

CICERO UNIFIED DEVELOPMENT ORDINANCE UPDATE CHAPTER 114

8.14.2022



Article VI. Article 6: Planned Unit Development Standards

A. Division 1: General Regulations

1. Purpose

- a. The purpose of this section is to encourage improved design in the development of land by providing relief from traditional zoning requirements which are designed for conventional developments but which may cause undue hardship or complication for desirable but unconventional development, to obtain the following objectives:
 - (1) Environmental design in the development of land that is of a higher quality than is normally possible through the strict application of general zoning requirements.
 - (2) Diversification in the uses permitted and variation in the relationship of uses, structures, open spaces, and heights of structures in developments conceived as cohesive unified projects.
 - (3) Provision for functional and beneficial use of open space.
 - (4) Preservation of natural features of a development site.
 - (5) Provision for a safe and desirable living environment in residential areas characterized by a unified building and site development program.
 - (6) Rational and economic development in relation to public services.
 - (7) Creation of a variety of uses, in compatible arrangements, to provide a greater choice of living, working, and shopping environments.
 - (8) Preservation of historical buildings or elements.

2. Modification of District Regulations

- a. Planned developments shall be constructed in each zoning district as a special use subject to the standards and procedures set forth in this Article.
- b. Except as modified by and approved in the ordinance approving a final development plan, a planned development shall be governed by the regulations of the district or districts in which the said planned development is located.

- c. The ordinance approving the final development plan for the planned development may provide for such exceptions from the district regulations governing use, density, area, bulk, parking and signs, landscape requirements, open storage regulations, screening and berming requirements, maximum impervious coverage, and open space requirements, parking and off-street loading requirements, and the subdivision design standards and approval procedures as may be necessary or desirable to achieve the objectives of the proposed planned development providing such exceptions are consistent with the standards and criteria contained in this Article.
 - d. No modification of the district requirements or the subdivision design standards may be allowed when such proposed modification results in:
 - (1) Inconvenient or unsafe access to the planned development.
 - (2) Traffic congestion in the streets which adjoin the planned unit development.
 - (3) An undue or disproportionate burden on public parks, recreational areas, schools, fire and police protection, and other public facilities which serve or are proposed to serve the planned development; and
 - (4) A development that will be incompatible with the purpose of this Chapter.
3. General Standards and Review Criteria
- a. The Planning and Zoning Commission may recommend to the board of trustees and the board of trustees may grant a special use permit that modifies the applicable zoning district regulations and subdivision regulations upon a written finding by the Planning and Zoning Commission that the planned development meets the applicable standards and criteria contained in this Article. Such written findings shall set out the reasons supporting each finding and shall support each of the following standards and the applicable provisions of the following sections.
 - (1) The proposed development will not injure or damage the use, value and enjoyment of surrounding property nor hinder or prevent the development of surrounding property in accordance with the comprehensive plan of the town.
 - (2) The proposed building or use will not have a substantial adverse economic effect on existing businesses in the vicinity and will not have an adverse impact on the tax bases of units of local government and school districts.
 - (3) The proposed development can be substantially completed within the time specified in the schedule of development submitted by the applicant.
 - (4) The entire tract or parcel of land to be occupied by the proposed development shall be held in single ownership, or if there are two or more owners, the application for such proposed development shall be filed jointly by all such owners.
 - (5) The development plan shall contain such proposed covenants, easements, and other provisions relating to the bulk and location of buildings, uses and structures, and public facilities as are necessary or desirable for the welfare of planned development and are not inconsistent with the best interest of the Town.

- (6) To avoid overloading Town facilities beyond designed capacity, the development shall be permitted only if (i) sanitary sewers, storm sewers, and water supply to service the development are adequate to serve the proposed development and will not reduce existing capacity below that necessary to serve existing developments or (ii) if such sanitary sewer, storm sewer, or water supply services are provided by a municipality other than the Town.
- (7) The location and arrangement of structures, parking areas, walks, lighting, and appurtenant facilities shall be compatible with the surrounding land uses, and any part of a proposed development not used for structures, parking and loading areas, or accessways shall be landscaped or otherwise improved.
- (8) There is no minimum project area for planned developments.
 - (a) The minimum project area shall be adaptable to unified development and shall have within or through the area no physical features which will tend to destroy the neighborhood or community cohesiveness.
- (9) The dominant land use of the proposed planned development shall be consistent with the recommendations of the comprehensive plan of the Town for the area containing the project.
- (10) Any modifications of the zoning or other regulations that would otherwise apply to the site are warranted by the design of the development plan, and the amenities incorporated in it, and are not inconsistent with the interest of the public generally.
- (11) Exceptional landscaping features such as larger caliper, varied species and increased spacing of trees, and additional sodding above minimum requirements specified shall be provided if called for in the final development plan or the expedited development whichever is applicable.
- (12) **Energy Efficient Design.** A planned unit development shall be designed with consideration given to various methods of site design and building location, architectural design of individual structures, and landscaping design capable of reducing energy consumption within the planned development. The applicant will be encouraged, to the extent feasible, to obtain leadership in energy and environmental design ("LEED") certification for the project. A planned development applicant may also undertake the following:
 - (a) Have at least one member of the applicant's project team be a "LEED accredited professional" - a person who has received the LEED accredited professional designation from the United States green building council ("USGBC"), the Green Building Certification Institute, or another entity authorized by the USGBC to grant that designation.
 - (b) Have its application materials include a "LEED checklist" developed by the U.S. green building council indicating the credits pursued and total points anticipated for a project under the most appropriate LEED rating system, in consultation with the Zoning Administrator.

B. Division 2: Planned Residential Developments

1. Purpose

- a. The planned residential development is available to encourage innovative designs in the development of lands for residential and other selected secondary uses.



2. Specific Standards and Criteria for Planned Residential Developments. In addition to the standards and criteria set forth in this section, planned residential developments shall comply with the standards and criteria in this Section. For the purpose of this section, a planned development shall be deemed to be a planned residential development whenever 90 percent or more of the total lot area in the development is to be used for residential purposes.

a. **Determination of Permitted Density**

- (1) Base Density. The total number of dwelling units to be built in a planned residential development shall not exceed the number that could be developed on the same acreage as a standard subdivision, with the underlying zoning districts' minimum lot size requirements strictly enforced.
- (2) Bonus Density. The permitted density in a planned residential development may be higher than that allowed in subsection a. (1) above if it qualifies for density increases under the incentives listed in Section d.
- (3) In More Than One Zoning District. If the proposed planned residential development is in more than one zoning district, the number of allowable dwelling units and maximum lot coverage must be separately determined in accordance with subsection a. (1) above for each portion of the planned residential development that is in a separate zoning district, and must then be combined to determine the base density allowable in the entire development. However, the distribution of dwelling units and lot sizes within the planned residential development are not to be affected by existing zoning district boundaries.

b. **Density Bonuses.** To encourage excellence in design the following density bonuses shall be totaled to yield an allowed increase over the maximum base density allowed in Section a. (1) above. In no case shall the cumulative density increase exceed twenty percent (20%) of the permitted base density.

- (1) Landscaped Buffer Yard. One percent (1%) percent for each twenty (20') feet in width in addition to the buffer yard and setback requirements in this Article, not to exceed three percent (3%).
- (2) Landscaping. For excellence in the creativity of design, quality, and quantity of landscaping beyond the requirements of this Article a bonus of up to two percent (2%) percent may be allowed.
- (3) Green and Energy-efficient Design Elements. To qualify for density bonuses, at least 50% of the buildings in a development must meet 1 or more of the following elements:

(a) Design Elements	Density Bonus
1) <i>Green Roofs</i>	(b) 1%
2) <i>Green Infrastructure</i>	(c) 3%
3) <i>Incorporation of Alternative Energy Technologies</i>	(d) 2%
4) <i>Incorporation of Energy-efficient Technologies</i>	(e) 2%
5) <i>Community Gardens</i>	i. 2%
6) <i>LEED Certified buildings (5%)</i> Buildings must achieve enough LEED points to attain LEED “Certified” status. This requirement does not apply to stand-alone parking decks or to portions of a building that are a parking deck. As used herein, LEED means the most current version of the Leadership in Energy and Environmental Design rating systems published by the United States Green Building Council.	
a. Platinum LEED Level	i. 5%
b. Gold LEED Level	i. 4%
c. Silver LEED Level	i. 3%
d. Certified LEED Level	i. 2%

(4) Tennis Courts, Recreation and Sports Fields. One percent (1%) for each tennis court, not to exceed two percent (2%). One percent (1%) for each recreational field.

(a) Density bonuses shall apply to both indoor and outdoor recreational facilities, and shall only qualify for a density bonus if the recreation facility meets the minimum facility requirements and is accepted by the Town of Cicero.

(b) Payments in-lieu of providing a recreation facility shall also be eligible for allowable density bonuses.

(5) Open Space. Up to one percent (1%) for each five percent (5%) of additional common open space above that required by this Article.

(a) Contributions in the form of payments in-lieu of providing open space or the acquisition of open space in other parts of Town shall be eligible for bonuses.

c. **Perimeter Setback Requirement.** All buildings on the perimeter of the planned development are subject to the following:

(1) The Planning and Zoning Commission may request and the Board of Trustees may require the front, side, corner side, double frontage rear, or rear yard setbacks on the perimeter of the development to be greater than those required by the zoning ordinance for the district in which such development is located when necessary to protect the privacy of both the planned development and the existing adjacent uses.



- (2) If topographical or other barriers do not provide adequate privacy for the planned development and existing uses adjacent to the development, the Planning and Zoning Commission may request and the Board of Trustees may require that all structures located along the entire perimeter of the planned development be permanently screened with sightproof screening in a manner which is sufficient to protect said privacy.
 - (3) The Planning and Zoning Commission may request and the Board of Trustees may require that landscaped screening be installed by the developer in areas where setbacks are allowed that are less than those required by this Chapter for the district in which the development is located.
- d. **Usability and Preservation of Planned Open Spaces.** Planned open space may be provided in a planned residential development. No open area may be delineated or accepted as planned open space under the provisions of this section unless it meets the following standards:
- (1) The location, shape, size, and character of the planned open space must be suitable for the planned development.
 - (2) Planned open space must be used for recreational purposes or to provide visual, aesthetic and environmental amenities. The uses authorized for the planned open space must be appropriate to the scale and character of the planned development, considering its size, density, expected population, topography, and the number and type of dwellings to be provided.
 - (a) Parcel Location. Each parcel must be accessible to all the residents. The parcels must be linked by sidewalks, bike paths, or pedestrian trails.
 - (3) Planned open space must be suitably improved for its intended use, but planned open space containing natural features worth preservation may be left unimproved. The buildings, structures, and improvements to be located in the planned open space must be appropriate to the uses which are authorized for the planned open space and must conserve and enhance the amenities of the planned open space having regard to its topography and unimproved condition.
 - (a) Water Coverage. Not more than 70% of the land designated as usable open space may be covered by water permanently. Open space which is used for water drainage purposes shall not be considered for active use.
 - (b) Slope: Not more than 20% of the usable open space may have a finished grade exceeding 10%.
 - (4) The development schedule which is part of the final development plan must coordinate the improvement of the planned open space, the construction of the buildings, structures, and improvements in the planned open space, and the construction of residential dwellings in the planned development.
 - (5) No portion of a planned development shall be conveyed or dedicated by a developer or any other person, to any public body or a homeowner's association unless the Planning and Zoning Commission has determined that the character and quality of the tract to be conveyed makes it suitable for the purposes for which it is intended. When making its determination, the Planning and Zoning Commission shall consider the size and character of the dwellings to be constructed within the planned development, the topography, and existing trees, ground cover, and other natural features; how the open area is to be improved and maintained for recreational or amenity purposes; and the existence of public parks or other public recreational facilities in the vicinity.

- (6) All land shown on the final development plan as planned open space must either be:
- (a) Conveyed to a public body, if said public body agrees to accept conveyance, to maintain the planned open space and any buildings, structures, or improvements which have been placed on it; or
 - (b) Conveyed to a homeowner's association or similar organization organized for the purpose, among others, of owning and maintaining common buildings, areas, and land within the planned development. The planned open space must be conveyed subject to covenants to be approved by the board of trustees which restrict the planned open space to the uses specified on the final development plan, and which provide for the maintenance of the planned open space in a manner that assures its continuing use of its intended purpose.

e. Accessibility of Site

- (1) Any streets and driveways proposed shall be adequate to serve the residents, occupants, visitors, or other anticipated traffic of the planned unit development, but may be designed to discourage outside through traffic from traversing the development.
- (2) Entrance points or locations of streets and driveways upon previously existing public roadways shall be subject to approval by the Town.
- (3) Each planned unit development should provide connections to all existing modes of transportation, including sidewalks, roadways, and bike trail networks, to facilitate full integration of the development with the Town of Cicero to prohibit isolated, disconnected uses or neighborhoods.
- (4) Traffic controls on public roadways within or adjacent to the development will be provided by the Town as and where determined necessary by the Board of Trustees, but the Board may require, as a condition of approval of a proposed planned development, that the cost of installing such traffic controls be borne by the developer. Traffic control device installations shall be done in accordance with installation schedules and to standards as ordinarily applied on all public streets. If traffic control devices are required to prevent or relieve hazards or congestion on adjacent streets and the proposed control device is not within the normal or scheduled sequence of installations, such devices may be provided by the developer upon permission by the Board of Trustees for installation by the Town.

f. Off-street Parking

- (1) Off-street parking shall be conveniently accessible to all dwelling units and other uses. Where appropriate, common driveways, parking areas, walks, and steps may be provided, maintained, and lighted for night use. Screening of parking and service areas shall be required.

g. Pedestrian Circulation

- (1) The pedestrian circulation and its related walkways shall be insulated as completely as possible from the vehicular street system to provide separation of pedestrian and vehicular movement. This shall include, when deemed to be necessary by the Planning and Zoning Commission, special provisions to accommodate the pedestrian or bicyclist when crossing any vehicular roadway.

h. Utilities

(1) All of the planned development shall provide for underground installation of utilities (including electricity and telephone) in both public ways and private extensions thereof. Provisions shall be made for acceptable design and construction of storm sewer facilities including grading, gutter, piping, and treatment of turf to handle stormwater, prevent erosion, and the formation of dust. Utilities and maintenance of facilities shall be in accordance with the requirements and regulations of the town.

i. **Privacy**

(1) The planned development shall provide reasonable visual and acoustical privacy for dwelling units. Fences, insulation, walls, 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 views or uses, and reduction of noise. Buildings that are higher than the majority within the development shall be located in such a way as to dissipate any adverse impact on adjoining lower buildings and shall not invade the privacy of the occupants of such lower buildings.

j. **Screening Requirements**

(1) When non-residential uses or structures in the planned development abut a residence or residentially zoned district, or when non-residential uses or structures abut residential buildings in the same development, appropriate screening, and transitional yards shall be as determined by the Planning and Zoning Commission.

k. **Commercial Convenience Centers and Stores**

(1) For convenience center or stores located within planned residential developments, exceptions may be made in the use and other regulations of the underlying district subject to the following restrictions:

- (a) Such commercial buildings shall be located, designed, and operated to serve primarily the needs of the residents within the planned development and neighborhood in which it is located, and shall have direct pedestrian and bicycle access to residential areas within the project and to the neighborhood.
- (b) The lot area of such facilities shall not exceed ten percent (10%) of the total lot area of the planned development.
- (c) The layout of parking and loading areas, service areas, entrances, exits, yards, courts, and landscaping and the control of signs, lighting, noise, and other potentially adverse influences shall be such as to protect the residential areas within or adjoining the development.
- (d) Such facilities because of their location, construction, manner, or timing of operation shall not have adverse effects on residential uses within or adjoining the development or create traffic congestion or hazard to vehicular or pedestrian traffic.

C. Division 3: Planned Commercial, Office or Industrial Developments

1. Purpose and Intent

a. To encourage innovative and creative design of commercial, office, or industrial developments not otherwise permitted with traditional zoning techniques.

2. Specific Standards and Review Criteria. In addition to the standards and criteria set forth in in this Division, planned commercial, office, or industrial developments shall comply with the following standards and criteria:



- a. **Residential Use.** No building shall be used as a permanent residence, except that facilities for custodian, caretaker, or watchman for the premises may be provided.
- b. **Perimeter Setback.** When a lot line of a planned commercial, office, or industrial development is adjacent or separated by a street from a residential district, no building or structure that exceeds 35 feet in height shall be located within 100 feet of said lot line, provided that elevator penthouses, water towers, decorative building projections, and other mechanical equipment shall not be included in determining the height of buildings or structures for this section.
- c. **Screening.** When structures or uses in a planned commercial, office, or industrial development abut a residential district or residential use in the same development, screening shall be provided as determined by the Planning and Zoning Commission.
- d. **Signs.** All signs in the planned development shall be subject to the standards in **Article 5, Division 3**. The Town may require as a condition of the special use permit, more restrictive sign regulations than otherwise permitted by **Article 5, Division 3**.
- e. **Performance Standards.** All planned commercial, office, or industrial developments shall comply with the performance standards specified in the applicable section of this Chapter for the district in which the development is located.
- f. **Utilities.** All of the planned development shall provide for underground installation of utilities (including electricity and telephone) in both public ways and private extensions thereof. Provisions shall be made for acceptable design and construction of stormwater facilities including grading, gutter, piping and treatment of turf to handle stormwater, prevent erosion, and the formation of dust.
- g. **Hours of Operation.** All commercial, office or industrial developments shall comply with the hours of operation specified elsewhere in the Cicero Code of Ordinances, unless the special use for the planned development, as approved by the Board of Trustees, permit other hours of operation as a condition of the special use.

D. Division 4: Mixed Use Planned Unit Developments

- 1. Standards and Review Criteria
 - a. Planned unit developments which do not qualify as a planned residential development, and which are not exclusively for commercial, office, or industrial uses shall be subject to all of the applicable standards contained in Section 4 **5 in this Article**.
- 2. Zoning Districts Where Permitted. Mixed-use PUDs may be allowed by special use permit in all zoning districts.
- 3. Permitted and Special Uses. Mixed-use PUDs shall be designed to permit a wide variety of land use types and may have one or a mix of land uses on a single parcel, including residential (single-family detached and attached, and multiple family), office, retail commercial, industrial, and warehouse. Individual permitted uses shall be those found in the list of permitted and special uses in the Town’s existing zoning districts.