

ARTICLE VII. PLANNED DEVELOPMENT PROJECTS

Sec. 94.143. Introduction and purpose.

(a) *Uniform and individual lot regulations.* This chapter is predicated upon regulating the land development and use maintenance process primarily on an individual lot or tract basis, with all lots in the same district being subject to regulations that are uniform throughout that district, as prescribed by Wis. Stats. § 62.23(7)(b), in order to achieve the purposes in view set forth in Wis. Stats. § 62.23(7)(c) and in section 94.105.

(b) *Diversified and grouped lot regulations.* As provided for in Wis. Stats. § 62.23(7)(b), with the consent of the landowners, there may be, and is established, a special district in which the regulations need not be uniform throughout the district, so that there may be permitted development regulations that have the same purposes in view as Wis. Stats. § 62.23(7)(c) and section 94.105, but which seek to allow regulation on a project basis, possibly involving many lots or tracts or multiple structures, including possibly allowing more than one principal structure per lot, which regulations as set forth in Wis. Stats. § 62.23(7)(b), will tend to promote over time the maximum benefits of:

- (1) Coordinated area site planning.
- (2) Diversified location of structures.
- (3) Mixed compatible uses.
- (4) Safe and efficient pedestrian and vehicle traffic system.
- (5) Attractive recreation and landscaped open spaces.
- (6) Economic design and location of public and private utilities, and community facilities,
ensuring adequate standards for construction and planning.

(Ord. of 11-18-1991)

Sec. 94.144. District establishment.

(a) *OPD overlay planned development district.* The regulations of this section shall operate in conjunction with the application to specific tracts of land of the OPD overlay planned development district as established in articles X and XI of this chapter.

(b) *Minimum area required.* In order to be regulated under this section, proposed project plans must be no less than the following minimum size:

<i>Proposed Principal Uses</i>	<i>Minimum Project Size (square feet)</i>
Residential and open space uses	100,000
Mixed compatible uses	200,000
Commercial or industrial uses	200,000

(c) *Ownership consent.* As required by Wis. Stats. § 62.23(7)(b), a proposed development at the time of application of the OPD overlay planned development district shall require the consent of the owners to the regulations as shall apply to their individual tracts through the approved OPD district project plan.

(Ord. of 11-18-1991)

Sec. 94.145. Uses permitted.

(a) *Underlying district uses.* All uses as permitted by the underlying district within the boundaries of the overlay OPD district may be permitted in the project plan approved as part of the OPD regulations as stated in the district, subject to subsection (d) of this section. The plan may also provide for excluding uses that are otherwise permitted by the underlying districts, or for follow-up approval of building site and operational plans as provided for in article V of this chapter.

(b) *Other uses permitted.* In addition to subsection (a) of this section, any other use permitted by this chapter may be permitted as part of the project plan approved as part of the OPD regulations, consistent with the approval criteria set forth in section 94.147.

(c) *Individual uses and structures.* Individual uses and structures need not necessarily comply with the specific building location, height, building size, floor area ratio, lot size or open space requirements of the underlying district, provided that benefits as set forth in Wis. Stats. § 66.23(7)(b) and section 94.143 justify deviation from those requirements.

(d) *Conditional use processing.* Uses permitted in an underlying district or elsewhere in this chapter by conditional use grant, if not permitted by right in one of the underlying districts, shall only be permitted through the OPD regulations as a conditional use. The petition, application materials and hearing for said conditional uses may be part of the OPD process to avoid dual processing unless the OPD plan specifically determines that the conditional uses are to be separately evaluated and processed.

(Ord. of 11-18-1991)

Sec. 94.146. Procedure.

(a) *Pre-petition conference.* Prior to official submittal of a petition for an OPD district, the petitioner shall meet with the planning commission for a preliminary discussion as to the scope and proposed nature of the contemplated development, especially as relates to the petitioner's intentions to submit a general or detailed application.

(b) *Petition.* Following the pre-petition conference, petition may be made to the zoning administrator by the owners or agents of properties proposed for such development, to amend the zoning map by the overlaying of an OPD district in order to permit the application of the provisions of this section to such development. Such petition shall be accompanied by a fee as required in section 94.119, and the following information in appropriate detail as to the type of approval, general or detailed, desired. (See determination in section 94.148.)

- (1) A statement describing the general character of the intended development and the desirability of applying the requirements of this article and the OPD district rather than those ordinarily applicable through basic underlying zoning. This statement should at least include:
 - a. Statistical data on total size of the project area, area of open space, residential density computation and proposed number of dwelling units, population analysis, market analysis, economic analysis, impact upon municipal services and any other similar data pertinent to a comprehensive evaluation of the proposed development.
 - b. A financial factors general summary, including the value of structures, estimated improvement costs, amount proposed for landscaping and special features, estimated sale or rental price, and total anticipated development cost of the project.
 - c. Organizational and service structure general outline related to intended property owner's association, deed restrictions, and provision of private services.
- (2) A general development plan and related maps and plans, including descriptive statements of objectives, principles and standards used on its formulation of the project,

showing at least the following information as may be required by the planning commission and board to apply the following criteria for approval:

- a. An accurate map of the project area, including its relationship to surrounding properties.
- b. The pattern of public and private roads, driveways and parking facilities and intended design standards.
- c. The size, arrangement and location of lots or of proposed building groups.
- d. The location of recreational and natural open space areas and areas reserved or dedicated for public uses such as school, park, nature preserve, etc.
- e. The type, size and location of structures.
- f. General landscape treatment.
- g. Architectural drawings and sketches or photos of similar developments illustrating the design and character of proposed structures.
- h. The location of present and proposed sanitary sewer and other utility facilities if necessary to an evaluation of the project plan.
- i. Existing topography and storm drainage pattern and proposed storm drainage system, showing basic topography changes if deemed necessary for project evaluation.

(c) *Referral to planning commission.* Such petition shall be referred to the planning commission and processed as a zoning change. Upon completion of necessary study and investigation, the planning commission shall make its recommendation to the board as to the appropriateness and desirability of the application of the OPD district as relates to the suitability of the building, site and development plans and any additional conditions which the commission may feel necessary or appropriate.

(d) *Public hearing.* The planning commission, before taking affirmative action to approve such petition, shall hold a public hearing pursuant to statutory provisions for zoning amendments. Notice for such hearing shall include reference to the consideration

of the proposed project development plans coincident with the requested zoning change to OPD.

(Ord. of 11-18-1991)

Sec. 94.147. Basis for approval.

The planning commission, in making its recommendations, and the board, in making its determination, shall give consideration and satisfy themselves as to the following:

- (1) *Construction schedule.* That the proponents of the proposed development have demonstrated that they intend to start construction within a reasonable period following the approval of the project and requested overlay of the OPD district, and that the development will be carried out according to a reasonable construction schedule satisfactory to the village.
- (2) *Adequate professional assistance.* That the project plan has been prepared with adequate professional assistance, especially as relates to justifying deviation from standards as set forth in the underlying basic zoning districts or from other development standards such as for streets and utilities, and to achieving subsections (3) and (4) of this section.
- (3) *Conformity to village plan.* That the project plan serves to implement the spirit and intent of the village plan, especially as relates to preservation of conservation areas and creation of common open spaces, and to creation of a more diversified and interesting use pattern than might otherwise result from application of underlying zoning patterns.
- (4) *Achievement of purposes and benefits.* That the project plan achieves the purposes in view for zoning as set forth in Wis. Stats. § 62.23(7)(c) and section 94.105, as well as

the benefits of planned development projects as set forth in Wis. Stats. § 62.23(7)(b) and section 94.143(b).

(5) Preservation and care of open space.

- a. That the resultant common open space is suitable for its use as relates to location,
access, size and shape, proposed degree of improvement for recreational use, or
proposed degree of protection from damage if a natural area.
- b. That adequate guarantee for retention of proposed private open spaces in their
proposed uses and against building or other development (except as consistent with
the open space objective) shall be accomplished by conveying to the village as part of
the conditions of approval, a land covenant to be approved by the planning commission and recorded at the county register of deeds office restricting the area as
required in this chapter.
- c. That in the case of a private open space proposal, the care and maintenance of such
open space shall be ensured either by establishment of an appropriate management
organization or property owner's association for the project or by agreement with the
village for establishment of a special service district for the project area on the basis of
which the village shall provide the necessary maintenance service and levy the cost as
a special assessment on the tax bills of properties within the project area. In any case,
the village shall have the right to carry out and levy an assessment for the cost of any
maintenance which it feels necessary if it is not otherwise taken care of to the
satisfaction of the village.
- d. That ownership and tax liability of private open space areas shall be established in a
manner acceptable to the village, and made a part of the conditions of the plan
approval.

e. That adequate financial guarantee that such common open space will be developed or protected as proposed is made by the owners or developers in the form of bonds, sureties, or letters of credit acceptable to the village pursuant to the procedures used in the building and platting of public streets.

(6) Proposed residential developments.

a. That such development will create an attractive residential environment of sustained desirability and economic stability, including placement of structures in relation to terrain and soils, consideration of safe pedestrian flow, ready access to recreation space, and coordination with overall plans for the neighborhood.

b. That the total average allowable residential density of the project has been computed according to the following:

1. *Measurable area.* That portion of the underlying basic zoning which is a residential or commercial district, excluding existing street rights-of-way or open space easements.

2. *Average of varying districts.* Where the underlying zoning consists of more than one density of residential use, each separate density district shall be measured according to the schedule in subsection (6)b.4. of this section, and the total of such measurements shall constitute the total allowable residential dwelling units, with the average per acre of that total constituting the allowable average density for computations where less than the total is proposed.

3. *Wetlands and floodplains.* Where the project ownership contains wetland zoning, the total allowable density may be increased by the percentage which such zoning is

of the total measurable project area, up to a maximum of 40 percent.
 Where
 floodplain zoning is present, there shall be available sufficient land
 outside of the
 flood zone that 60 percent of the project area is not subject to flooding.

4. *Density schedule.*

<i>Underlying Basic District</i>	<i>Percentage Factor</i>	<i>Density Square Feet of Land per Dwelling</i>
AG	100	870,000
RR	95**	120,000**
S/R	90**	40,000**
R-E	85	20,000
R-1	80	15,000
R-2	80	10,000
RTF	80	7,500
R-3 (sewered)	100	3,600
R-4 (sewered)	100	3,000*
B-1 (sewered)	100	2,700*
B-2 (sewered)	100	2,700*
B-3 (sewered)	100	2,700*
B-4 (sewered)	100	2,700*
B/P (sewered)	100	2,700*

*May be reduced to 2,000 if underground parking provided.

**Use R-E schedule if sewer available.

5. *Density increase permitted.* That an increase in the allowable maximum density,
 not to exceed ten percent, may be permitted upon recommendation of the
 planning
 commission that the increased density is justified in terms of the
 relationship to
 open areas, service demand and the total quality and character of the
 project.

c. That the population composition of the development will not result in
 adverse effects
 from that anticipated in the village's plan upon the village's capacity to
 provide needed
 school or other municipal service facilities.

d. That adequate guarantee is provided for permanent retention as open area of
 open land

area resulting from the application of these regulations either by dedication to the public or by private reservation as regulated by subsection (5) of this section.

(7) Proposed commercial developments.

- a. That the economic practicality of the proposed development can be justified on the basis of purchasing potential, competitive relationship, and demonstrated tenant interest.
- b. That the proposed development will be adequately served by off-street parking and truck service facilities.
- c. That the locations for entrances and exits have been designed to prevent unnecessary interference with the safe and efficient movement of traffic on surrounding streets, and that the development will not create an adverse effect on the general traffic pattern of the area.
- d. That 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 aesthetics, enjoyment or property values of the surrounding neighborhood.

(8) Proposed industrial developments.

- a. That the operational character, physical plant arrangement and architectural design of buildings will be compatible with the latest in performance standards and industrial development design and will not result in adverse effects upon the property values of the surrounding neighborhood.
- b. That the proposed development will have adequate provision for off-street parking and

truck service areas and will be adequately served by rail or highway facilities.

- c. That proposed development is properly related to the total transportation system of the village and will not result in adverse effect on the safety and efficiency of the public streets.

(9) Proposed mixed use developments.

- a. That the proposed mixture of uses produces a unified composite which is compatible within itself and which, as a total development entity, is compatible with the surrounding neighborhood and consistent with the general objectives of the village plan.
- b. That the various types of uses conform to the general requirements as set forth in this section, applicable to projects of such use character.
- c. That allowable maximum residential density shall be computed in the same manner as provided for in subsection (6) of this section.

(Ord. of 11-18-1991)

Sec. 94.148. Determination.

(a) *Denial or approval.* The board after due consideration, upon recommendation of the planning commission, may deny or approve the petition as submitted or approve the petition subject to changes or additional conditions. Petitions which are approved become final only after application of the OPD district as provided for in article XIV of this chapter.

(b) *Representations and conditions incorporated.* The general or detailed approval of a petition and consequent amending of the zoning map by overlay of the OPD district shall be based upon, and thereby incorporate, all the representations contained in the petition and its accompanying written and other exhibits offered by the petitioner, as modified by the village as part of the review and approval process.

- (1) *General approval.* Plans submitted for such an approval need not necessarily be

completely detailed at the time of overlay zoning, provided they are of sufficient detail to satisfy the planning commission and the board as to the general character, scope and appearance of the proposed development. Such preliminary plan shall at least designate the pattern of proposed streets, and size and arrangement of lots as in the preliminary platting process which may indeed also be involved, the basic pattern of land use, with an illustration of a typical example of the development proposed. The approval of such preliminary plan shall be conditioned upon the subsequent submittal and approval of more specific and detailed plans as the development progresses, so that all detailed approvals are complete before an occupancy certificate is required.

- (2) *Detailed approval.* Plans submitted for detailed approval shall be sufficiently complete that the factors normally associated with issuance of a zoning permit under this chapter, such as a developer's agreement or approval of a property division under this chapter, are presented. Without prejudice because of enumeration, this can include information related to articles IV, V and VI of this chapter and to preliminary or final plats under articles IV, V and VI of this chapter.

(c) *Subsequent changes.* Proposed changes to approved project plans, judged insubstantial by the planning commission, may be approved by the commission and added to the project file. Proposed changes the commission judges to be substantial shall require approval by the board, after review and recommendation by the commission and after public hearing as set forth in section 94.146(d).

(d) *Project terminations.* Approved planned development projects, including those which have begun development under the terms of the approved project plan, may be modified so as to terminate all or some of the special conditions approved under the plan, in order to return to basic underlying zoning regulations for all or some of the developed or undeveloped portions of the project area.

- (1) *Petition.* Where the original project petitioners or their successors are able to initiate a petition, they may file a petition seeking project plan termination, suggesting how areas

already developed under the project plan may be made conforming to underlying zoning regulations, or how those areas might remain under a reduced area project plan.

Where the original petitioners are no longer able to file such a petition, the planning commission may act as a petition filer.

- (2) *Hearing and recommendations.* When a petition is filed to terminate a project plan in whole or part, the commission shall hold an informational hearing, notifying all affected parties, so that the commission may learn what form of project plan termination would best serve the interests of all affected parties. The commission shall then recommend to the board such project plan modifications or termination as it deems appropriate. The board shall treat the recommendation as a zoning petition and hold the necessary hearing before acting.

- (3) *Determination.* In the manner set forth in this subsection 94.148(d), the board shall act upon the petition. The project file and zoning map shall be appropriately modified with the changes adopted by the board, and as necessary, any land covenants, plats or other recorded documents amended as required to conform with the revised regulations, with the costs apportioned as directed by the board.

(Ord. of 11-18-1991)