

## ARTICLE D

### Planned Unit Development (PUD) Overlay District

*(Revised Ord. 2010-04, May 11, 2010)*

#### **SEC. 13-1-50 PLANNED UNIT DEVELOPMENT -- INTENT.**

- (a) The Planned Unit Development (PUD) overlay district is intended to permit developments that will, over a period of time, be enhanced by coordinated site area planning, diversified location of structures and/or mixing of compatible uses. Such developments are intended:
- (1) To provide a safe and efficient system for pedestrian and vehicle traffic;
  - (2) To provide attractive recreation and open spaces as integral parts of the developments;
  - (3) To enable economic design in the location of public and private utilities and community facilities;
  - (4) To ensure a higher level of design, construction quality and planning than those that might be achieved under strict conventional zoning.

The PUD under this Chapter will allow for flexibility of overall development design. Such flexibility shall benefit both the developer and the community, while at the same time maintain, insofar as deemed desirable, the land use density and other standards or use requirements as set forth in the underlying zoning district.

- (b) The unified and planned development of a site in a single, partnership or corporate ownership or control or in common ownership under the Unit Ownership Act set forth in Chapter 703 of the Wisconsin Statutes (condominiums) may be permitted by the Village upon specific petition under Section 13-1-54 of this Chapter and after public hearing, with such development encompassing one (1) or more principal uses or structures and related accessory uses or structures when all regulations and standards as set forth in this Section of the Chapter have been met.

#### **SEC. 13-1-51 TYPES OF PLANNED UNIT DEVELOPMENTS.**

This Article refers to several types of planned unit developments, including: Residential, Commercial, Industrial, and Mixed Use.

#### **SEC. 13-1-52 GENERAL DESIGN REQUIREMENTS FOR PLANNED UNIT DEVELOPMENTS**

A planned unit development shall be consistent in all respects to the expressed intent of this Article and to the spirit and intent of this Chapter, shall be in conformity with the Village's adopted master plan or any adopted component thereof, and shall not be contrary to the general welfare and economic prosperity of the community. All requirements must be followed unless otherwise approved by the Village Plan Commission and Village Board.

- (a) **Areas for Planned Unit Development.** A Planned Unit Development (PUD) overlay district may only be considered for those areas and zoning districts the Village considers appropriate for consideration of unique development issues. These include:
- (1) Areas with unique environmental constraints or opportunities;
  - (2) Areas with other unique site constraints or opportunities;
  - (3) Areas in which there are significant issues regarding the relationship of Village development to surrounding municipalities and unincorporated areas.

Before submitting a proposal for a PUD, applicants are urged to discuss their petition with the Village Staff or Village Designees as described in the Pre-Petition Conference in Article D, Section 13-1-54(a). Any decision by the Village to review a proposed PUD does not imply that the Village considers the proposal acceptable.

- (b) **Minimum Site Area.** The Planned Unit Development Overlay District is intended to provide flexibility to encourage more creative design for all sizes of sites that would be allowed under conventional zoning. To achieve this goal, there is no minimum area for a PUD.
- (c) **Permitted Uses.** Permitted and accessory uses shall be the same as those permitted in the underlying existing zoning district in which the PUD is located. If a developer desires uses different than those permitted by the existing zoning, the developer must simultaneously petition for rezoning of the underlying existing zoning to a zoning district or districts which allow the desired use(s).
- (d) **Mix of Zoning Districts and/or Uses.** A mix and/or combination of different underlying zoning districts and/or uses within those districts may be permitted if the Plan Commission and the Village Board determine that the mix and/or combination of zoning or uses is compatible and useful to achieve the objectives of the PUD.
- (e) **Mix of Uses in a Single Building.** A mix and/or combination of different uses may be permitted within a single building if the mix of uses is compatible and useful to achieve the objectives of the PUD.
- (f) **Temporary Uses.** Real estate field offices or shelters for construction staff, materials and equipment being used in the construction of a permanent structure are permitted for an agreed upon and limited time period.
- (g) **Number of Buildings on a Lot.** The PUD may allow more than one building on a lot.

- (h) **Residential Dwelling Units and Nonresidential Square Footage.** The PUD may permit the transfer of dwelling units and nonresidential square footage from one portion of the subject site to another and will permit the clustering of dwelling units and/or commercial buildings in one or more locations within the total site. However, the total number of dwelling units and/or square footage of the nonresidential uses shall not exceed the total permitted in the underlying zoning districts unless otherwise approved by the Plan Commission and Village Board.
- (i) **Lot Area and Yard Requirements.** Lot area and yard requirements of the underlying zoning district may be modified.
- (j) **Parking Requirements.** The parking requirements of the underlying zoning district may be modified.
- (k) **Building Height and Area Requirements.**
  - (1) Buildings in a planned unit development shall not exceed the height permitted in the underlying district unless otherwise approved by the Plan Commission and Village Board.
  - (2) Buildings in a planned unit development shall have a minimum area that is equal to or greater than that required in the underlying zoning district unless otherwise approved by the Plan Commission and Village Board.
- (l) **Architectural, Site, and Landscape Design Standards.** Proposed architectural, site design and landscape treatments shall be in general harmony with surrounding land uses, buildings, landscape areas, and public areas. To this end, the Plan Commission or Village Board may require the use of certain types of construction materials and/or architectural and landscape treatments or designs. In addition, at minimum, all architectural designs, site designs, and landscape designs shall be in compliance with design guidelines given for the underlying zoning district unless otherwise approved by the Village Board, after recommendation from the Plan Commission.
- (m) **Public Services and Facilities.**
  - (1) The PUD shall be provided with adequate stormwater management and comply with the Village's Erosion Control and Stormwater Management Ordinance. All stormwater management plans should include the use of approved on-site stormwater filtration techniques (i.e. pervious paving, bioswales, rain gardens, prairie lands) to the greatest extent possible.
  - (2) The site must be accessible from public roads that are adequate to carry the traffic expected to be generated by the development.
  - (3) No undue constraint or burden shall be imposed on public services and facilities such as fire and police protection, street maintenance, water, sanitary sewer and storm water drainage, and maintenance of public areas by the development.
  - (4) The streets and driveways on the site of the development shall be adequate to serve the residents of the development and, in the case of public dedicated streets, will meet the minimum standards of all applicable ordinances or administrative regulations of the Village. Alternative but adequate street design standards may be allowed if approved by the Plan Commission and Village Board

- (5) Public water and sewer facilities shall be provided. Alternative but adequate water and sewer facilities may be allowed if approved by the Plan Commission and Village Board.

(n) **Subsequent Land Division.**

The division of any land or lands within a planned unit development for the purpose of change or conveyance of ownership may be accomplished pursuant to the land division subdivision regulations of the Village when such division is contemplated. The provisions of the Planned Unit Development Overlay District shall continue to apply.

**SEC. 13-1-53 PROCEDURAL REQUIREMENTS -- INTENT.**

Sections 13-1-50 through 13-1-52 set forth the basic philosophy and intent in providing for planned unit developments, the kinds thereof, and the general design requirements. The following sections are intended to set forth the procedures and considerations involved leading to possible approval of such developments.

**SEC. 13-1-54 PROCEDURAL REQUIREMENTS FOR PLANNED UNIT DEVELOPMENTS.**

- (a) **Pre-Petition Conference.** Prior to the official submission of the petition for the approval of a PUD, the owner or his/her agent making such petition shall meet with the appropriate Village staff and/or designee(s) to discuss the scope and proposed nature of the contemplated development. The purpose of this Pre-Petition Conference is to discuss the proposed request and review site opportunities, constraints and issues, local regulations, policies and Village plans applicable to the project and discuss the land use and other implications of the proposal. Village staff may recommend that the owner or his/her agent submit a Concept Plan for review by the Plan Commission and/or Village Board.
- (b) **Concept Plan Review.** Following the Pre-Petition Conference, the owner or his/her agent may file a request for Concept Plan Review with the Plan Commission and/or Village Board. In addition, the owner or his/her agent shall sign a Pre-development Agreement in which the owner or his/her agent agrees to place sufficient funds in an approved escrow account to cover all anticipated costs incurred by the Village for the review and approval of the PUD. The owner or his/her agent should submit sufficient graphic and descriptive materials to allow preliminary evaluation by the Plan Commission and/or Village Board. At its discretion, the Plan Commission and/or Village Board may recommend revisions to the Concept Plan, submittal of additional review materials or further consultation with Village staff and/or designee(s). The Concept Plan Review is for informational purposes only and does not constitute an approval of any kind of the Concept Plan or subsequent plans by the Plan Commission or Village Board.
- (c) **Professional Review Assistance.** In making its recommendation, the Plan Commission and Village Board shall evaluate each application and may request technical or aesthetic design assistance from any professional source which can provide these services. The costs of these professional services will be billed to the applicant.

(d) **Petition for Approval.** Following the Concept Plan Review the owner or his/her agent may file a petition with the Village Clerk-Treasurer for approval of a planned unit development. Such petition shall be accompanied by a review fee of one thousand five hundred dollars (\$1,500.00). The Petition for Approval should include the following information:

(1) Informational Statement. A statement which sets forth the relationship of the proposed PUD to the Village's adopted master plan or any adopted component thereof, and the intended general character, scope, uses and appearance of the proposed PUD, including the following information:

- a. Site development data such as:
  - Lot Area
  - Area of Significant Open Space (parks, boulevards, plazas, environmental preserves, natural or agricultural areas)
  - Paved Area
  - Impervious Surface Area (buildings and paved area)
  - Total Number and Type of Residential Units
  - Total Nonresidential Square Footage
  - Population Analysis (anticipated number and type of users)
  - Other similar data pertinent to a comprehensive evaluation of the proposed development.
- b. Analysis of the availability of, or requirements for, municipal services.
- c. A general summary of the estimated value and costs of the proposed development, including building value, private and public improvement costs, and costs of landscaping and special features.
- d. A general outline of the organizational structure of a property owner's or management's association, to be established for the purpose of providing necessary ongoing operation and maintenance of any private services or facilities.
- e. Any proposed departures, exceptions or variations from the regulatory standards and guidelines of development as set forth in the Village zoning regulations, land subdivision ordinance, other Village regulations or administrative rules, or other universal guidelines.
- f. Any proposed design or construction enhancements that justify the departures, exceptions or variations from regulatory standards or guidelines and a description of how they may serve the public's interest.
- g. The expected date of commencement of physical development as set forth in the proposal and also an outline of any development staging which is planned.
- h. Contact information of the project owner, his/her agent, designers, engineers, architects and other relevant professionals.

(2) A General Development Plan Document Including:

- a. A site vicinity map depicting the location of the proposed PUD subject property within the wider community.
- b. A inventory of neighboring private properties and public rights-of-ways and other public areas. The inventory should include photographs and/or drawings of existing uses depicting current Village zoning and future land uses as shown on the Village's adopted Land Use Map. In addition the inventory should address anticipated compatibility with these adjoining lands in regard to

- roads, utilities, public facilities, surface water drainage and existing and possible future land uses.
  - c. A legal description and site survey of the boundaries and other existing physical, environmental, and cultural site features of the subject property.
  - d. The location and conceptual design characteristics (plans and cross-sections) of existing and proposed public and private roads, driveways, access points, sidewalks and parking facilities. Additional studies, (e.g. Traffic Impact) may be required by the Village.
  - e. The type, size, height, and location of all structures; arrangement and location of any existing and proposed individual building sites and proposed building groups on each individual site. Plans should include adjacent and neighboring buildings the PUD subject property.
  - f. The existing and proposed lot dimensional standards including any existing and proposed building and paving setbacks and/or “build-to” requirements.
  - g. The general architectural design, construction and materials of proposed buildings showing their relationship and harmony with surrounding uses, buildings, and public areas. These materials should include color rendered plans, elevations, and perspective drawings and/or photographic examples of proposed building designs and construction materials.
  - h. The location of institutional, recreational and open space areas and areas reserved or dedicated for public uses, including schools, parks, plazas and drainage ways.
  - i. The general landscape treatment of private and public lots, rights-of-way, plazas, parks, stormwater areas, environmental preserves and other natural areas.
  - j.. The existing and proposed location of public sanitary sewer, water supply facilities and stormwater drainage facilities:
  - k. The existing and proposed location of all private and public utility easements and other easements.
  - l. Existing topography on the site and proposed site grading with contours at no greater than two (2) foot intervals (national geodetic vertical elevation).
  - m. If the development is to be staged, a staging plan.
  - n. If applicable, a plan showing how the entire development can be further subdivided in the future.
- (e) **Public Hearing.** The Plan Commission shall hold a public hearing on each application at such time and place as shall be established by the Village Board. The hearing shall be conducted and a record of the proceedings shall be preserved in such a manner and according to such procedures as the Village Board shall, by rule, prescribe from time to time. Notice of the time, place and purpose of such hearing shall be given by publication of a Class 2 Notice under the Wisconsin Statutes in the official Village newspaper. Notice of the time, place and purpose of such public hearing shall also be sent to the applicant, the Zoning Administrator, members of the Village Board and Plan Commission, and the owners of record as listed in the office of the Village Assessor who are owners of property in whole or in part situated within one hundred (100) feet of the boundaries of the properties affected, said notice to be sent at least ten (10) days

prior to the date of such public hearing. The Plan Commission shall report its action to the Village Board within thirty (30) days after a matter has been referred to it.

**SEC. 13-1-55 BASIS FOR APPROVAL OF THE PETITION FOR A PLANNED UNIT DEVELOPMENT.**

- (a) **Requirements.** The Village Board, in making a determination approving a petition for PUD, shall find as follows:
- (1) That the general design requirements made and provided in Article D, Section 13-1-52 will be met.
  - (2) That the general submittal requirements outlined in Article D, Section 13-1-54 have been met.
- (b) **Proposed Construction Schedule.** The Plan Commission and Village Board, in making their respective recommendation and determination, shall consider the reasonableness of the proposed construction schedule and any staging plan for the physical development of the proposed PUD, commencement of the physical development within two (2) years of approval being deemed reasonable.
- (c) **Residential PUD Considerations.** The Plan Commission and Village Board, in making their respective recommendation and determination as to a proposed residential planned unit development, shall further consider whether:
- (1) Such development will create an attractive residential environment of sustained desirability and economic stability, including structures in relation to terrain, consideration of safe pedestrian flow, ready access to recreation space and coordination with overall plans for the community.
  - (2) The total net residential density within the planned unit development will be compatible with the Village's adopted master plan or components thereof, and shall be compatible with the density of the district wherein located.
  - (3) Provision has been made for the installation of adequate public facilities and the continuing maintenance and operation of such facilities if privately owned.
  - (4) Provision has been made for adequate, continuing fire and police protection.
  - (5) The population density of the development will or will not have an adverse effect upon the community's capacity to provide needed school or other municipal service facilities.
  - (6) Adequate guarantee is provided for permanent preservation of open space areas as shown on the general development plan as approved either by private reservation and maintenance or by dedication to the public.
- (d) **Commercial PUD Considerations.** The Plan Commission and Village Board, in making their respective recommendation and determination as to a proposed commercial planned unit development, shall further consider whether:
- (1) The economic practicality of the proposed development can be justified.
  - (2) The proposed development will be served by off-street parking and truck service facilities in accordance with this Chapter, unless approved by the Village Board, after recommendation from the Plan Commission

- (3) The proposed development shall be adequately provided with, and shall not impose any undue burden on, public services and facilities such as fire and police protection, street maintenance, water, sanitary sewer and stormwater drainage and maintenance of public areas.
  - (4) The locations of entrances and exits have been designated to prevent unnecessary interference with the safe and efficient movement of traffic on surrounding streets and that the development will not create any adverse effect upon the general traffic pattern of the surrounding neighborhood.
  - (5) The architectural design, landscaping, control of lighting and general site development will result in an attractive and harmonious private and public development area compatible with and not adversely affecting the property values of the surrounding neighborhood.
- (e) **Industrial PUD Considerations.** The Plan Commission and Village Board, in making their respective recommendations and determination as to a proposed industrial planned unit development, shall further consider whether:
- (1) The architectural design, landscaping, control of lighting and general site development will result in an attractive and harmonious private and public development area and the operational character and physical land arrangement of buildings will be compatible with the latest performance standards and industrial development design and will not result in an adverse effect upon the property values of the surrounding neighborhood.
  - (2) The proposed development shall be adequately provided with and shall not impose any undue burden on public services and facilities, such as fire and police protection, street maintenance, water sanitary sewer and storm water drainage and maintenance of public areas.
  - (3) The proposed development will include provision for off-street parking and truck service areas in accordance with this Chapter, unless approved by the Village Board, after recommendation from the Plan Commission
  - (4) The proposed development will be adequately served by easy-access rail and/or arterial highway facilities.
  - (5) The proposed development is properly related to the total transportation system of the community and will not result in an adverse effect on the safety and efficiency of the public streets.
- (f) **Mixed Use PUD Considerations.** The Plan Commission and Village Board, in making their respective recommendation and determination as to a proposed mixed use planned unit development, shall further consider whether:
- (1) The proposed mixture of uses procedures a unified composite which is compatible with the surrounding neighborhood.
  - (2) The various types of uses conform to the general requirements as hereinbefore set forth, applicable to projects of such use and character.
  - (3) The proposed development shall be adequately provided with and shall not impose any undue burden on public services and facilities, such as fire and police protection, street maintenance, water, sanitary sewer and storm water drainage and maintenance of public areas.
  - (4) The architectural design, landscaping, control of lighting and general site development will result in an attractive and harmonious private and public development area compatible with and not adversely affecting the property values of the surrounding neighborhood.

**SEC. 13-1-56 DETERMINATION OF DISPOSITION OF THE PETITION.**

- (a) **General.** The Village Board, following a public hearing thereon and after a recommendation from the Plan Commission, shall deny the petition, approve the petition as submitted or approve the petition subject to any additional conditions and restrictions the Village Board may impose.
- (b) **Approval.** The general and detailed approvals of a PUD shall be based on and include, as conditions thereto, the building, site and operational plans for the development as approved by the Village Board.
  - (1) General Approval. The General Development Plan submitted with the PUD application need be sufficiently detailed at the time of petition to satisfy the Village Board as to the intended general character, scope, uses and appearance of the proposed PUD as outlined in Article D, Section 13-1-54. The approval of such General Development Plan, by way of approval of the petition, shall be conditioned upon the satisfactory completion and approval of the conditions of approval. The General Development Plan shall be followed by the subsequent submittal and detailed approval of more specific and Detailed Plans as each stage of development progresses.
  - (2) Detailed Approval. After PUD zoning has been granted and the General Development Plan, together with conditions imposed, has been approved, Detailed Plans including; site plans, engineering plans, landscape plans, architectural plans and elevations and detailed material and construction information covering the total project which is intended for construction shall be submitted to the Plan Commission for their review and recommendation to the Village Board. The Detailed Plans will be evaluated according to the following criteria:
    - a. The substantial compliance with the content and intent of the approved General Development Plan;
    - b. The overall quality of the proposed site, landscape, and building designs.
    - c. The overall quality of the proposed construction techniques and materials.
    - d. The overall benefit to the community's health, safety and general welfare.

After review and consideration, the Village Board will deny the detailed plans, approve the plans as submitted or approve the plans subject to any additional conditions and restrictions the Village Board may impose.

The Detailed Approval by the Village Board of any part or stage of the proposed development shall be required before issuance of building permits and the construction of such part or stage of the development may be commenced. Before Detailed Plans submitted for Detailed Approval within the corporate limits will be approved, the petitioner shall give satisfactory proof that he has contracted to install all improvements or file a performance bond insuring that such improvements will be installed within the time required by the Village Board. In addition, the petitioner shall give satisfactory proof that all relevant Village application fees and

Pre-development Agreement fees or fees of Village Designee(s) are paid and current before Detailed Plans will be approved.

- (c) **Changes and Additions.** Any subsequent substantial change or addition to the plans or uses shall be submitted for approval to the Village Board and if, in the opinion of the Village Board, such change or addition constitutes a substantial alteration of the original General Development Plan or Detailed Plans, it shall schedule an additional public hearing in which event the Village Board shall schedule a notice of public hearing as for the original petition. Following such public hearing, the Village Board shall deny, approve, or approve the same subject to any additional conditions and restrictions it may impose.

**SEC. 13-1-57 THROUGH SEC. 13-1-59 RESERVED FOR FUTURE USE.**