

## Appendix H - Overlay Planned Development District

### Intent and Purpose

The purpose of the Overlay Planned Development District (OPDD) is:

1. To provide for the long range mixed use development of a parcel upon which earth extraction material or mineral processing has been approved.
2. To identify and take advantage of the unique features of the site that provides superior development and infrastructure taking into consideration the parcel's condition as a result of earth extraction.
3. To be granted relief from the fixed regulations of conventional zones and from the subdivision and other engineering and regulatory ordinances and Village plans. The OPDD regulations supersede and govern the development of properties and, in the instance of a conflict of regulations or in the instance when other Village regulations exceed the standards of the OPDD, the requirements of the OPDD Ordinance shall supersede all other requirements.
4. To encourage an innovative site plan.
5. To encourage the enhancement and development of the post extraction condition of the parcel.
6. To obtain usable open space and recreational space.
7. To increase the quality of the site design.
8. To provide a compatible relationship between OPDD land uses and adjoining land uses.
9. To provide sensitive handling of on-site traffic flow for efficiency of circulation and safety.

### OPDD Eligibility Requirements

1. The parcel must have a unified design. The tract of land submitted for OPDD development must be developed as a single design entity even though it may be developed in phases, or contain a wide variety of uses and activities otherwise not necessarily compatible with one another.

2. All land in the parcel submitted as the OPDD application must be initially under the control of the applicant.
3. The entire parcel shall be no less than 300 acres and the underlying zoning for said parcel must be I - Industrial under a Zoning Ordinance which allowed mining or earth or mineral extraction as a permitted or special use or the underlying zoning for said parcel must be A-1 Agricultural with a special use for mining or earth extraction and processing under the Zoning Ordinance approved August 2, 2005.

## **The Three Step OPDD Application Review Procedure**

### **Step One - The Pre-Application Conference (OPTIONAL)**

1. The pre-application conference is an optional informal discussion of the general concept of the proposed development. The applicant may present a Sketch Plan and confer with the Zoning Enforcement Officer, Planning and Zoning Commission, Architectural Review Commission, Village Board, and other staff members and consultants capable of appraising the various applicable physical and site development aspects of the plan. The sketch plan is not intended to be a site plan but rather a general indication of the manner in which the subject property may be used. Subsequent tentative and final plans will illustrate greater detail. The OPDD is a phased process allowing the applicant and the Village to develop plans on a unified basis and an incremental basis.
2. The Sketch Plan should contain the following information:
  - A. A Plat of Survey.
  - B. A general expression of proposed land uses, indication of major vehicular access points, description of uses and, if available, land use densities.
  - C. A brief narrative text describing the general design and planning concepts of the sketch plan, a time frame for a phased development, and any other information the developer believes may be useful to the Village.
  - D. The Village shall meet with the applicant and discuss the nature of the planned development and, where practical, provide information pertaining to the Village's planning objectives for the subject property. The Village is not required to undertake any approvals at this stage of development.
  - E. The Village may request that the applicant provide additional material as it deems reasonably necessary.

## Step Two - OPDD Application and Tentative OPDD Plan (REQUIRED)

1. Tentative OPDD information shall be submitted to and reviewed by the Zoning Enforcement Officer and Village staff and consultants before the required public hearing conducted by the Planning and Zoning Commission.
2. The Planning and Zoning Commission shall conduct a public hearing on the Tentative Plan. Notice requirements shall comply with Section 1518.6.B. Following the public hearing, the Planning and Zoning Commission's recommendations shall be forwarded to the Village Board for action.
3. **Tentative Plan.** The Tentative Plan is a general indication of the proposed land uses and the general or schematic locations of roads, detention areas, open spaces, and parks. At this stage of planning, detailed data pertaining to precise building locations, roads, parks, and detention will not be available and will be further refined as the plans progress to the final plan stage. The more detailed data and site plans shall be submitted to the Village for review and approval at the Final Plan stage of development. It is understood that the engineering plans for the development of the property shall not be completed at this early stage of planning. The Tentative Plan will undergo further refinement and when the Final Plan is prepared it will be submitted for final site plan approval and engineering approval by the Village Engineer. The Final Plan may be submitted for approval either in phases or as a whole. Tentative and Final Plans shall permit a residential exchange of density where smaller lots may be exchanged for larger lots. For example, lots of 7,800 square feet as depicted on the Tentative Plan may be replaced by lots of 9,000 square feet, but lots of 9,000 square feet may not be replaced by smaller lots. The Planned Development may further consist of one or more zoning lots. Plats of subdivision, if any, may be filed as conventional plats or condominium plats and Country Cluster Residential areas, as defined herein, may include multiple dwelling units within each structure. Country Cluster developments may contain more than one building or structure within a zoning lot.
4. The Tentative Plan submittals shall contain the following:
  - A. Project title and a description of the nature of the Planned Development including the nature of the proposed land uses, open space concept and an indication of where internal roads will connect to the existing roads.
  - B. North point, date, scale of one inch equals 200 feet, size, total dwelling units, and gross density.
  - C. Legal description and plat of survey.

- D. The types of land uses, approximate number of acres assigned to each land use, the total number of dwelling units defined by housing type, the size of lots assigned to each type of single family use.
- E. A phased development schedule is considered desirable but is not required until the final plan submittal.
- F. Land use and zoning of contiguous properties within 100 feet of the subject property.
- G. General sketch or concept of proposed public and private streets.
- H. General sketch of open space areas and parks.
- I. General indication of flood plain and/or wetlands (if applicable).
- J. Engineering plans and specifications shall not be required for the Tentative Plan. Engineering plans, including sanitary sewer system, potable water supply, grading and storm water management shall be submitted with the application for Final Plan approval.

### **Step Three - OPDD Application, Final OPDD Plan (REQUIRED)**

1. The Owner shall have a mandatory informal pre-application conference with the Planning and Zoning Commission at a public meeting regarding Owner's preliminary sketch of a Final Plan so that the Planning and Zoning Commission can provide Owner with input at that meeting before Owner files an application for Final Plan approval.
2. The Final Plan shall be reviewed by the Planning and Zoning Commission at a meeting of the Commission, which shall be a public meeting instead of a public hearing. The Planning and Zoning Commission's recommendation shall be forwarded to the Village Board within 60 days of the initial public meeting on the plan. Applications and a Final Plan for the total property or final plans of individual phases of the property shall be submitted to the Village Board for action. Such review and approval or disapproval shall not require a public hearing and shall be undertaken within a time frame not to exceed 60 days from receipt of the recommendation of the Planning and Zoning Commission. The Final Plan may be accompanied by either tentative or final plats of subdivision. It is recognized that planned developments are of a different character and may require modifications and variations from the subdivision control and other ordinances of the Village. Such modifications shall be reasonably considered and approved as part of the Final Plan approval process as long as density has not changed from the Tentative Plan and provided that the Final Plan conforms to requirements of

paragraph “3” below, it shall be approved. However, it is understood that the requirements of the Stormwater Detention Ordinance will be abided by unless the Village and McHenry County (if required) grant a waiver of same or portions of same in light of the lakes that may be created on a parcel.

3. The Final Plan request shall contain the following:
  - A. Background information listing owner's name, address and telephone numbers, developer's name, address and telephone number (if not same as owner), the names, addresses and telephone numbers of the developer's professional team.
  - B. A statistical tabulation of all uses, parking, total number of dwelling units by type, gross residential density, area devoted to open space, building separations, yard setbacks and size of commercial structures.
  - C. Project title and Final OPDD notations.
  - D. North point, date and scale of one inch equals 200 feet.
  - E. Legal description and current zoning.
  - F. Landscaping plan detailing types and sizes of plant material, proposed fencing and berming, if applicable.
  - G. Locations of proposed public and private streets with dimensions of the right of way and pavement.
  - H. Locations of parking areas, driveways and pedestrian walkways.
  - I. Location and acreage of property, if any, of land dedicated to the property owner's association or to a unit of local government.
  - J. Delineation of flood plain and/or wetlands, if applicable.
  - K. Topography.
  - L. Traffic analysis upon the request of the Village Board.
  - M. **Final Engineering.** The final engineering plans may be initially submitted in a tentative format for review and evaluation by the Village engineer. After the tentative engineering plans have been approved, the applicant may submit the Final Plans for review and evaluation by the Village engineer. This process is intended to provide a reasonable and cost

effective method of engineering plan approval. The final engineering plans shall include drawings depicting sources of sanitary sewer and water supply, detention and surface water run-off facilities, all roads and pavements, sight distances, typical pavement sections, geometry (but cross sections of right of way will not be required) and a grading plan. The engineering documents may be submitted for the phase of the development for which a Final Plan approval is under consideration or for the total property if it is under consideration for Final Plan approval.

- N. The proposed use and maintenance responsibilities of common areas shall be defined and a draft of the declaration of covenants and restrictions governing the residential homeowners' association shall be provided to the Village for review and approval. The declaration of covenants and restrictions shall provide that it is intended that County Cluster Residential Homes shall be owner occupied. Therefore, an owner, including, but not limited to, a beneficiary of a land trust, a business entity which is related or affiliated with an owner or some other commonality of ownership, shall be prohibited from leasing more than one residential unit to a third party.
  - O. A final plat(s) of subdivision of the property, if applicable, however, the Final Plan may act as a final plat.
5. The required information for Final OPDD review shall be submitted to the Village Clerk a minimum of 30 days prior to the meeting with the Planning and Zoning Commission.

### **Modifications to the Tentative or Final Plans in the OPDD District**

Minor changes are defined as changes that do not increase the overall residential density of the approved Final Plan. Minor changes shall be permitted and shall not require any approval by the Village Board. Major changes are those changes that increase the total gross residential density of the total development beyond that authorized in the approved Tentative Plan or Final Plan. Major changes shall require approval by the Village Board.

### **Expiration of OPDD Plan Approval**

The Tentative OPDD Plan approval shall expire 15 years after the date of its approval unless an application for Final OPDD review has been submitted to the Village Clerk for all or a portion of the parcel within the 15 year time period. Three one year extensions may be granted by the Village Board in its discretion. The Final OPDD Plan shall expire two years after the date of its approval unless construction has begun on a portion of the property described in the Final OPDD Plan. The Village Board may grant three one year extensions in its discretion.

## Permitted Uses

All uses listed in Appendix B, Uses Permitted in Zoning Districts, are allowed in OPDD as provided in the Overlay District paragraph.

## Density Standards for Residential Properties

Notwithstanding the provisions set elsewhere in the Village's Zoning and Subdivision Ordinances, the following standards shall govern and apply: The standards for residential structures are set forth below. The actual lot to be conveyed may be a pad under the individual dwelling unit and/or partially around the individual dwelling unit. In this instance, the remaining land would be owned and maintained by a common homeowners' association.

### 1. Site Standards for Executive Residential Single Family Residential

Lot size:	20,000 square feet minimum
Lot width:	80 feet minimum
Lot coverage:	50% maximum
Building setbacks:	
Front yard:	30 feet minimum
Side yard:	10 feet minimum
Yard abutting a street:	15 minimum
Rear yard:	25 feet
Building height:	2½ stories or a maximum of 35 feet
Parking requirements:	Minimum of 2 spaces per dwelling unit
Garage size:	2 car minimum
Minimum Home Size:	2,200 square feet Single Story Home 2,400 square feet Two Story Home

### 2. Site Standards for Premium Residential Single Family Lots

Lot area:	12,070 square feet minimum
Lot width:	70 feet
Lot coverage:	50% maximum
Building setbacks:	
Front yard:	25 feet
Side Yard:	7 feet
Yard abutting a street:	7 feet
Rear yard:	20 feet
Building height:	2½ stories or a maximum of 35 feet
Parking Requirements:	Minimum of 2 spaces per dwelling unit
Size:	2 car minimum
Minimum Home Size:	2,200 square feet Single Story Home 2,400 square feet Two Story Home

**3. Site Standards for Classic Single Family Residential (Conventional Single Family or Cluster)**

Lot area:	7,800 square foot minimum
Lot width:	54 feet minimum lot width
Lot coverage:	60% maximum
Building setbacks:	
Front yard:	25 feet
Side yard:	7 feet
Yard abutting a street:	5 feet
Rear yard:	15 feet
Building height:	2½ stories or a maximum of 35 feet
Parking requirements:	Minimum of 2 spaces per dwelling unit
Garage size:	2 car minimum
Minimum Home Size:	1,800 square feet Single Story Home 2,000 square feet Two Story Home

**4. Site Standards for Country Cluster Residential Areas (Single-Family)**

Lot area:	There shall be no minimum lot size
Gross density:	The district permits 7 dwelling units per gross acre
Lot width:	There shall be no minimum lot width
Building separation:	All structures shall have a minimum distance of 20 feet between one another and shall be set back 20 feet from the curb of private street or 20 feet from the right of way line
Yard Requirements:	The total property or parcel devoted to Country Cluster Residential shall maintain a minimum yard (building setback) of 30 feet on all property boundaries. There shall be no individual yard requirements for individual structures other than the 20 foot spacing between buildings and the heretofore described 30 foot setback along the periphery of the total cluster development
Building height:	Not to exceed 35 feet
Parking requirement:	Not less than 1.5 spaces per unit
Garage size:	One car attached minimum

5. **Site Standards for Non-Residential Areas.** The following site standards shall apply for the construction of buildings for all non-residential uses in the OPDD District. Although all setbacks, parking, landscape and signage provisions of the municipal codes must be adhered to for the overall commercial development, individual parcels within the commercial development may use the site standards of this section of the ordinance.

Minimum Lot area:	½ Acre Lot
Minimum Lot width:	100 feet
Lot area:	No minimum as individual parcels may be building pads. However, any building pad must be a part of a commercial parcel of no less than 4.5 acres
Lot width:	No minimum
Lot coverage:	No maximum
Building setbacks:	
Front:	No minimum
Side:	No minimum
Rear:	No minimum
Abutting a street:	30 feet minimum
Yard abutting a golf course:	15 feet additional setback
Parking/drive setbacks:	
Front:	30 feet minimum
Side:	10 feet minimum
Rear:	10 feet minimum
Abutting a landscape zone:	10 feet minimum
To buildings:	15 feet minimum
Maximum building height:	50 feet maximum

6. **Miscellaneous Site Provisions**

1. In the OPDD District, building heights are measured from the top of the first floor and do not include easements, walkout basements, English basements or side loaded garages.
2. Notwithstanding the Village’s Building Code:
  - A. Each unit may have a driveway.
  - B. The minimum square footage requirements of the Building Code do not apply.
3. Lot coverage does not include swimming pools, patios and decks.

## **Off-Street Parking**

Off-street parking, not otherwise modified by this Appendix, shall be required to comply with the parking regulations in accordance with the Off Street Parking provision of the Zoning Ordinance.

## **Application of Other Ordinances**

All streets and related street improvements and storm water control facilities shall be designed by a registered professional engineer. All public streets and storm water control facilities shall be constructed to the standards of the Subdivision Regulations as defined in the Subdivision Control Ordinance unless amended by this Ordinance. It is recognized that planned developments may vary from the rigid guidelines of conventional zoning standards and from certain engineering and subdivision regulations. In this respect the Village will reasonably consider and approve in its discretion any modifications to the Subdivision Control Ordinance and other Ordinances in order to effectuate the implementation of the OPDD Tentative and Final Plans.

## **Open Space**

Common open and recreational space shall be schematically depicted on the Tentative Plan and as specifically defined in the Final Plans. The areas depicted in the Tentative Plans may be altered in context with the progression of future Tentative and Final Plans. Common Open Space is defined as land used for detention, wetlands, floodplains and passive and active recreational areas. The total provision of open space may be divided and located within different phases of the entire Planned Development. The open space may be owned either by the homeowners association or in the alternative by a governmental unit.

All private improvements planned for the open space areas shall be installed and paid for by the developer. These improvements include, but are not limited to, planned landscaping, walkways, driveways, clubhouses, swimming pools, tennis courts, and golf courses. Open space dedicated to a governmental unit shall be maintained and improved by that unit of government.

## **Yard Requirement Exceptions in the OPDD District**

The following architectural elements shall be allowed to project into or be constructed in any required yard or setback, but such exceptions to establish setbacks shall not be allowed to extend beyond the property line.

1. Roof projections may extend into a side building setback zone a maximum of two feet and may extend into a front or rear building setback zone a maximum of four feet.

2. Open terraces, non-enclosed porches and steps to a dwelling may extend into the front and side building setback zones to a maximum of four feet.
3. Open terraces, swimming pools, tennis courts and non-screened porches may extend into the rear yard setback zone a maximum of 10 feet.
4. Bay windows may extend into all building setback zones but may not extend more than two feet.
5. Chimneys may extend into all building setback zones but may not extend more than 18 inches.

### **Overlay District**

The Overlay Planned Development District (OPDD) is an "Overlay" District in addition to the underlying zoning classifications. Any OPDD Zoning and designation shall supplement other zoning districts ("Underlying Zoning District"). The uses allowed in the Underlying Zoning District as well as the uses allowed in the OPDD are permitted uses within these areas. Once building permits are issued for construction on property located in any Underlying Zoning District, only the uses permitted in said Underlying Zoning District as to the property for which the building permit was issued shall be allowed until a Final Plan has been approved at a property owner's request by the Board of Trustees of the Village of Spring Grove and thereafter recorded for the Overlay Planned Development District (OPDD) use. Upon Final Plan recording for OPDD uses, only the uses permitted in the OPDD shall be permitted as to the property described in said Final Plan and the uses allowed in any other Underlying Zoning District shall no longer be permitted as to the property described in said Final Plan.

### **Revisions to Subdivision Control Ordinance**

In keeping with the intent of the purpose of the Overlay Planned Development District, the following revisions for purposes of the OPDD only are made to the Subdivision Control Ordinance.

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| Section 1617.3 | Driveway slopes may be 12%.  |
| Section 1618.5 | Cul-de-sac lengths may be 800 feet.  |
| Section 1619.1 | Right of way shall not be less than 50 feet.                               |
| Section 1620.1 | Utility easements shall be 12 feet and may be in the right-of-way of road. |

Gas, electric and telephone may be in right-of-way but not under pavement or curb and utilities may not be on top of each other except when they cross each other.

- Section 1626.7A Residential streets may be 24 feet pavement width edge to edge
- Section 1627.7 May use street light poles consistent with architectural and subdivision theme.
- Appendix J Cul-de-sacs may have a 120 feet diameter right-of-way and pavement diameter of 90 feet provided that an auto turn exhibit is provided which shows adequate cul-de-sac pavement to allow emergency vehicles and school buses to turn around.
- Earth slopes may have a maximum of 3:1 outside of the utility easement but slopes of 4:1 are preferred and road slopes may have a maximum of 6:1.
- Section 1632 Occupancy Permits will be issued for buildings or structures located in portions of the subdivision provided that the required public improvements for roads and roadside drainage facilities for that portion is complete.
- Section 1634.1A Delete “curb height by more than one inch”. Add “ponding depths shall not exceed 8" in height”.
- Section 1634.1B Village will consider a height of more than 6 inches based on final engineering

## **Bonds**

As long as an applicant has posted a bond as required for earth extraction and reclamation with the State of Illinois, Appendix F relating to bonds shall not apply.