

553

ORDINANCE NO. F-0044

**AN ORDINANCE AMENDING THE TEXT OF THE WHEATON ZONING ORDINANCE -
ARTICLE 5.10 - PLANNED UNIT DEVELOPMENTS**

WHEREAS, the City of Wheaton, Illinois ("City"), has determined it to be in the best interests of the City and its residents to consider certain amendments to the text of the City Zoning Ordinance; and

WHEREAS, pursuant to notice as required by the Illinois Municipal Code and the City Zoning Ordinance, a public hearing was conducted by the Wheaton Board of Zoning Appeals on May 28, 1996, to consider the text amendment; and the Wheaton Board of Zoning Appeals has recommended approval of the amendment.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Wheaton, DuPage County, Illinois, pursuant to its home rule powers, as follows:

Section 1: The Wheaton Zoning Ordinance text is amended by deleting Section 5.10 in its entirety and adding and including the following in lieu thereof:

"5.10 Planned Unit Development (PUD)

5.10.1 Purpose. The regulations contained in this section are established to encourage imaginative design of coordinated land uses. These regulations also provide relief from the subdivision and zoning district requirements, which are designed for conventional developments, and may inhibit innovative development and cause undue hardship with regard to use of parcels. These regulations are further established to provide safe and desirable living and working environments, characterized by a unified building and site development program, to preserve natural features of the site, and to provide adequate open space for recreation and other community purposes.

5.10.2 Applicability. A Planned Unit Development may be granted only as a special use in accord with the procedures and standards of this Section 5.10. A Planned Unit Development may be permitted as a Special Use in any zoning district. A property must be developed as a Planned Unit Development in the following instances:

- A. When two or more principle structures on a single zoning lot of any size is developed.
- B. When any lot or parcel, or combination of lots or parcels, over one acre in the C-2 Retail Core Business District and C-4 CBD Perimeter Commercial District is developed.
- C. When any multifamily project which contains over two units in R-5, over four units in R-6, over 12 units in R-7 on one zoning lot, whether in one building or more than one building, is developed.
- D. When any lot or parcel in the C-5 Planned Commercial District is developed.

5.10.3 Objectives

- A. To encourage placement of structures and other improvements in conformity with the natural characteristics of the site.

- B. To preserve natural features, such as vegetation, soil, and open space.
- C. To promote harmonious architectural styles, building forms, building massing, and building relationships, both within the development and between the development and its surroundings.
- D. To promote the more efficient use of land and a more economical development in terms of utilities, streets, services, and other features.
- E. To promote recreational, open space, and aesthetic amenities.
- F. To promote diversity in the types of developments permitted, so as to provide a variety of living, working and other environments attractive to all ages and income levels.

5.10.4 Standards and Limitations

5.10.4.1

Permitted Uses. No use shall be permitted within a Planned Unit Development which is not a permitted or special use in the underlying zoning district in which the property is located.

5.10.4.2

Unified Ownership. The Planned Unit Development shall remain under one ownership and/or unified control. Documentation reflecting how the Planned Unit Development will be maintained under one ownership or control shall be submitted at the time of application for the special use. The documents shall include, but not be limited to, homeowners association documents, campus agreements and covenants clearly defining the shared maintenance of common open spaces and detention/retention areas and other utilities within each of the zoning lots and/or phases comprising a Planned Unit Development, shared/ cross access and parking arrangements, common design elements including integration of common architectural themes and active and passive open space and landscaped areas. A sale of a portion of a parcel designated Planned Unit Development may occur only after a final plat of subdivision is approved and recorded. However, the City shall continue to treat the subdivision parts as a single Planned Unit Development and require the individual parcel owners to conform with the previously approved Planned Unit Development.

5.10.4.3

Minimum Site Area. The minimum land area to be developed as a Planned Unit Development shall be approved by the City Council, upon review of the Board of Zoning Appeals recommendations or as provided for in this section. The applicant shall have the burden of establishing that the subject property is of sufficient size and shape to be planned and developed as a unified whole capable of meeting the objectives for which planned unit developments may be established pursuant to this section.

5.10.4.4

Covenants and Restrictions to be Enforceable by the City. All covenants, deed restrictions, easements, and similar restrictions to be recorded in connection with the Planned Unit Development shall provide that they may not be modified, removed, or released without the expressed consent of the City Council and that they may be enforced by the City as well as by future land owners within the proposed development.

The declaration of covenants and restrictions, covering the property owners or homeowners associations, where such associations exist, shall include in addition to standard clauses, the following:

1. Establishment of an escrow fund for the maintenance of the common elements of the development.
2. Prohibition of outdoor parking of recreational vehicles.
3. Delineation of the type of structures or activities which may occur on property deeded to individual property owners or on common property.
4. Delineation of the restrictions on exterior alterations of the individual buildings and structures.

5.10.4.5

Compliance with Special Use Standards. Planned Unit Developments shall comply with the standards of Section 5.9.4 of this ordinance, applicable to Special Uses.

5.10.4.6

Compliance with Comprehensive Plan. The Planned Unit Development shall be in substantial accord with the Comprehensive Plan as amended.

5.10.5 Planned Unit Development Application and Approval Procedures

5.10.5.1

Pre-Application Conference. Before submitting the required materials for a Planned Unit Development review, the applicant is required to attend a pre-application conference with the City Planner and appropriate City department directors. The purpose of the pre-application conference is to informally discuss the general concept of the proposed development, its effects on the surrounding area and City as a whole, and the feasibility of its utilizing City services.

5.10.5.2

Conceptual Planned Unit Development Review (Optional). Following the required pre-application conference, the applicant may appear before the Plan Commission (optional) and the Board of Zoning Appeals (optional) to informally discuss the initial concept for the development. The conceptual planned unit development review is intended to provide the applicant an opportunity to submit a plan showing the basic scope, character, and nature of the entire proposed planned unit development without incurring undue costs. Neither the Plan Commission or Board of Zoning Appeals shall be required to provide a formal position statement on the proposal, and the applicant shall not be required to comply with any position statements which are offered by either body. The conceptual planned unit development review is optional and at the discretion of the applicant. If the applicant does not choose to participate in the conceptual planned unit development review process, the applicant waives any future right to this procedure.

5.10.5.3

Formal Application. The following, submitted in full to the City Planner, shall constitute the application for a Special Use, for a Planned Unit Development:

- A. Letter of Transmittal addressed to the Mayor and City Council.

- B. Two copies of the Planned Unit Development application form, in such form as may be established by the City Planner.
- C. Application fee (refer to Section 5.11).
- D. List of adjacent property owners as required by Section 5.7.2.
- E. Draft of any homeowners association agreements, declarations, covenants, or similar documents, which will apply to the Planned Unit Development..
- F. Proposed dimensions and locations of all principal and accessory buildings.
- G. Proposed parking areas, driveways, sidewalks, and private streets.
- H. Proposed landscaping and screening as required by Article VI "Landscape Requirements" of this Ordinance.
- I. Location of all machinery, refuse handling and storage areas, or other facilities to be stored or maintained outside of completely enclosed buildings.
- J. Architectural drawings and sketches illustrating the design and character of proposed structures.
- K. A topographic and boundary line map of the development, locating its relationship to surrounding properties.
- M. Location of ~~residential~~ and/or open space.

- N. Existing and proposed storm drainage pattern.
- O. Engineering feasibility studies as necessary.
- P. Master sign plan in accordance with Article XXIII "Signs" of this Ordinance.
- Q. Any other information and data as deemed necessary by the City Planner.

The City Planner shall place the Planned Unit Development application on the City Council Agenda for referral to the Plan Commission and Board of Zoning Appeals.

5.10.5.4

Staff Review. The staff shall submit their review and recommendations regarding the proposed Planned Unit Development application to the applicant, Plan Commission, Board of Zoning Appeals and City Council consecutively prior to consideration of the Planned Unit Development application by said bodies.

5.10.5.5

Plan Commission Review. The Plan Commission shall review the proposed Planned Unit Development for compliance with the Subdivision Control Ordinance, the Comprehensive Plan and the criteria set forth herein, and shall submit its recommendations to the Board of Zoning Appeals and City Council.

5.10.5.6

Board of Zoning Appeals Review. The Board of Zoning Appeals shall conduct a public hearing on the Planned Unit Development application within thirty (30) days of the conclusion of the Plan Commission review, unless an extension is granted by the City Council. The public hearing shall be as set forth in Section 5.5E of this ordinance. The Board of Zoning Appeals shall review the application for compliance with this ordinance.

5.10.5.7

City Council Review. The City Council shall take under advisement the recommendations of the staff, Plan Commission, and Board of Zoning Appeals when considering the Planned Unit Development application. The City Council shall approve with or without modifications, or disapprove the Planned Unit Development within sixty (60) days of the receipt of the Board of Zoning Appeals recommendations. The City Council may grant a Special Use Permit for a Planned Unit Development in compliance with Section 5.9.6 of this ordinance. In addition, the preliminary plat (if required), may be approved as provided in Chapter 62 of the City Code. Failure of the City Council to act upon the application within the time designated shall be construed to mean a denial of the application.

5.10.5.8

Final Plat. When a Planned Unit Development involves the subdivision of land into two or more parcels, the applicant shall submit a final plat to the City Engineer in accord with Chapter 62 of the City Code, after the granting of the Special Use Permit for a Planned Unit Development and approval of the preliminary plat. The final plat shall be reviewed as provided by Chapter 62 of the City Code.

5.10.5.9

Regulations During and Following Completion of Development. Following approval of the Planned Unit Development, the approved plans, rather than any other provision of this Code, shall constitute the use, parking, loading, sign, bulk, space, and yard regulations applicable to the subject property. No additional use other than a home occupation or temporary use shall be permitted within the Planned Unit Development.

5.10.6 Changes to Planned Unit Development

The City Planner may from time to time, approve minor changes within the Final Planned Unit Development; provided, the minor changes as determined by the City Planner do not significantly alter the plan of the Planned Unit Development in terms of density, floor area ratio, landscape, building height, dwelling unit type, provisions of open space, or the physical relationships of elements of the Planned Unit Development and are necessary only to solve technical or engineering considerations first discovered during the preparation of final building and engineering drawings. Minor changes shall be consistent with intent and purpose of this Code and the approved Planned Unit Development and shall be the minimum necessary to overcome the particular difficulty. The City Planner shall report to the City Council any minor changes to a Planned Unit Development which have been approved. Any changes considered to be major changes shall be granted only upon application to, and approval by, the City Council. The City Council may, by ordinance duly adopted, grant approval for a major change without a hearing upon finding that any changes to the Final Planned Unit Development as approved will be in substantial conformity with said final plan. If the City Council determines that a major change is not in substantial conformity with the final plan as approved, then the City Council shall refer the request to the Plan Commission and Board of Zoning Appeals for further hearing and review as provided in Section 5.10.5 of this ordinance.

5.10.7 Expiration of Planned Unit Development - Final Plat Not Recorded. In the event an ordinance granting a Special Use for a Planned Unit Development expires, as provided by Section 4.4 of this ordinance or by the terms of said Special Use ordinance, and a final plat encompassing part or all of the Planned Unit Development has not been recorded, the City Planner shall notify the owner of such expiration. If an extension of the Special Use for a Planned Unit Development is not requested by the owner within 60 days of notification, or if the City Council denies such extension, the City Planner shall file an application for revocation of the Special Use for a Planned Unit Development. Such application shall be processed, noticed, heard, and acted upon in accordance with this Section 5.10.

5.10.8 Expiration of Planned Unit Development - Final Plat Recorded. In the event a final plat encompassing all or part of the Planned Unit Development has been recorded and remains in effect, work on the Planned Unit Development shall be considered to have commenced, and the ordinance granting a special use for the Planned Unit Development shall remain in effect. Provided, however, that if said final plat is proposed to be vacated, the procedures of Section 5.10.7 shall be followed, and an ordinance revoking the special use for Planned Unit Development may be enacted after recording of the plat vacating said final plat."

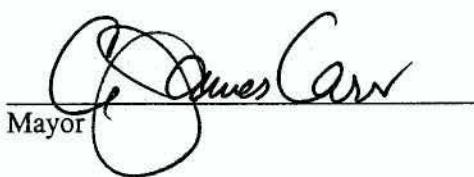
Section 2: In all other respect the Wheaton Zoning Ordinance is ratified and remains in full force and effect.

Section 3: All ordinances and parts of ordinances in conflict with these provisions are repealed.

Section 4: This ordinance shall become effective from and after its passage, approval, and publication in pamphlet form in the manner prescribed by law.

ATTEST:


Emily M. Cenacchio
City Clerk



Mayor Carr

Roll Call Vote

Ayes:

Councilwoman Davenport
Councilman Eckhoff
Mayor Carr
Councilman Gresk
Councilwoman Johnson

Nays:

None

Absent:

Councilwoman Culler
Councilman Mork

Motion Carried Unanimously

Passed: July 15, 1996
Published: July 16, 1996