
VILLAGE OF SUGAR GROVE BOARD REPORT

TO: VILLAGE PRESIDENT & BOARD OF TRUSTEES
FROM: DANIELLE MARION, COMMUNITY DEVELOPMENT DIRECTOR
SUBJECT: ORDINANCE: SETTLERS RIDGE AREAS 5 & 6 PDD AMENDMENT
AGENDA: NOVEMBER 5, 2024 VILLAGE BOARD MEETING
DATE: OCTOBER 31, 2024

ISSUE

Shall the Village Board approve an Ordinance approving an amendment to the Settlers Ridge Planned Development District ("PDD") for Areas 5 & 6.

DISCUSSION

The Village Board discussed the proposed PDD amendment at the October 15, 2024 Village Board meeting. The Village Board was specifically concerned with the proposed reduction from a 7.5-foot to 5-foot side yard setback and proposed increase in density. The Village Board instructed the Applicant (BHMGU Settlers Ridge LLC) to revise their plans to provide for less density and larger side yard setbacks.

Attached to this report is the Applicant's response to the Village Board's comments. The Applicant has not revised the layout of the lots or reduced the number of lots, however, they have revised the interior side yard setback to a minimum of 7.5 feet on all lots that front Coneflower and a minimum of 6 feet on all other lots within Areas 5 and 6. Additionally, the Developer has incorporated some of the proposed open space lots into the lots directly adjacent to them per a request from the Settlers Ridge HOA, thus making a few of the lots larger lots. The Developer has also agreed to create an HOA pocket parks to be improved with picnic tables and benches on parcels 1 and 10. There will also be a screening berm as requested between the path at the southmost part of the development and the railroad tracks. The Developer has also designated certain lots to be limited to only a 2-car garage option.

	Existing Settlers Ridge	Areas 5 & 6
Min. Interior Side Yard Setback	7.5 ft	6 ft all other lots 7.5 ft all lots fronting Coneflower
Max. Density*	Area 5: 35 lots Area 6: 40 lots	Area 5: 48 Lots Area 6: 46 lots
Model Homes	15 model homes permitted	2 model homes of each model
Housing Typologies	Single-Family attached;	Single-Family detached front loaded

	Single-Family detached alley loaded: Single-Family detached front loaded	
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**Note, Section II.b.8 states that simultaneously with Subdivision Approval, the Northwest Parcel Developer shall provide Village planning staff with a revised North Plan showing density for the remaining portions of the Northwest Parcel. The Agreement allows for a portion of the allowable residential units in one Development Area to be transferred to another adjacent Development Area so long as the number of transferred units does not impact the overall number of residential units in either area by more than 10%. The Village Board has the authority to waive this provision without further amendment to the Agreement, as hereinafter defined.*

Areas 5 and 6 are currently governed by an Amendment to Annexation Agreement – Settler’s Ridge (Document No. 2017K000658) (“Agreement”). The Agreement contemplates that the PDD will be amended without amendment to the Agreement (see Section 1(c)), and consequently, the PDD was not incorporated as an exhibit to the Agreement. This was further confirmed by the Third Amendment to Annexation Agreement – Settlers Ridge (Document No. 2022K021747) which amended the timeframe for the PDD to be amended, allowing for it to be amended only to applicable areas at time of development. This is what is triggering the current request.

In addition, the Agreement allows for certain additional deviations through the zoning process without requiring amendment to the Agreement

One such section at issue is Section II.b.11 of the Agreement, which establishes that if Areas 5 and/or 6 are developed prior to Area 1, that the connection to Arbor Avenue be made at the time of the development of those Areas. That section further provides that the Village Board may waive the requirements contained in that section without further amendment of the Agreement. Upon review, Village Staff does not believe the connection should be made at this time and is requesting that the Village Board defer this requirement. Staff proposes that instead, it require the developer to provide a bond in place of the connection at this time. There has been language added to the Amended Plan Description stating this.

Additionally, the Agreement provides that certain changes to the “Northwest Plan” (Exhibit G) may also be made to that Exhibit without requiring further amendment to the Agreement.

It should be noted that staff is still working with the developer on engineering concerns.

The Planning Commission/Zoning Board of Appeals held the requisite public hearing for the proposed PDD on October 8, 2024 and discussed the proposal in great detail. There were members of the public in attendance in opposition to the proposal. The public expressed concerns over the increase in density and how the increased population of the subdivision would affect the HOA owned areas and amenities. The Plan Commission/Zoning Board of Appeals discussion included concerns over the existing amount of storage available in the detention ponds, dust control during construction, and the 5-foot side yard setback request. Ultimately, the Plan Commission/Zoning Board of Appeals made a recommendation that the Village Board approve the proposed PDD amendment for Areas 5 & 6 with a 4 -1 one vote.

ATTACHMENTS

- Amended Plan Description (PDD Amendment)
- Revised Setback Exhibit
- Lot Width Exhibit
- Lot Restriction Exhibit
- Green Space Exhibit
- Bike Path Exhibit
- Screening Berm Exhibit
- Ordinance approving the PDD amendment

COSTS

All costs associated with the Planned Development District amendment review are borne by the Applicant.

RECOMMENDATION

That the Village Board approve the attached Ordinance approving the PDD amendment for Settler's Ridge Areas 5 & 6.

EXHIBIT B

AMENDED PLAN DESCRIPTION FOR CERTAIN PROPERTY WITHIN SETTLERS RIDGE PLANNED DEVELOPMENT DISTRICT PURSUANT TO CHAPTER 16 OF THE VILLAGE OF SUGAR GROVE ZONING ORDINANCE (SETTLER'S RIDGE DEVELOPMENT AREAS 5 AND 6)

I. QUALIFYING STATEMENTS

- a. Purpose.** This Planned Development District has been created to assist the Sugar Grove Planning Commission and Village Board in governing their recommendations and actions on the development of certain Property as it relates to both existing and contemplated land uses in the area. The Property currently consists of undeveloped residential as defined in the amended annexation agreement recorded as Document Number 2017K000658 in the Office of the Kane County Recorder.
- b. Intent.** This Plan Description and the Planned Development District described herein are intended to promote the public health, safety, morals, comfort, and general welfare of the area; to provide for the orderly, balanced, and efficient growth and development of the Village through the positive integration of land use patterns, functions, and circulation systems; to protect and enhance those assets and values that establish the desirable quality and general livability of the Village; to encourage new development contiguous to existing development; to guide and promote development to areas where public utilities, public roads, and municipal services are either available or planned; to encourage residential development in close proximity to places of work, shopping, and recreation; to guide development into energy efficient land use patterns; to insure the provisions of decent housing and a quality living environment for every resident of the Village; to promote access to housing opportunities for all economic, racial, religious, ethnic, and age groups; to promote a variety of housing types; to encourage quality design and practicable innovations in both housing structures and in site development; to promote the provision of paved roads, sidewalks, utilities, and other public works and improvements to each residence within the Village through subdivision requirements or special assessments; to work toward accomplishing complete utilities, including water mains and separated storm and sanitary sewer in all parts of the Village; and to encourage the provision of underground utility lines.

II. GENERAL CHARACTER

- a. Existing Conditions.** The Property lies within the boundaries of the Sugar Grove Park District and the Kaneland Community Unit School District No. 302.

- b. **Existing Zoning Classification.** The Property is currently zoned Planned Development District under Village of Sugar Grove Ordinance No. 2005-0628D, as amended by Ordinance No. 2006-0620F and Ordinance No. 2007-0821C.
- c. **Comprehensive Plan.** The Village contemplates the development of the Property as residential flex.

III. DEVELOPMENT STANDARDS FOR THE PROPERTY (DEVELOPMENT AREAS 5 AND 6)

- a. **Zoning.** A Planned Development District (“PDD”) is the preferred zoning designation for the Property because it will provide maximum flexibility for a broad mix of residential use types and commercial uses, without the necessity of otherwise voluminous variations from normal zoning classifications. The PDD is intended to apply to Development Areas 4 and 5 as designated in **Exhibit G** of the amended annexation agreement adopted pursuant to Ordinance No. 2016-1213E. The remaining Development Areas and any other land subject to said amended annexation agreement not described herein shall be subject to future PDD amendments at such time as said areas are developed.

The characteristics, intent, general provisions, use restrictions and bulk regulations applicable to the Property are set forth in this Section III.

b. General Regulations.

- i. **Permitted Uses.** Single-family detached homes, single family attached dwelling units, and multi-family dwelling units; open space (public and private); stormwater management; accessory buildings; parks; off-street parking facilities; as such are defined by the Village’s Zoning Ordinance.
- ii. **Final Plat Approval.** Prior to construction within the applicable development area, Developer shall be required to submit a final plat of subdivision as required by Chapter 16 of the Village’s Zoning Ordinance.
- iii. **Architectural and Landscaping, Bulk Restrictions.** The Village Board, in its absolute discretion, shall have the right to approve all architectural elevations and standards and landscaping standards prior to the issuance of a building permit.
- iv. **Signs.** All signs shall be pursuant to the Village of Sugar Grove Sign Ordinance, except as amended by the Amendments.
- v. **Parking and Loading.** Parking and loading shall be regulated by Section 11-12-1 *et seq.* of the Sugar Grove Zoning Ordinance.
- vi. **Nonconforming Buildings and Uses.** Nonconforming buildings and uses shall be regulated by Section 11-5-3 of the Village’s Zoning Ordinance.

- vii. **Special Uses.** Special Uses pursuant to Section 11-13-12 of the Village's Zoning Ordinance shall be established in accordance with Chapter 13 of the Village's Zoning Ordinance.
- viii. **Accessory Buildings and Uses.** Accessory buildings and uses may be established in accordance with Section 11-4-7 of the Village's Zoning Ordinance.
- ix. **Bulk Restrictions.** The Village shall approve bulk restrictions in conjunction with the approval of architectural standards.

c. **Public Improvements.**

- i. **Off-site Road Requirements.** Off-site Road Improvements, including a road connection to Arbor Avenue, shall be required in connection with development, as set forth in the Amendments. For Areas 5 and 6, the Developer shall not be required to construct Arbor Avenue until the later of (1) the close out of ninety-five percent (95%) of the building permits for Areas 5 and 6, or, (2) if Developer continues as Developer for subsequent Areas within the Settler's Ridge Subdivision, at the close out of ninety-five percent (95%) of the building permits for the subsequent Area, which obligation shall be further memorialized in that Area's Plan Description amendment. However, notwithstanding the foregoing, Developer shall be obligated to complete construction of Arbor Avenue upon the Village's request if said construction has not been completed within ten (10) years of the date of this Agreement. The plans for the construction of Arbor Avenue and an engineer's opinion of probable cost ("EOPC") shall be submitted to the Village for approval prior to the Village's issuance of any building permit in Area 5 or 6. In addition to the performance security otherwise required under the annexation agreement and under the Village Code of Ordinances, the Owner and/or Developer must post an additional cash bond for 110% of the EOPC for the construction of Arbor Avenue. If the construction of Arbor Avenue is not completed within the timeframe set forth in this paragraph, the Village may draw upon said bond to commence and/or complete the construction. Should the amount of the bond not be sufficient, the Owner and/or Developer shall be obligated to reimburse the Village for additional costs incurred within thirty (30) days of the Village's request and documentation of said additionally incurred expenses.
- ii. **Development Area Roads within Development Areas.** Development Area roads within Development Areas shall only be required to be constructed at the time of development of that Development Area. The roads that connect to the Development Area shall be required to be constructed by the Northwest Parcel Developer at a time approved by the Village with the first Subdivision Approval for a Development Area. There shall be required two access points

(either temporary or permanent) for each Development Area for emergency access purposes.

IV. MODIFICATIONS AND EXCEPTIONS TO ORDINANCES, REGULATIONS, AND STANDARD SPECIFICATIONS.

a. Applicability of Village Ordinances. The Village of Sugar Grove Zoning Ordinance, Building Code, and Subdivision Regulations shall govern the development of the Property, except to the extent they are modified by the terms of the Amendments or this Plan Description, which modification or exceptions are hereby accepted and approved.

b. Model Homes and Sales Trailers/Construction Office.

i. Model Homes. Developer shall be permitted to construct up to two (2) model homes of each home product type. Model homes may be constructed upon completion of a binder base road, and may not be issued a temporary certificate of occupancy until temporary water and sanitary sewer facilities are available for the model homes which meet the Village's requirements for public health standards. At the time of completion and opening of model homes, a binder course pavement shall be completed on the street the model homes are fronting, unless otherwise prevented by the weather or the timing restrictions imposed pursuant to the Amendments. Model homes will not be used to market other developments outside the Development Area and the use thereof will be discontinued when 95% of the occupancy permits for a particular Development Area have been issued. Notwithstanding the foregoing sentence, one Area Developer or Homebuilder may use its model homes in one Development Area to market another Development Area until 95% of all occupancy permits are issued for all development areas under that Developer's control. The Village Board may waive this provision.

ii. Sales Trailers/Construction Offices. A sales trailer area shall be approved and allowed to be constructed at such time as utilities are available to the sales trailer area and a gravel road able to support emergency vehicles is available along with a parking lot for potential home buyers in accordance with Village Ordinances or otherwise as approved with each Subdivision Approval.

c. Signs. The following signage may be used only on private property as approved by the Village:

i. Development signage shall be in accordance with Section 11-14-10 of the Village's Zoning Ordinance.

d. Density.

- i. The maximum density in Development Area 5 shall be increased from 35 to 48 units
 - ii. The maximum density in Development Area 6 shall be increased from 40 to 46 units
- e. **Modifications from Preliminary Plat of Subdivision Recorded as Doc. No. 2005K081146.**
 - i. Access to all residential units shall be front loaded
 - ii. Interior Side yard setbacks shall be reduced from 7.5' to 6' in all yards except for lots fronting Coneflower which will remain at 7.5'.
 - iii. Streets layout shall be modified and removed/realigned as reflected on the Final Plat of Subdivision approved by Ordinance Numbers.(XXXX) and (XXXX) and recorded as Document No. (XXXX) and (XXXX) ____.
 - iv. All residential units shall be single-family detached. However, changes to the housing type may be approved by the Village Board without requiring formal amendment to this Plan.
 - v. Developer shall improve parcel 1 and parcel 12 as pocket parks with picnic tables and benches.
 - vi. Developer shall improve the area to the south between the bike path and railroad tracks with a berm.
 - vii. Developer shall continue the path that currently runs along Jones to the west through the southernmost part of Areas 5 and 6.
 - viii. The following lots shall be limited to a two-car garage option only: 1, 2, 3, 5, 6, 7, 14, 15, 21, 22, 33, 34, 37, 40, 41, 56, 57, 75, 76, 84, 85, 86, 87, 89, 90, 91, 93, 94

V. GENERAL PROVISIONS RELATING TO THE PLANNED DEVELOPMENT DISTRICT

- a. The intent of this Planned Development District is to reproduce exactly the requirements and entitlements of the Property pursuant to the Amended Annexation Agreements. To the extent of a conflict between the two documents, the Amended Annexation Agreement shall control. The terms of this plan and the Amended Annexation Agreements shall continue to govern the land notwithstanding the

eventual expiration of the Amended Annexation Agreement, as said regulations are incorporated herein as part of the Plan Description.

- b.** This Plan Description may be amended pursuant to the provisions of Chapter 16 of the Zoning Ordinance. An amendment of the Plan Description applicable to the Property may be applied for and processed by the Village without requiring further amendment to the Amendments. This decision to allow such amendment shall rest in the sole and absolute discretion of the Village.
- c.** If any section subsection, or paragraph of this Plan Description shall be held invalid, the invalidity of such section, subparagraph, or paragraph shall not affect any of the other provisions of this Plan Description.
- d.** The provisions of this Plan Description shall apply to the owner(s) of the Property and to their respective successors and assigns.
- e.** Except as specifically modified herein, nothing in this amended Plan Description shall supersede or replace the terms of the Annexation Agreement or Amendments, which shall continue to apply to this Property. All remaining requirements of the Amendments, except as specifically modified herein, shall be incorporated herein without requiring further amendment to this Plan Description.

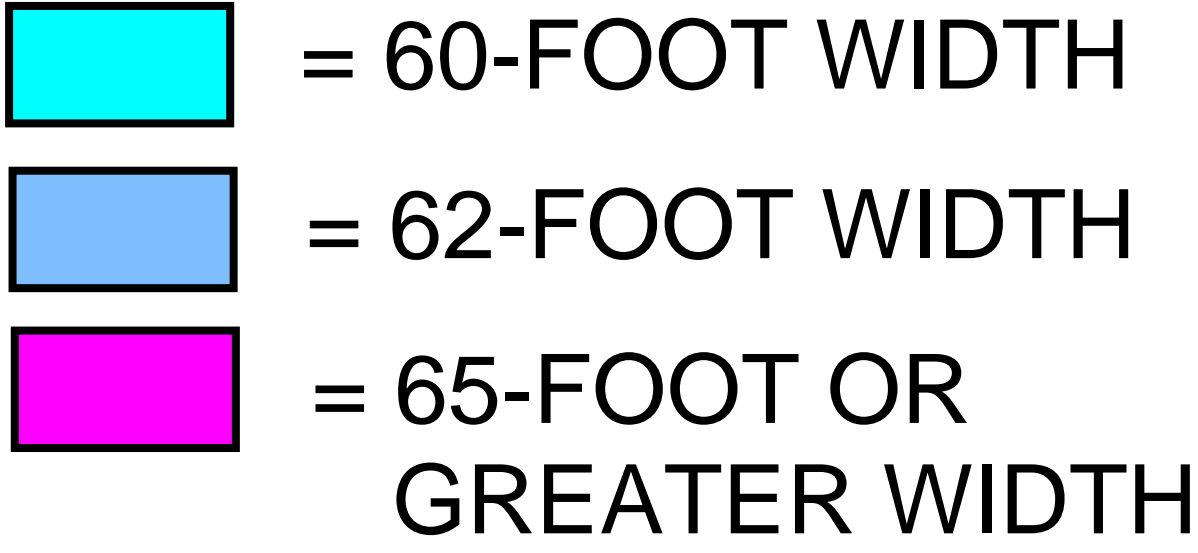
SETTLERS RIDGE - AREA 5&6
SUGAR GROVE, ILLINOIS
10-30-2024

SIDE YARD SETBACK EXHIBIT

- = 6.0-FOOT SIDE YARD SETBACK
- = 7.5-FOOT SIDE YARD SETBACK



LOT WIDTH EXHIBIT



2-CAR RESTRICTION EXHIBIT



GREEN SPACE EXHIBIT

 = GREEN SPACE



SETTLERS RIDGE - AREA 5&6
SUGAR GROVE, ILLINOIS
10-30-2024

BIKE PATH EXHIBIT

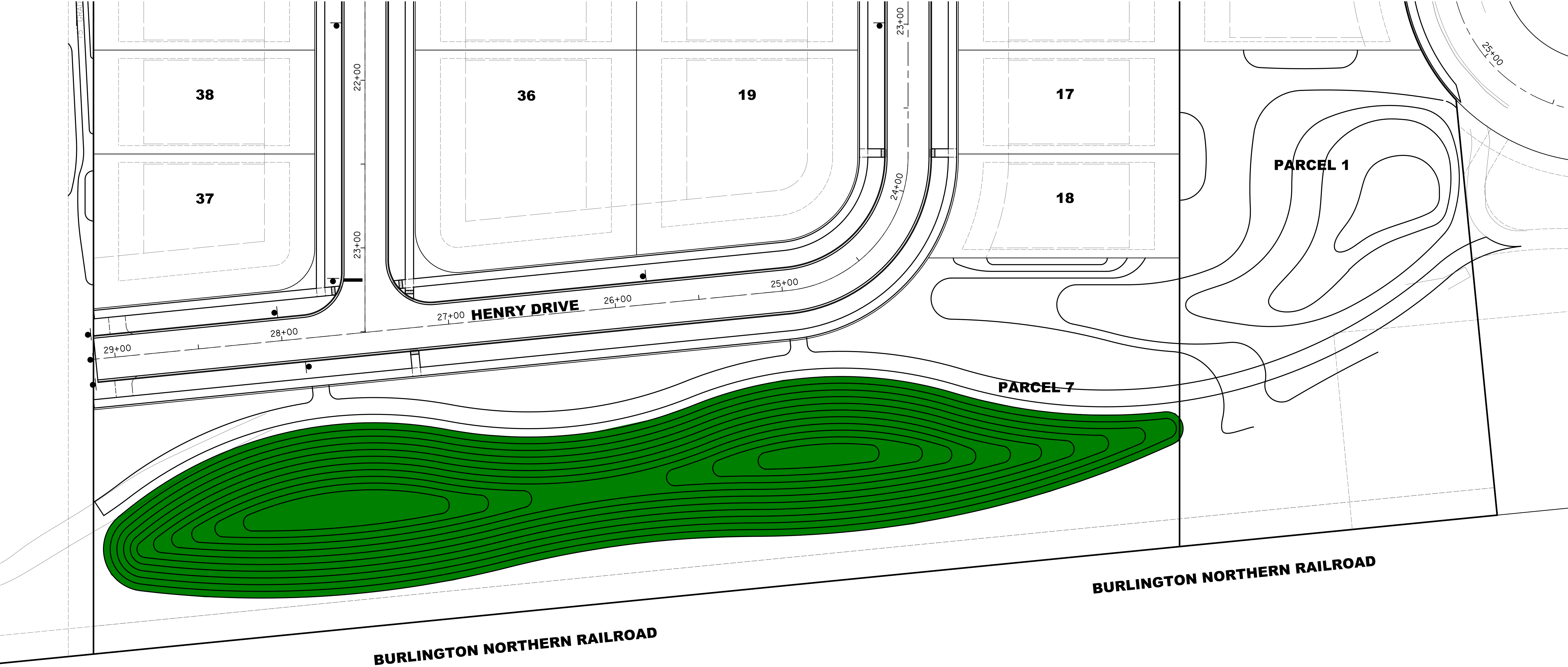
- = 8-FOOT BIKE PATH
- = 10-FOOT BIKE PATH



SETTLERS RIDGE - AREA 5&6
SUGAR GROVE, ILLINOIS
10-30-2024

SCREENING BERM EXHIBIT

 = SCREENING BERM



ORDINANCE NO. 20241105 CD2

**AN ORDINANCE APPROVING AN AMENDED PLANNED DEVELOPMENT
DISTRICT PLAN DESCRIPTION FOR LAND LOCATED WITHIN THE VILLAGE OF
SUGAR GROVE, KANE COUNTY, ILLINOIS
(SETTLER'S RIDGE DEVELOPMENT AREAS 5 AND 6)**

WHEREAS, the Village of Sugar Grove (“**Village**”) is a non-home rule municipality within Article VII, Section 6A of the Illinois Constitution, and accordingly, acts pursuant to the powers granted to it under 65 ILCS 5/1-1 *et seq.* and other applicable laws; and,

WHEREAS, the land described in **Exhibit A**, attached to this ordinance and incorporated herein by reference, is located within the corporate limits of the Village (“**Property**”); and,

WHEREAS, the Property has previously been subject to an *Annexation Agreement (Settlers Ridge Subdivision) (“Agreement”)*, adopted pursuant to Ordinance No. 2005-0628B and recorded as Document No. 2005K081146 in the Office of the Kane County Recorder and *First Amendment to Annexation Agreement (Settlers Ridge Subdivision) (“First Amendment”)*, adopted pursuant to Ordinance No. 2007-0821B and recorded as Document No. 2007K009627 in the Office of the Kane County Recorder; and,

WHEREAS, the Agreement and First Amendment were superseded and replaced by *An Ordinance Authorizing the Execution of An Amendment of the Settlers Ridge Annexation Agreement (“Second Amendment”)*, adopted pursuant to Ordinance No. 2016-1213E, recorded as Document No. 2017K000658 in the Office of the Kane County Recorder; and *An Ordinance Approving the Third Amendment of the Settlers Ridge Annexation Agreement (“Third Amendment”)*, adopted pursuant to Ordinance No. 2022-0104A and recorded as Document No. _____ in the Office of the Kane County Recorder; and,

WHEREAS, the Third Amendment provides that the PDD ordinance may be revised at such time as there is proposed development for a portion of the land subject thereto; and,

WHEREAS, BHMGU Settlers Ridge, LLC, as Developer of certain portions of the Property, now wishes to amend said PDD as to Areas 5 and 6 of the Property in accordance with the terms and conditions set forth herein.

NOW, THEREFORE, BE IT ORDAINED by the President and Board of Trustees of the Village of Sugar Grove, Kane County, Illinois, as follows:

**SECTION ONE: APPROVAL OF AMENDMENT TO PLANNED DEVELOPMENT
DISTRICT PLAN DESCRIPTION – AREAS 5 AND 6**

That the Property’s zoning classification shall remain “Planned Development District” (“**PDD**”). The PDD plan description shall be amended as to Areas 5 and 6, as more specifically set forth in **Exhibit B**, attached hereto and incorporated herein by reference.

SECTION TWO: GENERAL PROVISIONS

REPEALER: All ordinances or portions thereof in conflict with this ordinance are hereby repealed as to Areas 5 and 6 of the Planned Development District.

SEVERABILITY: Should any provision of this Ordinance be declared invalid by a court of competent jurisdiction, the remaining provisions shall remain in full force and effect the same as if the invalid provision had not been a part of this ordinance.

EFFECTIVE DATE: This Ordinance shall be in full force and effect from and after its passage, approval, and publication in pamphlet form as provided by law.

PASSED AND APPROVED by the President and Board of Trustees of the Village of Sugar Grove, Kane County, Illinois, this 5 day of November, 2024.

Jennifer Konen, President of the Board of Trustees of the
Village of Sugar Grove, Kane County, Illinois

Tracey R. Conti, Village Clerk

	Aye	Nay	Absent	Abstain
Trustee Matthew Bonnie	_____	_____	_____	_____
Trustee Sean Herron	_____	_____	_____	_____
Trustee Heidi Lendi	_____	_____	_____	_____
Trustee Sean Michels	_____	_____	_____	_____
Trustee Michael Schomas	_____	_____	_____	_____
Trustee James F. White	_____	_____	_____	_____

EXHIBIT A

LEGAL DESCRIPTION

EXHIBIT B

AMENDED PLAN DESCRIPTION FOR CERTAIN PROPERTY WITHIN SETTLERS RIDGE PLANNED DEVELOPMENT DISTRICT PURSUANT TO CHAPTER 16 OF THE VILLAGE OF SUGAR GROVE ZONING ORDINANCE (SETTLER'S RIDGE DEVELOPMENT AREAS 5 AND 6)

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- a. Purpose.** This Planned Development District has been created to assist the Sugar Grove Planning Commission and Village Board in governing their recommendations and actions on the development of certain Property as it relates to both existing and contemplated land uses in the area. The Property currently consists of undeveloped residential as defined in the amended annexation agreement recorded as Document Number 2017K000658 in the Office of the Kane County Recorder.
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- c. **Comprehensive Plan.** The Village contemplates the development of the Property as residential flex.

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The characteristics, intent, general provisions, use restrictions and bulk regulations applicable to the Property are set forth in this Section III.

b. General Regulations.

- i. **Permitted Uses.** Single-family detached homes, single family attached dwelling units, and multi-family dwelling units; open space (public and private); stormwater management; accessory buildings; parks; off-street parking facilities; as such are defined by the Village’s Zoning Ordinance.
- ii. **Final Plat Approval.** Prior to construction within the applicable development area, Developer shall be required to submit a final plat of subdivision as required by Chapter 16 of the Village’s Zoning Ordinance.
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- iv. **Signs.** All signs shall be pursuant to the Village of Sugar Grove Sign Ordinance, except as amended by the Amendments.
- v. **Parking and Loading.** Parking and loading shall be regulated by Section 11-12-1 *et seq.* of the Sugar Grove Zoning Ordinance.
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c. **Public Improvements.**

- i. **Off-site Road Requirements.** Off-site Road Improvements, including a road connection to Arbor Avenue, shall be required in connection with development, as set forth in the Amendments. For Areas 5 and 6, the Developer shall not be required to construct Arbor Avenue until the later of (1) the close out of ninety-five percent (95%) of the building permits for Areas 5 and 6, or, (2) if Developer continues as Developer for subsequent Areas within the Settler's Ridge Subdivision, at the close out of ninety-five percent (95%) of the building permits for the subsequent Area, which obligation shall be further memorialized in that Area's Plan Description amendment. However, notwithstanding the foregoing, Developer shall be obligated to complete construction of Arbor Avenue upon the Village's request if said construction has not been completed within ten (10) years of the date of this Agreement. The plans for the construction of Arbor Avenue and an engineer's opinion of probable cost ("EOPC") shall be submitted to the Village for approval prior to the Village's issuance of any building permit in Area 5 or 6. In addition to the performance security otherwise required under the annexation agreement and under the Village Code of Ordinances, the Owner and/or Developer must post an additional cash bond for 110% of the EOPC for the construction of Arbor Avenue. If the construction of Arbor Avenue is not completed within the timeframe set forth in this paragraph, the Village may draw upon said bond to commence and/or complete the construction. Should the amount of the bond not be sufficient, the Owner and/or Developer shall be obligated to reimburse the Village for additional costs incurred within thirty (30) days of the Village's request and documentation of said additionally incurred expenses.
- ii. **Development Area Roads within Development Areas.** Development Area roads within Development Areas shall only be required to be constructed at the time of development of that Development Area. The roads that connect to the Development Area shall be required to be constructed by the Northwest Parcel Developer at a time approved by the Village with the first Subdivision Approval for a Development Area. There shall be required two access points

(either temporary or permanent) for each Development Area for emergency access purposes.

IV. MODIFICATIONS AND EXCEPTIONS TO ORDINANCES, REGULATIONS, AND STANDARD SPECIFICATIONS.

a. Applicability of Village Ordinances. The Village of Sugar Grove Zoning Ordinance, Building Code, and Subdivision Regulations shall govern the development of the Property, except to the extent they are modified by the terms of the Amendments or this Plan Description, which modification or exceptions are hereby accepted and approved.

b. Model Homes and Sales Trailers/Construction Office.

i. Model Homes. Developer shall be permitted to construct up to two (2) model homes of each home product type. Model homes may be constructed upon completion of a binder base road, and may not be issued a temporary certificate of occupancy until temporary water and sanitary sewer facilities are available for the model homes which meet the Village's requirements for public health standards. At the time of completion and opening of model homes, a binder course pavement shall be completed on the street the model homes are fronting, unless otherwise prevented by the weather or the timing restrictions imposed pursuant to the Amendments. Model homes will not be used to market other developments outside the Development Area and the use thereof will be discontinued when 95% of the occupancy permits for a particular Development Area have been issued. Notwithstanding the foregoing sentence, one Area Developer or Homebuilder may use its model homes in one Development Area to market another Development Area until 95% of all occupancy permits are issued for all development areas under that Developer's control. The Village Board may waive this provision.

ii. Sales Trailers/Construction Offices. A sales trailer area shall be approved and allowed to be constructed at such time as utilities are available to the sales trailer area and a gravel road able to support emergency vehicles is available along with a parking lot for potential home buyers in accordance with Village Ordinances or otherwise as approved with each Subdivision Approval.

c. Signs. The following signage may be used only on private property as approved by the Village:

i. Development signage shall be in accordance with Section 11-14-10 of the Village's Zoning Ordinance.

d. Density.

- i. The maximum density in Development Area 5 shall be increased from 35 to 48 units
 - ii. The maximum density in Development Area 6 shall be increased from 40 to 46 units
- e. **Modifications from Preliminary Plat of Subdivision Recorded as Doc. No. 2005K081146.**
 - i. Access to all residential units shall be front loaded
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 - iii. Streets layout shall be modified and removed/realigned as reflected on the Final Plat of Subdivision approved by Ordinance Numbers.(XXXX) and (XXXX) and recorded as Document No. (XXXX) and (XXXX) ____.
 - iv. All residential units shall be single-family detached. However, changes to the housing type may be approved by the Village Board without requiring formal amendment to this Plan.
 - v. Developer shall improve parcel 1 and parcel 12 as pocket parks with picnic tables and benches.
 - vi. Developer shall improve the area to the south between the bike path and railroad tracks with a berm.
 - vii. Developer shall continue the path that currently runs along Jones to the west through the southernmost part of Areas 5 and 6.
 - viii. The following lots shall be limited to a two-car garage option only: 1, 2, 3, 5, 6, 7, 14, 15, 21, 22, 33, 34, 37, 40, 41, 56, 57, 75, 76, 84, 85, 86, 87, 89, 90, 91, 93, 94

V. GENERAL PROVISIONS RELATING TO THE PLANNED DEVELOPMENT DISTRICT

- a. The intent of this Planned Development District is to reproduce exactly the requirements and entitlements of the Property pursuant to the Amended Annexation Agreements. To the extent of a conflict between the two documents, the Amended Annexation Agreement shall control. The terms of this plan and the Amended Annexation Agreements shall continue to govern the land notwithstanding the

eventual expiration of the Amended Annexation Agreement, as said regulations are incorporated herein as part of the Plan Description.

- b.** This Plan Description may be amended pursuant to the provisions of Chapter 16 of the Zoning Ordinance. An amendment of the Plan Description applicable to the Property may be applied for and processed by the Village without requiring further amendment to the Amendments. This decision to allow such amendment shall rest in the sole and absolute discretion of the Village.
- c.** If any section subsection, or paragraph of this Plan Description shall be held invalid, the invalidity of such section, subparagraph, or paragraph shall not affect any of the other provisions of this Plan Description.
- d.** The provisions of this Plan Description shall apply to the owner(s) of the Property and to their respective successors and assigns.
- e.** Except as specifically modified herein, nothing in this amended Plan Description shall supersede or replace the terms of the Annexation Agreement or Amendments, which shall continue to apply to this Property. All remaining requirements of the Amendments, except as specifically modified herein, shall be incorporated herein without requiring further amendment to this Plan Description.