

**DIVISION 9. PLANNED URBAN DEVELOPMENT CLASSIFICATION  
BY SPECIAL USE FOR ALL ZONING DISTRICTS**

**Sec. 12-169. Statement Of Purpose:**

(a) Planned developments are such substantially different character from other special uses that specific and additional standards and exceptions are hereby established to govern the recommendations of the zoning and planning commission and the action of the village board of trustees.

(b) These regulations are designed to provide for the integrated development of substantial land areas into planned developments considering all the elements of planning; providing adequate relationship between structures and land uses; relaxing specific provisions of applicable district requirements; but at the same time providing for adequate space, light, air, use and bulk limitations.

(c) These provisions are intended to encourage and accommodate more creative and imaginative design for land development than would otherwise be possible under strict application of the village's conventional zoning ordinance provisions.

(d) Implementation of this article will result in efficient land patterns and, therefore, more economical land development, that:

(1) Fosters high quality development by allowing flexibility in land use and design standards, thereby encouraging innovative site planning;

(2) Promotes more efficient land patterns, which not only preserve open space and natural resources, but also provide for more economical networks of utilities, streets and other facilities;

(3) Promotes diverse, high quality, residential environments, which include a mixture of dwelling unit types;

(4) Promotes a land use pattern with a mixture of residential and nonresidential uses that will mutually support each other;

(5) Provides for the permanent preservation of open space for the continued use and enjoyment of residents of each subdivision and the village;

(6) Provides for usable and suitably located public and private recreational facilities;

(7) Encourages developers to provide amenities that enhance the quality of life, both within the planned development, as well as within the community as a whole;

(8) Encourages a land use pattern which promotes the public health, safety, comfort, morals and welfare; and

(9) Allows more than one building per zoning lot, when determined to be of benefit to residents of a subdivision or the operation of a mixed use or business planned development. (Ord. 2001-39, § 2, 11-12-2001)

**Sec. 12-170. General Requirements:**

A planned development shall conform to the following requirements:

(1) Be consistent with the purpose and intent of this division.

(2) Be laid out and developed as a unit in accordance with an integrated overall design, as approved and authorized by the board of trustees.

(3) The number of dwelling units erected shall not exceed the number permitted by the regulations of the district in which it is located unless an exception is permitted as stipulated under bulk regulations of this division, subsection 12-171(3) of this division.

(4) The yards and open spaces adjoining the boundaries of the project shall not be less than the yard requirements of the district in which it is located.

(5) No building is permitted to exceed the height limit of the district by more than ten percent (10%).

(6) If more intensive uses (i.e., uses other than for which the district is zoned, such as B-2 community business district usage in R-3 general residence districts) are granted than are permitted by the district regulations, there must be clear evidence that such uses are needed to service the project provided the evidence shall show:

a. That the uses permitted by such exceptions are necessary or desirable and are appropriate with respect to the primary purpose of the development;

b. That the uses permitted by such exception are not of such a nature or so located as to exercise a detrimental influence on the development nor on the surrounding neighborhood;

c. That in a planned industrial development such additional uses allowed by exception shall conform with the performance standards of the district in which the development is located as set forth in this division;

d. That the use exceptions so allowed are recorded on the zoning district maps by appropriate symbols or by reference to documents on file with the building commissioner;

e. Where the planned development is to be located in a residential district, no use exceptions shall be allowed unless the size of the planned development exceeds twenty (20) acres.

(7) The amount of off street parking must be adequate to serve the needs of the projects and the village board may require more off street parking than is otherwise required by this division.

(8) If any open space or recreational facility is to be used solely by the residents of the project, adequate provisions shall be made for assessments against the property within the project for their proper improvement, maintenance and operation.

(9) Underground utilities including communications and electric systems, are required within the limits of a planned development. Appurtenances to these systems which can be effectively screened may be excepted from this requirement if the village board finds that such exemption will not violate the intent or character of the development.

(10) The streets proposed must be suitable and adequate to carry anticipated traffic and increased densities must not overload the street network outside the development. All ingress and egress streets must be constructed in accordance with the subdivision code.

(11) The planned development must be in accord with the comprehensive plan of the village of Justice.

(12) The existing and proposed utility services must be adequate for the population densities proposed. (Ord. 2001-39, § 2, 11-12-2001)

### **Sec. 12-171. Bulk Regulations:**

In the case of any planned development, the zoning and planning commission may recommend, and the village board may authorize, exceptions to the applicable bulk regulations of this division within the boundaries of such development, provided that the evidence shall show:

(1) That such exception shall be solely for the purpose of encouraging a desirable living environment no less beneficial to the residents or occupants of such development, as well as of neighboring properties, than would be obtained, under the bulk regulations of this division for buildings developed on separate zoning lots.

(2) Standards for square footage, density, yard regulations, parking, loading and screening for a planned development shall be governed by the standards of the residential, commercial or industrial zoning district(s) most similar in nature and function to the proposed planned development as determined by the village board.

Standards for public improvements shall be governed by the applicable ordinances and laws of the village. Exceptions to these standards by the village board are possible when they find that such exceptions are warranted in terms of the total proposed development. However, in regard to developments containing residential uses: a) in no event shall the square footage of either multiple units or single-family attached homes fall below two thousand five hundred (2,500) square feet of land per unit, b) in no event shall the minimum square footage per dwelling unit requirements applicable to such districts be decreased by more than twenty percent (20%). A further decrease of not more than ten percent (10%) on the already reduced square footage per dwelling unit may be permitted in the event that parking facilities are provided either underground or in the building proper, i.e., for each underground or on building parking space, an equivalent reduction may be permitted to the allowable limit of ten percent (10%) before specified.

(3) That in a planned development, a developer be allowed to install site signs on the development, said signs being for the purpose of denoting street locations, development plans for various sites within the project, location of various units within the project, map and layouts, and proposed public and commercial facilities. Such signs shall be removed by the developer when the project is completed, at the option of the village of Justice. (Ord. 2001-39, § 2, 11-12-2001)

**Sec. 12-172. Application And Approval:**

(a) Tentative Approval On Application For A Planned Development:

(1) The developer shall submit a tentative planned development to the plan committee for an approval in principle and the committee shall approve prior to the submission of an application for approval of a planned development special use permit. The written consent of all property owners within the proposed tentative development area shall be on file with the village before study of a tentative planned development shall be commenced.

(2) Any tentative development plan shall be prepared and include the following information presented in a general schematic fashion:

a. Proposed land uses, population densities and building intensities.

b. Proposed circulation pattern indicating both public and private streets and off street parking ratios.

c. Proposed parks, playgrounds, school sites and other open spaces.

- d. A market analysis of proposed commercial uses if the property is not zoned for commercial purposes at the time of submittal of the preliminary development plan.
- e. Delineation of the units to be constructed in progression if any.
- f. Relation to future land use in surrounding area and Justice comprehensive plan.

(3) Approval in principle of the tentative planned development shall be limited to the general acceptability of the land uses proposed and the interrelationships, and shall not be construed to endorse precise location of uses, configuration of parcels, or engineering feasibility. The purpose of this conference is to afford the developer an opportunity to avail himself of the advice and assistance of the plan committee before incurring the expense of a plan.

(b) Application For Approval Of A Planned Development Special Use Permit:

(1) Any person or persons owning lots or land within the village or any persons owning lots or land outside the village coming in under a preannexation agreement may apply to the village board for approval of a planned development special use permit.

(2) The development plan submitted to the zoning and planning commission, after the preliminary conference shall include, as a minimum, the following:

- a. A topographic and boundary line map of the project, locating its relationship to surrounding properties;
- b. Pattern of public and private roads, driveways, parking facilities, and intended design standards;
- c. Size, area and location of lots or of proposed building groups;
- d. Location, type and size of landscaping;
- e. Use, type, size and location of structures;
- f. Location of sewer and water facilities;
- g. Architectural drawings and sketches illustrating the design and character of proposed structures;
- h. Location of recreational and open space area;
- i. Existing and proposed storm drainage pattern;
- j. Statistical data pertinent to a comprehensive evaluation of the proposed development;

- k. Organizational details of any property owners' association;
- l. Aspects of the maintenance of common open space areas;
- m. Schedule for the development of units to be constructed in progression;
- n. List of use, and bulk exceptions requested;
- o. Engineering feasibility studies as necessary; and
- p. Relation to future land use in surrounding area and Justice comprehensive plan.

(3) The zoning and planning commission shall hold a public hearing on the application. The zoning and planning commission may recommend approval or disapproval of the application or make recommendations regarding changes or revisions that it deems desirable, and forward their report and recommendation to the village board. Approval for each unit of the development by the village board shall be valid for one year. The initial building permits required by the municipal code requirements must be obtained within this one year approval period.

(4) There shall also be submitted with the final plan, a written agreement or restriction assigned by the owners of the planned development assuring the village that the development will be carried out in full compliance with the final plan and within the time schedule of construction submitted with the final plan. Once the plan is authorized by the village board, no modification may be made without authorization of the village board. (Ord. 2001-39, § 2, 11-12-2001)

**Sec. 12-173. Issuance Of Permits:**

Whenever the village board approves the final plan accompanying agreements, the building commissioner shall issue the necessary permits for all of the project or for such units thereof that are to be constructed in accordance with the village municipal code. (Ord. 2001-39, § 2, 11-12-2001)

**Sec. 12-174. Time Limit:**

If no construction has been started within one year from the date of issuance of the initial building permits, the permits shall be declared null and void and the project shall not be initiated unless it is resubmitted and reapproved by the zoning and planning commission in the same manner that it was approved of in the first instance. Upon resubmittal of the application to the zoning and planning commission, all application fees and costs must be repaid. The village board may, however, extend the

period for initiating construction upon a showing of good and sufficient cause. (Ord. 2001-39, § 2, 11-12-2001)

**Sec. 12-175. Performance:**

At the time of the granting of the permit, the village board shall make appropriate arrangements with the applicant which will ensure the accomplishment at the scheduled times, of the public improvements and grants of easement shown on the approved final plan. (Ord. 2001-39, § 2, 11-12-2001)

**Sec. 12-176. Plan Committee:**

The plan committee shall be recommended by the building, plats, and zoning committee chairperson and approved of by the village board and shall include at least the building, plats and zoning chairperson, the zoning and planning chairperson and at least one additional member of the zoning and planning commission. In addition a member from each of the following departments shall be invited to sit on the committee for each plan development: public works; police department; fire department; village attorney; village engineer. (Ord. 2001-39, § 2, 11-12-2001)

**Secs. 12-177-12-180. Reserved:**