

## Exhibit 5(PUD)

### 1           **Sec. 45-35.1. - Planned unit development.**

#### 2           **I.     *Statement of intent.***

3           **A.**    The intent of this section is to provide, in the case of a commercial  
4           planned unit development consisting of one (1.0) or more acres, in the  
5           case of an industrial planned unit development consisting of one (1.0)  
6           or more acres, and in the case of a residential planned unit  
7           development of ~~five (5) or more acres~~, an added degree of flexibility in  
8           the placement and interrelationship of the buildings and uses within  
9           the planned unit development, together with the implementation of  
10          new design concepts. At the same time the intensity of land use,  
11          density of population and amounts of light, air, access and required  
12          open space will be maintained for the zoning district in which the  
13          proposed project is to be located, except as may be permitted for key  
14          redevelopment sites through subsection 45-35.1.VIII. The village  
15          ~~council hereby determines that the regulations pertaining to intensity~~  
16          ~~of land use, density of population and required open space are the~~  
17          ~~minimum requirements for the protection and promotion of the public~~  
18          ~~health, safety and general welfare.~~ Nothing herein should be construed  
19          as allowing deviation for uses other than those specified as permitted  
20          uses, nor any greater intensity of use or density of population nor any  
21          less required open space than that which is specified in this chapter for  
22          the zoning district in which a proposed project is located, except as  
23          may be permitted through subsection 45-35.1.VIII.

24          **B.**    Subject to the foregoing statement of intent, the village council may, in  
25          the case of commercial, industrial and residential planned unit  
26          developments, allow for minor modification of the provisions of this  
27          chapter or other land development regulations in accordance with the  
28          procedure set forth in subsections II, III, IV and V.

29          **C.**    The Planned Unit Development procedures in section 45-35.1 may not  
30          be used in the following zoning districts which provide a different  
31          process for considering minor modifications:

32               **1.**    C-MU – the C-MU zoning district allows waivers (see the C-MU  
33               zoning district and section 45-51).

34               **2.**    C-3 – the C-3 zoning district contains special PUD procedures  
35               that apply only to that district (see subsection 45-34.1.K).

36               **3.**    C-NB – the C-NB zoning district allows waivers (see the C-NB  
37               zoning district and section 45-51).

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### II. *Filing of application.*

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- A. Any person may file an application with the village council for minor modifications of the provisions of this chapter. This application shall contain at least the following:
1. All application and review procedures shall comply with ~~section 21-12, Changes to zoning ordinances and~~ section 45-49, Application for rezoning, of this Code.
  2. A statement listing and fully explaining the specific modifications of the provisions of this chapter 45 which are desired, as well as the purposes for which the modifications are intended.
  3. All application procedures for residential planned unit developments shall be as required by the subdivision provisions of this Code.
  4. Compliance with the village comprehensive plan is required.
  5. Land covered by the development plan shall be platted concurrently with final approval of the development plan.
  6. The fee for filing an application for a planned unit development shall be established in the master fee schedule adopted annually as part of the village budget.
  7. The final approved development plan shall include the plat drawings and necessary submittals demonstrating acceptability of all factors and standards evaluated in subsection IV(A).
  8. All dwelling unit sizes, parking criteria and building site coverage must meet the requirements of the zoning code for each type of proposed use, except at follows.

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***Exception A:*** applicants for assisted living facilities may, when accompanied by a justification statement, apply for relief from the off-street parking and minimum dwelling unit size requirements.

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***Exception B:*** applications submitted through subsection 45-35.1.VIII for key redevelopment sites may, when accompanied by a justification statement, apply for relief from off-street parking and minimum dwelling unit size requirements. Building site coverage requirements do not apply.

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***Exception C:*** applications for commercial or mixed-use development may, when accompanied by a justification statement, apply for relief from the off-street parking requirements.

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- 1           **9.** All land included for the purpose of development within a  
2           planned unit development shall be owned or under the unified  
3           control of the applicant for such zoning designation, whether the  
4           applicant is an individual, partnership, corporation, trust or group  
5           of individuals, partnerships, trusts or corporations. The applicant  
6           shall present satisfactory evidence of the unified control of the  
7           entire area by applicant within the proposed planned unit  
8           development and shall state agreement that, if he proceeds with  
9           the proposed development, he will:
- 10           a. Do so in accordance with the officially approved  
11           development plan and such other conditions or  
12           modifications as may be attached to the conditional use.
- 13           b. Provide agreements, covenants, contracts, deed restrictions  
14           or sureties acceptable to the village council, both for  
15           completion of the undertaking in accordance with the  
16           adopted development plan, and also for the continuing  
17           operation and maintenance of areas, functions and facilities  
18           which the plan shows are not to be operated or maintained  
19           at general public expense. Such documents must be in a  
20           form acceptable to the Village Attorney.
- 21           c. Bind his development successors in title to any  
22           commitments made under subsections a. and b., preceding.
- 23           **10.** Any tract of land for which a planned unit development is made  
24           shall contain sufficient width, depth and frontage on a public  
25           dedicated arterial or major street or appropriate access which will  
26           accommodate the proposed use and design.
- 27           **11.** In the event any building or structure built under this section is  
28           destroyed or removed by or for any cause, said building or  
29           structure, if replaced, shall be replaced with a building or  
30           structure of similar size and type not exceeding the dimensions  
31           of the original building or structure. The developer shall include  
32           the appropriate deed restrictions and/or covenants so as to require  
33           replacement as outlined above.

34           **III. Referral to planning commission.** The village council shall refer each  
35           application for a planned unit development to the planning commission for  
36           study and recommendation.

### 37           **IV. Action of planning ~~committee~~ {commission.}**

- 38           **A.** After a study of an application for a planned unit development and the  
39           required public hearing, the planning commission shall make a  
40           recommendation to the village council to approve, approve as  
41           modified, or reject the application based upon the following standards:

- 42           **1.** The proposed use or uses shall be of such location, size and  
43           character as to be in harmony with the appropriate and orderly

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1 development of the zoning district in which situated and shall not  
2 be detrimental to the orderly development of adjacent zoning  
3 districts.

- 4           **2.** The location and size of the proposed use or uses, the nature and  
5 intensity of the principal use and all accessory uses, the site  
6 layout and its relation to streets giving access to it, shall be such  
7 that traffic to and from the use or uses, and the assembly of  
8 persons in connection therewith, will not be hazardous or  
9 inconvenient to the neighborhood nor conflict with the normal  
10 traffic of the neighborhood. In applying this standard, the  
11 commission shall consider, among other things: convenient  
12 routes for pedestrian traffic, particularly of children; the  
13 relationship of the proposed project to main traffic thoroughfares  
14 and to street and road intersections; and, the general character  
15 and intensity of the existing and potential development of the  
16 neighborhood. In addition, where appropriate, the commission  
17 shall determine that noise, vibration, odor, light, glare, heat,  
18 electromagnetic or radioactive radiation, or other external effects,  
19 from any source whatsoever which is connected with the  
20 proposed use, will not have a detrimental effect upon  
21 neighboring property or the neighboring area in general.
- 22           **3.** The location and height of buildings, the location, nature and  
23 height of walls and fences, and the nature and extent of  
24 landscaping of the site shall be such that they will not hinder or  
25 discourage the proper development and use of adjacent land and  
26 buildings nor impair the value thereof.
- 27           **4.** The standards of density and required open space in the proposed  
28 project are at least equal to those required by this ordinance in  
29 the zoning district in which the proposed project is to be located,  
30 except as may be permitted for key redevelopment sites through  
31 subsection 45-35.1.VIII.
- 32           **5.** There shall be no uses within the proposed project which are not  
33 permitted uses in the zoning district in which the proposed  
34 project is to be located.

35                           **Exception:** A Mixed uses ~~occupancy~~ may be allowed if the  
36 existing zoning district usage is commercial. The mixed  
37 uses usage occupancy shall only be residential and  
38 mercantile or residential and business.

- 39           **B.** The commission may recommend such changes or modifications in the  
40 proposed plan as are needed to achieve conformity to the standards as  
41 herein specified. The reasons for the changes or modifications shall be  
42 included in the recommendation.

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1 C. The commission shall not recommend the project unless it finds that  
2 all of the standards as herein specified have been met. If there are  
3 minor modifications to the provisions of this chapter, the commission  
4 may recommend its approval at the same time. It shall also, where it  
5 deems appropriate and necessary, recommend to the village council  
6 those conditions to be imposed upon the project, its operation, or both,  
7 that are needed to assure adherence to the aforesaid standards.

8 V. ***Action of village council.*** The village council, upon the receipt from the  
9 planning commission of the report on the planned unit development and the  
10 minor modifications to the provisions of this chapter may, after the required  
11 public hearing, approve or reject such project and modifications,  
12 incorporating with an approval such conditions as the council deems  
13 appropriate. The approval shall be by ordinance.

14 VI. ***Effect of approval of village council.*** The approval of the application by  
15 the village council shall allow the building official to issue a building permit  
16 in conformity with the application as approved. This permit shall specify  
17 with particularity the exact modifications to the provisions of this chapter  
18 which have been approved by the village council. The holder of this permit  
19 may then proceed with his project in conformity with said permit. No  
20 deviations from the conditions of the permit shall be allowed except those  
21 which shall be in conformity with the basic provisions of this ordinance as  
22 they apply to the zoning district in which the project is located. The  
23 community development director may adjust a modification to the  
24 provisions of this chapter only if the adjustment had been authorized by  
25 conditions that the Village Council placed on the planned unit development  
26 approval.

27 VII. ***Public notice.*** Public notice of all hearings conducted in accordance with  
28 this section shall be provided as required by section 21-3 of the village  
29 Code.

30 VIII. ***Key redevelopment sites.*** The village has identified key sites in need of  
31 redevelopment and encourages the use of this Planned Unit Development  
32 process to redevelop those sites in accordance with design concepts  
33 developed or endorsed by the village. Minor modifications to the provisions  
34 of this chapter or other land development regulations may be requested  
35 through the Planned Unit Development process for these sites. The  
36 following additional standards apply during this process:

37 1. ***Regulating plans.*** Eligible sites are depicted on regulating plans in  
38 Figures 45-35.1-A-1, 45-35.1-B-1, and 45-35.1-C-1.

39 2. ***Illustrative plans.*** Renderings or illustrative plans may be provided in  
40 this subsection to show hypothetical buildings on eligible sites using  
41 these standards. See Figures 45-35.1-A-2, 45-35.1-B-2, and 45-35.1-  
42 C-2.

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- 1           **3.** **Build-to zone.** Where build-to zones are shown on the regulating plan,  
2 the build-to zone is 0 feet minimum and 20 feet maximum using the  
3 methodology in the C-MU zoning district (unless different distances  
4 are specified on the regulating plan). Build-to zones supersede setback  
5 requirements in the underlying zoning district.
- 6           **4.** **Floor-to-area ratio.** The Comprehensive Plan establishes caps on the  
7 ratio of floor area to lot area for most land in the village; however,  
8 those caps do not apply to these key redevelopment sites.
- 9           **5.** **Building frontage standards.** Where build-to zones are shown on the  
10 regulating plan, building frontages must be at least 60% of the lot  
11 width, measured using the methodology in the C-MU zoning district  
12 (unless a different percentage is specified on the regulating plan).
- 13           **6.** **Building height.** Buildings may be up to 4 stories tall. For the purpose  
14 of calculating the number of stories in a building, see the methodology  
15 in the C-MU zoning district. This height limitation supersedes height  
16 limitations in the underlying zoning district.
- 17           **7.** **Facade transparency.** Where build-to zones or civic spaces are  
18 shown on the regulating plan, facades must be at least 30% transparent  
19 at the ground story and 20% transparent at each upper story, measured  
20 using the methodology in the C-MU zoning district (unless different  
21 percentages are specified on the regulating plan).
- 22           **8.** **Encroachments.** Architectural elements may project beyond the  
23 closest point to a property line where an exterior wall may be  
24 constructed to the same extent as allowed in the C-MU zoning district,  
25 irrespective of setback requirements in the underlying zoning district.
- 26           **9.** **Parking setbacks.** New or reconfigured surface parking lots must be  
27 set back at least 50 feet from US Highway 1 and at least 30 feet from  
28 all other existing and new streets.
- 29           **10.** **Parking garages.** Parking spaces may be provided under or in  
30 buildings or in dedicated parking garages instead of being provided in  
31 uncovered surface parking lots. Such parking spaces need not comply  
32 with the minimum setbacks for surface parking lots, but must be  
33 screened from view from all streets. Screening may be provided by  
34 rooms in the same building or with a liner building that is at least two  
35 stories tall with rooms at least 20 feet deep.
- 36           **11.** **New streets.** Where a new street is shown on the regulating plan, the  
37 new street must be constructed using the standards in the C-MU  
38 zoning district (unless different standards are specified on the  
39 regulating plan).
- 40           **12.** **Sidewalk easements.** Where a sidewalk easement is shown on the  
41 regulating plan, the easement must be dedicated and the sidewalk must  
42 be constructed using the standards in the C-MU zoning district.

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**Figure 45-35.1-A-1 Camelot Regulating Plan**

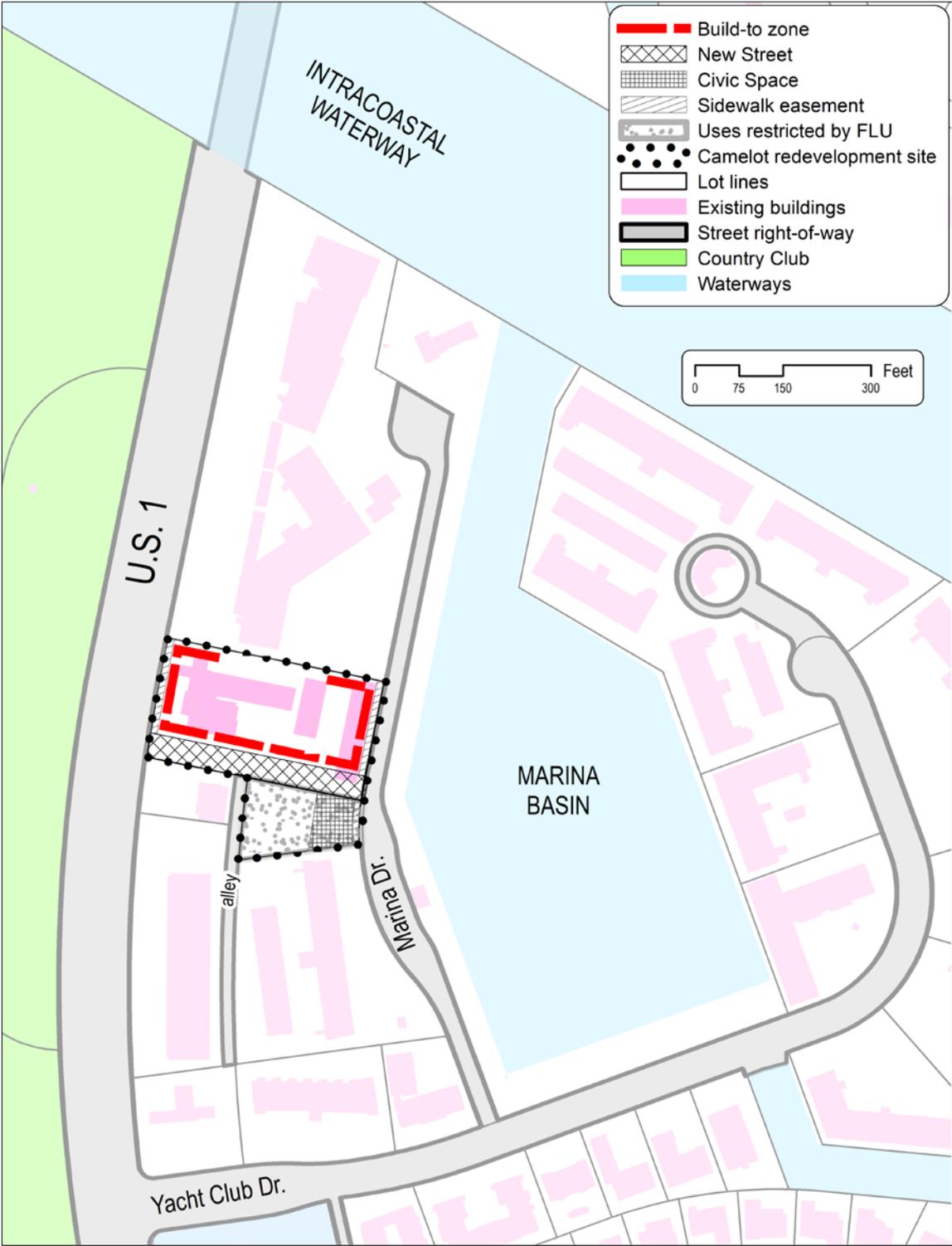


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Figure 45-35.1-A-2 Camelot Illustrative Plan

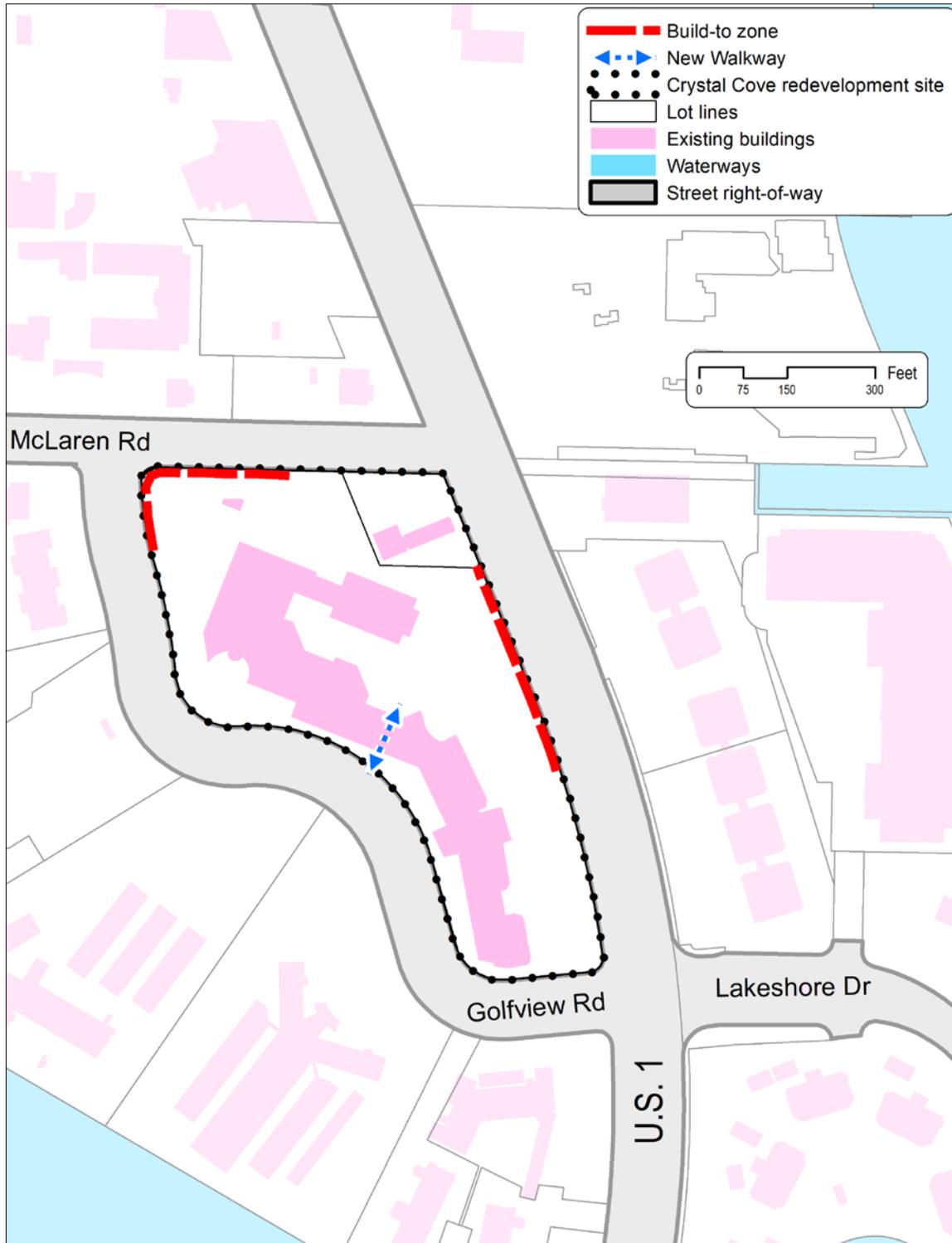


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**Figure 45-35.1-B-1 Crystal Cove Regulating Plan**



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Figure 45-35.1-B-2 Crystal Cove Illustrative Plan



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# Exhibit 5(PUD)

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**Figure 45-35.1-C-1 Shore Court at US 1 Regulating Plan**

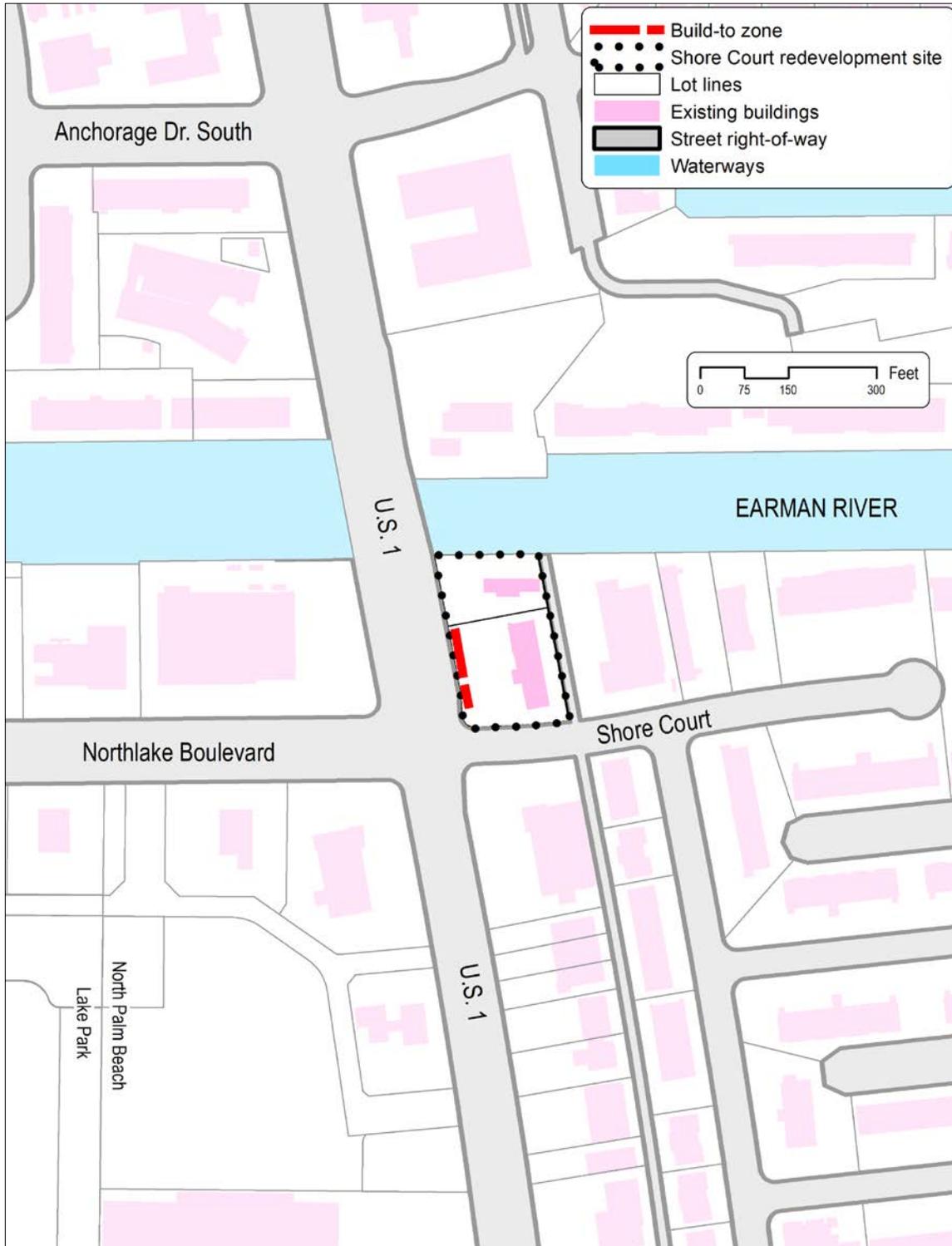


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**Figure 45-35.1-C-2 Shore Court at US 1 Illustrative Plan**



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