

ORDINANCE NO. 07-18

AN ORDINANCE AUTHORIZING A CHANGE IN ZONING FROM THE "A"-AGRICULTURAL DISTRICT TO THE "R-2" SINGLE FAMILY RESIDENTIAL DISTRICT, THE "MR-4" MULTIPLE-FAMILY RESIDENTIAL DISTRICT AND THE "B-1" NEIGHBORHOOD BUSINESS DISTRICT ALL WITH A PLANNED UNIT DEVELOPMENT ("PUD") FOR ROCK HILL TRAILS - PHASES 1A AND 1B OF CERTAIN PROPERTY LOCATED ON ROCK HILL ROAD, THEREBY ALLOWING THE MAXIMUM DEVELOPMENT OF 89 SINGLE-FAMILY DETACHED DWELLINGS, 1 MULTI-FAMILY LOT UNIT, AND 6 B-1 COMMERCIAL LOTS, INCLUDING 3 "LIVE-WORK" SINGLE-FAMILY DWELLINGS WITHIN THIS MIXED-USE PLANNED UNIT DEVELOPMENT

WHEREAS, Wellspring Development Company is the contract purchaser ("Owner" or "Developer") of a 65.824 acre tract of land (portions of Parcel 15-1-09-19-00-000-005 and 15-1-09-19-00-000-005.R00 located along Rock Hill Road) and has requested PUD rezoning, preliminary development plan and preliminary plat approvals to develop the tract as a mixed use development for 89 "R-2" single-family lots, 1 "MR-4" multi-family lot, and 6 "B-1" commercial lots, including 3 "live-work units" and a community event/parking area;

WHEREAS, the Owner further seeks approval for certain variances or modifications to specific zoning requirements as part of the Planned Unit Development to implement the development plan concept, as described in the Annexation Agreement dated July 2, 2007 and further defined in the preliminary development plan and preliminary plat, to provide high quality and efficient homes located within a diverse mixed-use community that is developed in a manner to preserve existing natural resources and provide for a long-term sustainable community; and

WHEREAS, the Plan Commission held a duly noticed public hearing on August 16, 2007, and forwarded to the City Council on September 4, 2007, its recommendation in favor of the Owner's rezoning, preliminary plat and preliminary development plan requests.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Wood River as follows:

Section One. The City of Wood River Zoning Ordinance, No. 96-14, as amended, and Official Zoning Map, as of the date of the approval of this ordinance and made a part thereof, are hereby amended by changing the zoning district classifications of the subject 65.824 acre parcel of ground from the "A-Agricultural" District to "R-2 Single Family Residential" District, the "MR-4 Multiple-Family Residential" District and the "B-1 Neighborhood Business" District with a Planned Unit Development ("PUD") regulation as set forth in this ordinance for the following described land areas:

Legal Description for Planned Unit Development (“PUD”)

PROPERTY DESCRIPTION – Phases 1A & 1B

A tract of land being part of the South Half of the Southeast Quarter and the South Half of the Southwest Quarter of Section 19, Township 5 North, Range 8 West of the Third Principal Meridian, Madison County, Illinois, described as follows:

Commencing at the northeast corner of above said South Half of the Southeast Quarter; thence along the north line of said South Half North 89 degrees 08 minutes 12 seconds West 47.76 feet to the Point of Beginning of the herein described tract, said point also being on the easterly right of way line of South Moreland Road, variable width; thence along said easterly right of way line the following courses and distances: thence Southerly along a curve to the left having a radius of 1,960.00 feet and a chord which bears South 04 degrees 19 minutes 07 seconds West 289.25 feet, an arc distance of 289.52 feet; thence departing said curve South 00 degrees 52 minutes 33 seconds West 595.19 feet; thence South 08 degrees 25 minutes 40 seconds West 151.67 feet; thence South 06 degrees 33 minutes 53 seconds East 151.27 feet; thence South 00 degrees 51 minutes 45 seconds West 100.00 feet to the northerly right of way line of Rock Hill Road, variable width; thence along said northerly right of way line the following courses and distances: thence South 71 degrees 28 minutes 34 seconds West 50.97 feet; thence North 87 degrees 19 minutes 54 seconds West 213.65 feet; thence North 02 degrees 19 minutes 51 seconds East 8.33 feet; thence North 89 degrees 28 minutes 58 seconds West 2,454.04 feet; thence departing said northerly right of way line North 38 degrees 10 minutes 52 seconds East 1,635.84 feet to above said north line of the South Half of the Southeast Quarter; thence along said north line South 89 degrees 08 minutes 12 seconds East 1,741.68 feet to the Point of Beginning, containing 2,867,314 square feet or 65.824 acres, more or less.

Legal Description for R-2 District

A tract of land being part of the South Half of the Southeast Quarter of Section 19, Township 5 North, Range 8 West of the Third Principal Meridian, Madison County, Illinois, described as follows:

Commencing at the northeast corner of above said South Half of the Southeast Quarter; thence along the north line of said South Half North 89 degrees 08 minutes 12 seconds West (assumed bearing) 603.34 feet to the Point of Beginning of the herein described tract; thence departing said north line South 00 degrees 51 minutes 48 seconds West 319.30 feet; thence South 89 degrees 07 minutes 27 seconds East 538.14 feet to the westerly right of way line of South Moreland Road, variable width; thence along said westerly right of way line the following courses and distances: thence South 00 degrees 52 minutes 33 seconds West 564.50 feet; thence South 08 degrees 25 minutes 40 seconds West 151.67 feet; thence South 06 degrees 33 minutes 53 seconds East 151.27 feet; thence South 00 degrees 51 minutes 45 seconds West 100.00 feet to the

northerly right of way line of Rock Hill Road, variable width; thence along said northerly right of way line the following courses and distances: thence South 71 degrees 28 minutes 34 seconds West 50.97 feet; thence North 87 degrees 19 minutes 54 seconds West 213.65 feet; thence North 02 degrees 19 minutes 51 seconds East 8.33 feet; thence North 89 degrees 28 minutes 58 seconds West 1651.49 feet; thence departing said northerly right of way line North 00 degrees 31 minutes 02 seconds East 163.67 feet; thence North 12 degrees 43 minutes 46 seconds West 180.00 feet to a point on a curve to the left for which the radius point bears North 12 degrees 43 minutes 46 seconds West 445.00 feet; thence Northeasterly along said curve, with a chord which bears North 74 degrees 42 minutes 19 seconds East 39.83 feet, an arc distance of 39.85 feet; thence departing said curve North 17 degrees 51 minutes 35 seconds West 130.00 feet to a point on a curve to the right for which the radius point bears North 17 degrees 51 minutes 35 seconds West 315.00 feet; thence Westerly along last said curve, with a chord which bears South 86 degrees 28 minutes 36 seconds West 156.00 feet, an arc distance of 157.64 feet; thence departing last said curve North 38 degrees 10 minutes 52 seconds East 390.52 feet; thence North 66 degrees 47 minutes 40 seconds West 201.86 feet; thence North 38 degrees 10 minutes 52 seconds East 563.19 feet to the north line of above said South Half of the Southeast Quarter of Section 19; thence along said north line South 89 degrees 08 minutes 12 seconds East 1,186.10 feet to the Point of Beginning, containing 2,326,188 square feet or 53.40 acres, more or less.

Legal Description for MR-4 District

A tract of land being part of the South Half of the Southeast Quarter of Section 19, Township 5 North, Range 8 West of the Third Principal Meridian, Madison County, Illinois, described as follows:
Commencing at the northeast corner of above said South Half of the Southeast Quarter; thence along the north line of said South Half North 89 degrees 08 minutes 12 seconds West (assumed bearing) 47.76 feet to the Point of Beginning of the herein described tract, said point also being on the westerly right of way line of South Moreland Road, variable width; thence along said westerly right of way line the following courses and distances: thence Southerly along a curve to the left having a radius of 1,960.00 feet and a chord which bears South 04 degrees 19 minutes 07 seconds West 289.25 feet, an arc distance of 289.52 feet; thence departing said curve South 00 degrees 52 minutes 33 seconds West 30.69 feet; thence departing said right of way line North 89 degrees 07 minutes 27 seconds West 538.14 feet; thence North 00 degrees 51 minutes 48 seconds East 319.30 feet to above said north line of the South Half of the Southeast Quarter; thence along said north line South 89 degrees 08 minutes 12 seconds East 555.58 feet to the Point of Beginning, containing 173,347 square feet or 3.98 acres, more or less.

Legal Description for B-1 Neighborhood Business District

A tract of land being part of the South Half of the Southeast Quarter and the South Half of the Southwest Quarter of Section 19, Township 5 North, Range 8 West of the Third Principal Meridian, Madison County, Illinois, described as follows:

Commencing at the northeast corner of above said South Half of the Southeast Quarter; thence along the north line of said South Half North 89 degrees 08 minutes 12 seconds West (assumed bearing) 1,789.44 feet; thence departing said north line South 38 degrees 10 minutes 52 seconds West 563.19 feet to the Point of Beginning of the herein described tract; thence South 66 degrees 47 minutes 40 seconds East 201.86 feet; thence South 38 degrees 10 minutes 52 seconds West 390.52 feet to a point on a curve to the left for which the radius point bears North 10 degrees 48 minutes 47 seconds East 315.00 feet; thence Easterly along said curve, with a chord which bears North 86 degrees 28 minutes 36 seconds East 156.00 feet, an arc distance of 157.64 feet; thence departing said curve South 17 degrees 51 minutes 35 seconds East 130.00 feet to a point on a curve to the right for which the radius bears North 17 degrees 51 minutes 35 seconds West 445.00 feet; thence Southwesterly along last said curve, with a chord which bears South 74 degrees 42 minutes 19 seconds West 39.83 feet, an arc distance of 39.85 feet; thence departing last said curve South 12 degrees 43 minutes 46 seconds East 180.00 feet; thence South 00 degrees 31 minutes 02 seconds West 163.67 feet to the northerly right of way line of Rock Hill Road, variable width; thence along said northerly right of way line North 89 degrees 28 minutes 58 seconds West 802.55 feet; thence departing said northerly right of way line North 38 degrees 10 minutes 52 seconds East 1,072.65 feet to the Point of Beginning, containing 367,779 square feet or 8.44 acres, more or less.

Section Two. The zoning authority, preliminary development plan and preliminary plat approvals embodied in this ordinance are granted subject to compliance with the City Subdivision Control ordinance, Zoning Code, and all other City of Wood River, Illinois ordinances, rules, and regulations, the conditions of this ordinance, and on the condition the development and plan be carried out in accordance with the Preliminary Development Plan and Preliminary Plat dated July 30, 2007, and on file with the City Clerk, and incorporated herein by this reference and attached as Exhibit A, and with the Annexation Agreement dated July 2, 2007, and as may be amended; provided that where the "Preliminary Development Plan and Preliminary Plat" conflicts with any other requirement stated or incorporated herein, such other requirement shall prevail and be included within any Final Development Plan and Final Plat. Subject to the foregoing sentence, the zoning authority and requirements established herein within this PUD shall include all of the regulations of the underlying applicable zoning district as expressly supplemented or modified as follows:

A. "APPLICABLE POA" DEFINED.

This Planned Unit Development ("PUD") is a mixed use development that shall have one or more associations (1) that are responsible for maintenance of grounds, appurtenances and amenities that benefit more than one landowner or condominium unit holder within the development and (2) that are authorized to enforce the development's covenants, conditions and restrictions. The Developer shall have the maintenance obligations and enforcement powers until the Developer conveys such obligations and authorities to the appropriate association(s) as set forth in the covenants, conditions and restrictions for the PUD that are recorded with the Final Plat as may be amended ("CCRs"). The term "Applicable POA" as used in this ordinance shall mean the Developer or the appropriate association, as the case may be, who then has maintenance obligations and enforcement authority as provided in the CCRs for the subject property within the PUD.

B. PERMITTED USES

This PUD shall authorize the maximum development in each underlying zoning district within this PUD as follows:

1. **Common Ground** – A minimum of 25 acres shall be maintained as common ground within Phases 1A and 1B.

2. **"R-2 Single Family Residential" District** – Up to eighty-nine (89) detached single family dwellings on individual lots in the R-2 District, which district may include a maximum of twenty (20) detached cottage homes, a community center and all permitted accessory structures, including up to two functioning wind turbines located on common ground subject to the requirements herein. The community center and related acreage together shall not be less than three (3) acres, and may include various amenities or features and be the site for events such as farmers markets, meetings, cultural events, educational programs or other types of gatherings accessory to and for the primary benefit of the entire Rock Hill Trails development. A minimum of 25 acres shall be maintained as common ground within Phases 1A and 1B.

3. **"B-1 Neighborhood Business" District** – Up to six (6) "B-1 Neighborhood Business" District lots, including three lots for single-family dwellings that may be used as "live-work" units, and all permitted accessory structures and authorized community facilities. The three lots that may be used for "live-work" units are lots 61, 62 and 63 on the Preliminary Plat. The uses permitted in this B-1 district shall be only the commercial uses and "live-work" uses specified as follows:

a. Authorized commercial uses. Authorized commercial uses are those permitted in a B-1 district subject to the following additional variances, restrictions and allowances:

i. the commercial use must directly serve the residents of this PUD and be designed to provide services or goods primarily to the PUD and closely surrounding areas.

ii. uses shall not include drive-through windows (other than for a bank), car washes, gas stations, veterinary services, or businesses primarily providing automobile and automobile parts sales or services; and

iii. a special use permit shall be required from the City for any use listed as a special use in the B-1 district or authorized uses otherwise failing to meet all of the requirements of this subsection.

b. Authorized “live-work” uses. A single family dwelling constructed on a lot authorized for a “live-work” unit, shall be owner-occupied, shall be used as a single family dwelling and shall be permitted a “homeowner occupation” use subject to the following additional variances, restrictions and allowances:

i. any commercial use of a “live-work” unit shall be limited to uses that are traditionally maintained as home occupations, including but not limited to low customer and employee volume service providers such as a in-home caretaker for children, a seamstress, a hair dresser, a tutor of individual students, a solo professional (such as an accountant, attorney, appraiser, consultant or realtor);

ii. except for up to one additional employee, all persons involved in the commercial activity must reside in the “live-work” unit;

iii. residential dwelling may occur on the first floor, second floor, or both floors; and

iv. no commercial vehicle exceeding one ton cargo capacity shall be parked outside anywhere in the designated parking areas for these lots except for normal loading, unloading and service calls.

4. **“MR-4 Multiple-Family Residential” District** – multi-family units in accordance with the zoning code as referenced herein and permitted accessory structures.

C. LOT SIZES, DEPTHS, AND BUILDING REQUIREMENTS

1. R-2 District Requirements

a. Each single-family dwelling unit shall be located on an individual lot of record, which lot shall not be less than seven thousand (7,000) square feet in overall size. The minimum width of any lot within this PUD District shall be 50 feet in distance at the front building line, except for parcels of ground located

within any cul-de-sac as approved by the City. These lot frontages shall be as on the approved Final Plat.

b. The floor area, exclusive of one story open porches and garages, shall be not less than 1,400 square feet for a single-story dwelling and not less than 1,700 square feet for a two-story dwelling, except that such floor area for a cottage shall be not less than 950 square feet for a single-story dwelling and not less than 1,300 square feet for a two-story dwelling.

c. The front set back line within the R-2 district shall be twenty (20) feet.

d. The rear set back line shall be five (5) feet for lots that abut at least ten (10) feet of continuous common ground. The rear set back for each individual lot shall be as identified in accordance with the Final Plat.

e. **Joint Use Garage Requirements.** Single unit parking garages for the joint use of adjoining property owners shall be limited and permitted as follows:

i. A zero (0) side lot line shall be utilized for the sole purpose of two (2) adjoining lots to build as a single unit a parking structure to be jointly used by the property owners. A zero (0) side lot line shall be limited to a maximum of four (4) such structures within Phase 1A and 1B on the following designated lots: 13/14; 17/18; 22/23; 55/56; 66/67 and 68/69 and shall be shown on the Final Plat.

ii. Garage accessory structure shall be located in front of the principal structure.

iii. Maximum height of garage accessory structure shall be 25 feet.

iv. Maximum width of garage accessory structure shall be 50 feet.

v. Additional space above the garage may be constructed for dwelling uses such as but not limited to extra storage, play area, home office, hobby shop, workout room and the like. However, sleeping quarters, laundry facilities (washer/dryer hook-up), kitchen, or items traditionally used within a kitchen, such as but not limited to refrigerator, stove and dishwasher are not allowable.

vi. Construction of the accessory garage units shall be in a manner to protect the health, life and safety of the property owner and not to create a fire hazard between structures as determined by the City.

f. **Wind Turbine requirements.** Two functioning wind turbines shall be permitted to be owned by the Applicable POA on common ground and subject to the following additional requirements:

- i. The wind turbines shall be limited to the common ground.
- ii. The wind turbines shall be painted a non-reflective gray color.
- iii. The wind turbines shall have a pole height not to exceed 25 ft with a total height including blade length of not to exceed 30 ft.
- iv. The area around the base of the wind turbine shall be landscaped.
- v. There shall be no visible temporary or permanent advertising permitted to be displayed on the wind turbine.
- vi. There shall be no direct or indirect artificial lighting of the wind turbine.
- vii. Electrical controls and control wiring and power lines shall be either wireless or placed in conduit on the structure.

g. **Community Center Requirements.** The community center shall be located on common ground and long-term care and maintenance of the facility including accessory structures and parking areas shall be the sole responsibility of the Applicable POA. The community center and all accessory structures shall be developed and constructed consistent to the intent of a sustainable development and in similar character and building materials as the surrounding development with the approval of the City.

2. **R-2 District Requirements – Cottage Lots**

a. A Cottage Lot, which is the combination of two (2) or more contiguous single family lots, shall accommodate two (2) to four (4) single family detached dwellings on a Cottage Lot. Cottage Lot locations may be the following lot combinations, each of which shall be designated on the Final Plat as an allowed Cottage Lot: 11/12; 20/21; 31/32; 33/34; 41/42; 43/44; 57/58; 64/65; 68/69; 72/73; 74/75. A maximum of 5 Cottage Lots as chosen from the designated lots are allowable within Phase 1A and 1B.

b. For the purposes of regulating the building requirements on a Cottage Lot, the previously two (2) or more individually numbered lots shall be viewed as one lot with the entire combined size and dimensions utilized when making requirement determinations.

c. Prior to use as or construction on the Cottage Lot, said lot shall be platted in accordance with Illinois State regulations regarding condominium platting.

d. The front set back line for the Cottage Lots within the R-2 district shall be twenty (20) feet.

e. The rear set back line shall be five (5) feet for lots that abut at least ten (10) feet of continuous common ground. The rear set back line shall be as identified in accordance with the Final Plat.

f. Distance between principal structures shall be at least ten (10) feet.

g. Distance between closest principal structure and accessory garage structure shall be at least ten (10) feet.

h. Cottage Lot Garage Requirements.

i. For the purposes of calculating the maximum square footage allowable of the garage accessory structure, all of the principal buildings' square footage shall be combined.

ii. Dependent upon layout, garage accessory structure may be located in front of the principal structure.

iii. Maximum height of garage accessory structure shall be 25 feet.

iv. Maximum width of garage accessory structure shall be 36 feet.

v. Additional space above the garage may be constructed for dwelling uses such as but not limited to extra storage, play area, home office, hobby shop, workout room and the like. However, sleeping quarters, laundry facilities (washer/dryer hook-up), kitchen, or items traditionally used within a kitchen, such as but not limited to refrigerator, stove and dishwasher are not allowable.

vi. Construction of the accessory garage units shall be in a manner to protect the health, life and safety of the property owner and not to create a fire hazard between structures as determined by the City.

3. B-1 – District Requirements. Commercial lots not designated as live-work units shall comply with the existing Zoning Code, except as follows:

a. Screening Requirements.

i. Live-work unit lots. Live-work unit lots shall be exempt from any requirement regarding screening between residential and B-1 districts.

ii. Non-live-work unit property. Screening between residential districts and B-1 district property other than live-work unit lots shall not require solid fencing but may be vegetative in nature and within the intent and character of this development. The screening shall be sufficient to minimize the unsightly nature of mechanical systems and garbage containers. The adequacy of screening plans shall be subject to the City's approval.

b. **Live-work Units.** Live-work units shall be permitted on the following lots, each of which shall be designated on the Preliminary Plat as an allowed live-work unit lot: 61, 62 and 63. Each shall have a minimum lot area of 7,000 square feet. The architecture of the structure shall primarily appear as that of a traditional residential home or have a combination of residential and limited business features. The live-work units shall be further regulated according to the following:

i. Live-work units shall be owner-occupied.

ii. All building requirements not specifically identified shall be that of the R-2 district as outlined in the zoning code referenced herein or further R-2 restrictions and allowances as identified herein.

c. **Setbacks.** Setbacks shall be as approved by the City in the Final Development Plan as may be amended.

4. **MR-4 District Requirements**

a. The Multi-Family area shall be developed and constructed consistent to the intent of a sustainable development and in similar character and building materials as the surrounding development.

b. Construction, building and other requirements shall be that of the zoning code as referenced herein.

D. **FINAL DEVELOPMENT PLAN SUBMITTAL REQUIREMENTS**

1. **All Districts.** Within twelve (12) months of the applicable PUD District approval by the City Council, the Developer shall submit a Final Development Plan for Phase 1A of this PUD pursuant to Section 8-4 of the City Code containing the information required by that section and such additional information as may be requested by the City as necessary to ensure conformance with this ordinance. The Final Development Plan and any amended Final Development Plan applicable to any phase shall be deemed a condition and requirement of the zoning applicable to property of that phase within this PUD.

2. **B-1 and MR-4 Districts** – The Final Development Plan for Phase 1A and/or Phase 1B of this PUD may designate the B-1 and MR-4 districts as “future development” without further Final Development Plan detail. However, prior to issuing the initial building permit in each of the B-1 district and the MR-4 district, the Final Development Plans for Phases 1A and 1B shall be amended regarding the B-1 district and MR-4 district, respectively, to provide further detail and information, including but not limited to lighting, landscaping, architectural elevation, parking circulation, site design or otherwise required detail. Such Amended Final Development Plans shall be approved by the Zoning Administrator subject to such conditions and requirements as may be deemed necessary to meet the intent of this ordinance and applicable codes consistent with the concept plans as set forth in the Annexation Agreement, the Preliminary Development Plan and Preliminary Plat, architectural elevations and design materials for the development submitted by the property owner pursuant to this application, and on file with the City Clerk and incorporated herein (“Concept Plans”).

In the event the Amended Final Development Plans for either of the B-1 or MR-4 districts are deemed by the City to be a material change from such Concept Plans, the Amended Final Development Plan shall be submitted to the City Council for review and final approval pursuant to Section 8-4.6 of the Zoning Code. The amended plans shall contain final plans for lighting, landscaping, parking, site design and other development aspects as required by the City to ensure conformance to the requirements of this ordinance and applicable codes.

E. GENERAL DEVELOPMENT REQUIREMENTS

The following additional development requirements shall apply in this PUD:

1. Access and Roadway Improvements

a. Access to Rock Hill Road and South Moreland Road in this PUD shall be limited to one (1) residential street approach on each such road located to provide required sight distance and constructed as directed by the City. No individual residence driveway access to this development from Rock Hill Road and South Moreland Road is permitted. All approvals, permits or other requirements regarding street approach, access or other related issues to South Moreland road shall be granted by the County of Madison.

b. At which time and at the sole and absolute discretion of the City should right-of-way improvements be considered along Rock Hill Road by the City, the Applicable POA shall not withhold any reasonable request by the City to obtain up to fifteen (15) feet of easement or right-of-way for such improvements at no cost to the City.

c. Where driveway or other vehicular access is provided to a street, concrete or asphalt shall be installed between the right of way and back of curb.

d. Construction of internal streets within this PUD development and of the required pavement, stormwater drainage facilities, trails or sidewalks, if applicable, and related improvements shall be as approved by the City. The design of all internal streets, and the location of trails and/or sidewalks, if applicable, shall be as approved on the Final Development Plan, or as subsequently approved. Sidewalks, if applicable, stormwater drainage facilities, lighting and signage shall be installed within the public right-of-way area and/or easement as well as approved by the City.

e. Internal streets shall be located in a fifty (50) foot right-of-way area with a thirty-two (32) foot width measured back to back of curb. However, as described in the Final Development Plan, channelizing bump-outs, as further defined, are allowable at crossing points for the trail system and to be used as traffic calming techniques at intersections and/or other points of pedestrian crossing. "Channelizing bump-outs" shall protrude out decreasing the pavement area to the minimum of 22 feet and extending no longer than twenty (20) feet in length as approved in the Final Development Plan or as may be subsequently approved otherwise by the City. The channelizing bump-outs shall include curbing style that is appropriate for the respective sections of the street and may contain low plantings to provide a visible presence to the channelized bump-out without blocking visibility on corners or interfering with site distance or cause a hardship for the delivery of municipal services, such as snow plowing. The use and location of these channelizing bump-outs shall be at a maximum in the locations as approved in the Final Development Plan and constructed to the approval of the City. Maintenance of any vegetation or other approved decoration used shall be at the sole expense and maintenance of the Applicable POA.

f. Curb and guttering shall be constructed in the areas as identified in the Final Development Plan as approved by the City. "Ribbon Curbing" or other approved design as discussed in the Final Development Plan shall be constructed to the specifications as approved by the City.

g. Roundabouts featured in cul-de-sacs (i) shall not include an above ground structure except as approved by the City and (ii) shall be designed not to impede the delivery of City services such as snow removal, trash pick-up or fire response. Maintenance of any vegetation or other approved decorations used shall be at the sole expense and maintenance of the Applicable POA.

h. The private multi-purpose use trail system as shown in the Final Development Plan shall be constructed by the Developer and maintained by the Applicable POA. The trail system shall provide for sufficient and safe pedestrian travel throughout the overall development. This trail system for Phases 1A and 1B combined shall not be less than one (1) mile in length as approved in the Final Development Plans and incorporate the major features of the site, e.g. water features, the community/recreational facility, and all zoning districts within its

route. However, sidewalks shall be installed within the commercial areas to provide adequate and safe pedestrian access to the existing trail system.

2. Easements

a. Easements shall be provided on all lots in no more than the amount of the approved setback as approved on the Final Plat along the rear and side lot lines where necessary for storm and sanitary sewers, gas, water and other mains, and for electric and telephone lines or for other public utilities. Rear easements may be located in the common ground where approved by the City.

b. For the lots that are utilized as Cottage lots or Zero Side Lot Line lots, the side lot line easements shall be voided. In these situations, the City bears no responsibility should any utilities located within the side lot easement need to be relocated or should a building permit be issued that allows construction within said easement containing existing utilities.

c. The Developer shall make every effort to extend water, sewer and storm water drainage within available right-of-way or shall have to provide a minimum 15-foot easement, which shall be 7.5 feet off center of the pipe, or as deemed sufficient to the City.

d. If the City maintains, disturbs or otherwise works within the City easements or right-of-ways, the City shall restore the area in a manner consistent with general practices throughout the City, which currently includes seeding and straw application.

3. Miscellaneous Roadway Requirements

a. Installation of landscaping and ornamental entrance monument or identification signage, if proposed, shall be reviewed by the City for sight distance considerations and approved prior to its installation or construction.

b. If required sight distance cannot be provided at the access location, acquisition of right-of-way, reconstruction of pavement, including correction to vertical alignment and other off-site improvements, may be required to provide the required sight distance as directed by the City.

4. Parking Requirements

a. On-street parking shall be limited to one-side of the street in designated areas as approved by the City Council.

b. Within the R-2 district for Cottage Lots, two (2) parking spaces shall be required per cottage housing unit.

c. Within the B-1 district for Live-work Units only, customer parking shall be provided and allowable in driveways, and on-street parking.

d. Parking, circulation, and other applicable site design features shall comply with all applicable requirements of the federal Americans with Disabilities Act.

5. Landscape Requirements

a. Landscaping for common ground within the PUD shall adhere to all requirements in the approved Final Development Plan or as subsequently may be approved by the City, which approval shall not be denied if the landscaping is minimally consistent with the Concept Plans.

b. All streets and roads shall be appropriately landscaped as required by the approved Final Development Plan or as subsequently may be approved by the City.

c. Native prairie located within the common ground of the PUD shall be a key natural feature that will aid in the stormwater management, enhance the wildlife diversity and aesthetics of the entire PUD. Native prairie plantings included in the common ground will be allowed to exceed the eight-inch (8) height limitations. Native prairie shall be allowable in the common ground identified on the Final Plat. The management of the native prairie shall be that solely of the Applicable POA.

d. For private property, native plantings located within landscaping as further explained within the Final Development Plan may exceed the eight (8) inch height limitation. Private property owners will still be required to maintain overgrowth in the right-of-ways and/or sidewalks, if applicable, on their property. The types of plants, percentage of lot coverage and other vegetations requirements are to be further regulated by the Applicable POA.

e. Landscaping of the common ground shall be as required by the approved Final Development Plan. Those areas of common ground to be used for stormwater detention/retention shall comply with any additional stormwater control requirements as may be approved in final subdivision improvement plans.

f. The Applicable POA shall be allowed a prescribed burn of the common ground on an annual basis provided that notice is given to the City 30-days prior to the date of the burn.

6. Signs

a. Signs for this PUD District shall be erected in accordance with the Sign Regulations of the City for the underlying zoning district as identified in the

zoning code referenced herein, with except of the B-1 Live Work units which shall be subject to the signage requirements and standards of Section 5-6.1 of the zoning code referenced herein.

b. The location of all signage shall be as approved on the Final Development Plan or subsequently thereafter by the City. Signage not located on common ground must be erected within an easement authorized for such purpose.

c. Applicable stop, yield and no parking signs may be of different design, colors and building materials as approved by the City in so that the signs are still in compliance with the Manual Uniform of Traffic Control Devices.

7. Miscellaneous Conditions

All improvements including, but not limited to, streets, roadways, sidewalks, other similar infrastructure features, and stormwater management facilities, along with lot configurations and placements, shall be required to be compatible and integrated into the design of the entire PUD site.

F. ADDITIONAL MODIFICATIONS TO DISTRICT REGULATIONS/ ISSUANCE OF BUILDING AND OR OTHER PERMITS

1. Any variances or special use permits required following the approval of the Final Development Plan and the Final PUD Ordinance shall be reviewed with the necessary public notice in accordance with the regulations cited in the zoning code as herein referenced.

2. Any amendments requested to the Final PUD Ordinance shall be reviewed with the necessary public notice in accordance with the regulations cited in the zoning code as herein referenced.

3. The City shall maintain the right and authority to approve policies, make rules, set fees and pass ordinances that protect the health, welfare and safety within this PUD and are within the City's general policing powers in so that said requirements apply to all residents within the community.

4. Additional variances or changes to the preliminary plat and preliminary development plan shall be subject to City Council approval of the Final Development Plan and Final Plat.

5. Anyone requesting that a building permit be issued for property within the PUD shall provide notice to the Applicable POA of the request by First Class Mail Certified Mail Return Receipt.

The Return Receipt shall be provided to the City and included as an attachment to the permit request as proof of notice. As this requirement is a courtesy notification to

the Applicable POA, the City bears no liability if the notice is not received by the Applicable POA, if no action is taken by the Applicable POA, and if a City permit is issued without proof of notice.

**G. ADDITIONAL MODIFICATIONS TO DISTRICT REGULATIONS/
ISSUANCE OF BUILDING AND OR OTHER PERMIT VERIFICATIONS
PRIOR TO APPROVAL OF THE FINAL DEVELOPMENT PLAN**

Prior to approval of the Final Development Plan, the Developer shall provide the following regarding storm water improvements:

1. Submit to the City an engineering plan to be approved by the City showing that adequate handling of the stormwater drainage of the site is provided.
2. Stormwater facilities, bio-swales and other detention or retention facilities shall be placed in commons areas where practical, and in an easement for such purpose where use of a commons area is not practical. Such easements (a) shall include a restriction that prohibits the property owner from obstructing or otherwise interfering with its function as designed and (b) shall require the facility to be maintained by the Developer until the facilities are conveyed to the Applicable POA, after which conveyance the Applicable POA shall have maintenance responsibility and such maintenance shall be a condition of this zoning.

H. OTHER REQUIREMENTS

1. The Applicable POA shall not change any requirements of the CCRs pertaining to storm water regulations, land contour controls, drainage, retention, detention without the approval of the City.
2. No property owner or designee shall (a) fill, grade, or alter the grade or slope of any portion of any Lot, (b) change the direction of, obstruct or retard flow of any surface water drainage; or (c) dig a pond or interfere in any way with the established drainage pattern of the Lot. The City shall have the right to correct or cause to be corrected any violation and place a lien in the amount of the correction cost on the property.
3. The Applicable POA shall on an annual basis or as determined to be acceptable by the City submit a report to the City attesting to the completion of inspections, maintenance and on-going functioning of the stormwater and drainage systems.

I. RECORDING

1. Prior to issuance of any building permit, the Developer shall cause the Final Development Plan to be recorded with the Recorder of Deeds consistent with Section 8-4.8 of the City Code.
2. Record a proper subdivision Final Plat of the property and comply with all other applicable subdivision control regulations sections affecting the development of land, except as otherwise specified by this ordinance.
3. With the filing of the record plat establishing separate lots, the Developer shall record an approved indenture, which defines the necessary assessments and specific trustee obligations in accord with provisions of the City subdivision control ordinance, this ordinance and in such form as may be approved by the City.

J. GENERAL DEVELOPMENT CONDITIONS

1. Provide adequate temporary off-street parking for construction employees. Parking on non-surfaced areas shall be prohibited in order to eliminate the condition whereby mud from construction and employee vehicles is tracked onto the pavement causing hazardous roadway and driving conditions.
2. A copy of the most recently approved Final Development Plan for this PUD development shall be prominently displayed at all times in all sales offices for this development.
3. The petitioner shall be responsible for obtaining all necessary permits from the Illinois Department of Natural Resources, Illinois Environmental Protection Agency or any other regulating authority as it relates to the development of this tract of land.
4. The Developer is advised that utility companies may require compensation for relocation of their utility facilities within public right-of-way. The Developer should also be aware of extensive delays in utility company relocation and adjustments. Such delays will not constitute a cause to allow occupancy prior to completion of infrastructure improvements.
5. If cut and fill operations occur during a season not favorable for immediate establishment of a permanent ground cover, a fast germinating annual, such as rye or sudan grasses, shall be utilized to retard erosion.
6. Failure to comply with any or all of the conditions of this ordinance shall be adequate cause for revocation of permits by issuing City of Wood River Departments or Commissions.

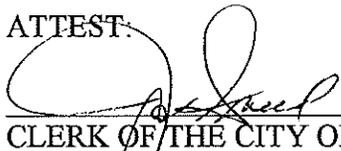
7. Unless otherwise provided by law, any other applicable zoning, subdivision, or other ordinances, regulations or requirements of the City, whether in effect at the adoption of this ordinance or as may be hereinafter adopted, shall further apply to the development of this property as authorized by this Planned Unit Development District Ordinance. Except as provided herein for the benefit of this PUD Development, nothing herein shall be deemed a waiver of any subdivision, zoning, or other development regulation of the City for the benefit of any other development whether by implication or reference.

Section Three. This ordinance shall be in full force and effect following its passage and publication in accordance with law.

PASSED and APPROVED this 1st day of October, 2007.


MAYOR OF THE CITY OF WOOD RIVER, IL

ATTEST:


CLERK OF THE CITY OF WOOD RIVER, IL

Upon a roll call vote, the following was recorded:

AYES: Anderson, Kadell, Maguire, Redden, Ufert (5)
NAYS: None (0)
ABSENT None (0)