

ARTICLE 12

PLANNED UNIT DEVELOPMENTS AND PLANNED RESIDENTIAL DEVELOPMENTS

12.00 PREAMBLE

12.00-A Intent (Ord. 0-82-10)

The intent of this Article is to permit and encourage a more creative, imaginative and desirable approach to certain residential, commercial and industrial developments than is generally possible under conventional zoning regulations. By allowing a greater flexibility of project design and by supporting the union or planning and development, these regulations seek to enhance the character of the Village in accordance with the Village's goals as set forth in the Comprehensive Plan. The flexibility permitted by these regulations shall be utilized as a means to achieve a modern, safe, efficient and visually appealing community, not simply as a means to attract development or to circumvent the intent and purposes of this Ordinance.

It is also the intent of this Article to continue to permit Planned Residential Developments in that area bounded by Lake Cook Road, Wilmot Road, Hackberry Road and Willow Avenue. A planned residential development in this area is the use and development for single-family detached residential purposes of a compact and contiguous parcel or tract of land under single ownership, or if the ownership is diverse, then under unified control pursuant to an agreement of such owners. This parcel or tract shall have sufficient area to permit its development in accordance with an orderly plan with due allowance for the similar development of adjoining properties, and in accordance with the regulations and conditions prescribed in this Article.

Additionally, it is the intent of this Article to permit and encourage the redevelopment of those properties lying between the Chicago, Milwaukee, St. Paul and Pacific Railroad right-of-way and Waukegan Road, which properties front on the west side of Hoffman Lane, on Osterman Avenue, on Waverly Court or on Central Avenue. A Village Center/Residential Planned Unit Development in this area is for the use and development of multiple-family dwellings. Also, a Village Center/Commercial Planned Unit Development is restricted to those properties fronting on the west side of Hoffman Lane or on the north side of Osterman Avenue between Waukegan Road on the east and the right-of-way of the Chicago, Milwaukee, St. Paul and Pacific Railroad on the west. The Village Center/Commercial Planned Unit Development in this area is for the use and development of those properties for office uses or for mixed use structures containing a combination of office uses, commercial uses and/or multiple-family dwellings.

12.00-B Objectives

The Planned Unit Development procedure has the following among its objectives:

1. Flexibility and Variety
To promote flexibility in design and permit planned variety in the type and location of structure and uses.
2. Efficiency and Economy
To promote the efficient use of land to facilitate a more economic arrangement of buildings, parking, circulation systems and utilities.
3. Site Character
To provide a procedure which can relate the type, design and layout of residential, commercial and industrial development to the particular site, thereby encouraging preservation to the greatest extent possible of the site's natural character, its landscape and topography.
4. Open Space and Amenities
To provide for more usable and suitably located recreational facilities and open space and other public and common facilities than would otherwise be provided under the strict application of conventional zoning.
5. Assurances
To assure the Village, and future occupants and future owners of Planned Unit Developments that the amenities, circulation systems, utilities, and other components of the approved plan including those usually provided as public improvements will be established in accordance with the approved final development plan and with other requirements placed on the Planned Unit Development.

12.01 GENERAL PROVISIONS

12.01-A Planned Unit Development As Special Use

Planned Unit Development may be approved and authorized by Ordinance as a Special Use in R-5, General Residence District and in all Commercial and Industrial Districts in accordance with the standards and procedures of this Article.

12.01-B Applicable Regulations

1. Exceptions (Ord. 0-85-09)
A Planned Unit Development shall be governed by the regulations of the zoning district or districts in which it is located, except as provided in this Article and as modified by and authorized in the Ordinance approving the Planned Unit Development. Said Ordinance may provide for

such exceptions from the District regulations governing setbacks, lot width, height, parking and subdivision design standards as may 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.

2. Improvements (Ord. 0-93-53)

In order to achieve the goals and objectives of the Planned Unit Development and the Village of Deerfield, the Village may determine that the best interests of the Village are served by permitting the provision of certain improvements as private rather than public improvements. It may also be determined that such improvements should be permitted at less than those specifications set out in the Zoning Ordinance, Deerfield Subdivision Code or the Municipal Code of Deerfield. Such exceptions shall be permitted at the discretion of the Corporate Authorities. The Corporate Authorities shall also determine the extent to which such improvements will be publicly owned and maintained. Such improvements shall include but shall not be limited to streets, sidewalks, street lights, fire hydrants, utility lines, and landscaping. The Corporate Authorities shall require the establishment of funds in accordance with the provisions of Article 12.09 and the Municipal Code to guarantee the establishment and completion of all improvements, whether private or public, as approved in the final development plan.

Additionally, improvements other than those listed above which are approved as part of the final development plan shall be deemed to be included as private improvements and governed by Article 12.01-G. Such improvements may include landscaping, fencing, and site amenities. The Corporate Authorities may grant exceptions to these requirements.

3. Subdivision or Resubdivision (Ord. 0-88-54)

Furthermore, in those Planned Unit Developments where the subdivision or resubdivision of the subject property is desired, said subdivision and resubdivision may be granted although the lots so created do not each meet all of the Village's requirements as found in the Zoning Ordinance, Subdivision Code, or Municipal Code.

Such subdivision or resubdivision shall only be approved if the purpose for creating said subdivision or resubdivision is to reflect the differing ownership of the lots within the Planned Unit Development. Said subdivision or resubdivision will not create any rights not specifically permitted by the ordinance establishing the Planned Unit Development. If any changes to the governing Planned Unit Development are desired, i.e. provision of fencing, such changes may only be made upon the recommendation of the Plan Commission

following a public hearing and approval of the Board of Trustees. Any lots in said subdivision or resubdivision which will be reserved for the use and/or benefit of all of the owners of lots within the PUD shall be clearly marked accordingly on the subdivision or resubdivision plat along with any additional language which the Village deems appropriate to indicate the use for which the lots are reserved and also that said lots do not constitute a "lot of record" as that term is defined by either the Zoning Ordinance or Subdivision Code and further that the only improvement which will be permitted on said lot is that which is authorized by the governing Planned Unit Development Ordinance. If, after the adoption and recording of the Planned Unit Development Ordinance and subdivision or resubdivision plat, no substantial construction has begun or no use has been established in the Planned Unit Development within the time stated in the development schedule contained in the Final Development Plan thereby causing the Special Use to expire, the Village Board may automatically vacate the subdivision or resubdivision plat.

12.01-C Effect of Approval

1. Approval of a Planned Unit Development for a tract of land shall not affect the rights of the property owner or owners to develop the property in conformance with the provisions of the underlying zoning district.
2. However, when a Planned Unit Development has been granted and conditions and guarantees imposed, as hereinafter provided, and site development of such Planned Unit Development has commenced:
 - a. The rights of the property owner or owners to develop the property in conformance with the provisions of the underlying zoning district are forfeit, and there shall be the obligation to complete the Planned Unit Development as set forth on the Final Development Plan and related regulations approved as part of the Ordinance granting the Planned Unit Development, or
 - b. A new Final Development plan shall be required for any further development of the site.

12.01-D Coordination with Subdivision Ordinance

When any Planned Unit Development requires the subdivision or resubdivision of land, the review of the proposed subdivision or resubdivision under the Subdivision Ordinance of the Village of Deerfield shall proceed simultaneously with the review of the Planned Unit Development under this Zoning Ordinance.

12.01-E General Standards and Criteria

All Planned Unit Developments shall meet the following general standards and criteria:

1. Village Planning Goals

A Planned Unit Development must be compatible with and implement the planning goals and objectives of the Village as contained in the Comprehensive Plan and other pertinent policy resolutions.

2. Compatibility

The uses permitted in a Planned Unit Development must be of a nature so planned as to create no material detrimental effect upon surrounding properties. In addition, the Planned Unit Development shall not endanger public health, safety or welfare nor shall it diminish or impair property values in the area in which it is to be located.

3. Design Standards

All plans shall be designed so as to protect the public health, welfare and safety and shall comply with the provisions of the Deerfield Subdivision Ordinance unless variations therefrom are granted by the Board of Trustees.

4. Environmental Design

The design of a Planned Unit Development shall reflect a sensitivity to the natural environment. All plans shall, to the fullest extent possible, provide for protection of both the function and aesthetics of the natural environment, which shall include, but not be limited to, conditions pertaining to flood plains, soil and geologic characteristics and preservation of existing vegetation.

12.01-F Traffic

1. External Circulation

- a. The proposed Planned Unit Development shall be so planned with regard to the adjoining uses and thoroughfare system that traffic congestion will not be created by the proposed development and uses adjacent to such thoroughfares will not be adversely affected.
- b. Principal vehicular access points shall be designed to permit smooth traffic flow with controlled turning movements and minimum hazards to vehicular and pedestrian traffic.

Minor streets within a Planned Unit Development shall not be connected to streets outside the development in such a way as to encourage the use of such minor streets by through-traffic.

2. Internal Circulation

The design of internal circulation systems must be sensitive to such points as safety, convenience, access to dwelling units or non-residential facilities, separation of vehicular and pedestrian/bicycle traffic and general attractiveness.

12.02 RESIDENTIAL PLANNED UNIT DEVELOPMENTS

In addition to the foregoing standards and criteria, a Residential Planned Unit Development in the R-5 General Residence District shall comply with the standards and criteria set forth below:

12.02-A Permitted Uses

The permitted uses within a Residential Planned Unit Development shall be limited to those uses permitted in the R-5 General Residence District.

12.02-B Special Uses

The special uses within a Residential Planned Unit shall be limited to those special uses allowed in the R-5 General Residence District.

12.02-C Accessory Uses

The accessory uses within a Residential Planned Unit Development shall be limited to those accessory uses allowed in the R-5 General Residence District.

12.02-D Minimum Size of Site

The minimum gross area of one (1) acre shall be required of each site for consideration of a Planned Unit Development in the R-5 General Residence District.

12.02-E Minimum Land Area per Dwelling Unit

In a Residential Planned Unit Development in the R-5 General Residence District, the following land area per dwelling unit shall be provided:

9000 square feet for each unit in single-family structures.

6000 square feet for each unit in two-family structures.

4000 square feet for each unit with four or more bedrooms in multi-family structures.

3500 square feet for each three bedroom unit in multi-family structures.

3000 square feet for each two bedroom unit in multi-family structures.

2500 square feet for each unit with one or no bedrooms in multi-family structures.

12.02-F Minimum Lot Area

No minimum lot area shall be required.

12.02-G Minimum Lot Width

No minimum lot width shall be required.

12.02-H Minimum Setbacks

The following minimum setbacks shall be provided and maintained in a Residential Planned Unit Development in the R-5 General Residence District:

1. Between Street and Buildings

a. Public Rights-of-Way

Buildings shall be set back from the property line not less than twenty-five (25) feet plus one (1) foot for each one (1) foot by which the building exceeds thirty (30) feet in height.

b. Private Street

Buildings shall be set back from the curb or street line not less than twenty-five (25) feet plus one (1) foot for each one (1) foot by which the building exceeds thirty (30) feet in height.

2. Between Buildings

The setback of buildings and structures within the site shall take due consideration of public safety especially with regard to fire hazards, traffic sight lines and access for emergency equipment.

3. Perimeter Setback

A yard of not less than twenty-five (25) feet, plus one (1) foot for each one (1) foot by which the building exceeds thirty (30) feet in height, shall be provided and maintained along the exterior boundaries of the Residential Planned Unit Development. This yard shall be kept free of buildings, structures and parking and shall be maintained in landscaping.

12.02-I Open Space

1. Maximum Lot Coverage

The total ground area occupied by all principal and accessory buildings shall not exceed thirty (30) percent of the gross area of the site.

2. Minimum Usable Open Space

Not less than twenty (20) percent of the gross area of a Residential Planned Unit Development in the R-5 General Residence District shall be devoted to permanent usable open space.

3. Guarantees

The Village shall require adequate guarantees to enforce the establishment and continued maintenance and improvement of all required open spaces in a Residential Planned Unit Development.

12.02-J Maximum Building Height

No building or structure shall be erected or structurally altered to exceed a height of thirty-five (35) feet.

12.02-K Parking and Loading

Adequate off-street parking and loading facilities shall be provided and in no event shall the parking or loading facilities be less than required in Article 8, Off-Street Parking and Off-Street Loading.

12.03 PLANNED RESIDENTIAL DEVELOPMENT

12.03-A Planned Residential Development as a Special Use

A Planned Residential Development may be approved as a Special Use only in the area bounded by Lake Cook Road, Wilmot Road, Hackberry Road and Willow Avenue in accordance with the standards and procedures of this Article.

12.03-B Permitted Uses

The permitted uses within a Planned Residential Development shall be limited to those uses permitted in the R-1 Single-Family Residence District.

12.03-C Accessory Buildings and Uses

The permitted accessory buildings and uses within a Planned Residential Development shall be limited to those accessory buildings and uses permitted in the R-1 Single-Family Residence District.

12.03-D Minimum Size of Site

The minimum gross area required for each site for consideration of a Planned Residential Development in the area bounded by Lake Cook Road, Wilmot Road, Hackberry Road and Willow Avenue shall be 21,600 square feet.

12.03-E Minimum Lot Area

The minimum lot area per dwelling unit shall not be less than 10,800 square feet.

12.03-F Minimum Lot Width

The minimum lot width shall not be less than seventy-five (75) feet.

12.03-G Minimum Setbacks

The following minimum yards shall be provided and maintained:

1. Front Yards

A front yard of not less than twenty-five (25) feet shall be required.

2. Interior Side Yard

A side yard on each side of the principal building of not less than eight (8) feet, with a combined total of side yards of not less than twenty (20) feet shall be required.

3. Corner Side Yard

A side yard along the side street of not less than fifteen (15) feet shall be required.

4. Reversed Corner Side Yard

A side yard along the street side of no less than fifteen (15) feet, however, accessory structures shall not encroach into an area equal in depth to the required front yard of the adjacent lot to the rear.

5. Rear Yard

A rear yard of not less than twenty-five (25) feet shall be required.

12.03-H Maximum Lot Coverage

The total ground area occupied by the principal building, together with all accessory buildings, shall not exceed thirty-five (35) percent of the total area of the lot.

12.03-I Maximum Building Height

No building or structure shall be erected or structurally altered to exceed a height of thirty five (35) feet.

12.03-J Parking Requirements

Off-street parking and loading facilities shall be provided in accordance with Article 8, Off-Street Parking and Loading.

12.03-K Additional Provisions (Ord. 0-81-67)

1. All subdivided lots within such planned residential developments shall front on fully improved, dedicated public streets meeting all the requirements therefore established in Chapter 20 of the Municipal Code of the Village of Deerfield and shall be served by all off-site public improvements as required by said Chapter 20 of the Municipal Code of the Village of Deerfield and in accordance with the standards therein set forth; provided, that all such public improvements constructed and installed to serve such planned residential development shall be of such size and capacity as shall be established by the Village Engineer in accordance with accepted engineering practices so as to adequately and properly provide for the extension and use of such facilities throughout.
2. Any subdivision within such planned residential development shall be so designed as to permit the development and subdivision of adjoining property in the area in a manner equally as beneficial to the owner or owners of such adjoining property.

3. Any planned residential development bordering on or including within it portions of any existing public streets shall provide for the full improvement of such streets or portions thereof to the extent that such streets border upon or are included within said planned residential development.
4. The Board of Trustees may impose other restrictions and conditions on a planned residential development in keeping with the general purpose and intent of this Ordinance and the Comprehensive Plan of the Village of Deerfield and in order to facilitate such development, may:
 - a. Vacate streets and public ways as provided by statute.
 - b. Establish funds for the construction and installation of public improvements in the area and impose as a condition to the approval of any planned residential development that the owner or owners contribute to such funds on a proportionate basis or require the owner or owners of a planned residential development to reimburse on a proportionate basis the Village or other owner or developer for the cost of construction and installation of public improvements serving and benefiting such proposed planned residential developments.
 - c. Impose as a condition of approval, that the owner(s) shall for a period of up to 10 years, which period may be extended at the sole discretion of the Board of Trustees for an additional 5 years, deposit in escrow an amount equal to his or their proportionate share(s) of the estimated costs of public improvements for future streets provided for in such planned development or give other security for payment of such costs acceptable to the Board of Trustees which may include a suitable letter of credit. The amount on deposit in escrow or the face amount of the letter of credit shall be adjusted following the written request from the Village Engineer on the third, sixth, ninth and in the event of time extension, the twelfth, anniversary dates of the establishment in accordance with the Engineering News Record Cost Construction Index with the base year being the year said escrow or letter of credit is established. If the Board of Trustees shall require, record of said planned development ordinance approving the planned development at the owner(s) expense. Owner(s) shall comply with the foregoing conditions, if imposed, upon the occurrence of the earlier of following events:
 - (1) The issuance of a building permit(s) for any part of the planned development; or

(2) The development of neighboring property in such a manner as to require the installation of the street improvements included in the planned development.

- d. Acquire lands by purchase or condemnation for public rights-of-way and utilities, provided that the Board of Trustees, as condition of approval of a planned residential development, require the owner or owners thereof to bear the cost of such acquisition.

12.04 VILLAGE CENTER/RESIDENTIAL PLANNED UNIT DEVELOPMENT
(0-82-10)

12.04-A Village Center/Residential Planned Unit Developments as a Special Use

A Village Center/Residential Planned Unit Development may be approved as a Special Use only in that area of the Village Center formed by those properties which front on the west side of Hoffman Road, on Osterman Avenue, on Waverly Court, or on Central Avenue all lying between Waukegan Road and the Chicago, Milwaukee St. Paul and Pacific Railroad right-of-way in accordance with the standards and procedures of this Article.

12.04-B Permitted Uses

The permitted uses within a Village Center/Residential Planned Unit Development shall be limited to multiple-family dwellings.

12.04-C Accessory Uses and Buildings

The permitted accessory uses and buildings in a Village Center/Residential Planned Unit Development shall be limited to the following accessory uses and buildings, as well as similar uses and buildings and as regulated by Article 2, General Provisions.

1. Air Conditioners.
2. Antennas.
3. Conservatories, Private.
4. Fallout Shelters.
5. Fences, as regulated by Article 2, General Provisions.
6. Garages, Carports and other Parking Facilities.
7. Home Occupations, as regulated by Article 2, General Provisions.
8. Recreational Vehicles and Equipment, as regulated by Article 2.
9. Signs, as regulated by Article 9, Signs.
10. Swimming Pools and Tennis Courts, for the exclusive use of the residents and their guests.
11. Tool Sheds and Similar Storage Structures.
12. Water Retention and Detention Areas.
13. Vending Machines, Indoors Only.

12.04-D Temporary Uses

Temporary Uses, buildings or other structures may be allowed subject to issuance of Temporary Use Permits in accordance with the provisions of Article 11, Temporary Uses and Structures. Those permitted temporary uses shall be limited to the following:

1. Contractor's Office and Equipment Sheds.
2. House and Garage Sales.
3. Real Estate Sales Office and Model.
4. Block Parties and Street Dances.

12.04-E Minimum Size of Site

A gross minimum area of 25,000 square feet shall be required of each site for consideration for a Special Use, Village Center/Residential Planned Unit Development. Minimum site areas of greater than 25,000 square feet may be required as a condition for authorization of a Village Center/Residential Planned Unit Development.

12.04-F Minimum Lot Area

For Special Uses, Village Center/Residential Planned Unit Developments, no minimum lot area shall be required.

12.04-G Minimum Land Area Per Dwelling Unit

In a Village Center/Residential Planned Unit Development, in the R-5, General Residence District, the following land area per dwelling unit shall be provided:

4000 square feet for each unit with 4 or more bedrooms in multiple family structures.

3500 square feet for each 3 bedroom unit in multiple family structures.

3000 square feet for each 2 bedroom unit in multiple family structures.

2500 square feet for each 1 bedroom or no bedroom unit in multiple family structures.

12.04-H Minimum Lot Width

A minimum lot width of 90 feet shall be required.

12.04-I Minimum Setbacks

The following minimum setbacks shall be provided and maintained in a Village Center/Residential Planned Unit Development in the R-5 General Residence District:

1. Between Street and Buildings

a. Public Rights-of-Way

Buildings shall be set back from the property line not less than 25 feet plus 1 foot for each 1 foot by which the building exceeds 30 feet in height.

b. Private Street

Buildings shall be set back from the curb or street line not less than 25 feet plus 1 foot for each 1 foot by which the building exceeds 30 feet in height.

2. Between Buildings

The setback of buildings and structures within the site shall take due consideration of public safety, especially with regard to fire hazards, traffic sight lines and access for emergency equipment.

3. Perimeter Setback

A yard of not less than 25 feet shall be provided and maintained along the front lot line and along all other exterior boundaries. This yard shall be kept free of buildings, structures and parking and shall be maintained in landscaping. Exceptions to these requirements may be recommended by the Plan Commission and approved by the Board of Trustees in accordance with Article 12.04-N.

12.04-J Open Space

1. Minimum Useable Open Space

Not less than 20% of the gross area of a Village Center/Residential Planned Unit Development in the R-5, General Residence District shall be devoted to permanent useable open space.

2. Guarantees

The Village shall require adequate guarantees to enforce the establishment and continued maintenance and improvement of all required open space.

12.04-K Maximum Lot Coverage

The total ground area occupied by all principal and accessory buildings shall not exceed 35% of the total area of the lot.

12.04-L Maximum Building Height

No building or structure shall be erected or structurally altered to exceed thirty-five (35) feet in height.

12.04-M Parking and Loading

Adequate off-street parking and loading facilities shall be provided, and in no event shall the parking or loading facilities be less than that required in Article 8, Off-Street Parking and Off-Street Loading, except as hereinafter provided.

12.04-N Additional Provisions

1. The Board of Trustees may impose other restrictions and conditions on a Village Center/Residential Planned Unit Development in keeping with the general purpose and intent of this Ordinance and the Comprehensive Plan of the Village of Deerfield and in order to facilitate such development, may:
 - a. Vacate streets and public ways as provided by statute.
 - b. Establish funds for the construction and installation of public improvements in the area and impose as a condition to the approval of any Village Center/Residential Planned Unit Development that the owner or owners contribute to such funds on a proportionate basis with the Village or other owner or developer for the cost of construction and installation of public improvements serving and benefiting such proposed Village Center/Residential Planned Unit Development.
 - c. Impose as a condition of approval, that the owner(s) shall for a period of up to 10 years, which period may be extended at the sole discretion of the Board of Trustees for an additional five years, deposit in escrow an amount equal to his or their proportionate share(s) of the estimated costs of public improvements provided for in such Village Center/Planned Unit Development or give other security or payment of such costs acceptable to the Board of Trustees, which may include a suitable letter of credit. The amount of deposit in escrow or the face amount of the letter of credit shall be adjusted following the written request of the Village Engineer on the third, sixth, ninth, and in the event of time extension, twelfth anniversary dates of their establishment in accordance with the Engineering News Record Cost Construction Index with the base year being the year said escrow or letter of credit is established. Owner(s) shall comply with the foregoing conditions, if imposed, upon the occurrence of the earlier of the following events:

- (1) The issuance of a building permit(s) for any part of the Planned Unit Development.
 - (2) The development of neighboring property in such a manner as to require the installation of the public improvements included in the Planned Unit Development.
2. The Plan Commission may recommend and the Board of Trustees may modify those provisions of the Village Center/Residential Planned Unit Development which they believe would be desirable to achieve the objectives of the Village Center/Residential Planned Unit Development and further may recommend to the Board of Trustees the application certain Development Incentive Provisions contained elsewhere within this Article 12. Thereafter, the Board of Trustees may authorize such exceptions from the Village Center/Residential Planned Unit Development regulations in the ordinance approving the Village Center/Residential Planned Unit Development. Said ordinance may provide for such exceptions from the regulations governing setbacks, lot width, parking, landscaping, fencing, screening and such other regulations as may be deemed desirable to promote the efficient use of the land and desirable overall planning or development.

12.05 COMMERCIAL PLANNED UNIT DEVELOPMENT

In addition to the general standards and criteria of this Article, Commercial Planned Unit Developments shall be subject to the following standards and regulations:

12.05-A Permitted Uses

The permitted uses within a Commercial Planned Unit Development shall be limited to those permitted uses allowed in the underlying commercial district.

12.05-B Special Uses

The special uses within a Commercial Planned Unit Development shall be limited to those special uses allowed in the underlying commercial district.

12.05-C Accessory Uses

The accessory uses within a Commercial Planned Unit Development shall be limited to those accessory uses allowed in the underlying commercial district.

12.05-D Minimum Size of Site (Ord. 0-84-40)

1. The following minimum gross areas shall be required of each site for consideration of a Commercial Planned Unit Development:

<u>Zoning District</u>	<u>Gross Area (acres)</u>
C-1	Zero
C-2, C-3	2

2. A minimum of four acres shall be required for each site for consideration for a C-2 Outlying Commercial Planned Unit Development - Special Use Hotel and a minimum of 1,400 square feet of land area shall be required for each rentable hotel room.

12.05-E Minimum Land Area per Dwelling Unit (Ord. 0-80-23)

In a Commercial Planned Unit Development containing dwelling units, a minimum land area of 2,500 square feet per dwelling unit shall be provided, except in the case of Senior Citizen Housing wherein a minimum land area of 595 square feet per dwelling unit shall be required.

12.05-F Minimum Lot Area

No minimum lot area shall be required.

12.05-G Minimum Lot Width

No minimum lot width shall be required in the C-2 and C-3 districts. In the C-1 district, 100 feet of frontage shall be required.

12.05-H Minimum Setbacks

The following minimum setbacks shall be provided and maintained:

1. Perimeter Setbacks

The minimum yard requirements of the underlying district are applicable only to the exterior boundaries of the Commercial Planned Unit Development.

2. Between Buildings

The setback of buildings and structures within the site shall take due consideration of public safety especially with regard to fire hazards, traffic sight lines and access for emergency equipment.

3. C-2 PUD/Hotel (Ord. 0-84-40)

In the case of a C-2 Outlying Commercial Planned Unit Development-Special Use Hotel, a minimum perimeter setback shall be required for the exterior boundaries of the Planned Unit Development. The minimum front setback shall be no less than 100 feet and the side yard setbacks shall be no less than 75 feet.

12.05-I Open Space

1. Minimum Usable Open Space

Not less than ten (10) percent of the gross area of a Commercial Planned Unit Development shall be devoted to permanent usable open space.

2. Guarantees

The Village shall require adequate guarantees to enforce the establishment and continued maintenance and improvement of all required open spaces.

12.05-J Maximum Building Height

1. C-1 District

No building or structure shall be erected or structurally altered to exceed fifty-five (55) feet in height.

2. C-2 and C-3 Districts

No building or structure shall be erected or structurally altered to exceed the maximum building height of the underlying district.

12.05-K Maximum Lot Coverage

The total ground area occupied by all principal and accessory buildings shall not exceed the following:

<u>Zoning District</u>	<u>Maximum Lot Coverage</u>
C-1	75%
C-2, C-3	30%

12.05-L Parking and Loading Requirements (Ord. 0-79-80)

Adequate off-street parking and loading facilities shall be provided and in no event shall the parking or loading facilities be less than required in Article 8, Off-Street Parking and Off-Street Loading, except in case of Senior Citizen Housing wherein the required number of parking spaces per dwelling unit shall be .50.

12.06 VILLAGE CENTER/COMMERCIAL PLANNED UNIT DEVELOPMENT (Ord.0-82-11)

12.06-A Village Center/Commercial Planned Unit Developments as a Special Use

A Village Center/Commercial Planned Unit Development may be approved as a Special Use only in that area of the Village Center which is made up of those properties abutting the north right-of-way line of Osterman Avenue and those properties fronting on the west side of Hoffman Lane, all lying between the Chicago, Milwaukee, St. Paul and Pacific Railroad right-of-way and Waukegan Road.

12.06-B Permitted Uses (Ord. 0-85-26)

The permitted uses within a Village Center/Commercial Planned Unit Development shall be limited to the following:

1. Office Uses, as permitted in Article 5.03-B and as further regulated by Article 5.03-G, District Standards.
2. Mixed Use buildings containing office uses on the upper floors and as permitted in Article 5.03-B and also containing commercial uses restricted to the lower floors of the building and as further regulated by Article 5.03-G, District Standards. Those commercial uses permitted in a mixed use building when authorized as part of a Village Center/ Commercial Planned Unit Development shall be limited to those set forth in Articles 5.03-B,1 and 5.03-B,2.
3. Mixed use buildings containing commercial and/or office uses on the lower floors as permitted in Article 12.06-B,2 and containing multiple-family dwellings on the upper floors and as regulated in Article 12.04 Village Center/Residential Planned Unit Development.

12.06-C Accessory Uses and Buildings. The permitted accessory uses and buildings within a Village Center/Commercial Planned Unit Development shall be limited to the following accessory uses and buildings, as well as similar uses and buildings and as regulated by Article 2, General Provisions:

1. Air Conditioners.
2. Antennas.
3. Conservatories, private.
4. Fallout Shelters.
5. Fences.
6. Garages, Carports and Parking Facilities.
7. Home Occupations.
8. Recreational Vehicles and Equipment.
9. Signs, as regulated by Article 9, Signs.
10. Swimming Pools and Tennis Courts, for the exclusive use of the residents and their guests.
11. Tool Sheds and Similar Storage Structures.
12. Water Retention and Detention Areas.
13. Vending Machines, Indoors Only.

12.06-D Temporary Uses

Temporary uses, buildings or other structures may be allowed subject to the issuance of Temporary Use Permits in accordance with the provisions of Article 11, Temporary Uses and Structures. Those permitted temporary uses shall be limited to the following:

1. Contractor's Office and Equipment Sheds.
2. House and Garage Sales.
3. Real Estate Sales Office and Model.
4. Block Parties and Street Dances.

12.06-E Minimum Size of Site

A gross minimum area of 25,000 square feet shall be required of each site for consideration for a Special Use, Village Center/Commercial Planned Unit Development. Minimum site areas of greater than 25,000 square feet may be required as a condition for authorization of a Village Center/Commercial Planned Unit Development.

12.06-F Minimum Lot Area

For Special Uses, Village Center/Commercial Planned Unit Development, no minimum lot area shall be required.

12.06-G Minimum Land Area Per Dwelling Unit

In a Village Center/Commercial Planned Unit Development in the C-3, Limited Commercial District, the minimum land area per dwelling unit required for multiple family dwellings, if included in mixed use buildings, shall be as provided for in Article 12.04-G, Minimum Land Area Per Dwelling Unit.

12.06-H Minimum Lot Width

A minimum lot width of 90 feet shall be required.

12.06-I Minimum Setbacks

The following minimum setbacks shall be provided and maintained in a Village Center/Commercial Planned Unit Development:

1. Between Street and Buildings
 - a. Public Rights-of-way

Buildings shall be set back from the property line not less than twenty-five (25) feet plus one (1) foot for each one (1) foot by which the building exceeds 30 feet in height.

b. Private Street

Buildings shall be set back from the curb or street line not less than twenty-five (25) feet plus one (1) foot for each (1) foot by which the building exceeds thirty feet in height.

2. Between Buildings

The setback of buildings and structures within the site shall take due consideration of public safety, especially with regard to fire hazards, traffic sight lines and access for emergency equipment.

3. Perimeter Setback

A yard of not less than twenty-five (25) feet shall be provided and maintained along the front lot line and along all other exterior boundaries. This yard shall be kept free of buildings, structures, and parking and shall be maintained in landscaping. Exceptions to this requirement may be recommended by the Plan Commission and approved by the Board of Trustees in accordance with Article 12.06-N, Additional Provisions.

12.06-J Open Space

1. Minimum Useable Open Space

Not less than 20% of the gross area of a Village Center/Commercial Planned Unit Development in the C-3, Limited Commercial Office Districts shall be devoted to permanent useable open space.

2. Guarantees

The Village shall require adequate guarantees to enforce the establishment and continued maintenance and improvement of all required open space.

12.06-K Maximum Lot Coverage

The total ground area occupied by all principal and accessory buildings shall not exceed 35% of the total area of the lot.

12.06-L Maximum Building Height

No building or structure shall be erected or structurally altered to exceed thirty-five (35) feet in height.

12.06-M Parking and Loading

Adequate off-street parking and loading facilities shall be provided, and in no event shall the parking or loading facilities be less than that required in Article 8, Off-Street Parking and Off-Street Loading, except as hereinafter provided.

12.06-N Additional Provisions

1. The Board of Trustees may impose other restrictions and conditions on a Village Center/Commercial Planned Unit Development in keeping with the general purpose and intent of this Ordinance and the Comprehensive Plan of the Village of Deerfield and in order to facilitate such development, may:
 - a. Vacate streets and public ways and provided by statute.
 - b. Establish funds for the construction and installation of public improvements in the area and impose as a condition to the approval of any Village Center/Commercial Planned Unit Development that the owner or owners contribute to such funds on a proportionate basis with the Village or other owner or developer for the cost of construction and installation of public improvements serving and benefiting such proposed Village Center/Commercial Planned Unit Development.
 - c. Impose a condition of approval, that the owner(s) shall for a period of up to 10 years, which period may be extended at the sole discretion of the Board of Trustees for an additional five years, deposit in escrow an amount equal to his or their proportionate share(s) of the estimated costs of public improvements provided for in such Village Center/Commercial Planned Unit Development or give other security for payment of such costs acceptable to the Board of Trustees, which may include a suitable letter of credit. The amount of deposit in escrow or the face amount of the letter of credit shall be adjusted following the written request of the Village Engineer on the third, sixth, ninth, and in the event of time extension, the twelfth anniversary dates of their establishment in accordance with the Engineering News Record Cost Construction Index with the base year being the year said escrow or letter of credit is established. Owner(s) shall comply with the foregoing conditions, if imposed, upon the occurrence of the earlier of the following events:
 - (1) The issuance of a building permit(s) for any part of the Planned Unit Development.

(2) The development of neighboring property in such a manner as to require the installation of the public improvements included in the Planned Unit Development.

2. The Plan Commission may recommend and the Board of Trustees may modify those provisions of the Village Center/Commercial Planned Unit Development which they believe would be desirable to achieve the objectives of the Village Center/Commercial Planned Unit Development and further may recommend to the Board of Trustees the application of certain Development Incentive Provisions contained elsewhere within this Article 12. Thereafter the Board of Trustees may authorize such exceptions from the Village Center/Commercial Planned Unit Development. Said ordinance may provide for such exceptions from the regulations governing setbacks, lot width, parking, landscaping, fencing, screening, and such other regulations as may be deemed desirable to promote the efficient use of the land and desirable overall planning or development.

12.07 DEVELOPMENT INCENTIVE PROVISIONS (Ord. 0-82-12)

12.07-A Purpose and Intent

In order to promote the goals and objectives of the Village's Comprehensive Plan, certain development incentive provisions are established for the area formed by those properties lying between the Chicago, Milwaukee, St. Paul, and Pacific Railroad right-of-way and Waukegan Road, which properties front on the west side of Hoffman Lane, on Osterman, on Waverly Court, or on Central Avenue. Those provisions are established to further the following specific purposes:

1. To provide an incentive for the redevelopment of this area utilizing the Village Center/Residential PUD procedures for the use and development of multi-family dwellings.
2. To provide for the redevelopment of the area formed by those properties between the Chicago, Milwaukee, St. Paul, and Pacific Railroad right-of-way and Waukegan Road, which properties front on the west side of Hoffman Lane, or on the north side of Osterman utilizing the Village Center/Commercial Planned Unit Development procedures for the use and development of those properties for any office uses and for mixed use structures containing office uses and multi-family dwellings.
3. To provide good access, both pedestrian and vehicular, to the properties throughout the area and to the commercial areas to the north and east.
4. To provide pedestrian amenities and open space in order to produce a more attractive area.

In furthering the above, three specific categories of public amenities will be considered in determining the amount of development incentives to be given:

1. Open space amenities which could include wider setbacks than those required, public plazas and parks, enclosed parking, or other items which would serve to increase the amount and quality of useable open space in a particular development.
2. Traffic and pedestrian amenities which would serve to enhance the traffic and pedestrian flow which could include open arcades, wider sidewalks, or interconnections with surrounding developments.
3. Use amenities which include developing properties with those uses designated in the Village's Comprehensive Plan and specifically developing a lot as part of the development, which lot by reason of its location between other parcels under common ownership, would otherwise be rendered undevelopable.

12.07-B Maximum Development Incentives Allowed

Modification of the bulk, height, and setback requirements are possible, but in no event shall the incentives permit development in excess of the following limitations:

1. The maximum building height is limited to 55 feet.
2. The maximum ground coverage permitted if the majority of the required parking is provided within the building shall not exceed 50%.
3. The maximum reduction in required setbacks shall be limited to that which is necessary to provide adequate fire protection for the particular building proposed.

12.07-C Criteria

In determining the extent of development incentives to be granted for the inclusion of any amenity, the following are to be considered:

1. The amount of floor area by which the total floor area of the building is reduced due to the inclusion of the amenity.
2. The direct construction cost of the amenity.
3. The amount of continuing maintenance required for the amenity.

4. The degree to which the inclusion of the amenity furthers the objectives of the Village Center/Residential Planned Unit Development District or the Village Center/Commercial Planned Unit Development District.

12.07-D Procedure

1. Application

Development incentives may be approved and authorized by ordinance as part of the Special Use granted for either Village Center/Residential Planned Unit Development or a Village Center/Commercial Planned Unit Development in accordance with the standards and procedures outlines in Article 12, Planned Unit Developments.

Applications for development incentives will be made in conjunction with the application for the approval of the Planned Unit Development. Such application will include any plans and drawings and documentation necessary to determine the amount of development incentives to be given.

2. Recommendation of the Plan Commission

The Plan Commission shall recommend to the Board of Trustees the extent of development incentive provisions to be given as part of their recommendation concerning the Preliminary Development Plan for the Planned Unit Development.

3. Board of Trustees Action

The Board of Trustees shall consider and act upon the Plan Commission's recommendation in the course of its Preliminary Development Plan approval procedure.

12.07-E Guarantees

The Plan Commission may recommend and the Board of Trustees may impose such conditions as they deem appropriate upon the Applicant for development incentives to insure that the furnishing of and future maintenance where applicable of the amenities forming the basis of the development amenities are insured. Said conditions may include provisions for restrictive covenants and the posting of surety bonds, escrow deposits or similar financial guarantees to achieve these objectives. Failure of an applicant to comply with such conditions may result, at the discretion of the Board of Trustees, in either the denial of development incentives or, if subsequent to development, termination of the Special Use Permit.

12.08 INDUSTRIAL PLANNED UNIT DEVELOPMENT

In addition to the general standards and criteria of this Article, Industrial Planned Unit Developments shall comply with the standards and criteria set forth below:

12.08-A Permitted Uses

The permitted uses within and Industrial Planned Unit Development shall be limited to those permitted uses allowed in the underlying industrial district.

12.08-B Special Uses

The special uses within and Industrial Planned Unit Development shall be limited to those special uses allowed in the underlying industrial district.

12.08-C Accessory Uses

The accessory uses within an Industrial Planned Unit Development shall be limited to those accessory uses allowed in the underlying industrial district.

12.08-D Minimum Size of Site

A minimum gross area of five (5) acres shall be required of each site for consideration of an Industrial Planned Unit Development.

12.08-E Minimum Lot Area

A minimum lot area per principal use of at least two (2) acres shall be required.

12.08-F Minimum Lot Width

A minimum lot width of at least seventy-five (75) feet shall be required.

12.08-G Minimum Setbacks

The following minimum setbacks shall be provided and maintained:

1. Perimeter Setbacks

The minimum yard requirements of the underlying district are applicable only to the exterior boundaries of the Industrial Planned Unit Development. The perimeter setback shall be kept free of buildings, structures and parking and shall be maintained in landscaping.

2. Between Buildings

The setback of buildings and structures within the site shall take due consideration of public safety especially with regard to fire hazards, traffic sight lines and access for emergency equipment.

12.08-H Open Space

1. Minimum Usable Open Space

Not less than ten (10) percent of the gross area of an Industrial Planned Unit Development shall be devoted to permanent usable open space.

2. Guarantees

The Village shall require adequate guarantees to enforce the establishment and continued maintenance and improvement of all required open spaces.

12.08-I Maximum Lot Coverage

The total ground area occupied by all principal and accessory buildings shall not exceed forty (40%) percent of the gross area of the site.

12.08-J Maximum Building Height

No building or structure shall be erected or structurally altered to exceed the height of the underlying zoning district.

12.08-K Parking and Loading

Adequate off-street parking and off-street loading facilities shall be provided and in no event shall the parking or loading facilities be less than required in Article 8, Off-Street Parking and Off-Street Loading.

12.09 PLANNED UNIT DEVELOPMENT PROCEDURES

12.09-A Pre-Application Conference

Prior to filing a formal application for approval of a Planned Unit Development, the applicant may request a pre-application conference with the Plan Commission. A Planned Unit Development in the C-1 district shall also follow those procedures indicated in the Municipal Code that pertain to the Village Center District Development and Redevelopment Commission. The purpose of a pre-application conference is to provide advice and assistance to the applicant before presentation of the preliminary plan, so that the applicant may determine:

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1. Whether the project as proposed is most appropriately handled as a Planned Unit Development;

2. Whether the proposed project appears in general to be in compliance with the provisions of the Zoning Ordinance and other applicable ordinances;
3. Whether any zoning amendment or variation is required in connection with the proposed project; and
4. Whether the proposed project will be in conformity with the land use policies and objectives of the Village, as expressed in the Comprehensive Plan, and by appropriate ordinances and resolutions of the Village Board.

12.09-B Application

1. Application

Following the pre-application conference, application for approval of a Planned Unit Development shall be filed in accordance with the provisions of this Ordinance relating to Special Uses, except as specifically provided in this Article.

2. Submissions

An application must be accompanied by ten (10) copies of a Preliminary Development Plan and an application fee which shall be established by the Village Board.

12.09-C Preliminary Development Plan

1. A Preliminary Development Plan is required of any applicant for approval of a Planned Unit Development. The Preliminary Development Plan shall include as a minimum, the following:
 - a. An accurate topographic and boundary line map of the project area and a location map showing its relationship to surrounding properties.
 - b. An accurate legal description of the entire area within the Planned Unit Development.
 - c. The pattern of public and private roads, driveways, and parking facilities and intended design standards.
 - d. The size, arrangement and location of lots or of proposed building groups.
 - e. General description of proposed landscaping.
 - f. Use, type, size and approximate location of structures.

- g. The location of sewer and water facilities.
- h. Architectural drawings and sketches illustrating the design and character of proposed structures.
- i. The location and size of recreational and open space areas and areas reserved for public uses such as schools, parks, etc., and open space to be owned and maintained by a property owners' association.
- j. Existing topography and storm drainage pattern and proposed storm drainage system showing basis topographic changes and proposed method of compliance with the Village's storm water detention ordinances.
- k. Statistical data on total size of project area of open space, density computation and proposed number of residential units by type, and any other similar data pertinent to a comprehensive evaluation of the proposed development.
- l. A copy of the intended organizational structure related to property owners' association, deed restrictions and provisions of services. The contemplated maintenance of common open space areas and of provisions relating to future use of private property (additions, expansion, changes in use, etc.) shall be fully set forth in such documents.
- m. A statement of the applicant's plans with regard to the future selling or leasing of all or portions of the Planned Unit Development, such as land areas, dwelling units, building sites, etc.
- n. A development schedule indicating the approximate date when construction of the Planned Unit Development or stages of the Planned Unit Development can be expected to begin and be completed.
- o. A traffic survey setting forth and analyzing the effects of the proposed Planned Unit Development. Such survey shall not be limited to the effect on adjacent streets but shall extend to all of the surrounding areas affected and shall indicate the anticipated points of origin, the direction and volume of traffic flow to and from the Planned Unit Development.
- p. Statement of the manner, if any, in which the Planned Unit Development varies from the regulations of the Zoning Ordinance and Subdivision Ordinance and an explanation of the reasons for such variations.

- q. A tax impact report.
 - r. A market analysis, feasibility report and statement of proposed financing.
 - s. A preliminary improvement plan which indicates the extent of the various improvements contemplated by the PUD which are to be publicly owned and maintained, and those to be privately owned and maintained. A statement shall accompany the improvement plan which details the manner, if any, in which the improvements contemplated vary from the provisions of the Deerfield Development Code and Deerfield Standards and Specifications Manual. (Ord. 0-93-53)
2. Upon petition from the applicant the Plan Commission may waive submission of any of the materials set forth above as required to be included within the Preliminary Development Plan, except for the development schedule (n) and the statement on variations (p).

12.09-D Public Hearing, Recommendation and Findings

1. Public Hearing

a. Timing

The Plan Commission shall, within one hundred twenty (120) days of receiving a complete Preliminary Development Plan, schedule a public hearing.

b. Public Notice

Notices of the public hearing provided by the applicant shall be published at least once, not more than thirty (30) days nor less than fifteen (15) days before the hearing, in a newspaper of general circulation in the Village. Such public notice shall contain the following:

- (1) Date of hearing.
- (2) Place of hearing.
- (3) Time of hearing.
- (4) Purpose of hearing
- (5) Legal description of the property.
- (6) Common description of the property.

c. By Applicant (Ord. 0-86-22)

The applicant shall give written notice by personal service or certified or registered mail, return receipt requested, not less than 15 days nor more than 30 days prior to such meeting or hearing date to all persons who are either (i) owners of record as of not more than 10

days prior to the date of service and as shown on the records kept by the County Recorder of Deeds, or (ii) persons listed on the most recently published tax rolls of the Township or County Assessor who paid the general real estate taxes for the last preceding year, on parcels of real estate being within 250 feet of the boundaries of the property for which rezoning is requested. Except in those instances where the applicant seeks a modification from the height restrictions, in which case notice shall be given to each owner of property within 500 hundred (500)feet of the subject property.

2. Recommendation of the Plan Commission

a. Timing

Within sixty (60) days after the close of the hearing, the Plan Commission shall forward to the Village Board a copy of their written findings along with a recommendation.

b. Condition

The Plan Commission may include in the recommendation such stipulation or conditions as deemed necessary for the protection of the public interest.

c. Required Findings

A Planned Unit Development shall not be recommended for approval unless the Plan Commission shall find the following:

(1) Effect on Community

That the proposed Planned Unit Development will not be significantly or materially detrimental to or endanger the public health, safety or general welfare of the community. This shall include consideration of the impact of the development upon physical development, tax base, and economic well-being of the Village.

(2) Effect on Neighborhood

That the proposed Planned Unit Development will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted nor will it diminish or impair property values within the neighborhood.

(3) Effect on Development of Surrounding Property

That the proposed Planned Unit Development will not impede the normal and orderly development and improvement of the surrounding property.

(4) Adequacy of Utilities and Facilities

That the applicant has demonstrated that adequate sewer and water, access roads, drainage and other necessary facilities are present or will be provided.

(5) Adequacy of Ingress and Egress

That the applicant has demonstrated that adequate means of ingress and egress designed to handle the traffic contemplated are present or will be provided.

(6) Conformity to Regulations

That the proposed Planned Unit Development meets all the regulations of this Ordinance except as such regulations may in each instance be modified by the Board of Trustees.

12.09-E Village Board Action

1. Board Decision

The Village Board, after receipt of the Preliminary Development Plan and the recommendation of the Plan Commission, shall approve, approve with such modifications as may be consented to by the applicant, or disapprove such Preliminary Development Plan.

2. Significantly Modified Plans

In the event that the Preliminary Development Plan approved by the Village Board deviates from that Preliminary Development Plan presented at the public hearing to such an extent that the original notice given with respect to such hearing was insufficient, then a new public hearing will be required on such modified plan. Thereafter, the procedures shall be as set forth above.

3. Effect of Approval

Approval of a Preliminary Development Plan shall not constitute final approval. No building permit shall be issued for any structure until a Final Development Plan has been filed and approved.

4. Effect of Denial

No application for approval of a Planned Unit Development which is denied by the Village Board for any reason shall be resubmitted in substantially the same form or content or both.

12.09-F Final Development Plan

1. Time Limit

A Final Development Plan shall be submitted to the Plan Commission by the applicant not later than one year (or such additional time as may be authorized by resolution of the Village Board), after approval of the Preliminary Development Plan.

2. Contents

The Final Development Plan shall contain in final form the information required in the Preliminary Development Plan.

The Final Development Plan shall also include the following:

- a. A final land use plan, suitable for recording with the County Recorder of Deeds. The purpose of the final land use plan is to designate the land subdivided into lots, as well as the division of other lands not so treated, into common open areas and building areas, and to designate and limit the specific internal uses of each building or structure, as well as of the land in general.
- b. An accurate legal description of the entire area within the Planned Unit Development.
- c. If subdivided lands are included in the Planned Unit Development, a subdivision plat of all subdivided lands in the same form and meeting all the requirements of a normal subdivision plat.
- d. An accurate legal description of each separate unsubdivided use area, including common open space.
- e. Designation of the location of all buildings to be constructed, and of the uses for which each building is designed.
- f. Certificates, seals and signatures required for the dedication of land and recordation of such documents of dedication.
- g. Tabulations of each separate unsubdivided use area, including land area and number of dwelling units per gross acre.
- h. Landscaping plan.
- i. Utilities and drainage plan
- j. Final agreements, by-laws, provisions or covenants which govern the use, maintenance and continued protection of the Planned Development and any of its common open area or other common facilities.
- k. Final Development and construction schedule, covering all phases of construction and including the last possible date that construction will commence.

- l. Final Improvement Plan in accordance with the Deerfield Development Code, including a letter from the Village Engineer in accordance with Section 3-101 of the Development Code. (Ord. 0-93-53)
- m. Proposed Development Agreement in accordance with the Deerfield Development Code. (Ord. 0-93-53)

3. Procedure

The Final Development Plan shall be approved as follows:

a. Plan Commission Review

Plan Commission shall review the Final Development Plan and recommend approval if such Final Development Plan is in substantial conformance with the Preliminary Development Plan. The Plan commission shall certify to the Village Board that the Final Development Plan is in conformance with the previously approved Preliminary Development Plan.

b. Conformance to Preliminary Plan

If the Plan Commission finds that the Final Development Plan does not substantially conform to the Preliminary Development Plan, it shall so notify the applicant and the Village Board in writing.

c. Village Board Action

The Village Board shall approve the Final Development Plan if such Final Development Plan is substantially in conformance with the Preliminary Development Plan and thereafter the Village Board shall pass an appropriate ordinance granting the Special Use.

d. Official Documents

Upon approval of the Final Development Plan, a copy, signed by the President and Village Clerk, the Chairman of the Plan Commission and the applicant, shall be made a part of the ordinance approving the Planned Development. Likewise, all documents, all covenants, easements, homeowners' association agreements and other documents affecting the Planned Development shall be signed by all parties noted above and shall be recorded in the Office of the Recorder of Deeds of the county in which the Planned Unit Development is located.

12.09-G Changes to Approved Final Plan

Any subsequent change or addition to an approved Final Development Plan shall first be submitted for approval to the Plan Commission and, if in the Plan Commission's opinion, such a change or addition is not substantial, it may recommend approval to the Village Board without hearing. If such a change or addition is construed to be substantial, a public hearing shall be held prior to such a recommendation.

12.09-H Time Limits

If no substantial construction has begun or no use has been established in the Planned Unit Development within the time stated in the development schedule of the Final Development Plan, the Special Use for the Planned Unit Development shall become null and void. In its discretion and for good cause, the Village Board may extend for a reasonable time, not to exceed one (1) year, the period for the beginning of construction.

12.09-I Compliance with Regulations

Failure to comply with the conditions and regulations as herein established and as specifically made applicable to a Planned Unit Development shall be cause for termination of the approval for said Planned Unit Development. At least fifteen (15) days notice shall be given to the developer to appear before the Plan Commission and answer any such charge of non-compliance. If the Plan Commission finds the charges substantiated, they may recommend immediate termination of the project approval if the situation is not satisfactorily adjusted within a specific period.

12.10 PLANNED RESIDENTIAL DEVELOPMENT PROCEDURES

12.10-A Pre-Application Conference

Prior to filing a formal application for approval of a Planned Residential Development in that area which is bounded by Lake Cook Road, Wilmot Road, Hackberry Road and Willow Avenue, the applicant may request a pre-application conference with the Plan Commission. The purpose of a pre-application conference is to provide advice and assistance to the applicant.

12.10-B

1. Application

Following the pre-application conference, application for approval of a Planned Residential Development shall be filed in accordance with the provisions of this Ordinance relating to Special Uses, except as specifically provided herein.

2. Submissions

An application must be accompanied by eight (8) copies of the proposed plan of development and an application which shall be established by the Village Board, and such documents and information as specified in Article 13.11-B

12.10-C Public Hearing

A public hearing shall be held in accordance with Article 13.11-C. At said hearing, the applicant must provide an affidavit that he has given the notice as required in Article 13.11-C. Said hearing may be continued from time to time.

12.10-D Recommendation

1. Timing

Within sixty (60) days after the close of the hearing on a proposed Planned Residential Development, the Plan Commission shall forward in writing their findings of fact and recommendation regarding the application to the Board of Trustees.

2. Conditions

The Plan Commission may include in the recommendation such stipulations or conditions as deemed necessary for the protection of the public interest.

12.10-E Action of the Board of Trustees

1. Scope of Decision

- a. The Village Board of Trustees, after receipt of the recommendation of the Plan Commission and the Preliminary Plat, shall approve with such modifications as may be consented to by the applicant or disapprove such Preliminary Plat.
- b. The Board of Trustees' decision shall result in adoption of an ordinance to authorize the Planned Residential Development. Such ordinance shall specify with particularity, the special conditions and restrictions imposed by the Board of Trustees and said ordinance shall have a true and correct copy of any plat of subdivision approved as part of the Planned Residential Development.

12.10-F Recording of Ordinance and Plat of Subdivision

1. All ordinances approving and authorizing provisions of this Article, and any other pertinent documents, shall be recorded in the office of the Recorder of Deeds of Lake County.

2. Payment of Recording Fees

All fees for recordation and expenses incurred therefor, shall be paid by the applicant.