

AGENDA

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

5:30 P.M.

THURSDAY, June 27, 2024

VILLAGE HALL, 301 SOUTH ROUTE 51, FORSYTH, IL

CALL TO ORDER

ROLL CALL

APPROVAL OF MINUTES

PUBLIC HEARINGS

- Request by Stacey Wenskunas for map amendment to change the zoning on the real property commonly known as 130 S. Grant Street, Forsyth, Illinois and legally described as Shaffers Addn to Village of Forsyth Lot 3 Blk 1 (PIN: 07-07-14-102-002). The request is made in accordance with Development Ordinance Section 9.11. The property is currently zoned OT and the request is made to change the zoning to R-2 to allow the construction of a duplex on the real property.
- Request by Andrew R. Hendrian for a variance to the setback requirements of the Development Ordinance Section 4.9 from 50 feet for the IDOT ROW to 20 feet from the IDOT ROW on the real property commonly known as 105 S. Route 51, Forsyth, Illinois and legally described as E300 N300 NE1/4(EXC HWY ROW) 99BK2887/599 BK2635/90 (PIN: 07-07-15-229-003) The property is currently zoned C1 and no request to vary the zoning has been made.

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, MAY 23, 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, Matt May, Tom Cantwell, Dan Doerfler

Absent: Larry Perkins, Cathy Mitteer, Colleen Brinkoetter

Staff Present: Village Administrator Jill Applebee, Village Clerk Cheryl Marty, Village Engineer Representative Stephanie Brown, Public Works Director Darin Fowler

Staff Absent: Village Attorney Lisa Petrilli, Director of Planning and Zoning Ryan Raleigh

Attendees: Darrel Daugherty, Andrew Hendrian

APPROVAL OF MINUTES

MOTION: Vice Chairman Downey made a Motion to approve the minutes of April 25, 2024 as presented and Commissioner Ragan seconded the motion.

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

Yeas: 6 – Campbell, Ragan, May, Cantwell, Doerfler, Downey

Nays: 0 – None

Absent: 3 – Perkins, Mitteer, Brinkoetter

Motion declared carried.

PUBLIC HEARING #1

- **Request submitted by Five Below by Expedite The Diehl LLC (Tracy Diehl) to vary the requirements of the Development Ordinance Section 7.4 C.(1) to allow four wall signs on the real property located at 990 U.S. Rt. 51, Forsyth, IL and legally described as: PT SW SW-BEG 52.26 E SW COR – N412.64 NE192.49 SE42.79 S355.31 SW250.02POB – & (EX HWY ROW) & (EX RD ROW) – 02BK3269/728 (PIN: 07-07-14-351-006).**

Administrator Applebee explained the variance request details to allow four wall signs on the property. Tracy Diehl from Five Below further explained the details. Staff recommended approval of the variance. The Commissioners held a brief discussion.

MOTION: Commissioner Doerfler made a Motion to recommend approval of the variance request as presented and Vice Chairman Downey seconded the motion.

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

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

Motion declared carried.

PUBLIC HEARING #2

- **Request by Andrew R. Hendrian for special use to use the real property commonly known as 105 S. Route 51, Forsyth, Illinois and legally described as E300 N300 NE1/4(EXC HWY ROW) 99BK2887/599 BK2635/90 (PIN: 07-07-15-229-003) as a “Self-Storage Facility” as defined in Development Ordinance Section 2.2 and Am. Ord. 2016-3. The request is made in accordance with Development Ordinance Section 9.12. The property is currently zoned C1 and no request to vary the zoning has been made.**

Administrator Applebee explained the details of the special use request. Andrew Hendrian further explained the plans he has for the property. All existing structures will remain but the back area will be used for portable mini storage buildings. There is an identifiable need for this type of storage in this part of the county. The Commissioners held a discussion with Mr. Hendrian answering their questions.

MOTION: Vice Chairman Downey made a Motion to recommend approval of the special use permit request as presented and Commissioner Cantwell seconded the motion.

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

Village of Forsyth
Planning and Zoning Commission Meeting Minutes
May 23, 2024

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

Motion declared carried.

OLD BUSINESS

- **Review and discussion of Forsyth Code of Ordinances – Ongoing Discussion**
The discussion was postponed due to the absence of Planning & Zoning Director Ryan Raleigh and several other Commissioners.

ADJOURNMENT

Commissioner Doerfler made a Motion to adjourn, Commissioner Cantwell seconded the Motion, and Chairman Campbell asked for a voice vote which was then unanimously approved. The meeting was adjourned at 6:00 P.M.

By: *Cheryl Marty*
Village Clerk

MEMORANDUM

To: Chairman Campbell and Planning and Zoning Commission
From: Ryan Raleigh, Director of Planning and Zoning
Date: June 21, 2024
Subject: Map Amendment for 130 S. Grant St. – Stacey Wenskunas

Stacey Wenskunas is asking for a map amendment for a lot in OT – Original Town to R-2 Multi-Family Residential for the property at 130 S. Grant St., Forsyth, IL 62535 and legally described as SHAFFERS ADDN TO VILLAGE OF FORSYTH LOT 3 BLK 1 80X150.

The lot is currently empty except for an old accessory structure in the back of the property. The property owner would like to have the property re-zoned to allow for the construction of a duplex home.

There is another duplex within two blocks of this lot.



VILLAGE OF FORSYTH

301 S. Route 51
Forsyth, IL 62535

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



MAP AMENDMENT APPLICATION

OWNER: ☒

APPLICANT: ☐

Name: Stacey Wenskunas

Address: P.O. Box 406, Forsyth IL 62535

Phone Number: 217-519-3977

E-mail: staceywenskunas@gmail.com

Property Address: 130 S. Grant St
FORSYTH IL 62535

PIN #: 07-07-14-102-002

Legal Description of the Property:

Shaffers Addn to Village of Forsyth Lot 3
BIK 1 80x150

Current Zoning District: Old Town Zoning (municipal)

Proposed Zoning District: R-2 special use permit

Existing use of the property:

Empty lot w/ Block Building

Proposed use of the property:

Duplex - New Construction

*Attach a location map showing the property lines, streets, and such items as the Zoning Official may require.

Address the following items:

1. How does the amendment relate to the Comprehensive Plan?:

N/A

2. How does the amendment promote the public health, safety, and general welfare?:

more tax revenue
Increases population
Curb Appeal

3. How does the amendment fulfill the standards set form in Section 9.11 F Standards (attached checklist):

There are several duplex's within walking distance and apartments.

\$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: Stacey Wenskunas Date: 06.03.24

For office use only

Date Received: 6-4-24

PZC Meeting Date: _____

Application Fee Paid: \$90.00

Board Meeting Date: _____

Approved (Y/N): _____

Ordinance # _____

Show search results for 07-07-14-102-002



60ft

48°50'19"934 Degrees



MEMORANDUM

To: Chairman Campbell and Planning and Zoning Commission
From: Ryan Raleigh, Director of Planning and Zoning
Date: June 21, 2024
Subject: Variance Request for Setback at 105 US 51 – Andrew Hendrian

Andrew Hendrian has made a variance request regarding setbacks on the property at 105 US 51, Forsyth, IL 62535 and legally described as E300 N300 NE1/4(EXC HWY ROW) 99BK2887/599 BK2635/90.

The Village of Forsyth Development Ordinance 4.9 Setback and Bulk Chart requires all properties along US 51 to provide a 50-foot setback from the right-of-way and that a Commercial-1 properties have an interior side setback of 10-foot. Andrew is asking for two separate variances withing this request.

1. He is asking for a variance to allow a privacy fence and storage building to be placed within 20-foot of the US 51 right-of-way.
2. He is asking to have a storage building be placed on the property on the interior side lot line. This would be on the west side of the property. Andrew will be installing a new fence around the portable storage property area which is allowed to be placed on the lot line on the west side. His request is to also place the storage buildings on the fence line just inside the fence.

Staff does not recommend approval of the setback variance along US 51. Placing the fence withing 20-foot of US 51 would have the curb stop for the water service withing the fenced in area and a buried communication line within the fenced in area. Andrew also intends to have buildings placed just inside the fence which means the building would be over the communication line and water shutoff.

Another concern is that it would limit the line of sight of the Illini Supply building. One reason for the 50-ft set back is to provide a line of sight down US 51. In the old town there are a few areas where drives and parking lots were allowed inside of the 50-foot right-of-way, but it has not been allowed with new development. Brown's Trucking has trailers placed within the 50-foot right of way but no permanent structures. We do not feel we should make exceptions for new developments/improvements.

Proposed Fence Line



VILLAGE OF FORSYTH

301 S. Route 51
Forsyth, IL 62535

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



VARIANCE REQUEST APPLICATION

OWNER: ☒

APPLICANT: ☐

Name: Andrew R. Hendrian

Address: PO Box 333, Forsyth, IL 62535

Phone Number: (217) 358-1277

E-mail: Taxbuyer@aol.com

Property Address: 105 S. Route 51

PIN #: 07-07-15-229-003

Legal Description of the Property:

See attached "Exhibit A"

Zoning District: C-1: Commercial Service District



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

I am requesting a variance of 4.9 regarding setbacks.

#1. I am requesting the setback for structures from U.S Route 51 right-of-way be changed from 50 feet to 20 feet.

#2. I am requesting permission to set the back side of portable storage buildings on the property lines.

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

I am wanting to place portable storage buildings within the fenced in area to be leased individually. These portable buildings would not be fixed in concrete but set on top of rock. An electronic keyed gate would be added. Lighting would be placed off roof lines of existing buildings to better light the fenced in area. The portable buildings are built off site and delivered via semi. Each portable building is approximately 10'-40' long and 10'-14' deep. They are set close to each other to appear as one building once set. The current setbacks would require a gap between the fence and the back of the buildings.

*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 east side of this property has roughly 300' of route 51 frontage. There is approximately 62 feet of grass space between the existing fence and the edge of route 51. I've had the property surveyed, spoken with IDOT, and utility companies to confirm where a fence could go. The potential new fence placement will not cover any underground utilities and will provide for a much larger space for the proposed project.

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?

No.

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.

Strict application of the ordinances will hinder the long term projections of the project as it changes the amount of proposed space that could be used. Currently, other properties have large trailers consistently parked closer to 51 than what I am proposing. The trailers are similar in height and size to what the storage buildings would be.

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.

I do not believe there to be an effect on adjacent property owners. I do not believe moving the fence closer to Route 51 will change the character of the district. The fence would remain on the west side of the Illini Supply new sign as to not impede the visibility of the sign from Route 51.

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

Yes, being able to move the fence approximately 30' east allows for an extra drive lane between the existing garage on the property and the proposed east side units. Without moving the fence, a drive lane there is not possible.

\$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: _____

Andrew R. Hendrian

Date: 5/28/2024

For office use only

Date Received: _____

PZC Meeting Date: _____

Application Fee Paid: _____

Board Meeting Date: _____

Approved (Y/N): _____

Ordinance # _____

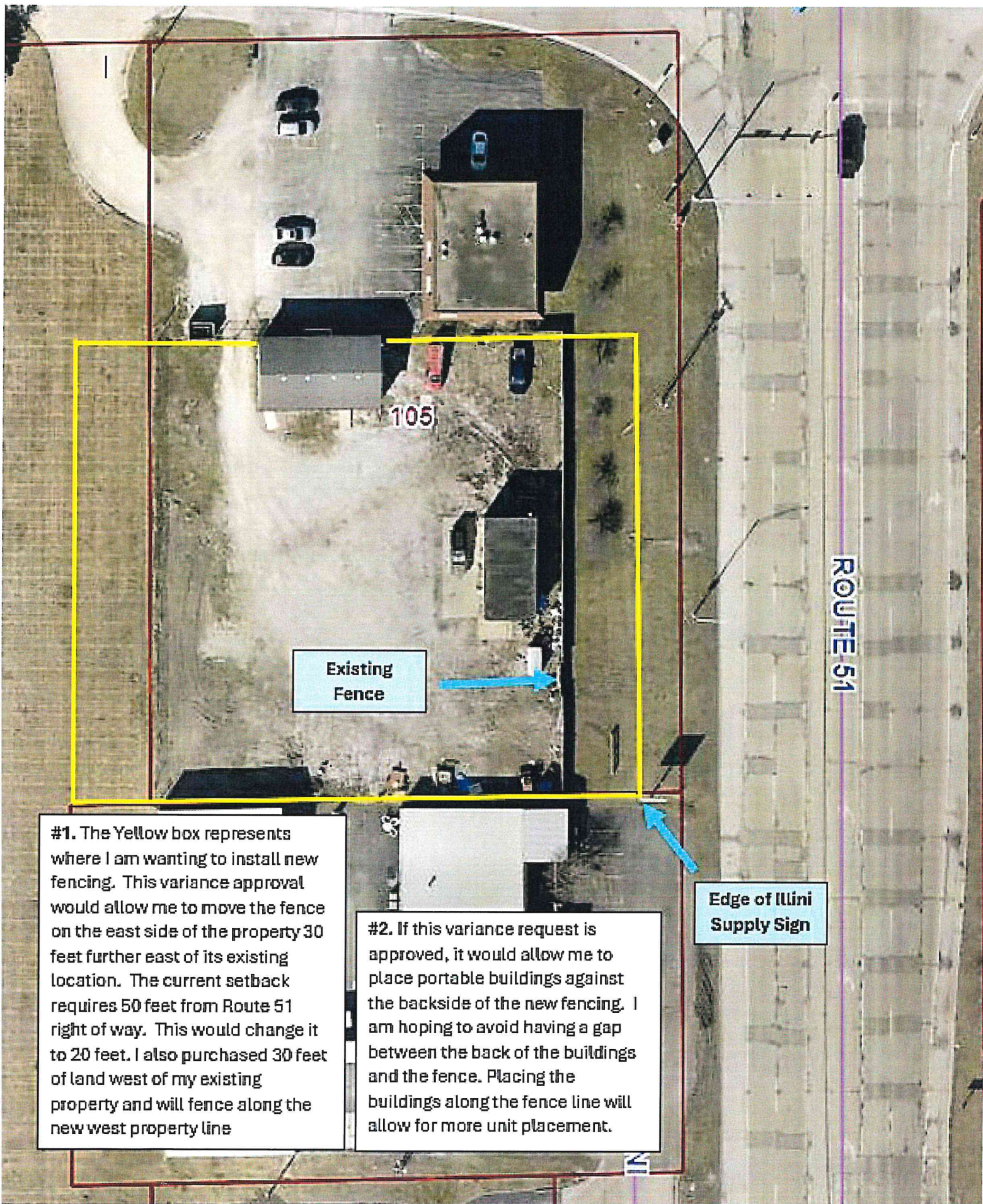
Exhibit A

Book: 4981 Page: 242

The East 300 feet of the North 330 feet of the Northeast Quarter (NE1/4) of the Northeast Quarter (NE1/4) of Section Fifteen (15), Township Seventeen (17) North, Range Two (2) East of the Third P.M. EXCEPT the part deeded to the People of the State of Illinois, Department of Transportation, recorded April 30, 1982 in Book 2093 on Page 81 as Document No. 1135567 more particularly described as follows: beginning at the Northeast corner of said Section 15, thence measure Southerly along the East line of the Northeast Quarter of said Section 15 for 329.73 feet; thence deflect 89°09'28" to the right, Westerly along the South line of the East 300 feet of the North 330 feet of the Northeast Quarter (NE1/4) of the Northeast Quarter (NE1/4) of said Section 15 for 38.01 feet; thence deflect 90°50'32" to the right, Northerly for 231.34 feet; thence deflect 46°52'12" to the left, Northwesterly for 84.14 feet; thence deflect 35°59'05" to the left, Westerly for 50.49 feet; thence deflect 82°51'17" to the right, Northerly for 33.01 feet; thence deflect 89°10'42" to the right, Easterly along the North line of the Northeast Quarter of said Section 15 for 199.99 feet to the place of beginning. (Except coal and other minerals underlying the surface of said land and all rights and easements in favor of the estate of said coal and other minerals). Situated in Macon County, Illinois.

Permanent Index Number: 07-07-15-229-003

Common Address: 105 S. Route 51, Forsyth, IL 62535



Existing
Fence

#1. The Yellow box represents where I am wanting to install new fencing. This variance approval would allow me to move the fence on the east side of the property 30 feet further east of its existing location. The current setback requires 50 feet from Route 51 right of way. This would change it to 20 feet. I also purchased 30 feet of land west of my existing property and will fence along the new west property line

#2. If this variance request is approved, it would allow me to place portable buildings against the backside of the new fencing. I am hoping to avoid having a gap between the back of the buildings and the fence. Placing the buildings along the fence line will allow for more unit placement.

Edge of Illini
Supply Sign

NOTICE OF PUBLIC HEARING

The Village of Forsyth Planning and Zoning Commission will hold public hearings at 5:30 p.m., Thursday, June 27, 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 by Stacey Wenskunas for map amendment to change the zoning on the real property commonly known as 130 S. Grant Street, Forsyth, Illinois and legally described as Shaffers Addn to Village of Forsyth Lot 3 Blk 1 (PIN: 07-07-14-102-002). The request is made in accordance with Development Ordinance Section 9.11. The property is currently zoned OT and the request is made to change the zoning to R-2 to allow the construction of a duplex on the real property.

- Request by Andrew R. Hendrian for a variance to the setback requirements of the Development Ordinance Section 4.9 from 50 feet for the IDOT ROW to 20 feet from the IDOT ROW on the real property commonly known as 105 S. Route 51, Forsyth, Illinois and legally described as E300 N300 NE1/4(EXC HWY ROW) 99BK2887/599 BK2635/90 (PIN: 07-07-15-229-003) The property is currently zoned C1 and no request to vary the zoning has been made.

Any questions concerning this public hearing should be directed to the Village's Director of Planning and Zoning, Ryan Raleigh, at 217-877-9445. All persons interested may appear and speak at the hearing.

6/11 #####

AFFIDAVIT OF PUBLICATION

State of Pennsylvania, County of Lancaster, ss:

Casey Allen, 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 2 with the full text of the sworn-to notice set forth on the pages that follow, and the hereto attached:

PUBLICATION DATES:

Jun. 11, 2024

NOTICE ID: 55vyNs6BGSurCcL6hIhY

PUBLISHER ID: COL-9000353

NOTICE NAME: Planning & Zoning June 27 Meeting

Publication Fee: 82.59

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

Casey Allen

(Signed) _____

VERIFICATION

State of Pennsylvania
County of Lancaster

Commonwealth of Pennsylvania - Notary Seal
Nicole Burkholder, Notary Public
Lancaster County
My commission expires March 30, 2027
Commission Number 1342120

Subscribed in my presence and sworn to before me on this: 06/11/2024

Nicole Burkholder

Notary Public

Notarized remotely online using communication technology via Proof.

ARTICLE V

PLANNED UNIT DEVELOPMENTS

PLANNED 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

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:

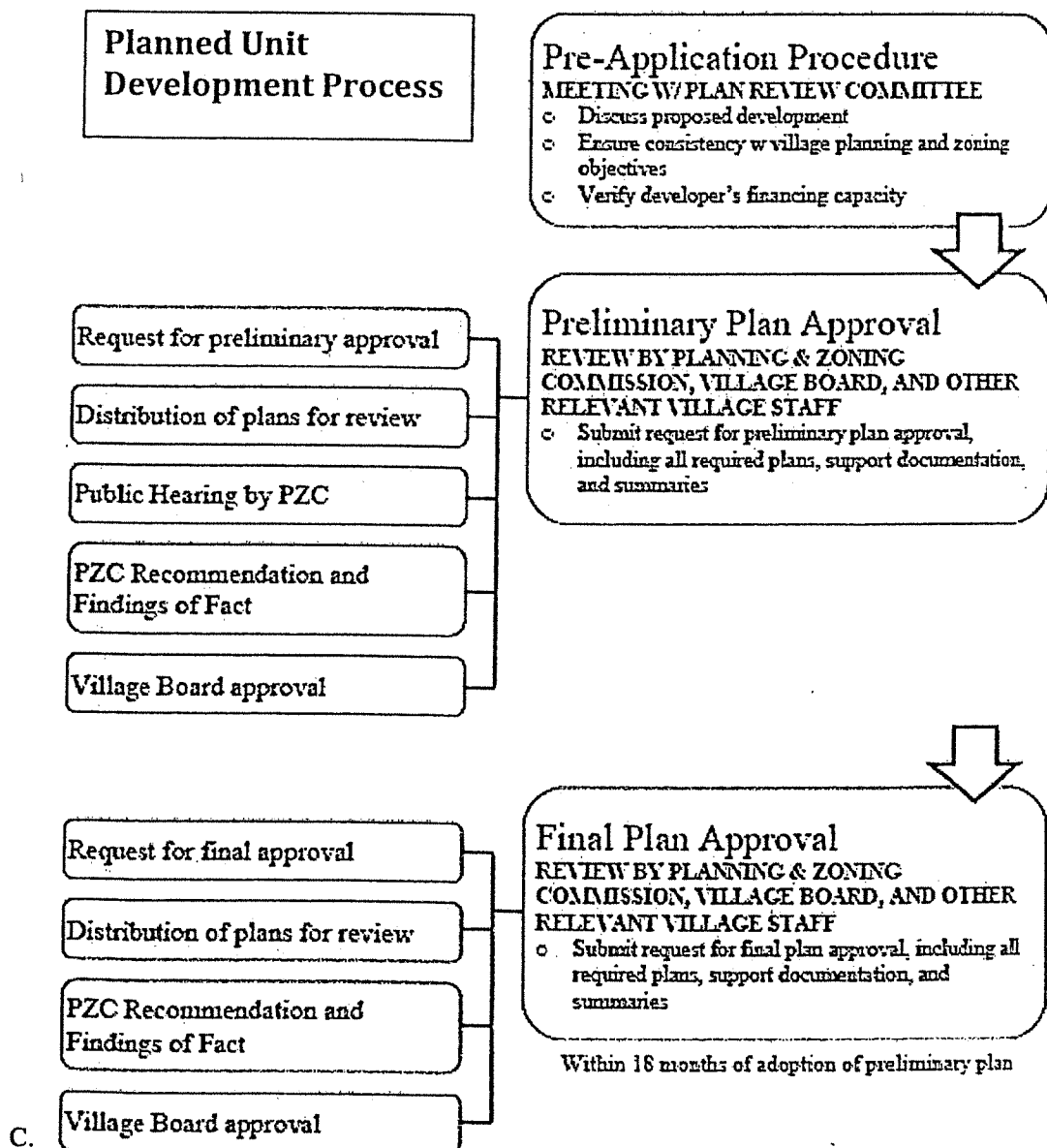
(a) Concept Plan – A concept plan shall be submitted at a scale necessary to describe the proposed development and surrounding area in sufficient detail to demonstrate the relationship of the planned unit development to adjoining uses, both existing and proposed, and to the topography and natural features 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).