

## **BLOOMINGTON ZONING ORDINANCE – DIVISION 15**

### **DIVISION 15. PLANNED UNIT DEVELOPMENTS**

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#### **44.15-1 – PURPOSE AND INTENT**

- A. The purpose of the Planned Unit Development Regulations is to encourage and allow more efficient, creative, and imaginative design for land development than is possible under otherwise applicable zoning regulations. Preservation of natural site qualities, better urban amenities, more open spaces, and a higher quality project design are also intended results of the planned unit development process. The following objectives may be attained through the use of the planned unit development process:
1. A maximum choice in the types of environment available to the public by allowing a development that would not be possible under the strict application of the other sections of this Code.
  2. Permanent preservation of common open space and recreation areas and facilities.
  3. A pattern of development to preserve natural vegetation, topographic and geologic features.
  4. The prevention and/or control of soil erosion and surface flooding.
  5. A creative approach to the use of land and related physical facilities that results in better development and design and the construction of aesthetic amenities.
  6. An efficient use of the land resulting in more economic networks of utilities, streets, schools, public grounds and buildings and other facilities.
  7. A land use which promotes the public health, safety, comfort, morals and welfare.
  8. A combination and coordination of architectural styles, building forms, and building relationships with a possible mixing of different urban uses in an innovative overall design.
  9. Innovations in residential development so that growing demands of the population may be met by greater variety in type, design and layout of buildings and by the conservation and more efficient use of open space ancillary to said buildings.
  10. The use of public input and participation in the design and development of innovative and creative land use proposals.

- B. The planned unit development is intended to provide for projects incorporating a single type of a variety of related uses which are planned, developed and maintained as a unit. The planned unit development should provide amenities not otherwise required by law and often establishes facilities and open space greater than the minimum required by code. Such development may consist of subdivided lots, provided that the platted lots are maintained in unified control with unsubdivided property maintained in separate ownership but unified control.
- C. The unique and substantially different character of planned unit developments requires that they be processed under a special plan review procedure. Planned unit developments are of a different character than conventional subdivisions requiring the establishment herein of specific and additional procedures, standards, and exceptions to govern the recommendations of the Planning Commission and the action by the City Council.
- D. A person, by choosing to develop property as a planned unit development, elects to submit a contemplated development proposal to a legislative and discretionary review by the Planning Commission and Council. All planned unit developments shall be designed in such a manner as to conform to the provisions of the City of Bloomington major street plans, trunk sewer extension plans, water distribution system plans, and storm drainage plans.

#### **44.15-2 – APPLICABILITY**

- A. A Planned Unit Development may be proposed for development of multiple principal structures on a single zoning lot or multiple zoning lots within a Residential District.
- B. No residential planned unit development shall contain fewer than five (5) dwelling units.

#### **44.15-3 – DESIGN STANDARDS AND CRITERIA**

- A. The uses permitted within the planned unit development shall be the same as those authorized in the zoning district in which it is located.
- B. 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.
- C. Beneficial Common Open Space. Any common open space in the planned unit development shall be integrated into the overall design of the site. Such spaces shall have a direct functional or visual relationship to the main building(s) and not be of isolated or leftover character. Desirable open space amenities include, but are not limited to plazas, gardens, playgrounds, and playing fields. The following would not be considered usable common open space:
  - 1. Areas reserved for the exclusive use or benefit of an individual tenant or owner.
  - 2. Dedicated streets, alleys, and other public rights-of-way.
  - 3. Vehicular drives, parking, loading and storage area.
  - 4. Dry detention basins.
  - 5. Irregular or unusable narrow strips of land less than fifteen feet (15') wide.
- D. 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 Unit Development and to the extent feasible, the applicant will be encouraged to integrate renewable energy technologies or obtain Leadership in Energy and Environmental Design (LEED) certification level standards for the project.

- E. Relationship to Adjoining Land. A planned unit development shall be developed with connections to adjoining land. Designs should emphasize accessibility, open views, and connections with the larger community and discourage development that divides neighborhoods or restricts access to adjacent property. The design of lots, streets, sidewalks, and paths within a planned unit development shall make provisions for the continuation of such existing or proposed features to adjoining areas.
- F. Transfer of Density. The planned unit development may permit the transfer of dwelling units from one portion of the tract to another and will permit the clustering of dwelling units in one or more locations upon the tract.
- G. Exterior Monotony. Residential units within planned unit developments shall be designed to avoid the appearance of exterior monotony through incorporation of varying rooflines, building materials, colors or architectural enhancements.
- H. Density, floor area and common recreation space shall be provided for a residential planned unit development in accordance with the following Table 44.15-3.

<b>TABLE 44.15-3 RESIDENTIAL PLANNED UNIT DEVELOPMENT STANDARDS</b>			
	Max. Floor Area (percent of land area)	Min. Open Space (% of land area)	Min. Common Recreation Space (% of land area)
R-1A	10.0	80.0	2.5
R-1B	20.0	76.0	3.6
R-1C	34.8	73.0	4.9
R-2	40	72.0	5.2
R-3A	52.8	71.0	6.2
R-3B	80.0	68.0	8.0
R-4	34.0	73.0	4.9

#### **44.15-4 – SUBMITTAL STANDARDS**

- A. An application for a planned unit development shall be submitted on the form provided by the Office of the City Clerk.
- B. Applications shall conform to the minimum requirements of **Section 44.17-3**. The information requested on the application is deemed to be a minimum, and the applicant may be required to supply additional information prior to the public hearing on their requests.
- C. Preliminary Planned Unit Development Plan. The following information shall be submitted together with the preliminary planned unit development Plan on full-size, legible sheets.
  - 1. Description of Intent. The application shall include an explanation of the character of the planned unit development, the reasons why it needs the flexibility of the planned unit

- development regulations, how the comprehensive plan affects the property, and how it accomplishes the purposes of the planned unit development regulations.
2. Site Plan. A site plan shall be submitted with the preliminary planned unit development plan that includes the following minimum information:
    - a) Location by Section, Town and Range or other legal description;
    - b) Names and addresses of the persons having proprietary interest over the property;
    - c) Graphic (engineering) scale;
    - d) North-points;
    - e) Date of preparation;
    - f) The boundary lines of the property in question;
    - g) Location of all survey monuments and their descriptions;
    - h) Existing conditions, including buildings and land uses, contiguous land uses, natural topographic features, zoning districts, public thoroughfares, transportation and utilities;
    - i) Arrangement of proposed buildings and structures and existing buildings and structures;
    - j) Proposed location, width and type of surface material of all proposed sidewalks, pedestrian ways, driveways, parking areas, service areas, and recreation areas;
    - k) Size and location of proposed parking areas with arrangement of bays and aisles and curb cuts, and with indication of the total number of spaces;
    - l) A site drainage plan for the proposed project if required;
    - m) A photometric/lighting plan if the planned unit development would result in new exterior lighting.
  3. Design Schedule. The design schedule may be included on the site plan or submitted on a separate sheet that indicates:
    - a) Total and footprint square footage for nonresidential principal structures;
    - b) Total and footprint square footage for accessory structures;
    - c) The proportion of site area (expressed as a percentage) dedicated to floor area, landscaped open space and common recreation area;
    - d) Number of parking spaces;
    - e) Proposed use of each building, structure or parcel of land;
    - f) If the development is to be constructed in phases, the design schedule shall include a designation of the phase components;
    - g) If different from the underlying Code requirements, a listing of the area, lot width, yard, height and bulk requirements including density applicable to the planned unit development.
  4. Landscape Plan. That landscape plan shall include the following information:
    - a) The size, location, and general characteristics of plant materials in compliance with **Division 13** of this Zoning Ordinance;
    - b) Size, location and composition of all proposed fencing, refuse enclosures and landscaped screening material.
  5. Building Elevations. Building elevations and architectural renderings shall be required with submission of the preliminary development plan and shall indicate the following:

- a) The appearance of buildings on all sides of a structure;
  - b) Proposed building type, colors and specifications for exterior building materials;
  - c) Where multiple buildings will be built in phases or where specific users will affect the specific building design, prototypical building elevations and design criteria for the planned unit development may be submitted in lieu of building elevations;
  - d) The Director of Community Development may require that the applicant submit color building elevations and/or perspective renderings if such information is required for a full analysis of the proposed development.
6. Signage. For mixed use planned unit developments, a site signage package shall be submitted, and any variances requested from the requirements of **Division 14** of this Zoning Ordinance.
  7. Engineering. For a preliminary planned unit development plan, engineering plans shall be submitted which provide in sufficient detail to convey the general basis of design of the sanitary sewer, water, stormwater control, flood control, and street facilities.
  8. Subdivision. When a subdivision of land is proposed in connection with a planned unit development, the applicant shall file an application for approval of a preliminary plat of the proposed subdivision simultaneously with the application for preliminary planned unit development approval.
  9. Special Studies: Impact studies, parking studies, geological, topographic or soil analysis and other information and data as the City may require for the full and complete consideration of the planned unit development.
- D. Final Planned Unit Development Plan. The final plan or plans of the planned unit development shall conform substantially to the approved preliminary planned unit development. While the preliminary planned unit development plan shall generally specify uses of land and locations of buildings, the final plan shall designate with particularity the uses of land and the location of buildings. The following information shall be submitted together with the final planned unit development plan on full-size, legible sheets:
1. An accurate legal description of the entire parcel upon which the planned development is to be located, and a legal description of each separate subdivided parcel, including any areas to be conveyed, dedicated or reserved for public or quasi-public uses;
  2. Final designation of the location, ground area, height, bulk and exact dimensions of all existing and proposed buildings and structures within the planned development;
  3. A detailed tabulation of each separate land use area, including land and building areas, and where applicable, the total number of residential dwelling units, the number of bedrooms in each unit, and the residential density;
  4. The use or uses to be made of such existing and proposed buildings or structures;
  5. The final location and dimensions of all pedestrian walkways, driveways, streets, parking and loading facilities, including the number of parking spaces serving each building or land use type and all parking related screening and landscaping;
  6. Final building elevations, architectural renderings and/or prototypical elevations;
  7. A final landscape plan indicating the specific location and character of all landscaping, including the size and species of all trees, shrubs, hedges and other groundcover, the location, size and type of all refuse enclosures, screening and fencing;

8. Final photometric plan;
9. A detailed utilities and drainage plan based on final architectural decisions indicating the size and location of all water distribution lines, sanitary sewers and storm drainage facilities required to serve the planned development and the manner in which surface drainage will be controlled and managed consistent with all applicable City regulations;
10. The exact location and dimensions of any areas to be conveyed, dedicated or reserved for parks, parkways, playgrounds, places of worship, school sites, public buildings, or for any other public or quasi-public use;
11. All covenants, easements, agreements and other provisions required to govern the use, maintenance and continued protection of the planned development, along with an agreement assuring that the applicant, any subsequent owner or, where applicable, a homeowners' association shall be responsible for all street, utility and common open space maintenance within said development and for snow plowing and refuse disposal;
12. All plats, certificates, seals and signatures required for the dedication or vacation of land and/or the recording of the final site plan;
13. A final phasing plan indicating the timeframe for construction of the initial phase and subsequent phases and a map indicating the development area for each phase of the development.

#### **44.15-5 – PLANNED UNIT DEVELOPMENT PROCEDURES**

- A. Procedure. Before developing a tract of land within the corporate limits of the City as a planned unit development, the owner or developer shall comply with the following Planned Unit Development Review Process consisting of the Pre-Application Conference, the Preliminary Development Plan, and the Final Development Plan.
- B. Pre-Application Conference.
  1. Prior to the submission of a preliminary plan, the owner or developer of a proposed planned unit development shall prepare a concept plan of such proposed planned unit development and consult with the Director of Community Development for the purpose of reviewing such concept plan.
  2. The Director of Community Development may invite other individuals or entities as he or she deems appropriate.
  3. The purpose of such pre-application conference is to review such concept plan which is a preliminary concept and which may, after such pre-application conference, be then refined by the owner or developer into a preliminary planned unit development plan.
  4. Said concept plan shall be drawn to engineering scale and shall show the conceptual layout of the proposed planned unit development including the general layout of streets, drainage, sewerage and land uses and the present location of major natural features such as wetlands, streams and lakes.
  5. The Director of Community Development, Director of Engineering, and other city staff as appropriate, shall advise the owner or developer at the pre-application conference whether the concept plan is consistent with the Manual of Practice for the Design of Public Improvements of the City of Bloomington and with the Official Comprehensive



Plan, Zoning Code, this Code and other applicable Codes of the City in order to assist the owner or developer prior to the preparation of the preliminary plan.

C. Preliminary Planned Unit Development Procedure.

1. Initiation of Application. An application for a planned unit development may only be filed by an applicant 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. The application shall conform to the requirements of **Section 44.17-3**.
2. Application Processing. The application for preliminary planned unit development shall be processed in accordance with the procedures of **Section 44.17-4**.
3. The planned unit development review procedure shall be conducted so that it is concurrent with the subdivision review procedure under **Chapter 24** of the Bloomington City Code, 1960, as amended, and encompasses any site plan review, special use permit or variation procedure necessary for approval of the project.
4. Action by Planning Commission. The Director of Community Development shall transmit a complete application for a preliminary planned unit development to the Planning Commission for a legislative public hearing. The public hearing procedure and notice shall comply with **Section 44.17-5**.
  - a) The Planning Commission shall determine the extent to which the plan conforms or fails to conform with the standards of this Code and shall no later than thirty (30) days after the adjournment of the legislative public hearing, transmit its recommendation on the plan to the City Council.
  - b) The Planning Commission may recommend approval of a preliminary plan with an approval recommendation conditioned upon the making of one or more changes in the proposal, which such changes shall be enumerated in the Commission's transmittal to the City Council or may transmit the plan to the Council without recommendation.
  - c) If the Commission recommends disapproval of the preliminary development plan, it shall furnish the City Council and the applicant a written statement setting forth the reason for said recommendation and specifying with particularity the aspects in which said preliminary plan fails to comply with the requirements of this Code or does not comply with the official comprehensive plan.
  - d) Should the Planning Commission fail to act within the thirty (30) days from the adjournment of the public hearing, or fail to adjourn the public hearing within 120 days of its commencement, the plan shall be submitted to the Council without a recommendation.
5. Action by City Council.
  - a) Within sixty (60) days after receipt of the Planning Commission recommendation and without further public hearing the City Council shall approve, approve with conditions, or reject the proposed preliminary planned unit development plan.
  - b) Failure of the Council to act within the prescribed time period shall constitute denial of the preliminary plan.

- c) If the preliminary planned unit development plan is denied, the City Council shall state in writing the reasons for the denial. Such statement shall be filed with the Director of Community Development and a copy shall be sent to the applicant.
  - d) If the preliminary planned unit development plan is approved, the applicant shall submit a final planned unit development plan.
6. Extension of Time Periods by Mutual Consent. Time periods for review by the Planning Commission or Council may be extended by mutual consent of the owner or developer and the Planning Commission or Council. Any such extension shall stay the running of all subsequent time periods.
  7. Conditions and Guarantees. Prior to the granting of any preliminary planned unit development, the Planning Commission may recommend and the Council may require, such conditions and restrictions upon the establishment, location, construction, maintenance and operation of the planned unit development as deemed necessary for the protection of the public interest and to secure compliance with the standards and requirements specified herein. The Council may require such evidence and guarantees as it may deem necessary as proof of compliance with the conditions of approval.
  8. Impact Fees. The planned unit development may be approved subject to such impact donations as may be determined by the City Council in reasonable proportion to the impact of the planned unit development on public facilities and infrastructure.
  9. Effect of Approval. Buildings and uses or combinations of uses within a planned unit development shall be limited to those approved as part of the ordinance granting a planned unit development permit by the City Council. Unless specifically approved by the ordinance granting or amending the planned unit development, the requirements of the underlying district shall apply.
- D. Final Planned Unit Development Procedures.
1. Final Plan Submission. Once a preliminary planned unit development has been approved by the City Council, the applicant shall submit a final plan, which shall be filed with the Director of Community Development in such form and accompanied by such information, with sufficient copies, as shall be established from time to time by the City of Bloomington. The application shall conform to the requirements of **Section 44.17-3**.
  2. The application for a final planned unit development plat shall be processed in accordance with the procedures of **Section 44.17-4**.
  3. Administrative Review
    - a) Within thirty (30) days from the submission of a final development plan and supporting materials, the Director of Community Development shall review the complete application for a final development plan to determine the extent to which it conforms with the approved preliminary development plan and approved public improvement plans and specifications and shall further review the supporting material to determine its conformance with the requirements of this Code.
    - b) If the final development plan substantially conforms with the approved preliminary development plan and public improvement plans and specifications and if the



- supporting material meets all Code requirements, then the Director of Community Development shall promptly issue approval of the final development plan.
- c) If the final development plan does not substantially conform with the approved preliminary development plan or if the supporting material does not conform with all Code requirements, then the Director of Community Development may approve the final plan subject to conditions or refer the final plan to the Planning Commission for a legislative public hearing.
4. Action by Planning Commission.
    - a) The public hearing procedure and notice shall comply with **Section 44.17-5**.
    - b) During the public hearing, the Planning Commission shall determine the extent to which the final development plan conforms or fails to conform with the standards of this Code.
    - c) The Planning Commission shall, not later than thirty (30) days after the adjournment of the legislative public hearing, transmit its recommendation on the final development plan to the City Council.
  5. Action by City Council. Within sixty (60) days from the receipt of the Planning Commission's recommendation with respect to the final development plan, the City Council shall, by ordinance, approve or disapprove the plan.
  6. Pre-requisites for Recording. The final planned unit development plan shall not be recorded until the following pre-requisites are fulfilled:
    - a) Payment of any and all applicable fees.
    - b) Posting of any required final plat public improvement payment, performance and workmanship bond; filing and establishment of any required adjacent street substandard roadway improvement guarantees and security; making of any required public land dedications or cash contribution in lieu thereof and obtaining and filing with the City of any off-site easements or right-of-way for public improvements serving the site.
- E. Changes to an Approved Planned Unit Development. A planned unit development shall be constructed in accordance with the approved final plat of planned unit development and all supporting data. Changes to the planned unit development shall be considered to be either a minor change or a major change.
1. Minor changes in the location, siting, height or character of the buildings and structures may be authorized by the Director of Community Development, if such minor changes are required by engineering or other circumstances not foreseen at the time of adoption of the ordinance approving the final development plan. A minor change authorized by this subsection shall not cause any of the following:
    - a) A change in the use or character of the development;
    - b) An increase in the intensity of use of over ten percent (10%);
    - c) An increase in any dimension of a building or structure by more than five percent (5%) in any direction.
    - d) A reduction in approved open space of five percent (5%) or more.
    - e) A reduction in off-street parking and loading space of five percent (5%) or more provided minimum code requirements are met.

- f) A reduction in required pavement widths of five percent (5%) or more provided minimum code requirements are met.
- b) Minor changes that are not approved by the Director of Community Development may be appealed by the applicant or property owner pursuant to the procedures in **Section 44.17-12**.
- c) Any other change to an approved planned unit development shall be considered a major change. Major changes shall require a legislative public hearing pursuant to the procedures of **Section 44.15-5 D.4**.

#### **44.15-6 – CRITERIA FOR APPROVAL**

- A. In reviewing an application for a planned unit development, the Planning Commission and City Council shall find that the planned unit development supports the purposes of this Division based substantial consistency with the following standards.
  - 1. Comprehensive Plan. The planned unit development conforms with the general planning policies of the City of Bloomington as set forth in the Comprehensive Plan.
  - 2. Impact on Other Property. The planned unit development will not be injurious to the use or enjoyment of other property in the neighborhood for the purposes permitted in the district, and does not impede the normal and orderly development and improvement of surrounding properties for uses permitted in the zoning district. Further, the planned unit development is compatible with the character of the neighborhood and does not alter the essential character of the neighborhood.
  - 3. Impact on Public Facilities and Resources. The planned unit development conforms to the provisions of the City's-major street plans, trunk sewer extension plans, water distribution system plans, and storm drainage plans.
  - 4. Archaeological, Historical or Cultural Impact. The Planned Unit Development does not substantially adversely affect a known archaeological, historical, or cultural resource located on or off of the parcel proposed for development.
  - 5. Quality of Design. The design of the planned unit development incorporates high quality building, site and landscaping features, and presents an innovative and creative approach to the development of land and living environments
- B. The City Council may but shall not be required to make written findings of fact based on the criteria for approval on an application for approval of a planned unit development or a change to a planned unit development.

#### **44.15-7 -- EFFECTIVE PERIOD OF PLANNED UNIT DEVELOPMENT**

- A. Preliminary Planned Unit Development Plan.
  - 1. Approved preliminary planned unit development plans or portions thereof on which no final plan has been submitted for review and approval shall expire and be of no force or effect three years after this approval, except:
    - a) The filing of a final planned unit development plan and necessary supporting document shall extend the life of a preliminary plan for three (3) years; or

- b) If the approval of the preliminary planned unit development is extended by action of the City Council.
- B. Final Planned Unit Development Plan.
1. The City Council may consider an approved final planned unit development plan subject to revocation if construction falls more than two (2) years behind the schedule filed with the final development plan or if development exceeds five (5) years.
  2. The owner of property in a planned unit development plan or the owner of any portion thereof may petition for revocation of such planned unit development plan in whole or in part.
  3. Revocation of a planned unit development, in whole or in part, may be initiated ~~Upon initiation~~ by the City Council or the owner of property.
  4. The City Council shall refer an application for revocation of the planned unit development to the Planning Commission for a legislative public hearing and recommendation. The public hearing and notice shall conform to the provisions of Section 44.17-5. In addition, notice shall be mailed or delivered to all persons having an ownership interest in such planned unit development based on ownership recorded with the Recorder of Deeds of McLean County, at least five (5) days prior to the public hearing on revocation.
  - ~~5.~~ The Planning Commission shall transmit its recommendation to the City Council no later than thirty (30) days after the adjournment of the legislative public hearing.
  6. Upon receipt of the Planning Commission recommendation, the City Council shall take up and consider the petition to revoke, in whole or in part, the subject planned unit development. The City Council may approve or deny revocation of the subject planned unit development. The City Council may impose reasonable conditions on such revocation in order to advance the health, safety, and welfare of the citizens.
  7. In the event the City Council revokes an approved planned unit development plan, in whole or in part, then the City Clerk shall file a notice of such revocation with the McLean County Recorder of Deeds.
  8. Revocation of an approved planned unit development plan shall preclude any additional construction pursuant to such revoked plan, except construction determined necessary by the City to wind up the development and put the same in a safe and sanitary condition. Any security posted to guarantee installation of required public improvements shall continue in effect until all approved public improvements are completed, all wind-up construction is completed, and all claims against such security are resolved.
  9. Upon revocation of an approved planned unit development plan, the property for which such plan is revoked shall retain its zoning district classification absent such plan.

*Note: Any highlighted references refer to the current zoning code and will be updated to accurately reflect references in the proposed code upon completion of its drafting.*

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