

17.04.410 – PUD review process

A. Pre-Application Meeting

Prior to the filing of any application for a PUD, the applicant shall attend a Pre-Application Meeting to present initial ideas for the development of the proposed PUD.

B. Neighborhood Meeting

Prior to the filing of any application for a PUD, the applicant is encouraged to host a Neighborhood Meeting.

C. Concept Plan Review

A Concept Plan Review for the proposed PUD is required prior to submittal of applications for a Special Use for a PUD and a Preliminary Plan for a PUD. In the case of an amendment to an existing PUD, a Concept Plan Review shall be required prior to any PUD application that includes any one of the following:

1. Increase or decrease of the land area within an existing PUD of 10% or more.
2. Major Change to an approved PUD Preliminary Plan requiring a Concept Plan Review as specified in Section 17.04.430.A, Major Changes.

(Ord. 2009-Z-9 § 3.)

D. Special Use and PUD Preliminary Plan Procedure

The Special Use and PUD Preliminary Plan procedure provides for formal review and approval of the proposed PUD. Once the Special Use for a PUD and the PUD Preliminary Plan are approved, the applicant is entitled to approval of PUD Final Plans and a PUD Final Plat if they fully conform with the approved PUD Preliminary Plan and the ordinance granting the Special Use for the PUD, as well as all other applicable ordinances. Approval of the PUD Preliminary Plan shall not constitute authority to proceed with construction of any improvements, but rather constitutes approval of the designs for buildings and site improvements as a basis for preparing the PUD Final Plans. Preliminary Plan approval shall not obligate the City Council or any of its appointed officials, boards or commissions to approve later phases or plans which do not conform to the approved PUD Preliminary Plan, the ordinance granting the Special Use for the PUD, and this Title.

1. Application for Special Use and PUD Preliminary Plan

Applications for approval of a Special Use for a PUD and a PUD Preliminary Plan shall be filed simultaneously with the Director of Community Development. However, for multiphase projects, the City Council may consider, at the request of the applicant, the filing of a Special Use application for a PUD with a PUD Preliminary Plan for the first phase comprising not less than one third of the property, and a Sketch Plan with Site Data for the remainder of the property to be developed in a later phase or phases. All applications shall include the information, plans and data as specified in Appendix A. Review of a preliminary plan of subdivision submitted as part of a PUD Preliminary Plan application shall be in accordance with the provisions of Titles 16 and 18 of the St. Charles Municipal Code.

(Ord. 2006-Z-12 § 2; Ord. 1981-M-32 § 3; Ord. 1981-Z-6 § (part).)

2. Plan Commission Public Hearing on the Special Use and PUD Preliminary Plan Request

The Plan Commission shall hold a public hearing to consider the application for Special Use for a PUD. The application for PUD Preliminary Plan approval shall be presented in support of the Special Use application, and revised PUD Preliminary Plans may also be presented at a meeting or meetings following the public hearing.

3. Recommendation and Approval of Special Use for PUD and PUD Preliminary Plan

Following the Plan Commission public hearing, the Plan Commission shall make a recommendation to the City Council regarding approval or denial of the applications for Special Use for PUD and PUD Preliminary Plan. The Plan Commission may recommend such conditions and restrictions upon the establishment, location, design, layout, height, density, construction, maintenance, aesthetics, operation and other elements of the Planned Unit Development as deemed necessary to secure compliance with the standards specified in this Title. The Plan Commission may recommend exceptions and deviations from the requirements of this Title and of Title 16 of the St. Charles Municipal Code requested by the applicant, to the extent that it finds such exceptions and deviations are supportive of the standards and purposes for PUD's .

The Plan Commission shall not favorably recommend, and the City Council shall not approve, a Special Use for a PUD or an amendment to a Special Use for a PUD unless they each make findings of fact based on the application and the evidence presented at the public hearing that the PUD is in the public interest, based on the following criteria:

- i. The proposed PUD advances one or more of the purposes of the Planned Unit Development procedure stated Section 17.04.400.A.
- ii. The proposed PUD and PUD Preliminary Plans conform to the requirements of the underlying zoning district or districts in which the PUD is located and to the applicable Design Review

Standards contained in Chapter 17.06, except where:

- a. Conforming to the requirements would inhibit creative design that serves community goals, or
- b. Conforming to the requirements would be impractical and the proposed PUD will provide benefits that outweigh those that would have been realized by conforming to the applicable requirements.

Factors listed in Section 17.04.400.B shall be used to justify the relief from requirements.

- iii. The proposed PUD conforms with the standards applicable to Special Uses (section 17.04.330.C.2).
 - iv. The proposed PUD will be beneficial to the physical development, diversity, tax base and economic well-being of the City.
 - v. The proposed PUD conforms to the purposes and intent of the Comprehensive Plan.
4. City Council Decision on Special Use and PUD Preliminary Plan Request
- The City Council, after receipt of the aforesaid findings and recommendations from the Plan Commission, shall approve or deny the Special Use and PUD Preliminary Plan or Amendment applications with such requirements, conditions, exceptions and deviations as it may deem necessary to ensure that the proposed development satisfies the standards of this Title applicable to Special Uses and Planned Unit Developments. The City Council may require such evidence and guarantees it deems necessary to ensure that the conditions stipulated in connection with the approval of the Planned Unit Development are being, and will be, complied with.
- (Ord. 2008-Z-32 § 18.)

E. PUD Final Plans and Final Engineering Procedure

The purpose of this stage of the PUD review process is to evaluate plans prepared for construction of the PUD for consistency with the approved PUD Preliminary Plans and other applicable requirements. Where plans prepared for construction differ from the approved PUD Preliminary Plans, this stage provides an opportunity to reconcile the differences, or to approve changes to the PUD Preliminary Plans, as provided in Section 17.04.430.

1. Review and Approval

a. PUD Final Plans and Final Engineering

PUD Final Plans and Final Engineering, and any accompanying documents, shall be submitted to the Director of Community Development, and shall include the information, plans and data as specified in Appendix A (Submittal Items). The PUD Final Plans and Final Engineering may be submitted with the applications for Special Use for a PUD and PUD Preliminary Plan, but this is discouraged for most projects because the plans may change during the PUD Preliminary Plan review process.

The PUD Final Plans and Final Engineering shall conform to the PUD Preliminary Plan with respect to all items specifically shown on the PUD Preliminary Plan, unless a change is approved in conformance with Section 17.04.430, and further shall conform to all applicable requirements of the St. Charles Municipal Code.

In accordance with Title 16 of the St. Charles Municipal Code, Final Engineering Plans for PUD's are not subject to the review and approval of the Plan Commission and City Council, provided they conform to the approved PUD Preliminary Plan. The Director of Community Development is authorized to approve PUD Final Plans, and the Director of Public Works is authorized to approve Final Engineering Plans, based upon their review for conformance with all applicable requirements.

b. PUD Final Plat

A PUD Final Plat may be submitted for the entire PUD or, if it is to have multiple phases, for a portion of the PUD. The PUD Final Plat or plats shall encompass the same geographic area as the Final PUD Plans and Final Engineering Plans, with the exception of necessary off-site improvements and easements.

c. Plan Commission Recommendation on PUD Final Plat

The application for approval of a PUD Final Plat and supporting data shall be filed at least fourteen (14) days prior to the Plan Commission meeting. The Plan Commission shall not be obligated to make a recommendation regarding the PUD Final Plat until it has received notice of approval of the PUD Final Plans and Final Engineering Plans by the City staff. The Plan Commission shall review the PUD Final Plat for conformance with the approved PUD Preliminary Plan, and shall make its recommendations to the City Council.

d. City Council Decision on PUD Final Plat

The City Council, after receipt of the aforesaid recommendations from the Plan Commission, shall approve or deny the PUD Final Plat.

2. Recording; Approval of Final Plans and Engineering Plans

The PUD Final Plat shall be filed with the County Recorder of Deeds and the applicant shall pay all recording costs. No PUD Final Plat shall be recorded until the PUD Final Plans and Final Engineering have been approved by the Director of Community Development and the Director of Public Works, and the required Land Improvements have been completed or the required collateral for the Land Improvements has been posted by the developer as provided in Title 16, Subdivisions and Land Improvements, of the St. Charles Municipal Code. No permit for construction of a building or any other improvement shall be issued until the PUD Final Plat is recorded for the phase of the PUD in which the building or other improvement is located.

F. PUD Preliminary Plan process for lots within an existing PUD

This abbreviated review process provides for formal review and approval of PUD Preliminary Plans for the development of lots that were previously platted pursuant to an ordinance approving a Special Use for PUD. This process shall not apply if the proposed development constitutes a Major Change to an ordinance granting a Special Use for PUD as defined in Section 17.04.430.

1. Pre-Application Meeting

A Pre-Application meeting prior to the filing of an application for PUD Preliminary Plan is optional but recommended to provide an opportunity to present initial ideas for the development.

2. Concept Plan Review

A Concept Plan Review for the proposed PUD Preliminary Plan is optional but may be recommended if the proposed development differs significantly from the previously approved Preliminary Plan or Sketch Plan for the site.

3. PUD Preliminary Plan Procedure

Application for approval of PUD Preliminary Plans shall be filed with the Director of Community Development. The application shall include the information, plans and data as specified in Appendix A.

a. Plan Commission Review and Recommendation

The Plan Commission will review the application against the standards contained in the ordinance approving the Special Use for PUD and this Title. The Plan Commission shall make a recommendation to the City Council regarding approval or denial of the application for PUD Preliminary Plan approval. The Plan Commission may recommend such conditions and restrictions upon the design, layout, aesthetics, and other elements of the PUD Preliminary Plan as deemed necessary to secure compliance with the standards contained in the ordinance approving the Special Use for PUD and this Title.

b. City Council Review and Recommendation

The City Council, after receipt of the recommendation from the Plan Commission, shall approve or deny the PUD Preliminary Plan application with such requirements or conditions as it may deem necessary to ensure that the proposed development satisfies the standards of the Special Use for PUD and this Title.

4. PUD Final Plan Procedure

No separate application for PUD Final Plan approval is necessary. Following approval of the PUD Preliminary Plan, the applicant is authorized to apply for a building and/or site development permit. The Director of Community Development shall issue PUD Final Plan approval based upon the plans submitted with the building or site development permit if the plans fully conform to the approved PUD Preliminary Plan and the ordinance granting the Special Use for PUD, as well as all other applicable ordinances. Where plans prepared for construction differ from the approved PUD Preliminary Plans, this stage provides an opportunity to reconcile the differences, or to approve changes to the PUD Preliminary Plans, as provided in Section 17.04.430.

(2008-Z-32 : § 19)