

§ 193-54. PD Planned Development District.

- A. Purpose. The purpose of the Planned Development District is:
- (1) To provide for new residential, commercial, industrial and/or recreational development in which the economies of scale and creative and innovative planning and architectural concepts and techniques may be utilized by the developer without departing from the spirit and intent of this chapter.
 - (2) To provide for the most appropriate, efficient and environmentally sound use of the remaining undeveloped land areas within the Town/Village.
 - (3) To ensure that the regulations of this section are so interpreted and applied that the benefits of this chapter to the residents or occupants of the Planned Development District and the residents or occupants of adjacent properties will be protected.
- B. Objectives. In order to carry out the purpose of this article, a planned development shall achieve at least the following objectives. It shall:
- (1) Incorporate a coordinated development plan for all contiguous land within the Planned Development District.
 - (2) Provide open space as an integral part of the plan.
 - (3) Provide for the convenient location of commercial and service areas.
 - (4) Preserve trees, outstanding natural topography and geologic features.
 - (5) Make creative use of land and related physical development.
 - (6) Make efficient use of land resulting in smaller networks of utilities and streets and thereby lowering costs for construction, maintenance and housing.
 - (7) Provide a development pattern in harmony with the objectives of the Town/Village Comprehensive Plan.
- C. Location. New development pursuant to this section shall be located within areas designated for planned development on the Zoning Map.
- D. Permitted uses. The Town/Village Board of Trustees may authorize the following types of development within the PD Planned Development District:
- (1) Housing developments which may range from single-family to multifamily dwellings.
 - (2) Commercial uses permitted by right in the LC or GC District.
 - (3) Public or commercial recreation.
 - (4) Industrial uses permitted by right in the I District.
 - (5) Any combination of the above, except that industrial development shall not be combined with residential or recreational development.

E. Procedures.

- (1) General procedures.
 - (a) Site plans for specific planned development projects may be approved by the Town/Village Board of Trustees.
 - (b) The applicant shall submit an application for preliminary site plan approval to the Town/Village Board of Trustees.
 - (c) Any development within a PD District shall be strictly in accord with the particular site plan approved by the Town/Village Board of Trustees.
- (2) Applicant. The applicant may be a single person, a corporation or a group of individuals or corporations. An application shall be filed by the owner or jointly by the owners of all property included in a project. In the case of multiple ownership, the approved plan shall be binding on all owners.
- (3) Application for site plan approval of a planned development. Application for site plan approval of a planned development shall be made to the Town/Village Board of Trustees. Within 10 days of receipt, the Town/Village Board of Trustees shall refer the application to the Zoning Board of Appeals for a recommendation. The applicant shall furnish basic data pertaining to the boundaries of the proposed development and the existing zoning, topography, drainage and soil conditions and such preliminary plans as may be required for an understanding of the type, uses and design of the proposed development. **[Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]**
- (4) Zoning Board of Appeals review of application to establish a planned development. **[Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]**
 - (a) The Zoning Board of Appeals and the Board's professional engineer and/or planning consultant, if any, shall review such application. The Board may require such changes in the application as are found to be necessary to meet the requirements of this section, to protect the established permitted uses in the vicinity and to promote the orderly growth and sound development of the community. In evaluating the proposal and in reaching its decision, the Zoning Board of Appeals shall consider and make findings regarding the following:
 - [1] The existing character of the neighborhood.
 - [2] The height, bulk and location of principal and accessory buildings on the site in relation to one another and to other structures and uses in the vicinity.
 - [3] The auto and pedestrian traffic circulation features within the site and the amount of, location of and access to automobile parking areas and loading areas.
 - [4] The proposed location, type and size of signs, driveways and landscape features.

- [5] The safeguards provided to minimize possible detrimental effects of the proposed use on adjacent properties and the neighborhood in general.
- [6] Water supply, sanitary sewers, storm drainage, solid waste disposal and other utilities on and adjacent to the site.
- (b) The Zoning Board of Appeals shall report its findings and recommendation to the Town/Village Board of Trustees within 62 days as to approval, disapproval or conditional approval of the application.
- (5) Zoning Board of Appeals recommendations. [**Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I)**]
 - (a) The Zoning Board of Appeals shall prepare a report to the Town/Village Board of Trustees containing findings as to:
 - [1] The suitability of the tract for the general type of development proposed, physical characteristics of the land and relation of the proposed development to surrounding areas and existing and probable future development.
 - [2] The relation to major roads, utilities and other facilities and services.
 - [3] The adequacy of evidence on unified control and suitability of any proposed agreements, contracts, deed restrictions, sureties, dedications, contributions, guaranties or other instruments or the need for such instruments or for amendments in those proposed.
 - [4] The suitability of plans proposed or the desirability of amendments, with reasons therefor.
 - [5] The desirable specific modifications in regulations, based on determinations that such modifications are necessary or justified in the particular case by demonstration that the public purposes of PD or other regulations would be met to at least an equivalent degree by proposals of the applicant.
 - (b) Based on such findings, the Zoning Board of Appeals shall recommend approval of the PD preliminary site plan as proposed, approval conditioned on specific stated modifications or disapproval, with reasons recorded therefor.
- (6) Public hearing on the preliminary site plan. The Town/Village Board of Trustees shall hold a public hearing after public notice on the preliminary site plan for the proposed development and shall consider the report and recommendations of the Zoning Board of Appeals and all other comments, reviews and statements pertaining thereto. [**Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I)**]
- (7) Action by the Town/Village Board of Trustees.
 - (a) The Town/Village Board of Trustees may approve the preliminary site plan in accord with PD and other regulations applicable, include any specific modifications of PD or other applicable regulations as provided in Subsection E(5)(a)[5] above, or may deny the application.

- (b) If the preliminary site plan is approved, the Town/Village Board of Trustees shall, in its approving action, approve the preliminary site plan as it may have been changed during earlier procedures or indicate required modifications, and such approved preliminary site plan, with required modifications, if any, shall be binding in determinations concerning final development plans. If modifications are required, the Town/Village Board of Trustees shall officially state its reasons therefor in the record.
 - (c) If the preliminary site plan is approved, the development shall be required to be in accord with final development plans meeting the requirements of these and other regulations, as supplemented or modified by the Town/Village Board of Trustees in the particular case as part of the approving action, and shall conform to any time or priority limitations established by the Town/Village Board of Trustees on beginning and completion of the development as a whole or in specified stages.
 - (d) At the time of approval of the preliminary site plan, the Town/Village Board of Trustees shall pass upon the adequacy in form and substance of any agreements, contracts, deed restrictions, sureties or other instruments involved, and, before development may proceed, such instruments shall be approved by appropriate officers and agencies.
- (8) Zoning Board of Appeals action on approval of final plans. **[Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]**
- (a) Approval of final plans and reports.
 - [1] After a preliminary site plan has been approved, no building permit shall be issued therein unless the Zoning Board of Appeals has approved the final site plan and accompanying reports for the development as a whole or stages or portions thereof deemed satisfactory in relation to the total development. The form and content of such final plan and reports shall be as prescribed in zoning and subdivision regulations or other regulations involved, generally or for particular PD Districts, and in rules of the Zoning Board of Appeals and other affected agencies.
 - [2] Approval of final site plans and accompanying reports shall be based on substantial compliance with the preliminary site plan, including such specific modifications as were made by the Town/Village Board of Trustees.
 - [3] Upon approval of final plans and reports, building permits shall be issued in the same manner as for building permits generally, provided that any requirements concerning the order and location in which building permits are to be issued in the particular PD District shall be observed. Except as provided below, final plans and reports approved shall be binding on the applicants and any successors in title so long as PD zoning applies to the land.
 - (b) Changes in approved final plans. Changes in approved final plans and reports may be approved by the Zoning Board of Appeals only upon findings identical to those required for original approval. Other changes shall be approved subject to further

Town/Village Board of Trustees action.

- (c) Final site plan approval is administrative action. No public notice or hearing is required in connection with approval proceedings on final plans or changes in approved plans, but the Zoning Board of Appeals may hold such hearings with such notice as it deems appropriate in connection with such actions and in compliance with the Village Law.
- (9) Expiration of time limits on PD site plan approvals.
- (a) If actions required in any approval of a site plan in a PD District are not taken within any time limits set in connection with such approval, the Zoning Board of Appeals shall review the circumstances and prepare a written report specifying the circumstances and recommending that: **[Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]**
 - [1] Site plan approval for the entire area be continued with revised time limits;
 - [2] Site plan approval be continued for part of the area, with or without revised time limits;
 - [3] Site plan approval be rescinded; or
 - [4] Other appropriate actions be taken.
 - (b) Such recommendations shall include proposals for appropriate action in respect to any legal instruments in the case. Such recommendations shall be transmitted to the Town/Village Board of Trustees.