

AGENDA

REGULAR MEETING OF THE PLANNING & ZONING COMMISSION OF THE VILLAGE OF FORSYTH, ILLINOIS

5:30 P.M.

THURSDAY, APRIL 25, 2024

VILLAGE HALL, 301 SOUTH ROUTE 51, FORSYTH, IL

CALL TO ORDER

ROLL CALL

APPROVAL OF MINUTES

PUBLIC HEARINGS

- Request submitted by Five Below – Forsyth, IL for a request to vary the HVAC screening requirements of the Development Ordinance Section 4.6 C.(8) on the real property located at 994 US Route 51, Forsyth, IL 62535 and legally described as: PT SW SW-BEG 52.26 E SW COR N412.64 NE192.49 SE41.33 SE42.79 S355.31 SW250.02 POB & (EX HWY ROW) & (EX RD ROW) 02BK.3269/728 (PIN: 07-07-14-351-006).
- Discussion regarding barndominium in the Village limits.

OLD BUSINESS

- Review and discussion of Forsyth Development Ordinances-This will be an ongoing discussion

NEW BUSINESS

ADJOURNMENT



**MINUTES OF A REGULAR MEETING OF THE
PLANNING AND ZONING COMMISSION
FOR THE VILLAGE OF FORSYTH, ILLINOIS,
HELD AT 5:30 P.M. ON THURSDAY, MARCH 28, 2024
AT FORSYTH VILLAGE HALL**

CALL TO ORDER

Planning and Zoning Chairman R. C. Campbell called the meeting to order at 5:30 P.M.

PLEDGE OF ALLEGIANCE

ROLL CALL

Upon call of the roll, the following Commissioners were physically present:

Regular Commissioners: Chairman R. C. Campbell, Vice Chair Dennis Downey, Steve Ragan, Dan Doerfler, Larry Perkins, Cathy Mitteer

Absent: Tom Cantwell, Colleen Brinkoetter, Matt May

Staff Present: Director of Planning and Zoning Ryan Raleigh, Village Administrator Jill Applebee, Village Clerk Cheryl Marty

On Telephone: Village Attorney Lisa Petrilli

Others Present: Anthony J. Facchinello, John Althoff, Rebecca Campbell

APPROVAL OF MINUTES

MOTION: Vice Chair Downey made a Motion to approve the minutes of February 22, 2024 as presented and Commissioner Perkins seconded the motion.

Upon a call of the roll, the vote was as follows:

Yeas: 6 – Campbell, Ragan, Perkins, Doerfler, Downey, Mitteer

Nays: 0 – None

Absent: 3 – Cantwell, Brinkoetter, May

Motion declared carried.

PUBLIC HEARING #1

- Request submitted by Anthony J. Facchinello and John Althoff for approval of a final plat for minor subdivision in accordance with Development Ordinance Section 1.5 at the real property located at 122 Shadow Ridge Court, Forsyth, IL and legally described: a part of Lot Eleven (11) of Shadow Ridge Estates as recorded in Book 5000 on Page 68 of the Recorder's Office of Macon, County, Illinois (PIN: 07-07-09-451-011)

Planning and Zoning Director Ryan Raleigh explained the reason for the request is that ownership has changed hands and the two parcels will now belong to one owner. This is a technicality for correcting the plat for the way it is being used and will generate one tax bill instead of two.

MOTION: Vice Chair Downey made a Motion to approve a recommendation of approval of a final plat for a minor subdivision as presented and Commissioner Perkins seconded the motion.

Upon a call of the roll, the vote was as follows:

Yeas: 6 – Campbell, Ragan, Perkins, Doerfler, Downey, Mitteer
Nays: 0 – None
Absent: 3 – May, Brinkoetter, Cantwell

Motion declared carried.

OLD BUSINESS

- **Review and discussion of Forsyth Code of Ordinances – Ongoing Discussion**
Director of Planning and Zoning Raleigh delayed this conversation until the next meeting.

ADJOURNMENT

Commissioner Perkins made a Motion to adjourn, Commissioner Mitteer seconded the Motion, and Chairman Campbell asked for a voice vote which was then unanimously approved. The meeting was adjourned at 5:40 P.M.

By: Cheryl Marty
Village Clerk

MEMORANDUM

To: Chairman Campbell and Planning and Zoning Commission
From: Jill Applebee, Village Administrator
Date: April 25, 2024
Subject: 5 Below

5Below has made a request to vary the HVAC screening requirements of the Development Ordinance Section 4.6 C.(8) on the real property located at 994 US Route 51, Forsyth, IL 62535 and legally described as: PT SW SW-BEG 52.26 E SW COR N412.64 NE192.49 SE41.33 SE42.79 S355.31 SW250.02 POB & (EX HWY ROW) & (EX RD ROW) 02BK.3269/728 (PIN: 07-07-14-351-006).

Staff is recommending approval of the variance due to As mentioned in the application, the existing building has not utilized rooftop screening for the past several decades. Additionally, the units are not visible from the parking lot. They are looking to shift the western unit facing Route 51 further east which will additionally reduce any visibility. The following buildings along Route 51 do not provide rooftop screening and have units visible from the road:

- The former Pier 1
- Friar Tuck
- Texas Roadhouse
- Xfinity
- Verizon/All About Eyes

As always, if you are in need of anything further regarding this or any other matter, please do not hesitate to contact me



VILLAGE OF FORSYTH

301 S. Route 51
Forsyth, IL 62535

Phone: (217) 877-9445 / Fax: (217) 877-9863



VARIANCE REQUEST APPLICATION

OWNER: ☒

APPLICANT: ☐

Name: Five Below - Forsyth, IL

Address: 994 US Route 51, Forsyth, IL 62535

Phone Number: (224) 470-2211

E-mail: abell@coreacq.com

Property Address: 994 US Route 51, Forsyth, IL 62535

PIN #: 07-07-14-351-006

Legal Description of the Property:

PT SW SW-BEG 52.26 E SW COR
N412.64 NE192.49 SE41.33
SE42.79 S355.31 SW250.02POB
& (EX HWY ROW) & (EX RD ROW)
02BK3269/728

Zoning District: C-1: Commercial Service District



Requested variation(s) to the Development Ordinance (include reference to provisions of the Development Ordinance being affected):

4.6.C.8 Mechanical Equipment: (8) Mechanical Equipment – All roof-mounted mechanical equipment including, but not limited to, heating, ventilating and air-conditioning units (HVAC) shall be fully screened from public view on all sides of the building:

- (a) Screening shall be accomplished by the roof-structure or parapet walls, unless otherwise recommended by the Planning and Zoning Commission and approved by the Village Board.
- (b) Screening shall be designed to blend with and complement the architecture of the building.
- (c) The height of the parapet walls, roof structure, or other approved method of screening shall equal the height of the tallest roof-top unit installed on the building.
- (d) For mechanical equipment located on the ground, landscaping, quality wood fencing, or an enclosure of masonry construction shall be provided to screen from public view. Such screening techniques shall, at minimum, equal the height of the tallest piece of equipment.

Brief description of what the proposed plan is for the property:

The existing building, which is not being demolished, currently does not have HVAC screening. The plan is to replace the units and alter the unit locations on the mechanical plan. As it currently stands, there is no rooftop screening. We are looking to move the unit on the west side of the building further from the parapet which will be even more difficult to see the rooftop unit. As it stands, the units are not visible from the parking lot, and very minorly visible from Route 51.

*Attach a dimensioned site plan or plat to depict the proposed variation(s) and plan for the property.

The questions below shall be answered completely, otherwise the Planning and Zoning Commission shall not recommend a variation and the Village Board shall not grant a variation to the provisions of this Ordinance (for multiple variance requests provide answers for each request):

1. What special or unique circumstances exist that are unique to the property seeking the variance (examples of special circumstances include, but are not limited to the physical character of the land or buildings, dimensions, topography, and soil conditions)?

The existing building which has been in existence for decades does not currently provide rooftop screening. We are simply adding new units and slightly modifying the location on the rooftop.

2. Are the special circumstances not of so general or recurring a nature throughout the entire Village as to make it reasonably practical to provide for a general regulation?

The request is not specific to this property as many other buildings along Route 51 do not provide rooftop screening. Additionally, this is not a new construction building so the variance would not alter the existing conditions of the property.

3. Will the strict application of the Development Ordinance deprive the applicant of rights and/or uses commonly enjoyed by other owners of property in the immediate area under the regulations of this Development Ordinance? Please explain and give examples if available.

The rooftop units above the former Pier 1 also do not provide rooftop screening. Those units are visible from street level. The units above the Friar Tuck do not provide rooftop screening and are visible from the road. The rooftop units on the Texas Roadhouse also do not have screening and are visible.

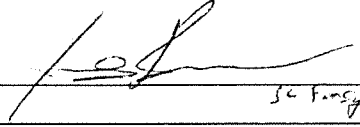
4. Will the authorization of such variance not be of substantial detriment to adjacent property and will the granting of the variance not change the character of the district? Please explain.

The units will be hardly visible from the road and will have no impact on adjacent properties. This is also something that is common along Route 51 and not unique to this property.

5. Is the variance the minimum variance that will make possible the reasonable use of the property, building, or structure? Please explain.

Yes, this is the minimum variance being requested by the Applicant in order to finalize buildout plans for the Five Below.

\$90.00 Application Fee: Required at time of the application. The fee will not be refunded if the request is denied by the Village Board of Trustees.

Signature:  Date: 3/26/24
SC Forsyth, LLC Authorized Signatory

For office use only	
Date Received: _____	PZC Meeting Date: _____
Application Fee Paid: _____	Board Meeting Date: _____
Approved (Y/N): _____	Ordinance # _____

NOTICE OF PUBLIC HEARING

The Village of Forsyth Planning and Zoning Commission will hold public hearings at 5:30 p.m., Thursday, April 25, 2024 at the Village Hall, 301 S. Route 51, Forsyth, IL. The Planning and Zoning Commission will meet to hold a public hearing and discuss the following items:

- Request submitted by Five Below – Forsyth, IL for a request to vary the HVAC screening requirements of the Development Ordinance Section 4.6 C.(8) on the real property located at 994 US Route 51, Forsyth, IL 62535 and legally described as: PT SW SW-BEG 52.26 E SW COR N412.64 NE192.49 SE41.33 SE42.79 S355.31 SW250.02 POB & (EX HWY ROW) & (EX RD ROW) 02BK.3269/728 (PIN: 07-07-14-351-006).

Any questions concerning this public hearing should be directed to Village Administrator, Jill Applebee, at 217-877-9445. All persons interested may appear and speak at the hearing.

AFFIDAVIT OF PUBLICATION

State of Texas, County of Bexar, ss:

Yuade Moore, being first duly sworn, deposes and says: That (s)he is a duly authorized signatory of Column Software, PBC, duly authorized agent of Herald & Review, a newspaper printed and published in the City of Decatur, County of Macon, State of Illinois, and that this affidavit is Page 1 of 1 with the full text of the sworn-to notice set forth on the pages that follow, and the hereto attached:

PUBLICATION DATES:

Apr. 9, 2024

NOTICE ID: 18munrup4ukOJqllTohM

PUBLISHER ID: COL-9000237

NOTICE NAME: Planning & Zoning Meeting 4-25-24

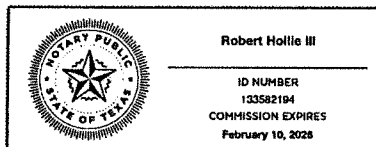
Publication Fee: 55.73

Under penalties as provided by Illinois law, the undersigned certifies that the statements set forth in this instrument are true and correct.

(Signed) Yuade Moore

VERIFICATION

State of Texas
County of Bexar



Subscribed in my presence and sworn to before me on this: 04/09/2024

[Signature]

Notary Public
Electronically signed and notarized online using the Proof platform.

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Any questions concerning this public hearing should be directed to Village Administrator, Jill Applebee, at 217-877-9445. All persons interested may appear and speak at the hearing.
4/9 COL-9000237

VARIANCE RECOMMENDATION & FINDINGS OF FACT

To: Village of Forsyth Board of Trustees

From: Planning & Zoning Commission

Re: Recommendation for to vary the requirements of the Development Ordinance Section 4.6.C.8 Mechanical Equipment to allow replacement HVAC units to be placed on the roof of the existing building without additional rooftop screening on the real property at 990 US Rt. 51, Forsyth, IL and legally described as PT SW SW-BEG 52.26 W SW COR N412.64 NE192.49 SE41.33 SE42.79 S355.31 SW250.02POB & (EX HWY ROW) & EX RD ROW) 02BK3269/728

Date: 4-25-24

On April 25, 2024 the Planning and Zoning Commission ("Commission") held a public hearing for a variance at 990 S. Route 51, Forsyth, IL 62535. The notice of the public hearing was published in the Herald & Review on April 9, 2024. A copy of the certificate of publication is attached.

The application sought to vary the requirements of the Development Ordinance Section 4.6.C.8 Mechanical Equipment to allow replacement HVAC units to be placed on the roof of the existing building without additional rooftop screening on the real property at 990 US Rt. 51, Forsyth, IL and legally described as PT SW SW-BEG 52.26 W SW COR N412.64 NE192.49 SE41.33 SE42.79 S355.31 SW250.02POB & (EX HWY ROW) & EX RD ROW) 02BK3269/728.

Based on the public hearing, the Commission voted ____ to ____ to approve the variance. The Commission further made the following findings of fact:

1. The property cannot yield a reasonable return if permitted to be used only under the conditions allowed by the regulations in the existing zoning district. and
2. The plight of the owner is due to unique circumstances. and
3. If granted, the variation will not alter the essential character of the locality. Many other existing buildings along the US 51 corridor have visible HVAC units. The property owner is also moving the unit further away from US 51 to limit the visibility. The units will not be visible from the parking lot and vary minorly visible from US 51.

The Commission further found as follows:

1. That the particular physical surroundings, shape, or topographical condition of the specific property involved would bring particular hardship upon the owner, as distinguished from a mere inconvenience, if the strict letter of the regulation were to be carried out;

2. That the conditions upon which the petition for variation is based would not be generally applicable to other property within the same zoning district;
3. That the purpose of the variation is not based exclusively upon a desire to make more money out of the property;
4. That the alleged difficulty or particular hardship has not been created by any person presently having an interest in the property, or by the applicant;
5. That the granting of the variation will not be detrimental to the public welfare, or injurious to other property or improvements in the neighborhood in which the property is located; and
6. That the proposed variation will not:
 - (i) Impair an adequate supply of light and air to adjacent properties.
 - (ii) Substantially increase the hazard from fire or other dangers to said property or adjacent properties.
 - (iii) Otherwise impair the public health, safety, comfort, morals, or general welfare of the inhabitants of the Village.
 - (iv) Diminish or impair property values within the neighborhood.
 - (v) Unduly increase traffic congestion in the public streets and highways.
 - (vi) Create a nuisance.
 - (vii) Result in an increase in public expenditures.

Chairman, Planning & Zoning Commission

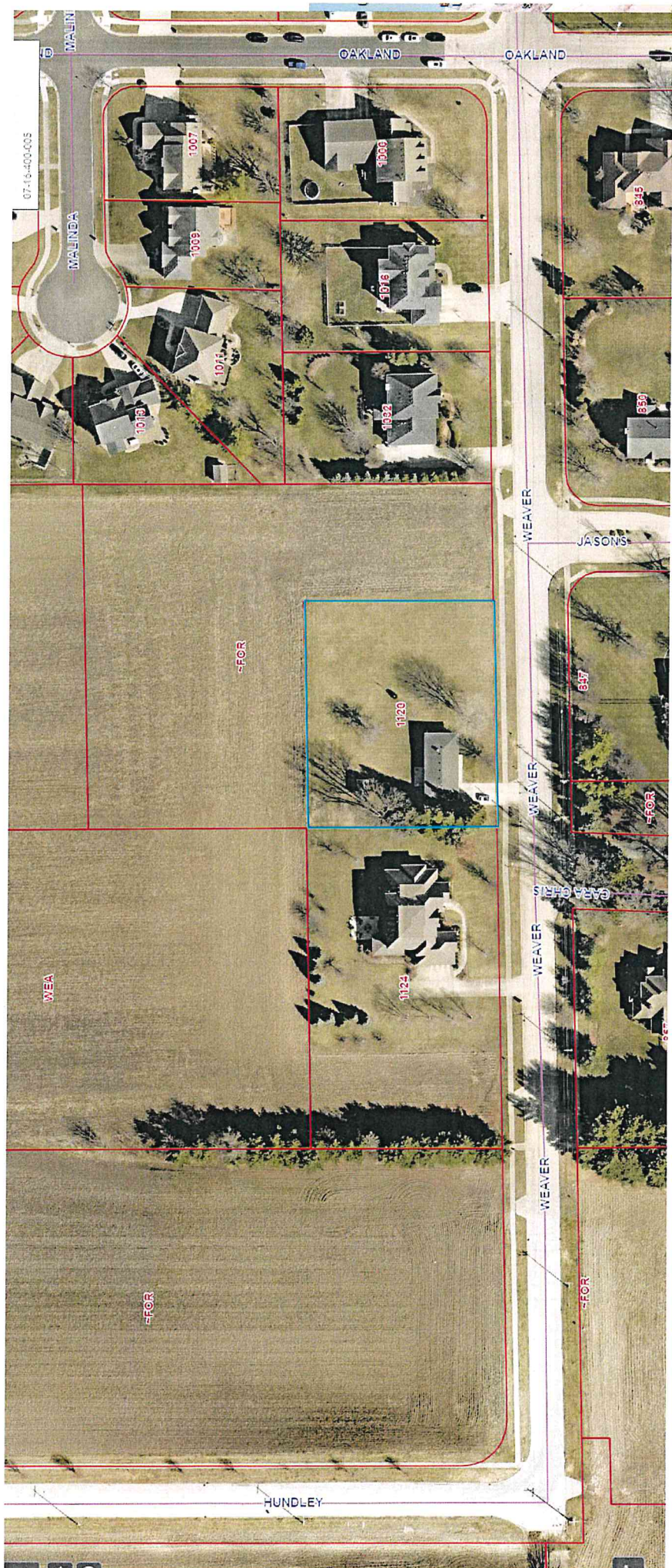
MEMORANDUM

To: Chairman Campbell and Planning and Zoning Commission
From: Jill Applebee, Village Administrator
Date: April 25, 2024
Subject: Barndominium

The Village does not have an ordinance regarding BARDNOMINIUMS. However, Mr. Jackson has come to us to ask prior to building. He is looking at adding a barndominium on 1120 Weaver Road. If this was a house, this would be allowed.

At this time, we are only looking for direction to give to Mr. Jackson.

As always, if you are in need of anything further regarding this or any other matter, please do not hesitate to contact me







SALE

FLOOR PLANS

EXTERIOR

INTERIOR

Images copyrighted by the designer. Photographs may reflect a homeowner modification.



SQ FT



BEDS



BATH



1/2 BATHS



CAR



STORIES



WIDTH



DEPTH



Home



Shop



Sign In



Favorites



Cart

MAIN FLOOR



Images copyrighted by the designer.



CUSTOMIZE THIS PLAN

Our designers can customize this plan to
your exact specifications.
Requesting a quote is easy and fast!

MODIFY THIS PLAN

FEATURES



[Home](#)



Shop



Sign In



Favorites



Cart

896 Square Foot 2 Bedroom Barndominium-Style House Plan

896

Heated S.F.

2

Beds

1

Baths

1

Floors

2

Car Garage

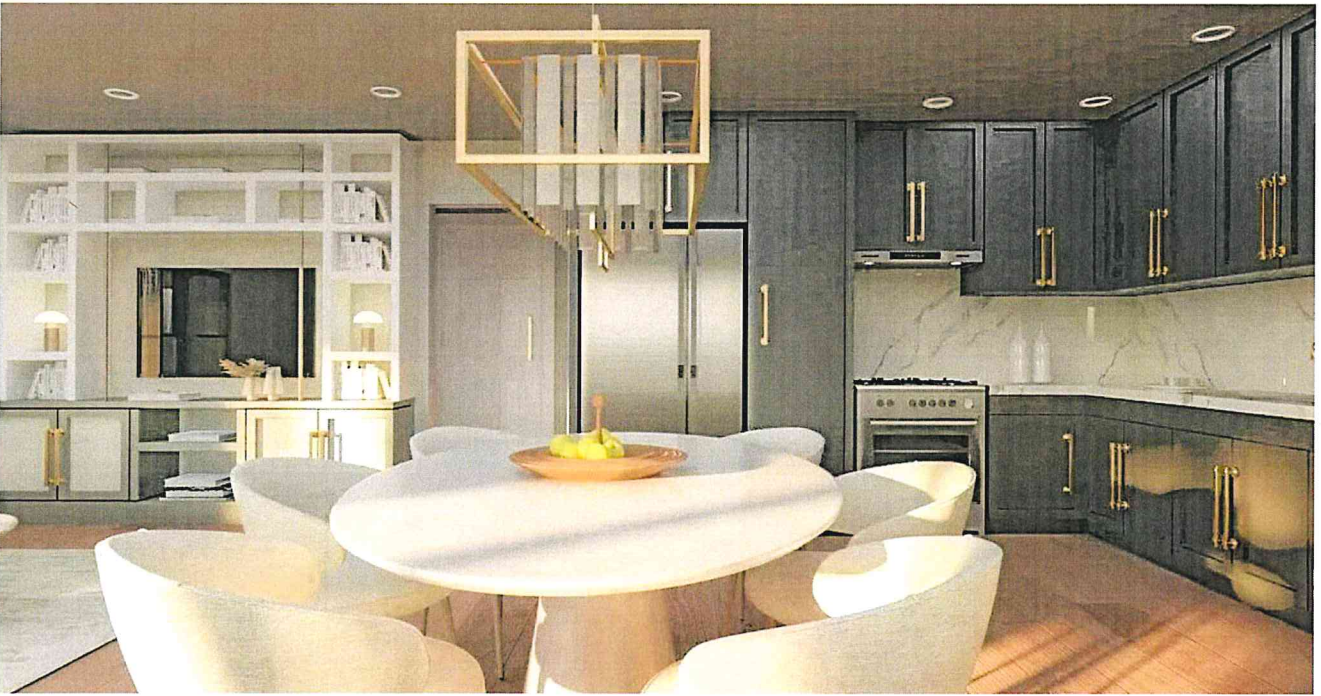
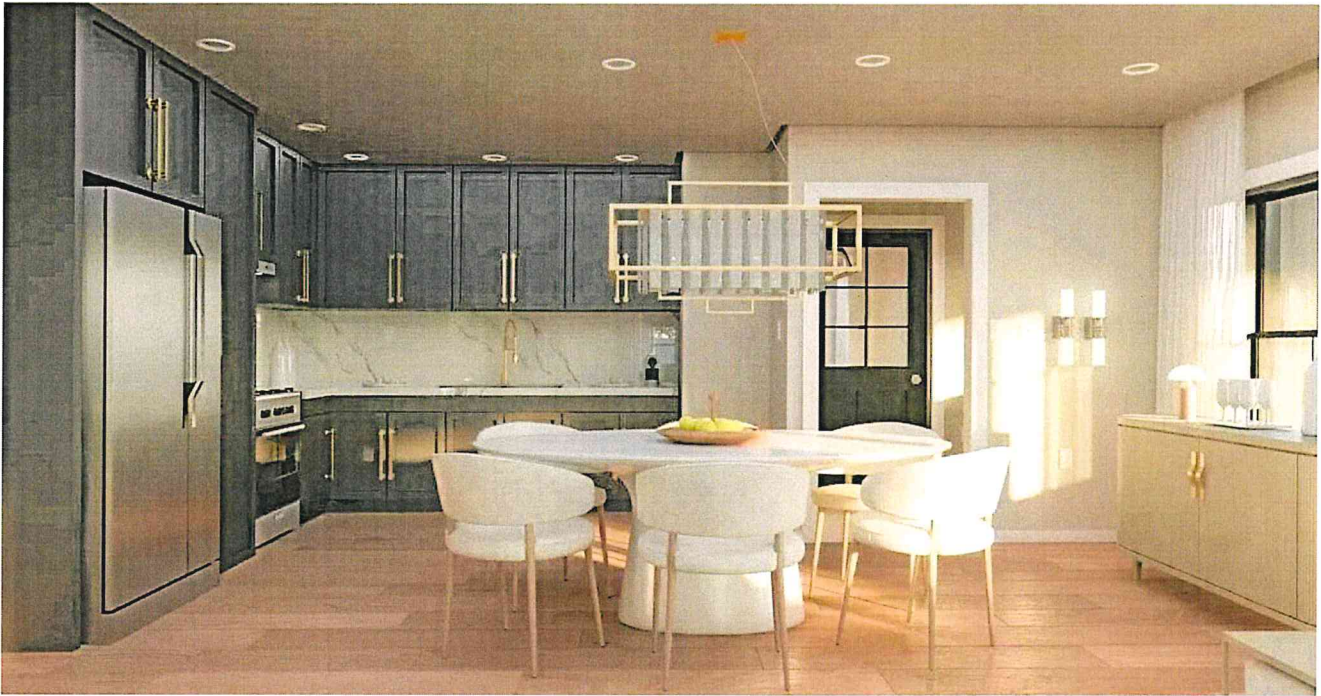




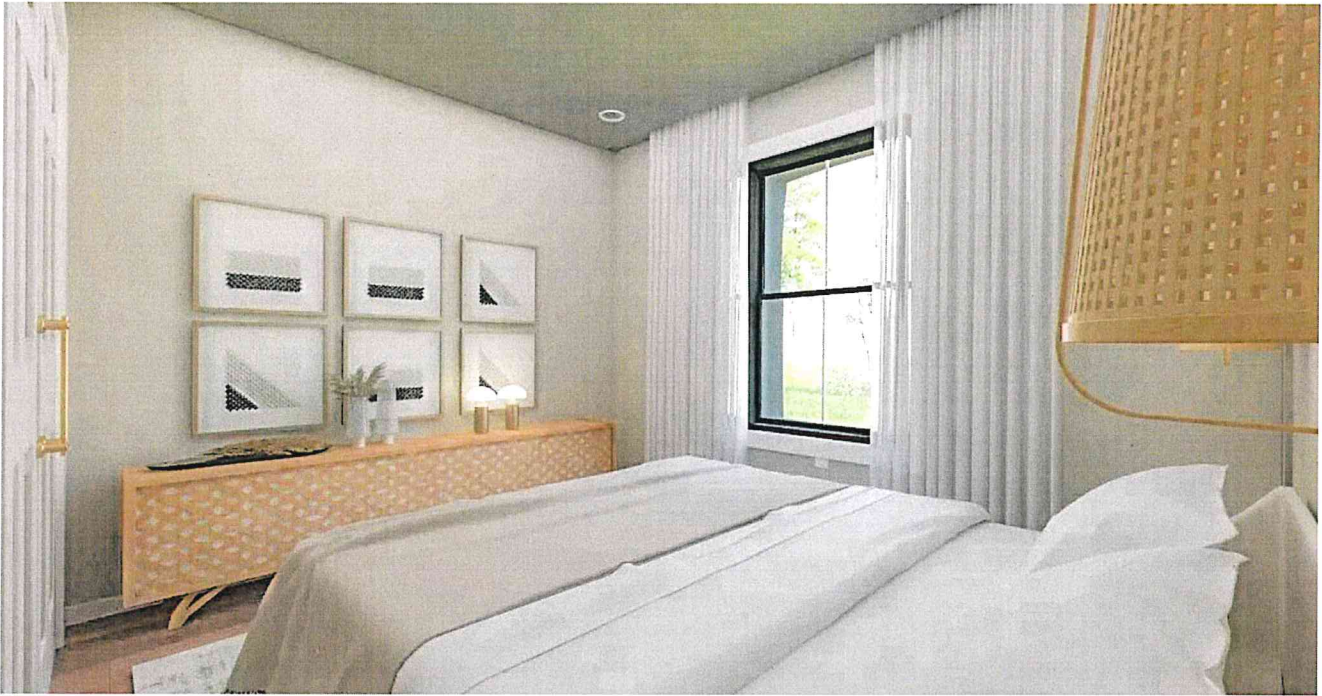


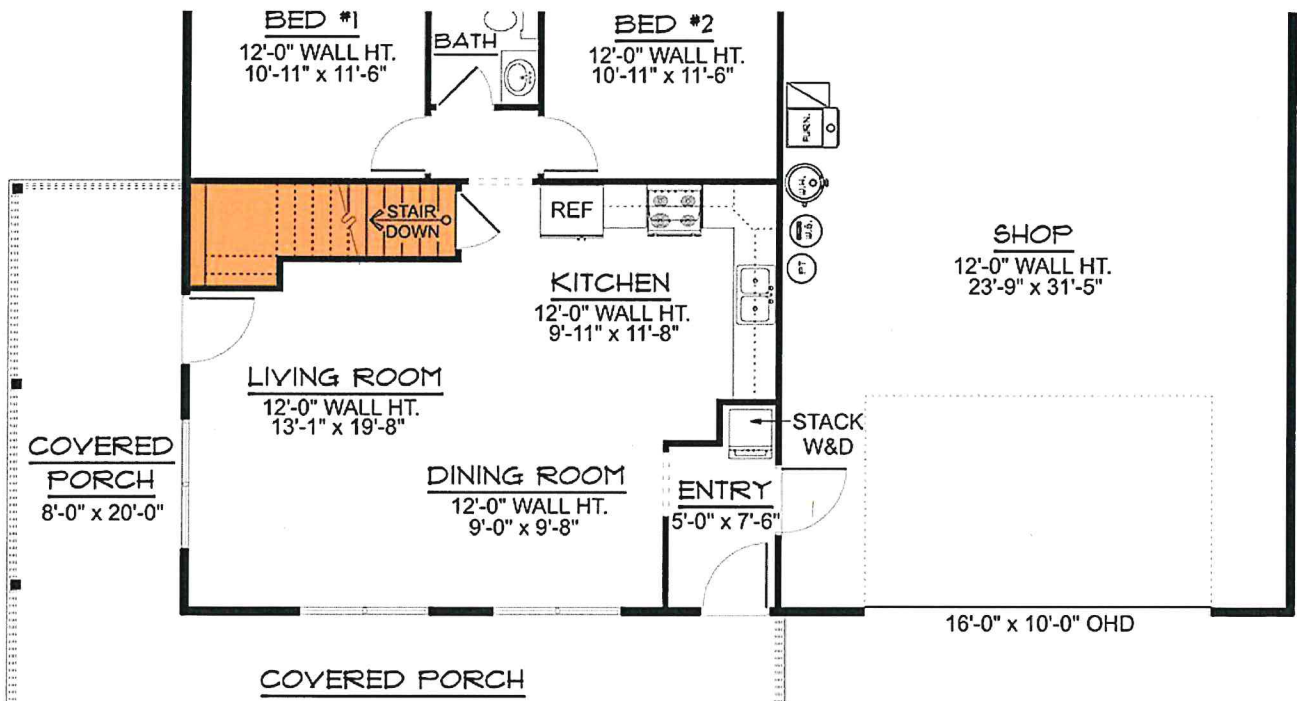
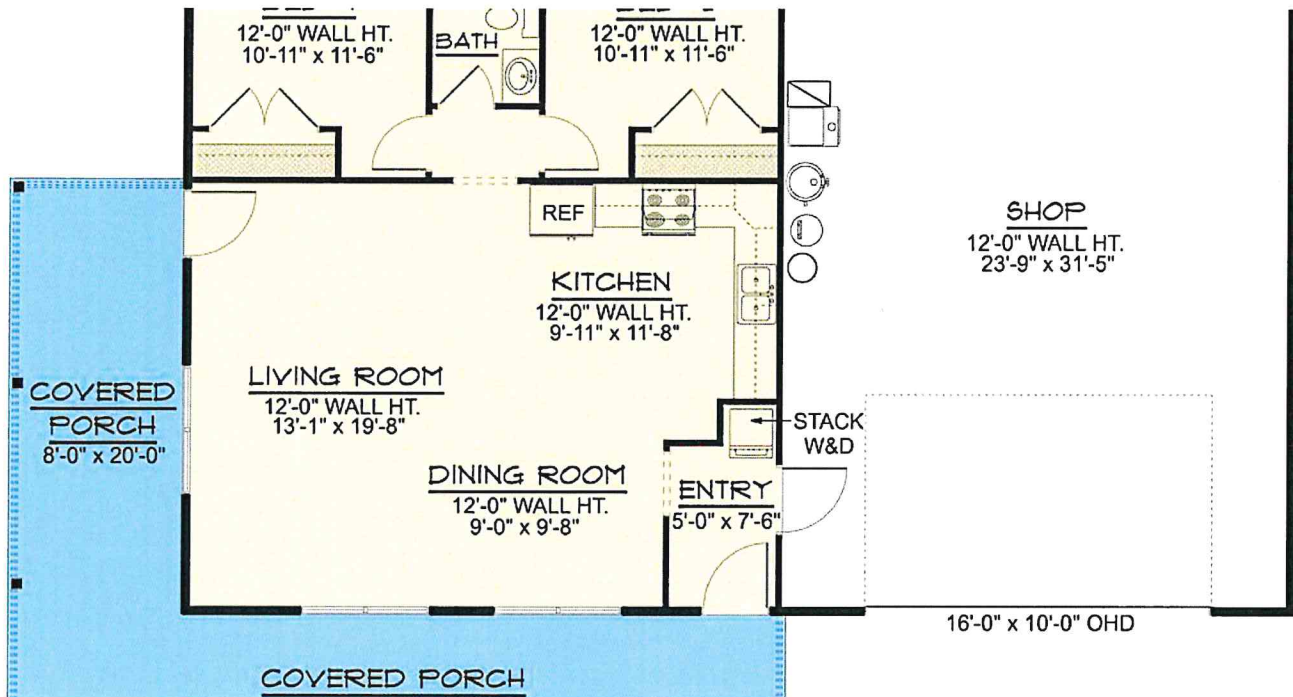












ARTICLE V

PLANNED UNIT DEVELOPMENTS

ANNED UNIT DEVELOPMENTS	5-1
PURPOSE	5-1
SPECIAL USE	5-2
PERMITTED USES AND CRITERIA	5-2
GENERAL PROVISIONS	5-3
RESIDENTIAL STANDARDS	5-6
APPLICATION AND APPROVAL	5-8
CHANGES IN THE PLANNED UNIT DEVELOPMENT	5-21

1 PURPOSE:

- A. To promote efficient land patterns which preserve natural resources and provide public amenities that are consistent with the growth management concepts in Forsyth's Comprehensive Plan.
- B. The provisions in this Article are intended to encourage and accommodate more creative and imaginative design for land development than would otherwise be possible under the strict application of Forsyth's conventional zoning and land subdivision provisions.
- C. With new approaches to land development and redevelopment emerging, the mixing of uses and variations in heights, yards, and other site and building characteristics has proven the capacity to produce very satisfactory and long-lasting results, if properly planned and designed, without adverse impacts on adjacent lands.
- D. It is the purpose of this Article that the land use patterns which result from these standards will:
 - (1) Foster quality development by allowing flexibility in land use and design standards, thereby encouraging innovative site planning;
 - (2) Promote more efficient land patterns in keeping with the Comprehensive Plan, which not only preserves open space and natural resources, but also provides for more efficient networks of utilities, streets, and other facilities and infrastructure;
 - (3) Promote diverse, high-quality residential environments, which include a mixture of dwelling unit types;
 - (4) Promote a land use pattern with a mixture of residential and non-residential uses that will mutually support each other;
 - (5) Provide for the permanent preservation of open space for the continued use and enjoyment of all residents;
 - (6) Provide for usable and suitably located public and private recreational facilities, with safe and accessible access for pedestrians and bicyclists;
 - (7) Encourage developers to provide amenities that enhance Forsyth's quality of life, both within the planned unit development and throughout the community as a whole;

- (8) Encourage a land use pattern which promotes the public health, safety, comfort, morals, and welfare of the community; and
- (9) Allow more than one principal building per zoning lot.

5.2 SPECIAL USE:

- A. Planned unit developments are of such substantially different character from conventional subdivisions or development on individual zoning lots that they require administrative processing as a special use, under the provisions of Article IX, **ADMINISTRATION AND PROCESSING** of this Ordinance.
- B. Because planned unit developments are complex and of a different character than other special uses, the Village has established more specific procedures, standards, and criteria for exceptions from the standards of the underlying zoning district than those included in Article IV, **DISTRICT REGULATIONS**. The procedures, standards, and criteria for exceptions provided in this Article are intended to guide the recommendations of the Village Board during their review of preliminary and final plans.

5.3 PERMITTED USES AND CRITERIA:

Planned unit developments may include uses and structures not otherwise permitted in the underlying zoning district, provided proper screening is employed between dissimilar land uses, and the petitioner demonstrates that the planned unit development accomplishes the standards set forth in this Article, achieves the planning goals and objectives of the Village of Forsyth, as defined in the Comprehensive Plan, and is compatible with adjacent land uses.

A. Residential Planned Unit Development:

- (1) A residential planned unit development may be processed for only one type of dwelling unit, but is intended to allow a mixture of dwelling unit types, thereby offering a choice in lifestyle to residents of the development. Non-residential land uses of a religious, institutional, cultural, recreational, or commercial character may be permitted in a residential planned unit development, to the extent that they can be integrated with the residential character of the development. Where provided, non-residential uses in a residential planned unit development shall:
 - (a) Not exceed fifteen (15) percent of the total developable acreage of the development, excluding lakes, streams, floodplains, wetlands and other natural features that will be set aside as open space.
 - (b) Be compatible in appearance and scale with the residential structures.
- (2) Residential developments shall be processed as planned unit developments when any of the following apply:
 - (a) More than one dwelling unit type is proposed.
 - (b) More than one principal building is proposed on a zoning lot.
 - (c) More than one land use is proposed for the development.
 - (d) A cluster subdivision, or zero lot line arrangement, is proposed.

- (e) A multi-family development, consisting of three (3) or more acres is proposed.

B. Commercial Planned Unit Development:

- (1) A commercial planned unit development may include any of the permitted or special uses listed in the Permitted and Special Use Chart in Article IV, **DISTRICT REGULATIONS** for the (B) Business, (C) Highway Commercial, or (OR) Office-Research Districts.
- (2) A proposed commercial development shall be processed as planned unit developments when any of the following apply:
 - (a) More than one building is proposed on a zoning lot.
 - (b) Development exceeds three (3) acres in area, and includes more than one type of business use, such as retail, office, and/or service uses.
 - (c) A commercial development that includes residential dwelling units.
- (3) Commercial developments shall meet the "General Provisions for All Non-Residential Uses," as outlined in the **DISTRICT REGULATIONS** of Article IV.

C. Industrial Planned Unit Development:

- (1) An industrial planned unit development may include any of the permitted or special uses listed in the Permitted and Special Use Chart in Article IV, **DISTRICT REGULATIONS**, for the (OR) Office-Research, (I-1) Light industrial or (I-2) Heavy Industrial Districts.
- (2) A proposed industrial development shall be processed as a planned unit development when any of the following apply:
 - (a) The development consists of ten (10) or more acres.
 - (b) More than one building is proposed on a zoning lot.
 - (c) The planned unit development includes other commercial or support services that warrant special consideration by the Village Board to assure that potential hazards associated with dissimilar land uses are minimized and involve an acceptable level of potential conflict.
- (3) Industrial developments shall meet the "General Provisions for All Non-Residential Uses," in the **DISTRICT REGULATIONS** of Article IV.

5.4 GENERAL PROVISIONS:

A. General:

- (1) Traditional development controls, as set forth for zoning and land subdivision in this Ordinance, may restrict imaginative development. Therefore, it is the intent of these provisions to permit review of integrated site proposals on their own merits, where they afford the Village amenities and benefits which enhance the quality of life of the community due to unified planning and design.
- (2) These provisions are not intended as a means to circumvent the zoning and land subdivision procedures and standards established in this Ordinance, and thereby

allow a lower standard of development than would otherwise be permitted under the strict interpretation of these codes. Rather, they are intended to take advantage of particular site characteristics, increase the flexibility and originality of design in large scale projects, provide more open space and public amenities than would otherwise be required, encourage the protection of high-quality natural resources, and establish better transitions between dissimilar land uses.

- (3) Unless otherwise recommended by the Village Board, the following standards shall apply. The Village Board may recommend exceptions from these standards when determined appropriate to achieve the objectives set forth in Section 5.1, above. (Am. Ord. 946, passed 6-1-2015)
- (a) Ownership – The proposed planned unit development shall be under the unified control of the petitioner.
 - (b) Comprehensive Plan – The proposed planned unit development shall conform to the land uses, planning and design guidelines, and intent of the Comprehensive Plan and other planning objectives established for the Village of Forsyth.
 - (c) Compatibility – Uses permitted in a planned unit development shall be compatible with surrounding land uses.
 - (d) Subdivided – Unless otherwise approved by the Village Board, a plat of subdivision shall be required in accordance with procedures set forth in the land subdivision regulations established in this Ordinance, as may be amended from time to time.
 - (e) Yards – The required yards along the periphery of a planned unit development shall be at least equal in depth to those of the underlying zoning district, or the adjacent zoning district, whichever is greater. The Village Board may recommend greater setbacks from the boundary line of a planned unit development when determined to be necessary to protect the privacy of residents within both existing and proposed subdivisions adjacent to the planned unit development.
 - (f) Sidewalks – Sidewalks shall be constructed on both sides of all streets in residential, business, and office planned unit developments unless an alternative system is provided internal to the development which provides adequate connection between the development and adjacent properties and activity areas. In addition, sidewalks shall be planned to provide convenient access for pedestrians between residential blocks and to adjacent blocks and public activity areas. When a planned unit development is adjacent to U.S. Route 51, a parallel pedestrian system, internal to the planned unit development, may substitute for sidewalks along this highway.
 - (g) Public Streets:
 - (i) All streets shall be publicly dedicated, and constructed in accordance with applicable standards contained in the land subdivision regulations.
 - (ii) Reduced rights-of-way or pavement width in residential subdivisions may be recommended by the Planning and Zoning Commission and approved by the Village Board, if it is

determined appropriate for maintaining the character of the area or for preserving natural features.

- (h) Vehicular Access – Points of vehicular ingress and egress to the site shall be minimized to maintain the safety and operational efficiency of Forsyth's major roadways and collector roadways. Where possible, cross-access between properties shall be provided.
- (i) Design Standards – All non-residential or multi-family components of a Planned Unit Development shall meet or exceed the general provision standards for design (parking, landscaping, etc.) contained in section 4.6 of Article IV, **DISTRICT REGULATIONS** of this Ordinance.
- (j) Underground Utilities – All utilities (including electric, telephone, gas, cable TV and communications) shall be installed underground.
- (k) Tree Replacement – Where determined appropriate by the Village Board, trees greater than six (6) inches in caliper, as measured twelve (12) inches above grade, which are identified to be removed for construction, shall be replaced in accordance with a tree replacement plan that is subject to review and approval by the Village Board.
- (l) Performance Standards – All activities associated with a business, office, or mixed use planned unit development shall conform to the standards established by Article X, **PERFORMANCE STANDARDS**, of this Ordinance.
- (m) Preliminary Plan Approval – Preliminary approval of a planned unit development by the Village Board shall be null and void, in the event that the petitioner has failed to obtain final planned unit development approval for a least the first phase of the development within twenty-four (24) months of the date of the preliminary approval.
- (n) Recording of Plat – Within thirty (30) days of the date of approval of any final plan, for all of a development or a single phase, the petitioner shall record a plat, approved by the Village Board as being consistent with the approved planned unit development, with the County Recorder.
- (o) Completion – The planned unit development shall be initiated within two (2) years of final planned unit development approval, and shall be substantially completed within the period of time specified by the petitioner and set forth in the development ordinance prepared for the project, unless an extension is requested by the petitioner and approved by the Village Board.
- (p) Compliance with Ordinances – Where there is a conflict or difference between the provisions of this Article and those of other Articles of this Ordinance or other ordinances, the provisions of this Article shall prevail. Except as otherwise set forth herein, all other applicable Village ordinance provisions shall apply.
- (q) Exceptions – The Village Board may recommend and approve exceptions to standards and criteria when determined necessary to achieve the planning objectives set forth in this Article.

5.5 RESIDENTIAL STANDARDS:

- A. **Open Space/Greenbelt** – Open space shall be provided for Village residents in the form of parks, greenbelts, open space, and recreational facilities, consistent with regulatory and policy directives of Forsyth and the provisions of this Article.
- (1) Unless otherwise recommended and approved by the Village Board, not less than twenty-five (25) percent of the gross land area within a single family residential planned unit development shall be reserved and designated as open space, greenbelt, and/or recreational facilities. This percent shall be increased to thirty (30) percent for planned unit developments with thirty (30) percent or more of the dwelling units other than single family detached.
 - (2) Where parks and greenbelts illustrated on the Future Land Use Plan in the Comprehensive Plan pass through a proposed residential subdivision, land shall be provided in lieu of cash according to the provisions of this Ordinance. The Board of Trustees has determined that the dedication of land in these areas is essential for implementing the continuous greenbelt and open space system established in the Village's Comprehensive Plan.
 - (3) Designated open space, greenbelts, or public recreational facilities reserved under a planned unit development shall be held and maintained by a homeowners' association, unless conveyed to a public authority approved by the Village Board.
 - (4) All designated open space, greenbelts, and/or recreational facilities shall be dedicated as open space in perpetuity, and shall be so designated in the development ordinance and final plat of subdivision(s) recorded for the planned unit development.
 - (5) The cost for improving open space or greenbelts, or constructing recreational facilities proposed as part of a planned unit development, shall be included in the letter of credit or other surety required for the public or quasi-public improvements as described in this Ordinance.
 - (6) Open space shall be suitably improved for its intended use. However, open space containing natural features worthy of preservation, including traditional agricultural uses, may be left unimproved.
 - (7) No portion of a planned unit development shall be conveyed or dedicated as public open space, greenbelt, or recreation to any public body until such conveyance or dedication is reviewed and approved by the Village Board.
- B. **Minimum Lot Size** – Minimum lot size shall be as set forth in this Ordinance unless twenty-five (25) percent of the total gross acres have been set aside for: active recreational areas and/or facilities; open space; or preservation of major stands of trees or other natural areas. The Village finds that flexibility in its standards are warranted only when such amenities are proposed as part of a planned unit development.

- (1) Net development area shall be determined by subtracting the area set aside for non-residential uses from the gross development area, then deducting fifteen (15) percent of the remainder for streets, regardless of the amount of land actually required for streets.

Net Development Area Example

Gross Development Area	100.0 acres
- Non-Residential Area	10.0 acres
- 15% for Streets	13.5 acres
= Net Development Area	76.5 acres

- (a) In no case shall the net lot size for single-family dwellings, or net lot area for each multi-family dwelling unit, be less than the following:
- (i) Single-Family, detached: 6,000 square feet
 - (ii) Single-Family, attached: 5,000 square feet
 - (iii) Patio House: 5,000 square feet
 - (iv) Townhome: 3,500 square feet
 - (v) Two-Family or Duplex: 3,500 square feet
 - (vi) Quadplex: 3,000 square feet
 - (vii) Apartments, Low-Rise: 2,000 square feet
- (2) For the purpose of this Article, recreational facilities and open space provided as part of the planned unit development may include but not be limited to the following:
- (a) Parks
 - (b) Greenbelts
 - (c) Golf course
 - (d) Swimming pools
 - (e) Community center
 - (f) Health club
 - (g) Tennis courts
 - (h) Jogging trails
 - (i) Physical fitness courses
- (3) At the discretion of the Village Board, the following may be included as open space or recreational facilities:
- (a) Ponds required for stormwater retention or detention basins, provided they are developed with trails, benches, and other substantial landscape features.

- (b) Land for parks, greenbelts, or preservation of natural features such as floodplains, steep slopes, wetlands, high quality native plant communities, major stands of trees, or riparian zones.
- C. Building Separation – Residential structures shall be separated and arranged to protect the privacy of each dwelling unit and provide adequate space for emergency access and maintenance. Townhome buildings shall contain no more than six (6) units without a separation. A side to side of at least twenty (20) feet is required between buildings. Separation of townhomes front to front, or front to rear, shall be at least sixty (60) feet, and front or rear sides shall be at least forty (40) feet.

5.6 APPLICATION AND APPROVAL:

A. Administrative:

- (1) Application – Applications for planned unit developments shall be made on forms provided by the Zoning Official, and shall be accompanied by plans, drawings, documents, and other information required by this Article. Applications and other required documentation shall be reviewed by the Zoning Official for compliance with submittal requirements set forth herein for pre-application and preliminary or final plan review, before forwarding these materials to the Plan Review Committee, Planning and Zoning Commission, or Village Board. (Am. Ord. 946, passed 6-1-2015)
- (2) Planned Unit Development Ordinances:
 - (a) Planned unit developments shall be controlled by means of ordinances adopted by the Village Board subsequent to approval of final plans. Said ordinance shall include graphics and other support documentation upon which Village Board approval is based. The ordinance shall specify any conditions of approval established by the Village Board.
 - (b) Ordinances approving final plans may provide for exceptions from district regulations governing use, density, area, setbacks, height, parking, and subdivision design standards, as determined to be desirable to achieve the objectives of the proposed planned unit development, provided such exceptions are consistent with the standards and criteria contained in this Article.

B. Pre-Application Procedure (Mandatory):

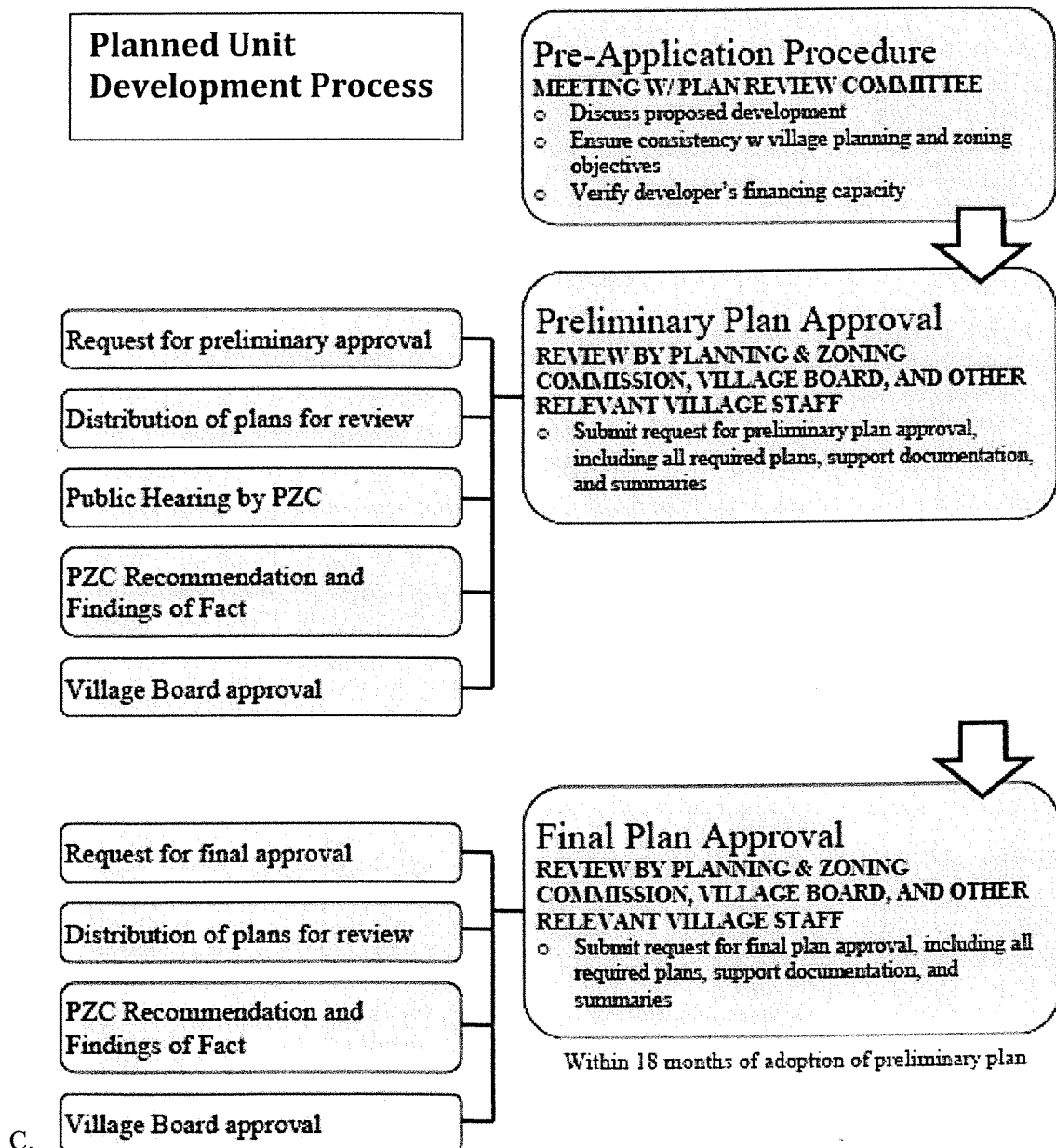
- (1) Prior to the filing of an application for approval of a planned unit development, the petitioner shall contact the Zoning Official to arrange an informal meeting with the Plan Review Committee. (Am. Ord. 946, passed 6-1-2015)
- (2) The purpose of the pre-application meeting is to discuss the proposed development in conjunction with Village planning and zoning objectives, as expressed in the Comprehensive Plan and as set forth within this Article, and to ask whether the developer has secured short- and long-term financing sufficient to complete the proposed project. The Village will request a list of projects developed, completed, or participated in by the petitioner.

- (3) Not less than fifteen (15) days before the pre-application meeting, the petitioner shall provide four (4) print copies and one electronic (PDF) copy of:
- (a) Concept Plan – A concept plan shall be submitted at a scale necessary to describe the proposed development and surrounding area in sufficient detail to demonstrate the relationship of the planned unit development to adjoining uses, both existing and proposed, and to the topography and natural features of the adjoining land uses. The plan shall include:
- (i) North arrow, scale, and date of preparation.
 - (ii) Name, address, and profession of the person or firm who prepared the plan.
 - (iii) Proposed name of the planned unit development.
 - (iv) Proposed land uses.
 - (v) Total acreage and percent of the site devoted to each land use.
 - (vi) Proposed layout of streets, lots, and blocks.
 - (vii) Proposed school and park sites, if applicable.
 - (viii) Proposed greenbelt, if applicable, and other open space or developed recreation areas.
 - (ix) Proposed building footprints and estimated floor area for all non-residential structures, if any.
 - (x) Wetlands, floodplains, floodways, and surface waters, including lakes ponds, streams, and drainage swales.
 - (xi) Any other data reasonably necessary to provide an accurate overview of the proposed development as determined by the Zoning Official.

(Am. Ord. 946, passed 6-1-2015)

- (4) The Plan Review Committee shall evaluate the proposed concept plan and other documentation and advise the petitioner as to the compatibility of the planned unit development with the Comprehensive Plan, this Ordinance, and the development goals and policies of the Village of Forsyth. Recommendations relative to a pre-application review are advisory only, and shall not constitute a waiver from the requirements contained in applicable ordinances. In those instances where the Zoning Official has authorized the application to be processed as a minor planned unit development, the Plan Review Committee shall submit a summarization to the Planning and Zoning Commission with a recommendation to process the preliminary and final plans consecutively or concurrently. (Am. Ord. 946, passed 6-1-2015)
- (5) The Plan Review Committee may, at its discretion, require plans and support documentation to be revised before referring the proposed planned unit development to the Village Board. This may require additional meetings between the petitioner and the Committee to assure that the proposed planned unit development conforms, to the maximum extent possible, with the applicable ordinance provisions, goals, and policies of the Village of Forsyth.

- (6) When determined desirable by the Committee, Village staff, or its consultants shall prepare a written report, which shall be forwarded to the Village Board. The report shall:
- (a) Evaluate the compatibility of the planned unit development with Forsyth's Comprehensive Plan;
 - (b) Identify and comment on exceptions from applicable ordinances which have been requested by the petitioner;
 - (c) Summarize recommendations by the Plan Review Committee regarding the proposed planned unit development; and
 - (d) Summarize the petitioner's proposed schedule for submitting preliminary and final plans in accordance with procedures set forth herein.



Preliminary Plan:

(1) **Purpose:**

- (a) The purpose of the preliminary plan is to obtain a recommendation and preliminary approval by the Village Board indicating that all plans and programs which the petitioner intends to build and follow are acceptable, and that the petitioner can reasonably proceed with preparation of detailed architecture, engineering, site, and landscape plans.
- (b) The preliminary plan is more detailed than the concept plan required for pre-application. This plan is meant to assure the petitioner that final plans will be approved by the Village Board, provided these plans substantially conform to the approved preliminary plans.

(2) **Procedure:**

- (a) A request for preliminary plan approval, signed by the owner of record of the land proposed for a planned unit development, shall be submitted to the Zoning Official, who will forward the request to the Planning and Zoning Commission for public hearing, report, and recommendation. The Zoning Official shall also notify the Village Board of the pending application and hearing schedule. (Am. Ord. 946, passed 6-1-2015)
- (b) The Zoning Official may authorize the application for planned unit development to be processed as a minor planned unit development when the following criterion are present: the development involves five acres or less; there are no mixed zoning uses; the property fronts on streets which are adequately improved for the proposed use; and extensive modification of municipal facilities shall not be required to service the proposed developments. The preliminary and final plats, as described hereafter, may be processed and submitted for approval concurrently. (Am. Ord. 946, passed 6-1-2015)
- (c) Preliminary and final plans must be filed and processed consecutively, and not simultaneously (excepting minor planned unit developments), unless specifically exempted from this requirement by the Village Board.
- (d) Preliminary plats of subdivision may be processed along with the preliminary plan submittal, according to procedures and submittal requirements set forth in the land subdivision standards in this Ordinance, as may be amended from time to time.

(3) **Distribution of Plans and Required Documentation:**

- (a) The petitioner shall file four (4) print copies of plans and other support documentation, as identified below, with the Zoning Official. All submittals shall also be supplied in electronic form (PDF or similar), and all materials shall include a date of preparation or revision. (Am. Ord. 946, passed 6-1-2015)
- (b) Once all required drawings and information have been received, the Zoning Official shall distribute the preliminary plan submittal to the Planning and Zoning Commission, and to other reviewers designated by the Zoning Official. This shall include, but not be limited to, the following: (Am. Ord. 946, passed 6-1-2015)

- (i) Planning and Zoning Commissioners and Recording Secretary.
 - (ii) Board of Trustees.
 - (iii) Village Administrator. (Am. Ord. 2016-3, passed 3-7-2016)
 - (iv) Village Clerk.
 - (v) Village Engineer.
 - (vi) Village Planner.
 - (vii) Fire Protection District.
 - (viii) Village Attorney.
- (c) Required plans, support documentation, and summarization from the Plan Review Committee regarding minor planned unit developments shall be submitted no later than fifteen (15) working days before the next scheduled meeting of the Planning and Zoning Commission, to assure adequate time for review.
- (4) Required Submittals – Unless specific submittal requirements are waived by the Zoning Official, the following plans and drawings, as applicable, shall be submitted at the scale necessary to clearly indicate the planned unit development for the property: (Am. Ord. 946, passed 6-1-2015)
- (a) Location map.
 - (b) Site Plan – The proposed site plan shall contain all the information required at the pre-application stage, as well as the following:
 - (i) Location of the subject site by section, town, and range, or by other approved legal description.
 - (ii) Name and address of the site planner, engineer, architect, and landscape architect.
 - (iii) Name and address of the owner and/or trust beneficiary.
 - (iv) Site data, including as applicable:
 - a. Total acreage and acreage of each proposed lot, outlot, and open space, greenbelt, or recreation areas.
 - b. Acres and percent of the planned unit development devoted to each land use.
 - c. Percent of land devoted to streets and public rights-of-way.
 - d. Percent of land covered by buildings and parking.
 - e. Percent of the site devoted to usable open space.
 - f. Minimum lot size.
 - g. Existing zoning on and adjacent to the site.
 - (v) Existing topography and proposed grading.
 - (vi) Existing and proposed zoning.

- (vii) Municipal and school districts within which the project is located.
 - (viii) Utility easements.
 - (ix) Proposed lotting and footprints of all non-residential structures.
 - (x) Maximum lot coverage by buildings and other impervious surfaces, for all uses within the planned unit development.
 - (xi) Off-street parking and loading areas, including number and dimensions of parking spaces, drive aisles, and loading zones.
 - (xii) Configuration and acreage of all land proposed to be dedicated as open space or greenbelts, and all sites to be conveyed, dedicated, or reserved for parks, playgrounds, school sites, public buildings, and similar public and quasi-public uses.
 - (xiii) Pedestrian and/or bicycle circulation systems.
 - (xiv) Greenbelt or other open space systems, and submittal requirements for these systems as set forth in Article III of this Ordinance.
 - (xv) Proposed phasing.
 - (xvi) Location of trash bins and enclosures for all multiple-family residential and non-residential uses, if any.
 - (xvii) All other information determined necessary by the Planning and Zoning Commission to clearly show the proposed elements of the planned unit development.
- (c) Grading Plan – The grading plan shall show both existing and proposed contours and elevations and shall identify all areas proposed for excavation and/or filling of the property.
- (d) Landscape Plan – The landscape plan shall be superimposed on the grading plan, and shall include:
- (i) Any proposed fences, walls, berms, and entry monuments.
 - (ii) Contours for any landscaped berms.
 - (iii) One or more sections through the site to illustrate the relationship between the landscape materials, the land form, proposed buildings, and nearby properties.
 - (iv) Location of all trees and shrubs, keyed into a plant list, which identifies species, sizes, and quantities for proposed plantings.
 - (v) Method of screening trash collection facilities and enclosures.
- (e) Photometric Plan – The photometric plan shall be superimposed on the site plan, for all multiple-family residential and non-residential planned unit development, and shall:
- (i) Identify the location and heights of all light standards.
 - (ii) Identify footcandle intensities on the site of the planned unit development, and ten (10) feet beyond proposed property lines.

- (iii) Include specifications for proposed lighting, including wattage, method of illumination, color of light standards and luminaries, and fixture types.
- (f) Development Schedule – A development schedule shall be submitted which addresses:
 - (i) Approximate dates for initiating project construction.
 - (ii) Phasing and anticipated date of completion for public improvements for each phase.
 - (iii) The area and location of open space and/or greenbelt areas to be provided with each phase.
 - (iv) The mix of uses proposed for implementation within each phase of a mixed use planned unit development.
- (g) Architectural Drawings – Preliminary architectural drawings for buildings shall be submitted which include:
 - (i) Typical elevations (front, rear, and side) for proposed residential and non-residential buildings, which identify materials, color styling, and any variations in height, roof pitches, and façade articulation proposed for all exterior elements of the building.
 - (ii) Gross floor area for all non-residential buildings.
 - (iii) Minimum habitable floor areas for residential buildings, excluding garages, basements, porches, and patios.
 - (iv) Proposed building heights.
 - (v) Roof plan for all non-residential structures, which shows the proposed location and top elevation of all roof-mounted mechanical equipment.
 - (vi) Cross-sections of all non-residential structures which show the relation of the roof structure and/or parapet wall to the proposed roof-mounted mechanical equipment.
- (h) Protective Covenants – Proposed covenants shall be prepared and submitted which include:
 - (i) Architectural controls for residential dwellings, including:
 - a. Minimum floor area, excluding garages, basements, porches, and patios.
 - b. Maximum lot coverage.
 - c. Minimum front, rear, and side yards.
 - d. Materials.
 - e. Anti-monotony code.
 - f. Landscaping for individual lots.
 - g. Maintenance of common facilities.

- (ii) Tenant sign controls for all non-residential, multi-tenant developments.
 - (iii) Provisions for dedication and maintenance of all open space, greenbelt, and recreation areas.
- (i) Utility Plan – A proposed utility plan shall be superimposed on the proposed site plan and shall show:
 - (i) Approximate location and dimensions of all sanitary sewer, storm sewer, and water lines.
 - (ii) Drainage ditches, culverts, water retention areas, and utility easements.
 - (iii) Statement from the petitioner's engineer attesting to the capability of existing water and sewer systems to service the proposed development.
- (j) Traffic Impact Study – A traffic study, prepared by a professional engineer licensed in the State of Illinois, when deemed appropriate by the Zoning Official shall be submitted to: (Am. Ord. 946, passed 6-1-2015)
 - (i) Identify anticipated volumes of traffic to be generated by each phase of the planned unit development.
 - (ii) Identify required public roadway improvements and/or traffic regulation devices needed to insure the proper safety of traffic to, through, and around the planned unit development.
- (k) Written Statement – A written statement shall be submitted by the petitioner which describes:
 - (i) Why the petitioner is processing the project as a planned unit development.
 - (ii) How the proposed planned unit development meets the objectives of the Comprehensive Plan and the purposes for planned unit development, as noted in Section 5.1. (Am. Ord. 946, passed 6-1-2015)
 - (iii) How the project is compatible with adjacent existing land uses or planned land uses.
 - (iv) How the project will economically benefit or otherwise affect Forsyth, including information regarding additional public facilities and/or services that will be needed as a result of the proposed project.
 - (v) A comprehensive list of all requested exceptions to applicable ordinances.
- (l) School/Park – The petitioner shall prepare an estimate of land and/or cash that will be required for the development, based on the adopted Land/Cash Ordinance for Parks, Schools, and Public Areas, as may be amended from time to time.

(m) Other – The Planning and Zoning Commission may require preparation and submittal of the following additional elements for review and evaluation:

- (i) Fiscal impact study, detailing the estimated cost which the planned unit development will have on all taxing bodies, and anticipated revenues which will be realized from each phase of development.
- (ii) A projected school population study estimating the number of students by age group, which will be generated by the development, if applicable.
- (iii) Other information that is deemed necessary for evaluation of the proposed development in comparison to Village plans, policies, ordinances, and existing conditions.

(5) Public Hearing:

- (a) Scheduling – Upon receipt of all required documentation, the Zoning Official shall coordinate the time, date, and place of the public hearing with the petitioner and the Planning and Zoning Commission. (Am. Ord. 946, passed 6-1-2015)
- (b) Content of Notice – The notice of public hearing shall, at a minimum, include:
 - (i) A legal description of the subject property.
 - (ii) The address or common name of the subject property.
 - (iii) The name of the petitioner.
 - (iv) A description of the petitioner's request including, but not limited to, the requested zoning, acreage of the subject property, proposed mix of uses, and number and types of dwelling units, if any, and square footage of non-residential uses, if any.
 - (v) Identification of requested exceptions from applicable ordinances.
 - (vi) The time, place, and purpose of the public hearing.
- (c) Notice to the Public – The Village shall give notices of the public hearing as follows:
 - (i) Property Owners:
 - a. Village staff shall notify all property owners within two hundred fifty (250) feet in all directions of the petitioner's property. Said notices shall be mailed out not more than thirty (30) days, nor less than fifteen (15) days, in advance of such hearing.
 - (ii) Publication – Notice of said hearing shall be published, by the Village, at least once in a newspaper of general circulation within the Village of Forsyth, not less than fifteen (15) days, nor more than thirty (30) days, before the date of the hearing.

(iii) Posting:

- a. The Village shall post and maintain, for a period of not less than ten (10) days prior to the hearing, a public hearing notice sign.
- b. Said notice sign shall be erected not more than fifteen (15) feet from the front lot line and be placed in such a manner as to be visible from the street.
- c. The jurisdiction of the Planning and Zoning Commission to hold public hearings shall not be affected by the absence of a posted notice sign, if such absence is not the result of the applicant's act or omission.

- (iv) Other – Supplemental or additional notices may be distributed, published, or posted as the Village Board may require.

(Am. Ord. 946, passed 6-1-2015)

(d) Conduct of Hearing:

- (i) The petitioner shall enter all plans, drawings, and other support documentation into the record as official exhibits, and shall demonstrate compliance with the notice of public hearing, notice of surrounding property owners, and posting of the property.
- (ii) The hearing may be continued by the Planning and Zoning Commission from time to time, during which time plans, drawings, and support documentation may be revised and resubmitted.

- (6) Planning and Zoning Commission's Recommendation – After the close of the public hearing, the Planning and Zoning Commission shall recommend approval or denial of the proposed planned unit development. The recommendation may include conditions of approval intended for incorporation into final plans and supporting documentation.

- (7) Statement of Findings of Fact – The Chairperson shall have prepared a written Statement of Findings of Fact, which shall be submitted to the Village Board with the Planning and Zoning Commission's recommendation:

- (a) The Planning and Zoning Commission's Statement of Findings of Fact shall include but not be limited to:
 - (i) Name and address of the petitioner and the petitioner's attorney.
 - (ii) The petitioner's request.
 - (iii) A description of the project.
 - (iv) A list of requested exceptions from zoning or planned unit development standards, if any, and the basis for recommending approval or denial of each exception.
 - (v) A list of exhibits upon which the Planning and Zoning Commission's recommendation is based, including title, author, and date of preparation or revision.

- (vi) Recommendation of the Planning and Zoning Commission, including conditions of approval, if any.
- (vii) The roll call vote.
- (b) The Statement of Findings of Fact shall also specify in what respects the proposal would or would not be in the public interest, and shall, at a minimum, address:
 - (i) The extent to which the proposed planned unit development departs from the zoning, land subdivision, or planned unit development standards otherwise applicable to the subject property and the reasons why such departures are in the public interest.
 - (ii) Compatibility of the proposed planned unit development with adjacent properties and neighborhoods.
 - (iii) The desirability of the proposed planned unit development, or lack thereof, for the Village's tax base and economic well-being.
 - (iv) The adequacy of the physical design and methods by which the proposed planned unit development would:
 - a. Make provision for public utilities and services.
 - b. Provide adequate control over vehicular traffic.
 - c. Provide for and protect designated open space and drainage systems.
 - (v) Compatibility with the Comprehensive Plan and the goals and policies for planning within the Village of Forsyth.
- (8) Village Board Review:
 - (a) Subsequent to receiving the Planning and Zoning Commission's Statement of Findings of Fact, the Zoning Official shall schedule the proposed planned unit development for review by the Village Board. (Am. Ord. 946, passed 6-1-2015)
 - (b) The petitioner shall present all exhibits and testimony applicable for review and action by the Village Board.
 - (c) The Village Board shall approve, approve with modifications, or disapprove the preliminary plan for the proposed planned unit development.
- (9) Action by the Village Board:
 - (a) The preliminary plan may be disapproved or referred back to the Planning and Zoning Commission for additional review of specified items, by motion of the Board.
 - (b) If the preliminary plan is approved, the Village Board shall prepare a development ordinance for the preliminary plan. The ordinance shall identify all applicable exhibits and support documentation upon which Village Board action is based, and shall include any conditions of approval.

D. Final Plan:

(1) Process:

- (a) Within eighteen (18) months of the adoption of the preliminary plan development ordinance, the petitioner shall file all required final plan submittals for applicable phases of construction with the Zoning Official. The submittal shall address all conditions of approval that are set forth in the preliminary plans and development ordinance. (Am. Ord. 946, passed 6-1-2015)
- (b) The request for final approval of a planned unit development shall be submitted to the Zoning Official who, upon receipt of all required submittals, will forward the request to the Planning and Zoning Commission for its review and recommendation. Final plan approval may be obtained in phases, in accordance with the petitioner's development schedule. (Am. Ord. 946, passed 6-1-2015)
- (c) Final plats of subdivision may be processed along with the final plan submittal in accordance with the land subdivision regulations in this Ordinance.
- (d) Final plan submittals shall demonstrate compliance with the preliminary plan development ordinance. The petitioner shall file four (4) print copies of plans, drawings, and other required supporting documentation with the Zoning Official. All submittals shall also be supplied in electronic form (PDF or similar), and all materials shall include a date of preparation or revision. Once all required drawings and information have been received, the Zoning Official shall distribute the final plan submittal to the Planning and Zoning Commission and to other designated reviewers. (Am. Ord. 946, passed 6-1-2015)
- (e) Required plans, drawings, and supporting documentation shall be submitted no later than fifteen (15) working days before the next scheduled meeting of the Planning and Zoning Commission to assure adequate time for review.
 - (i) Submittals – Required submittals shall include, but not necessarily be limited to, the following, as applicable:
 - a. An accurate legal description of the entire area under immediate development within the planned unit development.
 - b. A final site plan which includes:
 - Identification of all use areas, including open space, greenbelts, and recreation areas.
 - Approved building setbacks and separations.
 - Footprints of all non-residential buildings.
 - c. An accurate legal description of each separate unsubdivided use area, such as open space and greenbelts.

- d. Tabulations of each use area, including land area and number of dwelling units per acre, if any.
- e. Final landscape plan, superimposed on a grading plan.
- f. Final utilities and drainage plan.
- g. Final agreements, by-laws, provisions, or covenants which govern the use, maintenance, and continued protection of the planned unit development and its open space, greenbelts, or other recreational facilities.
- h. Final development and construction schedule.
- i. Detailed elevations of buildings.
- j. Final engineering drawings.
- k. A certificate from the County which documents that no delinquent taxes exist, and that all special assessments constituting a lien on the whole or any part of the property of the planned unit development have been paid.

(ii) The final plan shall be processed as follows:

- a. The Planning and Zoning Commission shall review the final plan and plat submittal at a public meeting, and shall recommend approval if it is in substantial compliance with the preliminary plan development ordinance. Their recommendation may include such additional conditions as may be appropriate, based on the final documentation submitted.
- b. If the final plan and plat are substantially different from the approved preliminary plan, the Planning and Zoning Commission shall either:
 - Recommend disapproval of the final plan submittal; or
 - Recommend to the Village Board that a new public hearing be held in conformance with the procedures established for approval of a preliminary plan.
- c. With a recommendation of approval, the Planning and Zoning Commission shall submit to the Village Board a written Statement of Findings of Fact and Recommendations which:
 - Confirms that final plan submittals are in conformity with the preliminary plan development ordinance; and
 - Identifies any additional conditions of approval.

- (iii) If the Village Board decides to approve the final development plan, it shall prepare the final plan development ordinance. If the Village Board determines that the final development plan shall be disapproved, it shall do so by a motion of the Board. In lieu of denial, the Village Board may grant the petitioner additional time to remedy any deficiencies.
 - (iv) No plats shall be recorded, and no building permits issued, until final plan submittals have been approved by the Village Board. Final plats shall be recorded by the petitioner within thirty (30) days of the date of final plan approval.
- E. **Guarantees** – In all cases where special use permits for a planned unit development are granted, the Village Board shall require a Construction Agreement and a Bond or Bonds for public improvements.

5.7 CHANGES IN THE PLANNED UNIT DEVELOPMENT:

- A. The planned unit development shall be implemented only according to the approved final plan development ordinance and recorded final plats of subdivision recorded for the planned unit development. The recorded final plats and supporting data, together with all recorded documents and amendments, if any, shall be binding on the owners, successors, heirs, and assigns.
- B. Changes to a planned unit development may be made as follows:
 - (1) **Major Changes**:
 - (a) Changes which alter the concept or intent of the planned unit development may be approved by the Village Board only by submission of a new final plan and final plats of subdivision for the planned unit development. All revisions shall be reviewed by the Planning and Zoning Commission at a public hearing.
 - (b) Major changes include, but are not limited to, the following:
 - (i) Increases in density.
 - (ii) Increases in the heights of buildings.
 - (iii) Reductions in approved open space, greenbelts, or preservation areas.
 - (iv) Modifications to the approved uses, and a change by more than ten (10) percent in the acreage allocated to each use.
 - (v) Rearrangement of lots, blocks, and building tracts.
 - (2) **Minor Changes** – Minor changes may be approved by the Village Board, after review and recommendation of the Planning and Zoning Commission at a public meeting, provided said changes do not alter the spirit and intent of the approved planned unit development. Minor changes include:
 - (a) Minor modifications to the location of buildings, provided all setbacks established for the planned unit development are met.

- (b) Minor changes to the location and configuration of streets and rights-of-way, which are made to preserve natural features.
 - (c) Minor changes to the location and configuration and size of approved open space, greenbelts, and recreational facilities, due to circumstances that were not foreseen at the time the final plans were approved.
- (3) Incidental Field Changes – Incidental field changes may be approved by the Zoning Official. (Am. Ord. 946, passed 6-1-2015)
- (4) Recording – Major changes which are approved for the final planned unit development shall be recorded as amendments to the recorded copy of the final plat of subdivision(s).