

§ 305-24. Planned unit developments. EN(1)

- A. Purpose. Planned unit development (PUD) is established to provide a regulatory framework designed to encourage and promote improved environmental design in the Village of New Glarus by allowing for greater freedom, imagination and flexibility in the development of land while assuring substantial compliance with the basic intent of this chapter and the general plan for community development. To this intent it 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 relationship to public services and to encourage and facilitate preservation of open land.
- B. General procedure. Before commencing with a planned unit development the developer shall obtain approval of the Village Board following a recommendation from the Plan Commission. Three copies of the proposed general development plan, including a site plan, shall be submitted to the Village Clerk-Treasurer and the Plan Commission.
- C. Site plan. The site plan component of the general development plan shall be drawn at a scale of not less than one inch equals 50 feet and shall include the following information:
- (1) Location and dimension of property boundaries.
 - (2) Location, size and number of parking spaces.
 - (3) Location, size, use, entrances and exits of all buildings.
 - (4) Elevations and contours sufficient to show topographic features and drainage patterns.
 - (5) Distances between buildings, between buildings and property lines, and between buildings and other improvements on the site, including walks, parking areas and site structures.
 - (6) Location and width of all drives and roadways on the site.
 - (7) Drainage of surface water within the site, including parking lots and street grades, and the size, slope, depth and location of drainage and erosion control pipes and structures.
- D. Permitted uses. The following uses are permitted in a PUD, provided that no use shall be permitted except in conformity with a specific implementation plan pursuant to the procedural and regulatory provisions as hereinafter set forth:
- (1) Any use may be permitted subject to the criteria as established in Subsections E and F below, and such requirements as are made a part of an approved, recorded, specific implementation plan shall be, along with the recorded plan itself, construed to be and enforced as a part of this section.
 - (2) The minimum size for a PUD shall be three acres of land, with a minimum of 12 dwelling units.

- (3) The PUD tract shall be a development of land under single control. No authorization or permits shall be granted for such development unless the applicant has acquired actual ownership of, or executed a binding sales contract for, all of the property comprising such tract. For purposes of this section, "ownership" shall include a lease of not less than 50 years' duration. The term "single control" shall include ownership by an individual, corporation, partnership, association, trustee, or other legal entity.
- E. Height, area and setback requirements. Except as provided in Subsection G below, in a PUD 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 recorded plan itself, construed to be and enforced as a part of this section.
- F. Parking requirements. Off-street parking facilities shall be as provided for under the Zoning Code and in accordance with the approved specific implementation plan, and such requirements as are made a part of the approved specific implementation plan, along with the recorded plan itself, shall be construed to be and enforced as a part of this section.
- G. Lot, building and yard requirements for zero lot line or common wall single-family units. For all attached zero lot line or common wall construction single-family duplex or townhouse dwellings allowed in a planned unit development, the following lot, building and yard requirements apply:
 - (1) Lot frontage: minimum 40 feet (each unit).
 - (2) Lot area: minimum 6,000 square feet (each unit).
 - (3) Principal building.
 - (a) Front yard: minimum 20 feet.
 - (b) Side yards: zero feet on one side and minimum of six feet on the other side (if street side of a corner lot, a minimum of 12 feet).
 - (c) Rear yard: minimum 20 feet.
 - (4) Garages: one private garage with up to two stalls per dwelling unit, not exceeding 312 square feet per stall.
 - (5) Building height: maximum 35 feet.
 - (6) Percent of lot coverage: maximum 50% (combined principal and accessory building coverage).
 - (7) Floor area per dwelling unit: minimum 840 square feet.
 - (8) Zero lot line/common wall construction requirements. For all attached zero lot line or common wall construction duplexes and townhouses containing single-family dwellings, each unit shall have separate sewer and water lateral connections. The size, type and installation proposed to be constructed shall be in accordance with the plans and

specifications approved by the Village Board, following a recommendation from the Plan Commission. A minimum one-hour fire-rated wall assembly division, separating living areas from the lowest level to flush against the underside of the roof, is required between each dwelling unit.

- (9) Number of units. Zero lot line/common wall single-family unit planned unit developments shall, at a minimum, have 12 dwelling units on a minimum of three acres of land.

H. Criteria for approval. As a basis for determining the acceptability of a PUD application, the following review criteria shall be applied to the specific implementation plan, with specific consideration as to whether or not it is consistent with the spirit and intent of the Zoning Code, has been prepared with competent professional advice and guidance and produces significant benefits in terms of environmental design:

- (1) Character and intensity of land use. The uses proposed and their intensity and arrangement on the site shall be of a visual and operational character which:
 - (a) Is compatible with the physical nature of the site, with particular concern for the preservation of natural features, tree growth and open spaces.
 - (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 community.
 - (c) Would not adversely affect the anticipated provision for school or other 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 application shall provide the Village satisfactory evidence of its economic feasibility, proof by the proponents of available adequate financing, and that the PUD would not adversely affect the economic prosperity of the Village or the values of surrounding properties.
- (3) Engineering design standards. The width of street right-of-way, width and location of streets or other paving, outdoor lighting, location of sewer and water lines, provision for stormwater drainage or other similar environmental engineering considerations shall be based upon a determination of appropriate standards necessary to implement the specific function in the specific situation. In no case shall standards be less than those necessary to assure the public safety and welfare as determined by the Village.
- (4) Preservation and maintenance of open space. Adequate provision shall be made for the permanent preservation and maintenance of common open space by private reservation.
 - (a) The open area to be reserved shall be protected against building development by conveying to the Village, as part of the conditions for approval, an open space easement over such open areas restricting the area against any future building or use

except as is consistent with that of providing landscaped open space for the aesthetic and recreational benefit of the PUD. Buildings or uses for noncommercial, recreational or cultural purposes compatible with the open space objectives may be permitted only where specifically authorized as part of the development plan or subsequently with the express approval of building, site and operational plans made by the Plan Commission.

(b) The care and maintenance of such open space reservation shall be assured by establishment of appropriate management organization for the PUD.

(5) Implementation schedule. The proponents of a PUD shall submit a reasonable schedule for the implementation of the plan to the satisfaction of the Village, including suitable provisions for assurance that each phase will be brought to completion in a manner which will not result in any adverse effect upon the community as a result of termination at that point.

I. Approval procedure; general development plan.

(1) Generally. The procedure for initiating a PUD shall be the same procedure used with other types of rezonings, unless otherwise prescribed by this section. Rezoning would occur concurrently with the approval of the general development plan.

(2) General development plan. The applicant shall submit a general development plan to the Village Clerk-Treasurer. The general development plan shall include the following information:

(a) A statement describing the general character of the intended development.

(b) An accurate site plan of the project area as required in Subsection C above, including its relationship to surrounding properties and existing topography, key features, and building location and height.

(c) A plan of the proposed project showing sufficient details to make possible the evaluation of the criteria for approval as set forth in Subsection H.

(d) The pattern of proposed land use, including shape, size and arrangement of proposed use areas, density, environmental character and their relationship to adjoining parcels of land within 600 feet of area boundaries.

(e) The pattern of public and private streets.

(f) The location, size and character of recreational and open space areas reserved or dedicated for public uses, such as schools, parks, greenways, etc.

(g) A utility feasibility study.

(h) Appropriate statistical data on the size of the development, ratio of various land uses, percentages of multifamily units by number of bedrooms, economic analysis of the development, expected staging, and any other plans or data pertinent to evaluation by

the Village.

- (i) General outline of intended organizational structure related to property owners' association, deed restrictions and private provision for common services.

J. Specific implementation plan.

- (1) Submission of plan and fee. The applicant shall submit a specific implementation plan to the Plan Commission within 12 months after having been granted an approval of the general development plan and rezoning to a PUD classification. The applicant shall pay required fees and all costs incurred by the Village in checking and processing such plans. Such application shall be signed by the owner(s) of every property within the boundaries of the proposed specific implementation plan.
- (2) General development plan. If a specific implementation plan which the Plan Commission determines to be a reasonable phase of the total plan has not been submitted within such time, the developer shall be required to resubmit a general development plan which is subject to all the requirements of this section.
- (3) Information required. The specific implementation plan submitted to the Plan Commission shall include the following detailed construction and engineering plans and related documents and schedules:
 - (a) An accurate map of the area covered by the plan, including the relationship to the total general development plan.
 - (b) The pattern of public and private roads, driveways, walkways and parking facilities.
 - (c) Detailed lot layout and subdivision plan where required.
 - (d) The arrangement of building groups and their heights and their architectural character, with particular attention to their influence on adjoining parcels of land, including the casting of unbroken shadows.
 - (e) Sanitary sewer and water mains.
 - (f) Grading plan and storm drainage system.
 - (g) The location and treatment of open space areas and recreational or other special amenities.
 - (h) The location and description of any areas to be dedicated to the public.
 - (i) General landscape treatment.
 - (j) Proof of financing capability.
 - (k) Analysis of economic impact upon the community.
 - (l) 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.
 - [4] The approximate date when the development of each of the stages will be completed.
 - [5] The area and location of common open space that will be provided at each stage.
- (m) Agreements, bylaws, provisions or covenants which govern the organizational structure, use, maintenance and continued protection of the PUD and any of its common services, common open areas or other facilities.
- (n) Any other plans, documents or schedules required by the Plan Commission.
- (o) If the specific implementation plan is to be executed in phases, each phase shall be submitted in accordance with this section.
- (p) An ownership statement shall be a part of the specific implementation plan and also shall be affixed and noted on the deed.
- (4) Approval of the specific implementation plan.
- (a) If the specific implementation plan as submitted is not in substantial compliance with the general development plan, the Plan Commission shall notify the landowner regarding the aspects of the plan that are not in compliance. The landowner may:
 - [1] Treat such notification as denial of the final approval.
 - [2] Refile his/her specific implementation plan so that it does comply with the general development plan.
 - (b) Within 45 days after the filing of the specific implementation plan, the Plan Commission shall forward to the Village Board a written report recommending that the plan be approved, disapproved or approved with conditions and giving the reason(s) for the recommendations.
 - (c) Within 30 days after the receipt of the Plan Commission report the Village Board shall either:
 - [1] Refer the plan back to the Plan Commission for further reports.
 - [2] Approve or reject the plan.
 - (d) If the specific implementation plan or any section thereof is given final approval and thereafter the landowner abandons the plan or any section thereof that has been finally approved and notifies the Village Board in writing, or if the landowner fails to commence the planned unit development within 18 months after final approval has

been granted, such final approval shall terminate and be deemed null and void. The parcel would revert to its pre-PUD application zoning classification.

- (5) Approval of plan. Upon approval of the specific implementation plan, the following shall be recorded in the County Register of Deeds office by the landowner within 60 days of approval:
 - (a) The building, site and operational plans for the development as approved.
 - (b) All other commitments and contractual agreements with the Village offered and required with regard to project value, character and other factors pertinent to an assurance that the proposed development will be carried out basically as presented in the specific implementation plan. This shall be accomplished prior to the issuance of any building permit.

Endnotes

1 (Popup - Popup)

Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).