

§ 225-43.1. Planned Unit Development District (PUD).

[Added 5-8-2007]

A. Purpose of PUD District.

- (1) The PUD planned unit development district ("PUD District") is established to encourage, promote and provide improved environmental design in the Village by allowing for greater freedom, imagination and flexibility in the development of land, while ensuring substantial compliance with the basic intent of this chapter and the general plan for community development. To this end, the PUD District allows diversification and variation in the relationship of uses, structures, open spaces and heights of structures in developments conceived and implemented as comprehensive and cohesive unified projects. It is further intended to encourage more rational and economic development with regard to public services and to encourage and facilitate preservation of open land.
- (2) This § **225-43.1** contemplates that there may be residential, commercial and mixed-use planned unit developments.

B. General requirements.

- (1) Design Zones. Design Zones for the Village are hereby established to ensure that developments within these zones are compatible with the policies of the Master Plan and the general development plans for the zones, as established by the Village from time to time. Only areas that are contained in the Design Zones may be placed within a PUD District. There are hereby established the following Design Zones:
 - (a) Design Zone 1: the area of the Village bounded on the south by Commercial Avenue, on the east and northeast by the Chicago & Northwestern Transportation Company railroad right-of-way, and on the west by Sherman Avenue. Such Design Zone is shown on Exhibit 1. *Editor's Note: Exhibit 1 is on file in the office of the Village Clerk.*
 - (b) Design Zone 2: the area of the Village presently zoned A and shown on Exhibit 2. *Editor's Note: Exhibit 2 is on file in the office of the Village Clerk.*

- (2) Lot area, lot width, height, floor area ratio, yard and usable open space requirements. In the PUD District there shall be no predetermined specific lot area, lot width, height, floor area ratio, yard and usable open space requirements, but such requirements as are made a part of an approved recorded specific implementation plan shall be, along with the general development plan itself, construed to be and enforced as part of this section.
- (3) Off-street parking. In the PUD District, off-street parking facilities shall be provided in accordance with applicable regulations as herein set forth in Article **XII** below (i.e., § **225-67** et seq.) and such requirements as are made a part of an approved recorded specific implementation plan shall be, along with the general development plan itself, construed to be and enforced as a part of this section.
- (4) Permitted uses. Any use permitted in any of the other districts of this chapter may be permitted in the PUD District, subject to the criteria as established in Subsection **D** below, and provided such uses are identified in the approved and recorded specific implementation plan and the general development plan.
- (5) Conditional uses. Any use allowed as a conditional use in any of the other districts of this chapter may be allowed in the PUD District, subject to the criteria as established in Subsection **D**, and provided such uses and any conditions or requirements attached to such uses are identified in the approved and recorded specific implementation plan and the general development plan.
- (6) Land division. Any land division in the proposed PUD District shall comply with Article **XVI** of this chapter.

C. Procedural requirements.

- (1) Preapplication conference. Prior to the official submission of a petition for the approval of a PUD District, the owner or the owner's agent shall meet with the Plan Commission or its staff to discuss the scope and proposed nature of the contemplated development.
- (2) Petition for rezoning approval. Following the preapplication conference, the owner or the owner's agent may file a petition with the Zoning Administrator for approval of a zoning change to the PUD District. Such petition shall be accompanied by payment of a PUD review fee as specified in § **225-83** of the Code. The procedure for rezoning to a PUD District shall be as required for any other zoning district change as set forth under § **225-36** of the Code,

except that, in addition thereto, the following information shall be filed by the applicant with the Zoning Administrator with the petition for rezoning:

- (a) Informational statement. A petition for a zoning change to the PUD District shall be accompanied by an informational statement that sets forth the following information:
- [1] Total area to be included in the PUD, area of open space, residential density, proposed number and type of dwelling units, projected population, availability of or requirements for municipal services and other similar data pertinent to a comprehensive evaluation of the proposed development.
 - [2] A general outline of the organizational structure of a property owners' or management's association, which may be proposed to be established for the purpose of providing any necessary private services.
 - [3] Any proposed departures from the standards of development as set forth in this Chapter, Chapters 90, 115, 192 and 218 of the Code and any other Village ordinances or regulations or administrative rules, or other universal guidelines.
 - [4] 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.
- (b) General development plan. A petition for a zoning change to the PUD District shall be accompanied by a draft general development plan which shall include the following information:
- [1] A legal description of the boundaries of the subject property included in the proposed PUD District.
 - [2] An accurate site plan showing the boundaries of the subject property that includes the location of the proposed buildings, landscaping, public and private roads, driveways, sidewalks and parking facilities.
 - [3] Adequate information to present the relationship of the proposed improvements to surrounding properties which shall include photographs and the locations of existing buildings located within 300 feet of the site.

[4] Schematic architectural plans showing the character of the proposed buildings.

[5] Schematic floor plans that are adequate to demonstrate the intended use of the buildings.

- (3) Plan commission review. Upon submission of the petition and the general development plan, and provided the Plan Commission determines that the petition and plan are complete and contain the information required above, the Plan Commission may refer the general development plan to the Building Board for review and recommendation. The Building Board shall, within 30 days after the date of the referral, make its recommendation, if any, on the general development plans to the Plan Commission. If no such recommendation is made, the general development plan shall be deemed approved by the Building Board. Following receipt of the recommendation, if any, from the Building Board, the Plan Commission shall hold a public hearing on the application, the general development plan and the recommendation, if any, of the Building Board as provided for in § **225-36D**; and thereafter recommend to the Village Board that the petition and plan (i) be approved as submitted; (ii) approved with modifications and/or conditions; (iii) referred for further consideration; or (iv) be disapproved. In considering the petition and plan, the Plan Commission shall apply the criteria set forth in § **225-43.1D** below.
- (4) Village Board authorization. Upon receipt of the recommendation of the Plan Commission, the Village Board may take such action thereon as it deems reasonable and appropriate. If the petition and general development plan are approved, said plan shall establish the basic right for use of the lands in conformity with the plan as approved; but such plan shall be conditioned upon approval of a specific implementation plan and shall not make permissible any of the uses as proposed until a specific implementation plan is submitted and approved for all or a portion of the general development plan.
- (5) Recording. Upon final approval of the application and adoption of a zoning change to the PUD District by the Village Board, the general development plan, as approved, shall be recorded by the developer within 10 days in the Dane County register of deeds' office. Detailed construction and engineering plans need not necessarily be completed at the time the zoning is approved, but the approval and recording of such plan shall be conditioned upon the subsequent submittal, approval and recording of more specific and detailed plans as the development progresses.

- D. Basis for approval. In reviewing a PUD District application to the Plan Commission and Village Board, the following criteria shall be applied to the application for such district with specific consideration as to whether or not it is consistent with the spirit and intent of this chapter, whether or not it is consistent with the policies of the Village Master Plan, whether or not it has been prepared with professional advice and guidance, and whether or not it produces significant benefits in terms of environmental design:
- (1) Character and integrity of land use. In a PUD District, the uses proposed and their intensity and arrangement on the site shall be of a visual and operational character which:
 - (a) Are compatible to the physical nature of the site and surrounding land uses.
 - (b) Would produce an attractive environment of sustained aesthetic and ecological desirability, economic stability, and functional practicality compatible with the general development plans for the area as established by the Village.
 - (c) Would not adversely affect the anticipated provision for municipal services.
 - (d) Would not create a traffic or parking demand incompatible with the existing or proposed facilities to serve it.
 - (2) Economic feasibility and impact. The proponents of a PUD District application shall provide evidence satisfactory to the Plan Commission and Village Board of its economic feasibility, of available adequate financing, and that it would not adversely affect the economic prosperity of the Village or the values of surrounding properties.
 - (3) Engineering design standards. The width of street rights-of-way, width of paving, width and location of street or other paving, outdoor lighting, location of sewer and water lines, provision for stormwater drainage or other similar environmental engineering consideration shall be based on standards necessary to implement the specific function in the specific situation; provided, however, in no case shall standards be less than those necessary to ensure the public safety and welfare as determined by the Village Engineer.
 - (4) Preservation and maintenance of open space. In a PUD District, adequate provisions shall be made for the permanent provision and maintenance of open space either by private reservation or dedication to the public.

- (a) For private reservation, the open area to be reserved shall be protected against building development by conveying to the Village as part of the conditions for project approval an open space easement over such open areas, restricting the area against any future building or use except as consistent with that of providing landscaped open space for the aesthetic and recreational satisfaction of the surrounding residences. Buildings or uses for noncommercial, recreational, or cultural purposes compatible with the open space objective may be permitted only where specifically authorized as part of the general development plan or, subsequently, with the express approval of the Village Board following approval of building, site, and operational plans by the Plan Commission.
 - (b) The care and maintenance of such open space reservations shall be assured by establishment of appropriate management organization(s) for the project. The manner of assuring maintenance and assessing such cost to individual properties shall be included in any contractual agreement with the Village and shall be included in the title to each property.
 - (c) Ownership and tax liability of private open space reservations shall be established in a manner acceptable to the Village and made a part of the conditions of the plan approval.
- (5) Implementation schedule. The proponent(s) of a PUD District shall submit a reasonable schedule for the implementation of the development to the satisfaction of the Village Board, including suitable provisions for assurance that each phase shall be brought to completion in a manner that would not result in an adverse effect upon the Village as a result of termination at that point. 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 one year of approval being deemed reasonable.
- (6) Residential PUD considerations. The Plan Commission and the Village Board, in making their respective recommendation and determination as to a proposed residential PUD, shall further consider whether:
- (a) 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 Village.

- (b) The total net residential density within the PUD will be compatible with the Village Master Plan or components thereof, and shall be compatible with the density of the neighborhood wherein located.
 - (c) Provision has been made for the installation of adequate public facilities and the continuing maintenance and operation of such facilities if privately owned.
 - (d) Provision has been made for adequate, continuing fire and police protection.
 - (e) The population density of the development will have an adverse effect upon the community's capacity to provide needed municipal service facilities.
 - (f) Adequate guarantee is provided for permanent preservation of open space areas as shown on the general development plan either by private reservation and maintenance or by dedication to the public.
- (7) Commercial PUD considerations. The Plan Commission and Village Board, in making their respective recommendation and determination as to a proposed commercial PUD, shall further consider whether:
- (a) The economic feasibility of the proposed development can be demonstrated.
 - (b) The proposed development will be adequately served by off-street parking and truck service facilities in accordance with this Code.
 - (c) 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.
 - (d) 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.
 - (e) The architectural design, landscaping, control of lighting and general site development will result in an attractive and harmonious service area

compatible with and not adversely affecting the property values of the surrounding neighborhood.

- (8) Mixed-use PUD considerations. The Plan Commission and Village Board, in making their respective recommendation and determination as to a proposed mixed-use PUD (i.e., commercial and residential), shall further consider whether:
 - (a) The proposed mixture of uses results in a unified composite which is compatible with the surrounding neighborhood.
 - (b) The various types of uses conform to the general requirements as set forth in this chapter, applicable to projects of such use and character.

E. Specific implementation plan.

- (1) After approval and recording of the general development plan and the zoning change to the PUD District, the applicant shall file a specific implementation plan with the Plan Commission, through the Zoning Administrator. Unless and until a specific implementation plan has been approved by the Village Board and recorded, no building permit shall be issued for any construction within the PUD District. Specific implementation plan(s) shall include the following information:
 - (a) A precise description of the type, number and size of dwelling units, a description of the type and amount of square feet devoted to commercial uses, the estimated number of employees, and character and volume of truck and automobile traffic generated from the site.
 - (b) A detailed site plan of the development showing the location of all buildings, pavement areas, signs, and outdoor lighting.
 - (c) A final plat or certified survey map (as determined by the Plan Commission) of the entire development area showing detailed lot layout and the intended use of each lot or parcel of land, public dedications, public and private streets, driveways, walkways, and parking facilities.
 - (d) A detailed landscape plan showing the location and treatment of open space areas and the location, species, and size of landscape material.
 - (e) Complete architectural drawings and sketches setting forth the design and character of the structures, including elevation drawings of all buildings, and the floor areas. In residential PUDs with single-family

homes, the Plan Commission may approve site and architectural design guidelines contained within a declaration of covenants, deed restrictions, or other similar document, in lieu of reviewing the plans for each individual single-family residence. The Plan Commission may refer the architectural drawings and sketches to the Building Board for review and recommendation. The Building Board shall, within 30 days after the date of referral, make its recommendation, if any, on such drawings and sketches to the Plan Commission. If no such recommendation is made, the drawings and sketches shall be deemed approved by the Building Board.

- (f) Location of all existing and proposed public and/or private utility installations, including but not limited to sewer, water and stormwater facilities.
- (g) A detailed grading plan.
- (h) Stormwater management plan.
- (i) A development schedule indicating:
 - [1] The approximate date when construction of the project can be expected to begin;
 - [2] The stages in which the project will be built and the approximate date when construction of each stage can be expected to begin;
 - [3] The anticipated rate of development; and
 - [4] The approximate date when the development of each of the stages will be completed.
- (j) Characteristics of soils related to contemplated specific uses.
- (k) Existing topography on the site with contours at no greater than two-foot intervals.
- (l) Agreements, bylaws, provisions, or covenants that govern the organizational structure, use, maintenance and continued protection of the PUD District and any of its common services, open areas or other facilities.
- (m) Any other plans, documents or schedules required by the Plan Commission or Village Board.

- (n) If the development is to be staged, a staging plan.
 - (o) A plan showing how the entire development can be further subdivided in the future.
 - (p) If the site has any environmental contamination, the approved plan of remediation therefor.
- (2) Upon submission of the specific implementation plan(s), the Plan Commission shall review the same to determine if the plan(s) is in compliance with the approved general development plan and applicable provisions of this § **225-43.1**. The Plan Commission shall hold a public hearing thereon. The Plan Commission shall thereafter recommend to the Village Board that the specific implementation plan(s) be (i) approved as submitted; (ii) approved with modification and/or conditions; (iii) referred for further consideration; or (iv) disapproved.
- (3) Upon receipt of the recommendation of the Plan Commission, the Village Board may take such action as it deems reasonable and appropriate. If the specific implementation plan is so approved it shall be recorded at the Dane County Register of Deeds office within 30 days thereafter by the developer.
- F. Development agreement. Before any building permit shall be issued in a PUD District, the applicant and the owner shall enter into an appropriate agreement with the Village to guarantee the implementation of the planned unit development according to the terms and conditions established as a part of the general development plan and the specific implementation plan. The Village shall have the right, if deemed appropriate, to require the inclusion of performance bonds or other security deemed satisfactory to the Village attorney.
- G. Amendment of general development plans or specific implementation plans. Under this § **225-43.1**, any subsequent change of use of any lot or parcel of land or addition or modification of the general development plan(s) or specific implementation plan(s) shall first be submitted for approval to the Plan Commission; and if, in the opinion of the Plan Commission, such change or modification constitutes a substantial alteration of the original plans, the procedures described in § **225-43.1C(2), (3), (4) and (5)** and **E** shall be followed before the use is changed or the plans modified.
- H. Building permits. Once a development agreement has been entered into with the Village pursuant to § **225-43.1F** above, and provided the specific implementation plan is recorded at the Dane County Register of Deeds Office, building permits

may be issued in the PUD District. The provisions of § **225-20** of this Code are not applicable to construction within the PUD District.

- I. Delayed effective dates; construction required. In the event that a specific implementation plan is not approved by the Village Board within 12 full calendar months following the date of the Village Board's approval of the general development plan, then in such event, no PUD District shall be effective therefor and the prior zoning district for the subject property shall continue in effect. Within 18 months following Village Board approval of the specific implementation plan, the basic right of use for the areas, when in conformity with such approved plan, shall lapse and be null and void unless the project, as approved, is commenced by the issuance of a building permit. If said building permit once issued, expires in accordance with the provisions of this Code, with no completed construction having occurred, then a new petition and approval process shall be required to obtain a specific implementation plan approval.