

**Ordinance 284
Village of Vicksburg
Zoning Ordinance**

ARTICLE VIII. PLANNED UNIT DEVELOPMENT DISTRICT (PUD)

Sec. 82-621. Purpose of Article.

This Article sets forth the procedures and approval standards to rezone land within the Village of Vicksburg to a Planned Unit Development District ("PUD District"). The purpose and intention of establishing a PUD District is to afford landowners a degree of flexibility from the development standards found in non-PUD Districts. By establishing a PUD District, the Village seeks to encourage innovation in land use, specifically on sites with significant natural, historical and architectural value or on sites that exhibit difficult development constraints.

Sec. 82-622. Objectives.

The following objectives shall be satisfied by the creation of a PUD District:

1. To provide more desirable living, shopping and working environments by preserving as much of the natural character of the property as possible;
2. To encourage the preservation of open space and the development of recreational space and facilities;
3. To allow phased construction with the knowledge and security that subsequent phases will be approved as originally planned and approved by the Village;
4. To promote flexibility in design and development plans;
5. To promote the efficient and beneficial use of land for and by Village residents and visitors alike; and
6. To ensure a quality of construction similar to other developments within the Village.

Sec. 82-623. Application and Approval Procedures.

1. Application for PUD Approval. An application and all supporting materials referenced below (collectively referred to as the "Application") may be submitted to the Village c/o the Village Manager during regular business hours.
2. Application Review. Upon submission of the Application, the Village Manager will review same with the assistance of Village personnel and third party consultants.

3. Planning Commission. Within 30 days after the submission of the Application, or as soon thereafter as possible, the Application shall be reviewed by the Village Planning Commission at a public meeting along with any reports or documents provided to the Planning Commission by Village personnel and consultants.
4. Village Council. After the Application has been reviewed by the Vicksburg Planning Commission, the Village of Vicksburg Council shall hold a public hearing on the Application. Based on a review of the materials, including but not limited to the Application, all supporting documents and reports provided by the Applicant, all reports and documents provided by Village personnel and consultants, the opinion rendered by the Planning Commission, and upon the consideration of public opinion, the Village Council shall vote to approve or deny the Application to create a new PUD District. The Village Council may adjourn the matter for up to forty-five (45) days to provide the Applicant time to submit additional information.

A PUD District may be *developed* in multiple stages. Any development within the PUD District that includes uses proposed for the PUD District that are not already permitted by the PUD District's existing PUD Development Agreement must be submitted to the Planning Commission for review and must be approved by the Village Council after a public hearing.

Approval of an Application for a PUD District shall have no bearing on the Village's review or approval of a subsequent Application or modified Application for a PUD District.

Sec. 82-624. Application Materials

An Application packet shall include all of the following materials:

1. Application for Planned Unit Development Approval – An Application shall be available at the Vicksburg Village Hall during all regular business hours;
2. District Site Plan – Applicants must provide materials related to the *tentative* development of the PUD District. The District Site Plan must include information related to:
 - a. Building development, including estimated timelines for construction;
 - b. Landscaping and open space use within the PUD District;
 - c. Environmental impact showing the effect the PUD District may have on the surrounding: land, stream, and wetlands; air quality; and storm water drainage, water supply and sewage disposal systems;

If it is determined that the PUD District will have a greater than proportional impact on the Village's infrastructure, the Applicant may be responsible for

its reasonable share of costs associated with the improvements necessary to make the system(s) operative as determined by the Village;

- d. Traffic Impact Study detailing the impact that the PUD District would have on traffic and public roadways as well as parking within the Village;
 - e. Community Impact Study outlining the impact that the PUD District would have on the Village residents, including but not limited to the following:
 - i. The impact on surrounding property values;
 - ii. Any potential changes to the Village in terms of noise, litter, odor or light;
 - iii. The impact on the population of the Village, including data regarding the effects on the local school district; and
 - iv. An outline of the potential costs to the Village, the school district, and the police and fire departments serving the Village;
 - f. Economic Feasibility Study showing the economic impact that the PUD District would have on the Village;
 - g. Additional Village Requests – In order to better evaluate the impact of the PUD District on the Village, the Planning Commission and the Village Council may require additional information about the Applicant’s plan.
3. Any development of the PUD District shall require individual development site plans that must be submitted to the Planning Commission and approved by the Village Council.

Sec. 82-625. Standards for Approval.

The Application and supporting information referenced above must show that:

1. The PUD District is compatible with the Village’s Master Plan;
2. The PUD District would not have a significant negative impact, as reasonably determined by the Village Council, on properties and bodies of water adjacent to the PUD District;
3. The PUD District would not have a significant negative impact, as reasonably determined by the Village Council, on the residents of the Village;
4. The creation or continued development of the PUD District would not create additional costs for either the Village or the Village residents or alternatively, all such costs will be paid for directly by the Applicant; and

5. The PUD District would not have a significant and unreasonable negative impact, as determined by the Village Council, on government services provided to Village residents.

Sec. 82-626. Zoning Standards.

The Village has established the following minimum standards for every PUD District. Applicants shall submit an individual development site plan for each construction phase. Any provisions of the Village Code which are not addressed or otherwise superseded by this Article shall remain in full force and effect.

1. Permitted Uses

- a. Multiple Family Residential Dwelling – No PUD District may exceed an average of three (3) residential units per acre within the PUD District. Residential dwellings located in a PUD District may only be permitted when part of a Mixed Use development. Mixed use may include residential uses on the ground floor only when located within a PUD District; and
 - b. Mixed Use – For the purposes of this Ordinance, Mixed Use may include any permitted or special land use allowed in the C-2, C-3 and I-2 zones in conjunction with any Multiple Family Residential use.
 - c. Such other unique use, or combination of uses, that may be approved by the Planning Commission and Village Council pursuant to a PUD District Application.
2. Lot – Each PUD District must contain no less than ten (10) acres of land. If the PUD District consists of more than one parcel, all parcels must be adjacent to each other. All standard setbacks apply within the PUD District for individually owned parcels. For all parcels under common ownership the setbacks shall be applied from the perimeter of the parcels as if they were adjoined.
 3. Ownership – All parcels of land within the PUD District must be owned by one party, entity or individual or alternatively, all owners of property within the PUD District must acknowledge their desire to create the PUD District and willingness to abide by the terms of all applicable regulations and ordinances in writing.
 4. Structures – No newly developed structure may be taller than forty (40) feet in height.
 5. Open Space – No less than thirty (30%) percent of any PUD District shall remain undeveloped and be designated as open space.
 6. Setback - All newly developed permanent structures within the PUD District must be located no less than fifty (50) feet from all property lines.

7. Off-Street Parking – Applicant must demonstrate that sufficient parking exists for any and all proposed uses. Parking may be permitted on or off premises. Parking shall conform to the standards of the Village of Vicksburg Zoning Ordinance or as determined sufficient by the Village Council. Approval of off-premises parking shall be subject to written consent from any property owners where such parking may be provided. The Planning Commission or Village Council may require notarized documents or recording of documents verifying off premises parking if deemed necessary. Failure to maintain minimum approved off-street parking shall be considered a violation of this ordinance.
8. Site work such as vehicle parking areas in excess of twenty (20) parking spaces, grade changes requiring a soil erosion permit and any development subject to Site Plan Review per section 82-167 of the Village of Vicksburg Zoning Ordinance shall require Site Plan Approval prior to the start of work or issuance of a Building Permit. Phased development of a PUD is subject to all reviews and approvals as outlined in the Code of Ordinances of the Village of Vicksburg that may apply. The PUD plan on file for any area zoned PUD in the Village shall be valid in perpetuity such that any Site Plan Review of further development within a PUD District will be subject to that plan as approved.
9. Notwithstanding the forgoing, the Village Council, upon recommendation of the Planning Commission, shall have the authority to deviate from the aforementioned standards on a case-by-case basis when reviewing and approving a PUD District Application.

Any modification from these Standards shall be requested in the Application and, if approved, outlined in the Development Agreement.

Sec. 82-627. Fees

At the time the Application is submitted, the Applicant must submit a fee to the Village to be held in a separate escrow account and applied to all actual costs associated with the review of and decisions made on the Application. The actual costs shall include but not be limited to all administrative costs (copies), legal fees, consultant fees, publication costs, and all other costs that the Village incurs in reviewing and either approving or denying the Application. The Village will provide the Applicant with an updated invoice within a reasonable time after such a request is made to the Village.

The initial fee shall be in the amount of \$25,000.00. If the Village incurs additional charges above the amount retained, it shall provide an invoice to the Applicant and the Applicant shall provide payment for the invoice within thirty (30) days. Any funds not used by the Village in the review and approval or denial process shall be refunded to the Applicant.

Clerk's Certification

I, Tracy L. Locey, Village Clerk of the Village of Vicksburg, certify that at a regular meeting of the Village Council held on June 4, 20178 at 7:00 p.m., at the Brady Township Hall at which the following members were present:

Trustees: Adams, Bailey, Earl, Frisbie, Merrill, Reisterer, Smith.

Absent: None.

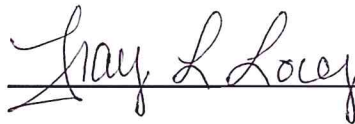
The Council enacted Ordinance #284 to become effective immediately upon publication and that the members of the Council present at the meeting voted on the adoption of the Ordinance as follows:

Motion: Frisbie

Support: Smith

Ayes: Adams, Bailey, Earl, Frisbie, Merrill, Reisterer, Smith.

Nays: None



Tracy L. Locey, Clerk