

Section 16
PLANNED DEVELOPMENT

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16.01 **PURPOSE**

The development and execution of a zoning ordinance is based upon the division of the City into districts, within which districts the use of land and buildings and the bulk and location of buildings and structures in relation to the land are substantially uniform. It is recognized, however, that there are special uses which, because of their unique characteristics, cannot be properly classified in any particular district or districts without consideration, in each case, of the impact of those uses upon neighboring land and of the public need for the particular use at the particular location. It is also recognized that new types and procedures in land development or redevelopment are emerging and that the mixing of uses and variations in heights and yards can produce very satisfactory and lasting results, if properly designed and planned, without adverse influence upon surrounding property.

16.02 **WHERE PERMITTED**

A planned development may be located in any zoning district, subject to the procedures and standards set forth below and subsequent to the issuing of a special use permit.

16.03 **MINIMUM AREA**

No minimum lot area or acreage is required to be eligible for consideration as a Planned Development Area. The major requirement is that the tract be both self contained and homogeneous, as well as being improved so as to benefit the entire City with no adverse effect upon the surrounding property.

16.04 **REQUIRED SEWER AND WATER**

A planned development shall be served by a sanitary sewerage system and a public water supply system.

16.05 **PROCEDURE, APPLICATION AND REFERRAL**

The applicant shall submit a concept plan to the City Council for information purposes and for referral to staff and the Planning and Zoning Commission. Following staff review and comments, and the review by the Planning and Zoning Commission the applicant may begin the preliminary plan procedures.

16.06 **PRELIMINARY APPLICATION FOR DEVELOPMENT PLAN**

Any person or persons owning lots or land within the City may apply to the Commission for consideration of a planned development. The Commission may approve or disapprove the application or may make recommendations regarding changes or revisions that it deems desirable. Said recommendation shall be forwarded to the City Council. If the preliminary plan is approved by the City Council the petitioner may proceed with final plan. The preliminary application shall be accompanied by the following.

1. A reproducible map with 15 prints of a survey of the property showing existing features of the property, including specimen trees, structures, streets, easements, utility lines and existing land use.
2. A reproducible map with 15 prints of a preliminary development plan which shall be in conformance with the approved tentative plan, showing, as appropriate, all the information required on the tentative development plan; the approximate location and proposed density of dwelling units; non-residential building intensity; and land uses considered suitable for adjacent properties.
 - a. Proposed land uses, population densities and building intensities.
 - b. Proposed circulation pattern, indicating both public and private streets and off-street parking ratio.
 - c. Proposed parks, playgrounds, school sites and other open spaces.
 - d. A market analysis of proposed commercial use, if the property is not zoned for commercial purposes at the time of submittal of the preliminary development plan.
 - e. Delineation of the units to be constructed in progression, if any.
 - f. Relation to future land use in surrounding area and Marengo Comprehensive Plan.
3. A schedule for the development of units to be constructed in progression and a description of the design principles for buildings and streetscapes; tabulation of total number of acres in the project and the percent thereof designated for various uses; the number of dwelling units proposed by type of dwelling for each unit of the development; estimated residential population by type of dwelling for each unit of the development; estimated non-residential population; proposed retail sales by unit and economic justification; anticipated timing for each unit and standards for height; open space, parking area and parking spaces, lot coverage, land in streets, floor area ratio, population density and public improvements proposed for each unit of the development whenever the applicant proposes an exception from the standard zoning district or other ordinance regulations governing development. The applicant shall provide an itemized list of exceptions by unit and by zoning district, when exceptions are requested by the applicant from the standard zoning district.
4. The written approval of every property owner within the development to be bound by the proposed agreements and conditions, and to agree to file the written agreement with the Recorder of Deeds of McHenry County before the final plan is approved by the City Council.
5. Engineering feasibility studies, as necessary.

16.07 **PLANNED DEVELOPMENT FINAL APPROVAL**

Planned development approval, valid for one year, shall be secured for each unit of the development

as delineated on the preliminary development plan and approved by the Commission and the City Council. Planned development plans shall be prepared by a qualified professional team and be concerned with but not necessarily limited to the following:

1. A reproducible map with ten prints of the site plan showing buildings, various functional use areas, circulation and their relationships.
2. Preliminary building plans, including floor plans, exterior elevators and outline specifications of type of building materials, type of wall and roof construction, type of pavement and surfacing materials.
3. Landscaping plans including type of plant materials and their arrangement.
4. Engineering plans, including site grading, street improvements, drainage and public water, sanitary sewer and storm sewer extensions, as necessary.
5. Information necessary for evaluation and assignment of fire zone designations, including proposed use and occupancy, and building heights and area of each building or structure and proposed distances between buildings and structures and distances to property lines.
6. There shall also be submitted with the final plan, a written agreement of restrictions assuring the City that the development will be carried out in full compliance with the final plan and within the time schedule of construction submitted with the final plan.
7. All required materials such as maps and proposals, exhibits, etc., along with the proper fees, shall be presented to the City Clerk prior to notice of publication for a Commission meeting or a zoning hearing.
8. Final development plans must be submitted to the Commission after approval of the preliminary development plan.

16.08 **GENERAL STANDARDS**

A planned development shall conform to the following requirements:

1. The number of dwelling units erected shall not exceed the number permitted by the regulations of the district in which it is located.
2. The yards and open spaces adjoining the boundaries of the project shall not be less than the yard requirements of the district in which it is located.
3. If a building is permitted to exceed the height limit of the district in which it is located, the yards and open spaces around such building shall be increased by an amount equal to the height that the building exceeds the height limit of the district measured in feet.
4. If more intensive uses are permitted than are required by the district regulations, there must be clear evidence that such uses are needed to service the project provided the Commission shall find:
 - a. That the use permitted by such exceptions are necessary or desirable and are appropriate with respect to the primary purpose of the development;
 - b. That the uses permitted by such exception are not of such a nature or so located as to

exercise a detrimental influence on the development nor on the surrounding neighborhood;

- c. That not more than 15 percent of the ground area or of the gross floor area of such development shall be devoted to the uses permitted by said exceptions;
 - d. That in a planned manufacturing development such additional uses allowed by exception shall conform with the performance standards of the district in which the development is located as set forth in Section 13 of this Zoning Code;
 - e. That the use exceptions so allowed are recorded on the zoning district maps by appropriate symbols or by reference to documents on file with the Zoning Administrator;
 - f. Where the planned development is to be located in a residential district, no use exceptions shall be allowed unless the size of the planned development exceeds 20 acres.
5. The amount of off-street parking must be adequate to serve the needs of the projects and the Commission and City Council may require more off-street parking than is otherwise required by this Zoning Code.
 6. If any open space or recreational facility is to be used solely by the residents of the project, adequate provisions shall be made for assessments against the property within the project so that such facilities can be properly improved, maintained and operated.
 7. **Underground Utilities.** Underground utilities including telephone and electric systems are required within the limits of the planned development. Appurtenances to these systems which can be effectively screened may be excepted from this requirement if the Commission finds that such exemption will not violate the intent or character of the development.

16.09 **BULK REGULATIONS**

In the case of any planned development, the Commission may recommend, and the City Council may authorize, exceptions to the applicable bulk regulations of this Section 16.09 within the boundaries of such development, provided that the Commission shall find:

1. That such exception shall be solely for the purpose of encouraging a desirable living environment no less beneficial to the residents or occupants of such development, as well as of neighboring properties, than would be obtained under the bulk regulations of this Zoning Code for buildings developed on separate zoning lots.
2. That the gross population density shall not be increased above the number which would be permitted under the otherwise applicable district regulations.
3. That along the periphery of planned developments, yards shall be provided as required by the regulations of the district in which said development is located.
4. That not less than 50 percent of the lot coverage in a residential planned development in the residential zoning districts shall be used for green space and recreational facilities.
5. Other standards for height, density, yard regulations, parking, loading and screening for a planned development shall be governed by the standards of the residential, commercial or

industrial zoning district(s) most similar in nature and function to the proposed planned development as determined by the Commission. Standards for public improvements shall be governed by the applicable ordinances and laws of the City. Exceptions to these standards by the Commission and the City Council are possible when these bodies find that such exceptions are warranted in terms of the total proposed development.

16.10 APPROVAL OF THE DEVELOPMENT PLAN

Whenever the Commission and the City Council approve the final plan and accompanying agreements, the Zoning Administrator shall issue the necessary permits for all of the project or for such phases thereof that are to be first constructed provided fees are paid and building codes are met. The City Administrator may, from time to time, approve minor changes within the project, but such changes shall not be of a nature that would affect the character and standard of the Planned Development.

16.11 TIME LIMIT

If no construction has been started within two years from the date of approval of the final plan, the permits shall be declared null and void and the project shall not be initiated unless it is resubmitted and reapproved in the same manner that it was approved in the first instance. The City Council may, however, extend the period for initiating construction upon a showing of good and sufficient cause.

16.12 MINOR MODIFICATIONS TO PLAN

The Zoning Administrator may, from time to time, approve minor changes within the project, but such changes shall not be of a nature that would affect the character and standard of the planned development.

16.13 PERFORMANCE.

At the time of the granting of the permit, the City Council shall make appropriate arrangements with the applicant which will insure the accomplishment at the scheduled times, of the public improvements and grants of easement shown on the approved final plan.

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