 - j. The development plan shall be in substantial conformity with the approved preliminary development plan.
 - k. As part of the plan, the landowner shall file the following:

- (1) Proposed articles of incorporation as a not for profit corporation, and bylaws for a not for profit corporation, the members and shareholders of which shall be all of the property owners and renters of the property within the planned residential development from time to time (which corporation is sometimes referred to herein as "a property owners' and renters' association").
 - (2) A proposed declaration of covenants and restrictions governing property rights in the common open space and in other common properties in the development; the voting rights of property owners and renters; and exterior maintenance of buildings. Such declaration shall specify the property subject to such covenants and restrictions; shall provide for mandatory membership in the property owners' and renters' association of all property owners and renters; shall establish measures for collecting and assessing fees and expenses for the maintenance and preservation of the common open space and other common properties, for the payment of real estate taxes, personal property taxes (if any) and other taxes assessed thereon, and for the attachment of liens on the property of delinquent dwelling unit owners. Such declaration may also establish an architectural design committee and the functions, powers, duties and procedures of any such committee. Such declaration may also include covenants or restrictions pertaining to use, maintenance, improvements and transferability of any of the property within the development.
 - (3) Assurances satisfactory to the PCZBA that, until the development has reached a state of completion at which the property owners and renters can adequately maintain the property and enforce all of the covenants and restrictions which may be a part of the plan as approved: a) the landowner who has petitioned for approval of the plan, or his successor, shall retain control and be responsible for the maintenance of all of the common open space and other common properties, including, without limitation, the payment of taxes; and b) responsibility for such maintenance shall not be turned over to the property owners' and renters' association by the landowner or his successor without the consent of the village board, which consent shall be given only after the village board has determined that the property owners' and renters' association can adequately assume such responsibility. Prior to final approval of any planned residential development, the landowner shall furnish the village with any required statement by the appropriate governmental agency, if any, certifying that the proposed plan gives adequate consideration to soil and water conservation and to surface drainage and runoff problems.
2. Hearing: The PCZBA will hold a public hearing on an application for final approval of a planned residential development. Notice shall be given in accordance with the provisions of this title. The PCZBA, following its review of a development plan, shall recommend to the village board approval, approval with modifications or disapproval of the plan. Approval shall be recommended only upon express findings by the PCZBA that:
- a. The uses proposed will not be detrimental to present and potential surrounding uses.
 - b. Departures, if any, from the requirements of this title are warranted by the design of and amenities in the proposed development. No such requirements shall be waived unless a public hearing thereon has first been conducted by the PCZBA in accordance with this title.

- c. The proposed development is consistent with the general intent of the village comprehensive plan.
 - d. Existing and proposed streets are suitable and adequate to carry anticipated traffic within the proposed development and in the vicinity of the proposed development.
 - e. Existing and proposed utility services are adequate for the proposed development.
 - f. The proposed development, or each phase of the proposed development if construction will be in stages, will contain the required parking spaces, landscape and utility areas necessary for creating and sustaining a desirable and suitable environment.
 - g. Construction of each stage of the proposed planned residential development is capable of completion within two (2) years.
 - h. The plan complies with all other criteria and the stated purpose set forth in this article.
3. Village Board Decision: The village board shall, within sixty (60) days after receipt of the final development plan and recommendation from the PCZBA, approve, approve with modifications or disapprove the final development plan.

D. Ordinance Approving Development:

1. Upon approval of a planned residential development, the village board shall pass an ordinance authorizing the planned residential development and adding the designation of planned residential development within the area covered by the planned residential development on the village zoning map. No ordinance approving a planned residential development shall be effective:
 - a. Unless all of its terms and conditions are accepted and agreed to by the landowner within ten (10) days after its passage by the village board.
 - b. Until recorded with the county recorder of deeds of the final development plat designating, with particularity, the land subdivided into conventional lots, if any, as well as the division of other lands not so subdivided into common open areas and building sites.
2. The recording of the final plat shall inform all who deal with the planned residential development of the restrictions placed upon the land and act as a zoning control device. The required plat for the planned residential development shall contain an appropriate legend or notation on its face reflecting all of the covenants, restrictions, dedications, regulations and requirements of and for the plan and pertaining to the development, and shall be certified by the PCZBA as being in compliance with this article prior to its being recorded. No building permit shall be issued for any structure until such certification and recording of the final plat has been completed.

E. Revocation Of Planned Residential Development: The village may revoke approval of any

planned residential development or portion thereof upon the filing of a request for rezoning or approval therefor of any land within the planned residential development. (Ord. 87-38, 12-14-1987; amd. Ord. 2006-23, 10-23-2006; Ord. 2012-10, 4-9-2012, eff. 5-1-2012)