

6-3-3: - CITY COUNCIL:

- 1. Jurisdiction: * * *
- 2. Final Action By City Council:
- 2.1. - 2.3. * * *

2.4. All decisions and findings of the City Council related to the Zoning Title, shall, in all instances, be ~~the final legislative decisions and shall be subject to judicial review as set forth in 65 ILCS 5/11-13-25(a) may be provided by law. In the case of zoning amendments, variances, conditional uses, planned unit developments and other actions which require that approval or granting thereof be by ordinance, the enactment of the approving or granting ordinance shall be the final administrative decision and shall be subject to judicial review as may be provided by law.~~

6-3-6: - VARIANCES:

- 1. Authority: The City Council, after receiving a report from the Planning and Zoning Commission containing its findings and recommendations, may vary the regulations of this Title if it finds that the variance requested is in harmony with their general purpose and intent and complies with all of the standards for variances established herein. The City Council shall not vary the provisions of this Title concerning permitted uses, conditional uses or the regulation of nonconforming uses, except as specifically provided in Chapter 4 (Planned Unit Developments) of this Title.
- 2. Standards For Variances: - 4. Effective Period Of Variance: * *

CHAPTER 4 - PLANNED UNIT DEVELOPMENTS

SECTION:

6-4-1: - STANDARDS AND REGULATIONS: - 6-4-2: - PURPOSE AND INTENT:

* * *

6-4-3: - DESIGN STANDARDS AND CRITERIA:

The planned unit development shall be designed to comply with the following standards and criteria:

- 1. Ownership And Control: - Design : * * *
- 12. Deviations From Requirements Of This Code: Deviations shall be considered by the Planning and Zoning Commission and are subject to final approval by the City Council.

12.1. Zoning, Landscaping And Subdivision Deviations: In accordance with the intent and purpose of this Chapter, consideration may be offered for deviations from the zoning ~~(other than use)~~, landscaping or subdivision requirements of this Code. Except for exceptional instances when use deviations may be permitted in accord with Section 12.2 below, the determination of whether a planned unit development deviation will be approved for a planned unit development shall be made using the following standards as guidelines:

12.1.1. Whether the requested deviation would undermine the intent and purpose of the underlying zoning district; and

12.1.2. Whether the requested deviation would be a detriment to the provision of municipal services and infrastructure; and

12.1.3. Whether the requested deviation would contribute a planned unit development which offers a superior level of design, amenity enhancement, or environmental benefit; or would enhance community vitality through the inclusion of attainable or barrier free housing.

12.2. Use Deviations: In accordance with the intent and purpose of this Chapter, consideration may be given in certain instances for deviations that would permit a use which is not a permitted or conditional in the zoning district in which the PUD is located as set forth herein. The City Council shall have the discretion to determine whether the petitioner has satisfactorily demonstrated that the criteria set forth below has been met so as to merit granting the unusual relief of a use deviation in a planned unit development.

12.2.1. Unique and unusual circumstances are present; and

12.2.2. The requested use deviation will not have an adverse impact on current uses in the PUD; and

12.2.3. The requested use deviation will be incidental to the principal use of the PUD as defined in Section 6-1-6 of this Title; and

12.2.4. One or more of the following criteria are present:

12.2.4.1. The requested use deviation would achieve a land use goal identified adopted pursuant to Title 1 (Administrative), Chapter 2 (Comprehensive Plan) of this Code.

12.2.4.2. The requested use deviation would satisfy an unmet market need as evidenced by a market study or other similar report.

12.2.4.3. The requested use deviation is likely to benefit existing uses in which the PUD is located.

12.2.4.4. The requested use deviation is appropriate due to other circumstances or conditions specific to the PUD, including but not limited to, extended and/or high rate of vacancies or changing market conditions.

12.32. Outdoor Common Area And Site Amenity Deviations: Consideration for a deviation to reduce the minimum required percentage of outdoor common area

for a planned unit development may be offered, subject to the following standards:

12.32.1. The requested deviation is in harmony with the intent and purpose of this Chapter.

12.32.2. Outdoor common area or site amenities provided in the planned unit development fulfill the objectives of the outdoor common area or site amenity standard to achieve the provision of passive or active recreation, site amenity, environmental protection or beautification.

12.32.3. Alternate site or building improvements are provided which sufficiently enhance purposes related to passive or active recreation, site amenity, environmental protection or beautification.

12.32.4. The planned unit development achieves a level of environmental design or pedestrian amenity above and beyond what is required under otherwise applicable zoning requirements.

12.43. Signage Deviations: Requests for deviations to the sign regulations contained in Title 5, Chapter 4 of this Code may be considered in conjunction with a request for a planned unit development or a change to a planned unit development in accordance with the standards described in Section 6-4-6 of this Chapter.

6-4-8: - EFFECTIVE PERIOD OF PLANNED UNIT DEVELOPMENT:

1. The planned unit development shall be constructed in a timely manner. The planned unit development shall be subject to revocation under the following conditions:
 - 1.1. Final platting does not occur within two (2) years from the date of approval of the preliminary plat of a planned unit development.
 - 1.2. Construction does not commence and proceed within two (2) years from the date of approval of the final plat of a planned unit development.
 - 1.3. The City Council may extend the time limits in up to one year increments.
2. The City Council may initiate, or the owner (or authorized owner's representative) of the parcel of land on which the planned unit development is to be constructed, may apply for the revocation of the planned unit development. The owner shall be notified, in writing, at least thirty (30) days prior to the City Council's consideration of the revocation if initiated by the City Council.
3. In conjunction with a request to revoke an existing planned unit development, the owner of the parcel of land, or an owner's authorized representative, may concurrently seek the establishment of a new planned unit development or seek rezoning of the parcel of land to an appropriate zoning designation. In the absence of the owner of the parcel of land seeking to establish a new planned unit development or rezoning of the parcel to an appropriate zoning designation, the City

Council may, at its option, direct the Planning and Zoning Commission to conduct a public hearing to determine if the underlying zoning district in which the parcel of land is located remains appropriate for said parcel following revocation. The recommendation of the Planning and Zoning Commission shall be submitted to the City Council for consideration in conjunction with the request to revoke the approved PUD. If the City Council determines that the underlying zoning is no longer appropriate for the parcel of land, the City Council may deny the request for revocation of the planned unit development.

For those parcels of land for which revocation of a planned unit development is approved, ~~Upon such revocation taking effect, revocation of a planned unit development,~~ the parcel of land shall conform to the permitted uses and other regulations of the underlying zoning district in which it is located. ~~of which it is a conditional use unless an amendment or other conditional use is initiated by the City Council or is applied for by the owner of the parcel of land on which the planned unit development was to be constructed and granted by the City Council.~~