

**AN ORDINANCE REPEALING SECTIONS 153.240 THROUGH 153.249  
OF CHAPTER 153 AND CREATING NEW PLANNED UNIT  
DEVELOPMENT PROCESS**

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF PALOS HEIGHTS, COUNTY OF COOK, STATE OF ILLINOIS, as follows:

**Section One.** The Code of Ordinances for the City of Palos Heights is hereby amended by repealing Sections 153.240 through 153.249 of Chapter 153 in their entirety.

**Section Two.** The Code of Ordinances of the City of Palos Heights is hereby amended by adding the following Sections to Chapter 153 Zoning Code:

**"PLANNED UNIT DEVELOPMENT"**

**153.240. INTENT AND PURPOSE**

- 1) The purpose of the regulations, standards, and criteria contained in this chapter is to provide an alternate zoning procedure under which land can be developed or redeveloped with innovation, imagination, and creative architectural design when sufficiently justified under the provisions of this chapter. The objective of the planned unit development is to encourage a higher level of design and amenity than is possible to achieve under otherwise applicable zoning regulations. The end result can be a product which fulfills the objectives of the City of Palos Heights Comprehensive Plan and the planning policies of the City while departing from the strict application of the use and bulk regulations of the zoning title. The planned unit development is intended to permit and encourage such flexibility and to accomplish the following purposes:
  - a) To stimulate creative approaches to non-single-family development of land (ie. commercial, multifamily residential, commercial/mixed-use, industrial, institutional, etc.).
  - b) To provide more efficient use of land.
  - c) To preserve natural features and provide open space areas and recreation areas in excess of that required under existing zoning regulations.
  - d) To develop new approaches to the living environment through variety in type, design and layout of buildings, transportation systems, and public facilities.
  - e) To unify building and structures through design.
  - f) Promotion of long term planning pursuant to the Comprehensive Plan, which will allow harmonious and compatible land uses or combination of uses with surrounding areas.

**153.241. GENERAL PROVISIONS**

- 1) No non-single-family residential development falling into the following categories shall be permitted unless approved as a planned unit development in accordance with the Zoning Ordinance.
  - a) All developments located between 122nd Street and 124th Street and having a Harlem Avenue frontage of 100' or more.
  - b) All developments within the Harlem Avenue Overlay District having a lot area of one (1) acre or greater.
  - c) All developments not within the Harlem Avenue Overlay District having an area of two (2) acres or greater.
- 2) Each planned unit development should be presented and judged on its own merits. It shall not be sufficient to base justification for approval of a planned unit development upon an already existing planned unit development except to the

extent such planned unit development has been approved as part of a larger planned unit development master plan.

- 3) The burden of providing evidence and persuasion that any planned unit development is necessary and desirable shall in every case rest with the applicant.
- 4) Buildings and uses or combinations of uses within a planned unit development shall be limited solely to those approved as part of the ordinance granting a planned unit development permit provided, however, that any buildings and uses or combinations of uses in compliance with a development plan approved as part of the ordinance granting a planned unit development permit may be approved by the City Council.

#### 153.242. STANDARDS FOR REVIEW

Modifications in conventional zoning and subdivision regulations are privileges and will be considered by the City only in direct response to the accrual of tangible benefits from the planned unit development to the City or the neighborhood/area in which it would be located. These benefits shall be in the form of exceptional amenities, landscape, architectural or site design, or the conservation of special man-made or natural features of the site. In reviewing an application for a planned unit development, the Planning and Zoning Commission and/or the City Council, as the case may be, shall be required to make certain findings based on the following standards.

- 1) Required Findings. No application for a planned unit development shall be approved unless all of the following findings are made about the proposal:
  - a) Comprehensive Plan. The planned unit development shall conform with the general planning policies of the City as set forth in the Comprehensive Plan.
  - b) Public Welfare. The planned unit development shall be so designed, located and proposed to be operated and maintained that it will not impair an adequate supply of light and air to adjacent property and will not substantially increase the danger of fire or otherwise endanger the public health, safety and welfare.
  - c) Impact on Other Property. The planned unit development shall not be injurious to the use or enjoyment of other property in the neighborhood for the purposes permitted in the district, shall not impede the normal and orderly development and improvement of surrounding properties for uses permitted in the zoning district, shall not be inconsistent with the community character of the neighborhood, shall not alter the essential character of the neighborhood and will be consistent with the goals, objectives, and policies set forth in the Comprehensive Plan, and shall not substantially diminish or impair property values within the neighborhood, or be incompatible with other property in the immediate vicinity.
  - d) Impact on Public Facilities and Resources. The planned unit development shall be so designed that adequate utilities, road access, drainage, and other necessary facilities will be provided to serve it. The Planned unit development shall include such impact donations as may be reasonably determined by the City Council. These required impact donations shall be calculated in reasonable proportion to impact of the planned unit development on public facilities and infrastructure.
  - e) Archaeological, Historical or Cultural Impact. The planned unit development shall not substantially adversely affect a known archaeological, historical, or cultural resource located on or off of the parcel proposed for development.
  - f) Parking and Traffic. The planned unit development shall have or make adequate provision to provide ingress and egress to the proposed use in a manner that minimizes traffic congestion in the public streets, provides appropriate cross access to adjacent properties and parking areas, and provide adequate access for emergency vehicles.
  - g) Adequate Buffering. The planned unit development shall have adequate landscaping, public open space, and other buffering features to protect uses within the development and surrounding properties.

- h) Signage. Any signage on the site of the planned unit development shall be in conformity with the City's Zoning Ordinance (Sign Ordinance), or shall satisfy the standards of review for variations set forth therein.
- 2) Modification Standards. In addition to the findings required above, the following standards shall be utilized in considering applications for modifications of the conventional zoning and subdivision regulations for a planned unit development. These standards shall not be regarded as inflexible, but shall be used as a framework by the City to test the quality of the amenities, benefits to the community, and design and desirability of the proposal.
- a) Integrated Design. A planned unit development shall be laid out and developed as a unit in accordance with an integrated overall design. This design shall provide for safe, efficient, convenient and harmonious grouping of structures, uses and facilities, and for appropriate relation of space inside and outside buildings to intended uses and structural features.
  - b) Beneficial Common Open Space. Any common open space in the planned unit development shall be integrated into the overall design. Such spaces shall have a direct functional or visual relationship to the main building(s) and not be of isolated or leftover character. The following would not be considered usable common open space:
    - i) Areas reserved for the exclusive use or benefit of an individual tenant or owner.
    - ii) Dedicated streets, alleys and other public rights-of-way.
    - iii) Vehicular drives, parking, loading and storage area.
    - iv) Irregular or unusable narrow strips of land less than fifteen feet (15') wide.
  - c) Functional and Mechanical Features. Exposed storage areas, trash and garbage retainers, exposed machinery installations, service areas, truck loading areas, utility buildings and structures, and similar accessory areas and structures shall be accounted for in the design of the planned unit development and made as unobtrusive as possible. They shall be subject to such setbacks, special planting or other screening methods as shall reasonably be required to prevent their being incongruous with the existing or contemplated environment and the surrounding properties.
  - d) Visual and Acoustical Privacy. The planned unit development shall provide reasonable visual, and acoustical privacy for each dwelling unit. Fences, insulations, walks, barriers and landscaping shall be used as appropriate for the protection and aesthetic enhancement of property and the privacy of its occupants, screening of objectionable view or uses, and reduction of noises.
  - e) Drives, Parking and Circulation. Principal vehicular access shall be from dedicated public streets, and access points shall be designed to encourage smooth traffic flow with controlled turning movements and minimum hazards to vehicular or pedestrian traffic. With respect to vehicular and pedestrian circulation, including walkways, interior drives and parking, special attention shall be given to location and number of access points to the public streets, width of interior drives and access points, general interior circulation, separation of pedestrian and vehicular traffic, adequate provision for service by emergency vehicles, and arrangement of parking areas that are safe and convenient, and insofar as feasible, do not detract from the design of proposed buildings and structures and the neighboring properties.
  - f) Surface Water Drainage. Special attention shall be given to proper site surface drainage so that removal of surface waters will not adversely affect neighboring properties or the public storm drainage system. Surface water in all paved areas shall be collected at intervals so that it will not obstruct the flow of vehicular or pedestrian traffic.

### 153.243. SITE DEVELOPMENT ALLOWANCES

Notwithstanding any limitations on variations which can be approved as contained elsewhere in the Zoning Code, site development allowances, i.e., deviations or variations from the underlying zoning provisions set forth outside this chapter may be approved provided the applicant specifically identifies each such site development allowance and demonstrates how each such site development allowance would be compatible with surrounding development, is in furtherance of the stated objectives of this section and is necessary for proper development of the site.

### 153.244. PROCEDURES

The following steps are provided to assure the orderly review of every planned unit development application in a timely and equitable manner:

- 1) Preliminary Council Review:
  - a) Application, Purpose, and Procedure:
    - i) A prospective applicant, prior to meeting with City staff for a formal Pre-Filing Review, shall appear before the City Council for a Preliminary Board Review. The applicant shall coordinate with the City Administrator to be placed on a City Council agenda and scheduled for the earliest appropriate City Council meeting. At a minimum, the applicant shall provide the following materials to the City Council for its Preliminary Review: 1) Preliminary concept plan of the development, and 2) A brief narrative describing the overall character, intensity, uses, and nature of the proposed planned unit development.
    - ii) The purpose of such review shall be to broadly acquaint the City Council with the applicant's proposal and to provide the applicant with any preliminary views or concerns that members of the Council may have at a time in the process when positions are still flexible and adjustment is still possible and prior to the time when the applicant is required to expend the funds necessary to prepare the complete documentation required for a formal application.
    - iii) At the meeting at which the Preliminary Council Review is conducted, any member of the City Council may make any comments, suggestions or recommendations regarding the preliminary development concept deemed necessary or appropriate by that member; provided, however, that no final or binding action shall be taken with respect to any preliminary application. Any views expressed in the course of the City Council's review of any preliminary development concept shall be deemed to be only preliminary and advisory and only the individual views of the member expressing them. Nothing said or done in the course of such review shall be deemed to create, or to prejudice, any rights of the applicant or to obligate the City Council, or any member of it, to approve or deny any formal application following full consideration thereof as required by this Code.
- 2) Pre-filing Review and Transmittal of Application:
  - a) Conference:
    - i) A prospective applicant, prior to submitting a formal application for a planned unit development, shall meet for a pre-filing conference(s) with the City Administrator and any other City official or employee designated by the City Administrator. The purpose of the conference(s) is to help the applicant understand the Comprehensive Plan, the Zoning Title, the site development allowances, the standards by which the application will be evaluated, and the application requirements.
    - ii) After reviewing the planned unit development process, the applicant may request a waiver of any application requirement which in the applicant's judgment should not apply to the proposed planned unit development. Such

request shall be made in writing prior to the submission of the formal application documents.

- iii) All requests for waiver shall be reviewed within fifteen (15) working days by the City Council. A final determination regarding the waiver shall be given to the prospective applicant following the decision.
  - iv) If deemed appropriate by the City Administrator, the applicant, prior to submitting a formal application for a planned unit development, will be required to schedule a meeting to discuss the proposed planned unit development and its impact on area residents. If such a meeting is required, the applicant shall send a written notice of the meeting via certified mail to all taxpayers of record and residents for all property within five hundred (500) feet of the proposed planned unit development. Such notice shall be mailed not less than fifteen (15) days prior to the date of the meeting. A copy of the notice and mailing list shall be provided to the City Administrator. A written summary of comments made at the meeting shall be maintained and submitted by the applicant with the application.
- b) **Filing of Application:** Following the completion of the pre-filing conference(s), the applicant shall file an application for a planned unit development in accordance with this Section. The City Administrator shall deliver copies of the application to other appropriate City departments for review and comment.
  - c) **Deficiencies:** The City Administrator shall determine whether the application is complete. If the City Administrator determines that the application is not complete, he/she shall notify the applicant in writing of any deficiencies and shall take no further steps to process the application until the deficiencies are remedied.
  - d) **Report on Compliance:** A copy of the complete application and a written report incorporating the comments of City staff and other agencies regarding the compliance of the proposed planned unit development with the requirements and standards of this Section shall be delivered to the Planning and Zoning Commission prior to the public hearing.
  - e) **Determination Not Binding:** Neither the City Administrator's determination that an application is complete nor any comment made by the City Administrator or City staff at a pre-filing conference or as part of the review process shall be intended or construed as a formal or informal recommendation for the approval of a planned unit development permit for the proposed planned unit development, or component part thereof, nor shall be intended or construed as a binding decision of the City, the Planning and Zoning Commission or any staff member.
- 3) **Review and Action by the Planning and Zoning Commission:**
- a) Upon receiving the report from the City Administrator, the Planning and Zoning Commission shall hold at least one (1) public hearing on the proposed planned unit development.
  - b) Notice of the required public hearing shall be published by the City not more than thirty (30) nor less than fifteen (15) days before the scheduled hearing in a newspaper published in the City or if there is none, then in a newspaper of general circulation in the City and shall contain the following information:
    - i) The identification number designation of the application;
    - ii) The date and time of the public hearing;
    - iii) The location of the public hearing; and
    - iv) The general location of the property, the legal description of the property and its street address, if applicable, and a short description of the proposed planned unit development and purpose of the public hearing.
  - c) Notice of the required public hearing shall also be provided by the City by posting a sign or signs on the property no less than fifteen (15) days prior to the public hearing. The sign shall be weatherproof and contain such information as is required in subsection B2 above. Failure to post such sign(s) and/or the removal or knocking down (by the City or others) of the sign after posting but before the

public hearing shall not invalidate, impair, or otherwise affect any planned unit development permit subsequently granted following such public hearing.

- d) Notice of the required public hearing shall also be provided by the Applicant by Certified U.S. Mail to the taxpayers of record and owners of record of the property which is the subject of the application (if different than the applicant), and the taxpayers of record and residents of all property within five hundred (500) feet of the subject property. Such notice shall contain the information as is required in subsection B2 above and shall be mailed not more than thirty (30) nor less than fifteen (15) days prior to the date of the public hearing. The notice shall also include the name and address of the applicant for the planned unit development.
  - e) The Planning and Zoning Commission shall review the application, the standards and requirements established by this Section, the report of the City Administrator, and any oral and written comments received by the Planning and Zoning Commission before or at the public hearing. Within forty five (45) days following the close of the public hearing and at a regular meeting, the Planning and Zoning Commission shall make specific written findings addressing each of the standards set forth in this Section and transmit such findings, together with a recommendation of approval, approval with conditions, or disapproval to the City Council.
- 4) Review and Action by the City Council:
- a) Within sixty (60) days of receipt of the report and recommendation of the Planning and Zoning Commission, and without further public hearing, the City Council shall either (a) deny the application; (b) refer the application back to the Planning and Zoning Commission for further review; (c) postpone further consideration pending the submittal of additional information, including any application requirement previously waived; or (d) adopt an ordinance approving the planned unit development permit.
  - b) Any action taken by the City Council pursuant to subsection C1 above shall require the concurrence of a majority of all the City Council then holding office.
  - c) In approving a planned unit development permit, the City Council may attach such conditions to the approval as it deems necessary to have the proposed use or combination of uses meet the standards set forth in this Section and to prevent or minimize adverse effects on other property in the immediate vicinity. Such conditions may include, but are not limited to: limitations on size, bulk and location; requirements for landscaping, signage, outdoor lighting, provisions for adequate ingress and egress; hours of operation; and such other conditions as the City Council may deem to be in furtherance of the objectives of this Section.

#### 153.245. APPLICATION REQUIREMENTS

- 1) An application for a planned unit development may only be filed by one who has an ownership interest, or the agents thereof; or any contract purchaser or anyone holding an option to purchase the parcel of land on which the use or combination of uses is to be located.
- 2) Applications for a planned unit development shall be filed with the City Administrator in such form and accompanied by such information, with sufficient copies, as shall be established from time to time by the City. Every application shall contain, at a minimum, the following information and related data:
  - a) The names and addresses of the owner of the subject property.
  - b) A statement from the owner of the subject property, if not the applicant, approving of the filing of the application by the particular applicant.
  - c) A survey of, and legal description and street address for the subject property.
  - d) A statement indicating compliance of the proposed planned unit development with the Comprehensive Plan; and evidence of the proposed project's compliance in specific detail with each of the "Standards for Review" for planned unit developments.

- e) A scaled site plan showing the existing contiguous land uses, natural topographic features, zoning districts, public thoroughfares, transportation and utilities.
  - f) A scaled site plan of the proposed planned unit development showing lot area, the required yards and setbacks, contour lines, common space, and the location, floor area ratio, lot area coverage and heights of buildings and structures, number of parking spaces and loading areas.
  - g) Schematic drawings illustrating the design and character of the building elevations, types of construction, and floor plans of all proposed buildings and structures. The drawings shall also include a schedule showing the number, type, and floor area of all uses or combinations of uses, and the floor area of the entire development.
  - h) A landscaping plan showing the location, size, character and composition of vegetation and other material.
  - i) The substance of covenants, easements, and other restrictions existing and any to be imposed on the use of land, including common open space, and buildings or structures.
  - j) A schedule of development showing the approximate date for beginning and completion of each stage of construction of the planned unit development.
  - k) A professional traffic study acceptable to the City showing the proposed traffic circulation pattern within and in the vicinity of the area of the planned unit development, including the location and description of public improvements to be installed, and any streets and access easements.
  - l) A professional economic analysis acceptable to the City, including the following:
    - i) The financial capability of the applicant to complete the proposed planned unit development;
    - ii) Evidence of the project's economic viability; and
    - iii) An analysis summarizing the economic impact the proposed planned unit development will have upon the City.
  - m) Copies of all environmental impact studies as required by law.
  - n) An analysis setting forth the anticipated demand on all City services.
  - o) A plan showing off-site utility improvements required to service the planned unit development, and a report showing the cost allocations and funding sources for those improvements.
  - p) A site drainage plan for the planned developed.
  - q) A photometric/lighting plan for the planned unit development.
  - r) A written summary of residents' comments, pertaining to the proposed application, from any meeting held pursuant to subsection 5A1d above.
- 3) Every application must be accompanied by a fee in such amount as established from time to time by the City Council to defray the costs of providing notice and contracting with independent professionals to review applications as required. Such professional costs may include but are not limited to engineering, legal fees, traffic analyses, environmental impact studies, land use, site design, or other similarly related professional studies. Additional materials may be required during the review of a proposed planned unit development if determined necessary by the Planning and Zoning Commission or the City Council.

#### 153.246. EFFECT OF APPROVAL OR DENIAL

- 1) Approval of the planned unit development permit by the City Council authorizes the applicant to proceed with any necessary applications for building permits, certificates of occupancy, and other permits which the City may require for the proposed planned unit development. The City Administrator, or his/her designee, shall review applications for these permits for compliance with the terms of the planned unit development permit granted by the City Council. No permit shall be issued for development which does not comply with the terms of the planned unit development permit.

- 2) The City Council shall direct the City Administrator to revise the Official Zoning Map to reflect the existence and boundaries of each planned unit development.
- 3) Subject to subsection G below, an approval of a planned unit development permit by the City Council shall be null and void if the recipient does not file an application for a building permit relative to the proposed planned unit development within twelve (12) months after the date of adoption of the ordinance approving the planned unit development permit.
- 4) Subject to subsection G below, an approval of a planned unit development permit by the City Council shall be null and void if construction has not commenced within twenty-four (24) months, and is not completed within thirty (30) months after the date of adoption of the ordinance approving the planned unit development permit.
- 5) Subject to subsection G below, an approval of a planned unit development permit with a phasing plan shall be null and void if construction has not commenced or is not completed in accordance with the terms of that phasing plan.
- 6) An approval of a planned unit development permit with a master development plan shall be null and void if construction has not commenced or is not completed in accordance with the terms and conditions contained in the development master plan.
- 7) An extension of the time requirements stated in subsections C, D, and E of this Section may be granted by the City Council for good cause shown by the applicant, provided a written request is filed with the City at least four (4) weeks prior to the respective deadline.
- 8) A planned unit development permit shall be null and void if the use or combination of uses for which the approval was granted ceases for a consecutive period of one year.
- 9) No application for a planned unit development which was previously denied by the City Council shall be considered by the Planning and Zoning Commission or the City Council if it is resubmitted in substantially the same form and/or content within one (1) year of the date of such prior denial. In this regard:
  - a) The City Administrator shall review the application for a planned unit development and determine if the application is or is not substantially the same. An applicant has the right to request a hearing before the City Council to appeal the determination of the City Administrator that the application is substantially the same, provided a petition for appeal is filed in writing with the City Administrator within ten (10) days of the City Administrator's determination.
  - b) The City Council shall affirm or reverse the determination of the City Administrator, regarding whether the new application is in substantially the same form, within thirty (30) days of receipt of a petition for appeal.
  - c) If it is determined that the new application is not substantially in the same form, then the applicant shall be entitled to continue with the application process and have it reviewed in accordance with the provisions of the Zoning Code.

**153.247. AMENDMENTS AND ALTERATIONS TO APPROVED PLANNED UNIT DEVELOPMENT PERMITS**

- 1) Except as provided in subsection B below, any modifications to an approved planned unit development permit or any addition to or expansion of an existing planned unit development permit shall require separate review and approval under the provisions of the Zoning Code.
- 2) A minor change is any change in the site plan or design details of an approved planned unit development permit which is consistent with the standards and conditions applying to the planned unit development permit and which does not alter the concept or intent of the planned unit development. A minor change shall not increase the planned unit development's density, increase the height of buildings, reduce open space, modify the proportion of housing types, change or add new parking areas, alter alignment of roads, utilities or drainage, amend final development agreements, provisions or covenants, or provide any other change

inconsistent with any standard or condition imposed by the City Council in approving the planned unit development permit. Said minor change may be approved by the City Administrator without obtaining separate approval by the City Council. In addition, the City Council may, after reviewing the request for a minor change made by the applicant, direct the City Administrator to process the request other than as a minor change.

**Section Three.** This Ordinance shall become effective from and after its passage, approval and publication as required by law.

ADOPTED BY THE CITY COUNCIL OF THE CITY OF PALOS HEIGHTS, COUNTY OF COOK, STATE OF ILLINOIS, THIS 6<sup>TH</sup> DAY OF OCTOBER, 2015 ON A MOTION MADE BY ALDERMAN FULKERSON, SECONDED BY ALDERMAN KEY, ON A CALL OF THE ROLL, VOTING AS FOLLOWS:

VOTE: 8

AYES: 7 – Aldermen Basso, McGovern, Key, Bylut, McGrogan, Fulkerson, Kramarski

NAYS: 0

ABSENT: 1 – Alderman Clifford

Approved by me this 6<sup>th</sup> day of  
October, 2015.

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Mayor

ATTEST:

*Thomas A. Kostas*

By: *Patricia M Sheppard*  
City Clerk                      *Deputy Clerk*