

Date: 9.17.2022  
From: Sara Kopriva, AICP  
To: Village of Elberta Planning Commission  
Project: PUD Zoning Amendment

  
initiative

Attached is an updated zoning amendment based on the attorney review of the language. I have incorporated the changes from the attorney memo into the draft. The major change to the amendment is moving the final approval to the Planning Commission instead of Village Council. As now proposed, PUDs will be reviewed and approved by the Planning Commission with no Village Council review or comment.

I will be present at the meeting so we can discuss changes further.

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Amendment to Article 19, ~~Footnote e-~~  
**ARTICLE 19 SCHEDULE OF REGULATIONS**

DISTRICT	MINIMUM LOT SIZE		MAXIMUM BUILDING HEIGHT (e)		PRINCIPAL STRUCTURE MINIMUM YARD SETBACK (in feet)			MINIMUM FLOOR AREA (per unit and in sq. feet)	MAXIMUM LOT COVERAGE BY ALL BUILDINGS
	Sq. Feet	Width	Stories	Feet	Front	Side	Rear		
R-1 Residential	<del>4,800</del> (f)		2.5	30	<del>20</del>	10(d)	<del>10</del>	800 (a)	50%
C-1 Commercial	<del>2,500</del>		2.5	40	<del>0</del>	<del>0</del>	<del>20</del>		<del>90%</del>
DD Waterfront & Lakebluffs Development	43,560		<del>2.5</del>	<del>35-45</del>	25	10(b)	10(b)	--	<del>3350%</del> (h)
PD Deep Water Port	43,560		<del>2.5</del>	<del>35-45</del>	25	10(b)	20(b)	--	50%(h)

(e) Height of Buildings or Structures. The limitations affecting the height of structures shall not apply to the following appurtenant structures, provided they comply with all other provisions of this or any other applicable ordinance: chimneys, smokestacks, church spires, flag poles, penthouses for mechanical equipment and water tanks or similar structures. ~~The maximum building height may be increased upon application to and finding by the Village that such increased height will not adversely affect existing and surrounding adjacent properties, that the structure is fully protected with an approved fire suppression system, that fire retardant materials are used for roof framing and sheathing, and that the building or structure is constructed with approved fire fighting access ways as determined by the State Fire Marshall and in accordance with applicable building codes.~~

Amend Article 21, Section 21.26 to remove all language and change to "Reserved"

Add Article 24, Planned Unit Developments with the following text:

**Article 24**  
**Planned Unit Developments**

24.01 PURPOSE. This article provides for planned unit developments to further the health, safety, and general welfare of Village residents by permitting the Village flexibility in the regulation of land

development and encouraging innovation and variety in land use and design of projects. The standards of this section are intended to encourage and provide for a more efficient arrangement of land uses, buildings, circulation systems, and infrastructure.

#### 24.02 APPLICATION PROCESS.

1. *Pre-application Submission and Review.* Prior to submission of a complete application, at the discretion of the Zoning Administrator or as requested by an applicant, any proposed planned unit development may be presented to the Planning Commission for informal review and comment. Sufficient information to provide an overview of the planned unit development including proposed land uses, project density, general layout and design, proposed circulation patterns and existing site conditions shall be presented at this time. Detailed plan preparation is neither required nor encouraged at this stage in the approval process. In no case shall any representations made by the Planning Commission or its representatives, at the pre-application conference be construed as an endorsement of approval of the planned unit development.
2. *Initiation.* An owner of real property, or that owner's authorized representative, may apply for approval of a planned unit development by filing an application and fee with the Zoning Administrator.
3. *Completeness Review.* ~~The Zoning Administrator shall conduct a completeness review to review such information for sufficiency, and if determined adequate, accept the application for further consideration. When the Zoning Administrator has certified that the application is complete and contain the information required by this Ordinance, it shall be deemed received and shall be referred to the Planning Commission for its review and preliminary decision.—~~The Zoning Administrator shall review the application and information submitted under Section 24.07 of this Ordinance to determine if all required information was supplied. If the Zoning Administrator determines that all required information was not supplied, the Zoning Administrator shall send written notification to the Applicant of the deficiencies. The application for the planned unit development cannot proceed until all required information is submitted. Once all required information is submitted, the Zoning Administrator shall forward the application to the Planning Commission for its review under the procedures of this Article.
4. *Procedure.* Planned unit development applications shall be reviewed in a two step process:
  1. Preliminary Review and Site Master Plan and
  2. Final Site Plan Review and Decision with each step requiring the appropriate application, fee, and completeness review. Public hearings shall be held as provided below in accordance with Section 5.07 of this Ordinance.
  - a. Preliminary Review and Site Master Plan  
Preliminary review shall establish proposed land uses, project density, site layout and design, proposed vehicular and pedestrian circulation patterns, natural resource protection areas, open space, land use buffers, grading, storm water management patterns, phasing, and site servicing in compliance with this Article. Final engineering is

not required for preliminary review and decision. This shall be an overall master plan for the project that the final review and plan will be based upon.

i. *Planning Commission.*

- (a) The Planning Commission shall hold a public hearing on the development application and site master plan.
- (b) Following review and public hearing on the application, the Planning Commission shall make ~~a preliminary recommendation to the Village Council a~~ determination on whether to approve or deny the request for preliminary planned unit development and site master plan approval based on the objectives contained in Section 24.07 of this Ordinance. Approval of a planned unit development shall be incorporated in a Report and Decision Order that shall include the decision, the basis for the decision and any final conditions imposed. ~~Preliminary recommendation of a planned unit development shall specify all conditions that must be satisfied prior to submission of the planned unit development for Final Site Plan Review and Decision.~~
- (c) Preliminary plans may not be changed or amended except as required by final engineering.

~~ii. Village Council~~

- ~~(a) Upon receipt of the Planning Commission's recommendation, the Village Council shall hold a public hearing on the application for preliminary planned unit development approval and may specify additional conditions or requirements that shall be satisfied prior to submission of the planned unit development for Final Review and Decision. Approval of a planned unit development shall be incorporated in a Report and Decision Order that shall include the decision, the basis for the decision and any final conditions imposed.~~
- ~~(b) Preliminary plans may not be changed or amended except as required by final engineering.~~

b. Final Site Plan Review and Decision

Final site plan review and decision shall address all conditions imposed by the Planning Commission ~~and/or Village Council~~ in the preliminary decision on the planned unit development. Applications for final review and decision shall not be considered until all conditions have been addressed. In addition, the applicant shall provide a detailed site plan as required is Article 7 for review and approval. Applications shall include and be processed as required in Article 7 for final site plan review and decision.

c. Land Use Permit

Prior to any changes or construction on the site, a land use permit as required by this Ordinance shall be obtained.

24.03 CONDITIONS OF APPROVAL.

Conditions may be imposed by the Planning Commission ~~or Village Council~~ in the same manner as Section 21.03.

#### 24.04 PHASING.

Projects that contain more than one phase shall meet the requirements of Section 21.04.

#### 24.05 EXPIRATION, REVOCATION, AND EXTENSIONS.

The process contained in Section 21.05 shall apply to planned unit developments except that initial approval shall be valid for two (2) years. A one (1) year extension may be approved by the ~~Village Council~~Planning Commission provided the following are met:

1. The extension has been requested prior to the approval expiring.
2. The applicant presents reasonable evidence that the development has encountered unforeseen difficulties beyond the control of the applicant.
3. The planned unit development requirements and standards, including those of this ordinance and the Master Plan or adopted subarea plans that are reasonably related to the development, have not changed.

#### 24.06 AMENDMENTS.

The process contained in Section 21.06 shall apply to amendments for planned unit developments.

#### 24.07 REVIEW AND DETERMINATION

1. Planned Unit Development Objectives.  
An application for a planned unit development must include demonstration that the following objectives of the planned unit development are met:
  - a. To permit flexibility in the regulation of land development;
  - b. To encourage innovation in land use and variety in design layout and types of structures constructed;
  - c. To achieve economy and efficiency in the use of land, natural resources, energy, and the providing of public services and utilities;
  - d. To encourage useful open space;
  - e. To provide improved housing, governmental functions, employment and shopping opportunities particularly suited to the needs of the Village and the region.
  - f. To encourage the innovative use, re-use, and improvement of existing sites and buildings; and
  - g. To permit development in accordance with the policies and objectives of the Master Plan.
2. Standards for Approval.

In order to foster the attractiveness of a planned unit development and its surrounding neighborhoods, preserve property values, provide an efficient road and utility network, ensure the movement of traffic, implement comprehensive planning, and better serve the public health, safety, and general welfare, in addition to the General Review Standards for All Special Uses (section 21.09), the following criteria applies to planned unit developments. These criteria shall neither be regarded as inflexible requirements, nor are they intended to discourage creativity or innovation.

- a. The uses will be compatible with the natural environment, and with adjacent and surrounding land uses and properties, and will not have an adverse economic, social or environmental impact on adjacent and surrounding land uses and properties;
- b. The uses will be compatible with the capacity of existing public services and facilities, or of planned and feasible future public services and facilities, and such use is consistent with the public health, safety and welfare of the Village residents;
- c. The uses and development are warranted by the design of additional amenities made possible with, and incorporated by, the development proposal;
- d. Insofar as practicable, the landscape shall be preserved in its natural state by minimizing tree and soil disturbance and removal;
- e. Existing important natural, historical and architectural features within the development shall be preserved;
- f. Proposed buildings shall be sited harmoniously to the terrain and to other buildings in the vicinity that have a visual relationship to the proposed buildings;
- g. With respect to vehicular and pedestrian circulation and parking, special attention shall be given to the location and number of access points to public streets, minimizing potential motorized/non-motorized conflict points, width of interior drives and access points, general interior circulation, separation of pedestrian and vehicular traffic, and the arrangement of parking areas that are safe and convenient and, insofar as is practicable, do not detract from the design of proposed structures and neighboring properties;
- h. Landscaping is provided to ensure that proposed uses will be adequately buffered from one another and from surrounding public and private property and, where applicable, to create a pleasant pedestrian scale outdoor environment;
- i. The development consolidates and maximizes useable open space;
- j. The benefits of the development are not achievable under any single zoning classification; and

- k. The development is compatible with the intent, purpose, and objectives of this section and of the adopted master plan.

3. Additional Requirements.

- a. Planned unit developments shall be permitted when listed as a special use in the zoning district.

- b. No minimum lot size is required.

- c. Included with the application for preliminary review and master site plan shall be:

- i. A certified boundary survey and legal description of the property.

- ii. A conceptual site plan showing the development boundaries, proposed structure locations, existing and proposed utilities, pedestrian and vehicular circulation, landscape development, areas of tree removal, earth shaping and grading, open spaces and their intended uses, recreation facilities, and such other features as might be requested.

- iii. A description of the type, character, and proposed use of land and structures within the planned unit development.

- iv. Statement of present ownership of all land contained in the planned unit development.

- v. Computation of total property area, open space, parking and building or structure areas.

- vi. Evidence of the impact of the development on local streets, natural features, schools and utilities.

- vii. Evidence of the market and economic feasibility.

- viii. Such other information pertinent to the development or use.

- d. If the Planned Unit Development is to be located in the Waterfront and Lakebluffs Development District, the following provisions shall control over any other requirements of this Ordinance:

- ii. A substantial portion of water shoreline shall remain available for public access and be shown as part of the landscaping plan.

- iii. There shall be no specific maximum density. Commercial space usage shall be limited to no more than 50% of the total building area within a mixed use building or structure housing both residential and/or overnight rental accommodations and

allowable uses specified in the Commercial District.

- e. If the Planned Unit Development is to be located in the Deep Water Port District, the following requirements shall control over any other requirements of this Ordinance:
  - ii. A portion of the water shoreline shall remain available for a public trail corridor consistent with the intent to link together surrounding trail segments and be shown as part of the landscaping plan, subject to public safety design requirements stemming from the use of the deep-water port.
  - iii. There shall be no specific maximum density. Commercial space usage shall be limited to no more than 50% of the total building area within a mixed use building or structure housing both residential and/or over night rental accommodations and allowable uses specified in the Commercial District.
- f. Dimensional and Use Restrictions. In acting upon an application for a Planned Unit Development, the Village may alter and establish lot limits, required facilities, buffers, open space areas, density limits, setback requirements, height limits, building size limits, off-street parking regulations, landscaping rules, and miscellaneous regulation changes consistent with the intent of this Section and the standards set forth herein. The Village may also authorize land uses not permitted in the Zoning District where the land is located, provided that such uses are consistent with the intent of this Section and the standards set forth herein. Dimensional and off-street parking area provisions of the underlying Zoning District shall not apply to the area within an approved Planned Unit Development.