

1 **Sec. 46-808. - Basis for approval of the petition.**

2 The plan commission, in making its recommendation, and the village board, in making its determination,
3 shall consider the following:

4 (1)

5 The petitioners for the proposed planned unit development overlay district have indicated that they
6 intend to begin the physical development of the PUD within one year following the approval of the
7 petition; the development will be carried out according to a reasonable construction schedule and
8 staging plan satisfactory to the village; and the proponents of the proposed PUD have the financial
9 capacity to carry out the project as proposed.

10 (2)

11 The proposed planned unit development overlay district is consistent in all respects to the purpose of
12 this division and to the spirit and intent of this chapter; is in conformity with the adopted
13 comprehensive plan, master plan, neighborhood plan or any adopted component thereof, including the
14 Hartland Village Center Revitalization Plan, and the development would not be contrary to the general
15 welfare and economic prosperity of the community.

16 (3)

17 The plan commission in making its recommendations and the village board in making its determination,
18 shall further find that:

19 a.

20 The proposed site shall be provided with adequate drainage facilities for surface water and stormwater.

21 b.

22 The proposed site shall be accessible from public roads that are adequate to carry the traffic that can be
23 expected to be generated by the proposed development.

24 c.

25 No undue constraint or burden will be imposed on public services and facilities, such as fire and police
26 protection, street maintenance, water, sanitary sewer and storm drainage, and maintenance of public
27 areas by the proposed development.

28 d.

29 The streets and driveways on the site of the proposed development shall be adequate to serve the
30 residents of the proposed development and shall meet the minimum standards of all applicable
31 ordinances or administrative regulations of the village.

32 e.

33 Centralized public water and sewer facilities shall be provided.

34 f.

35 The entire tract or parcel of land to be included in a planned unit development overlay district shall be
36 held under single ownership, or if there is more than one owner, the petition for such planned unit
37 development overlay district shall be considered as one tract, lot or parcel, and the legal description
38 must define such PUD as a single parcel, lot or tract and be so recorded with the county register of
39 deeds.

40 g.

41 The locations of entrances and exits have been designated to prevent unnecessary interference with the
42 safe and efficient movement of traffic on surrounding streets, and that the development will not create
43 an unreasonable adverse effect upon the general traffic pattern of the surrounding neighborhood.
44 Insofar as is practicable, consolidation of driveways, parking, and curb cuts and connection driveways
45 between properties, where appropriate, shall be provided to enhance safety and provide more efficient
46 and economical access and parking.

47 h.

48 The size, quality and design of all buildings, landscaping and other site development features in the
49 project will be compatible with the general character of the village and specifically to the surrounding
50 neighborhood, and the design of the development will result in an attractive and harmonious
51 development compatible with and not adversely affecting the property values of the surrounding
52 neighborhood.

53 (4)

54 In the case of a proposed residential planned unit development overlay district:

55 a.

56 Such development will create an attractive residential environment of sustained desirability and
57 economic stability, including structures in relation to terrain, consideration of safe pedestrian flow,
58 ready access to recreation space, and coordination with overall plans for the community.

59 b.

60 The total net residential density within the planned unit development overlay district will be compatible
61 with the village master plan, neighborhood plan, or components thereof. The total net density shall also
62 be consistent with and not exceed the density of development permitted in the underlying basic use
63 zoning district, unless section 48-804 applies. When the underlying basic zoning district includes more
64 than one residential district, the density for the land occupied by each district shall be calculated and the
65 final maximum density for the PUD shall be the sum total of the number of units calculated for each
66 district.

67 c.

68 Structure types shall be generally compatible with other structural types permitted in the underlying
69 basic use district.

70 d.

71 Provision has been made for the installation of adequate public facilities and the continuing
72 maintenance and operation of such facilities.

73 e.

74 Provision has been made for adequate, continuing fire and police protection.

75 f.

76 The population density of the development will not have an adverse effect upon the community's
77 capacity to provide needed school or other municipal service facilities.

78 g.

79 Adequate guarantee is provided for permanent preservation of open space areas as shown on the
80 approved site plan either by private reservation and maintenance or by dedication to the public.

81 h.

82 The care and maintenance of private open space shall be ensured either by establishment of an
83 appropriate management organization for the project or by agreement with the village for
84 establishment of a special service district for the project area on the basis of which the village shall
85 provide the necessary maintenance service and levy the cost as a special assessment on the tax bills of
86 properties within the project area. In any case, the village shall have the right to carry out and levy an
87 assessment for the cost of any maintenance which it feels necessary if it is not otherwise taken care of
88 to the satisfaction of the village. The manner of ensuring maintenance and assessing such cost to the
89 individual properties shall be determined prior to the approval of the final project plans and shall be
90 included in the title to each property.

91 i.

92 Ownership and tax liability of private open space reservation areas shall be established in a manner
93 acceptable to the village and made a part of the conditions of the PUD approval.

94 j.

95 Clustering of residential development is permitted provided that permanent common open space is set
96 aside so that the overall density of development permitted in the underlying basic zoning district is
97 complied with.

98 (5)

99 In the case of a proposed commercial planned unit development overlay district:

100 a.

101 The economic practicality of the proposed development can be justified.

102 b.

103 The proposed development will be adequately served by off-street parking and truck service facilities.

104 c.

105 The proposed development shall be adequately provided with and shall not impose any undue burden
106 on public services and facilities, such as fire and police protection, street maintenance, water, sanitary
107 sewer and stormwater drainage and maintenance of public areas.

108 (6)

109 In the case of a proposed industrial planned unit development overlay district:

110 a.

111 The operational character and physical plant arrangement of buildings will be compatible with the latest
112 in performance standards and industrial development design and will not result in adverse effect upon
113 the property values of the surrounding neighborhood.

114 b.

115 The proposed development shall be adequately provided with and shall not impose any undue burden
116 on public services and facilities, such as fire and police protection, street maintenance, water, sanitary
117 sewer and stormwater drainage and maintenance of public areas.

118 c.

119 The proposed development will include adequate provision for off-street parking and truck service areas
120 and will be adequately served by rail and/or arterial highway facilities.

121 d.

122 The proposed development is properly related to the total transportation system of the community and
123 will not result in an adverse effect on the safety and efficiency of the public streets.

124 (7)

125 In the case of a mixed use planned unit development overlay district:

126 a.

127 The proposed mixture of residential, office, retail, recreational, governmental, or institutional uses,
128 including such mixed uses for traditional neighborhood developments, produces a unified development
129 of various compatible uses which is also compatible with the underlying districts and, as a total
130 development entity, with the surrounding neighborhood character.

131 b.

132 The various types of uses conform to the general requirements as set forth in this section, applicable to
133 projects of such use and character.

134 c.

135 The proposed development shall be adequately provided with and shall not impose any undue burden
136 on public services and facilities, such as fire and police protection, street maintenance, water, sanitary
137 sewer and stormwater drainage and maintenance of public areas.

138 **Sec. 46-809. - Determination of disposition of the application.**

139 (a)

140 *Generally.* The village board, after due consideration, shall either deny the application, approve the
141 application as submitted, or approve the application subject to additional conditions and restrictions.

142 (b)

143 *Approval.* The general and detailed approval of a planned unit development overlay district shall be
144 based on and include as conditions thereto the building, site and operational plans for the development
145 as approved by the village board.

146 (1)

147 *General approval.* Plans submitted with the PUD application need not necessarily be completely detailed
148 at the time of rezoning, provided that they are of sufficient detail to satisfy the village board as to the
149 general character, scope and appearance of the proposed development. Such preliminary plan shall
150 designate the pattern of proposed streets, and the size and arrangement of individual buildings and
151 building sites. The approval of such preliminary plan shall be conditioned upon the subsequent submittal
152 and approval of more specific and detailed plans as each stage of development progresses.

153 (2)

154 *Detailed approval.* Plans submitted for detailed approval shall be sufficiently precise, and all items that
155 are required to be identified by the village board are presented. A letter of credit for all improvements
156 shall be submitted before final approval is given.

157 (c)

158 *Guarantees.* The developer shall enter into an appropriate contract with the village to guarantee the
159 implementation of the development according to the terms of the conditions established as part of the
160 approved PUD.

161 (d)

162 *Changes and additions.* Any subsequent change or addition to approved plans or uses shall first be
163 submitted for approval to the plan commission, and if, in the plan commission's opinion, such change or
164 addition is not substantial, it may recommend approval to the village board without public hearing. If
165 such change or addition is construed to be substantial, a public hearing shall be held by the village
166 board, pursuant to article II, division 1, of this chapter. Without limitation to the plan commission's right
167 to determine any other change substantial, a change in any of the following respects shall be
168 automatically construed to be substantial:

169 (1)

170 An increase in the number of dwelling units from that shown in the approved comprehensive project
171 plan.

172 (2)

173 A significant change in the size, value or type of structure from that indicated in the approved
174 comprehensive project plan.

175 (3)

176 The addition of any principal uses or an increase in the intensity or frequency of use(s) not included in
177 the approved comprehensive project plan.

178 (4)

179 A change in the basic concept of site development which would significantly alter the relationship or
180 intensity of land use within the development or to adjoining properties.

181 (e)

182 *Subsequent land division.* The division of any land within a planned unit development overlay district for
183 the purpose of change or conveyance of ownership shall be accomplished pursuant to the land division
184 regulations of the village and when such division is contemplated, a preliminary plat of the lands to be
185 divided shall accompany the petition for PUD approval.

186