

PETITION

The undersigned hereby petitions the County of Dane to amend its zoning ordinances in the manner indicated below.

Dated: 11/19/09 BY: [Signature]

Dated: BY: [Signature]

Dated: 11/19/09 BY: [Signature]

Dated: 11/19/2009 BY: [Signature]

ORD. AMEND. NO. 44, 2009-2010

AMENDING CHAPTER 10 OF THE DANE COUNTY CODE OF ORDINANCES, CREATING A PLANNED UNIT DEVELOPMENT (PUD) DISTRICT

The County Board of Supervisors of the County of Dane does ordain as follows:

ARTICLE 1. Unless otherwise expressly stated herein, all references to section and chapter numbers are to those of the Dane County Code of Ordinances.

ARTICLE 2. Subsection 10.01(46a) is created to read as follows: (46a) Planned unit development. A form of land development permitted after following the procedures for creating a planned unit development district as provided in section 10.153. The planned unit development district is designed to allow variation in the types and arrangements of land uses and structures in developments conceived and implemented as cohesive, unified projects. Each planned unit development district shall be either a rural planned unit development district or an urban planned unit development district.

ARTICLE 3. Subsection 10.01(54a) is created to read as follows: (54a) Rural planned unit development district. A planned unit development district that may include any combination of the permitted or conditional uses in the A-1 (Exclusive), A-3, A-4, RE-1, CO-1, AB and/or LC-1 districts, and/or any residential housing district, as appropriate, to be used only for senior housing developed for seniors ages 55 or older. Any uses which are conditional uses in the applicable zoning district must meet the standards of sub. 10.255(2)(h).

ARTICLE 4. Subsections 10.01(81a) and (81b) are created to read as follows:

(81a) Urban planned unit development district. A planned unit development district conceived and implemented within an urban service area.

(81b) Urban service area. Areas identified and mapped by the Capitol Area Regional Planning Commission, or successor agency, designated by the State of Wisconsin in accordance with the federal Clean Water Act, that are planned for urban development and capable of being provided with a full range of services.

ARTICLE 5. Section 10.153 is created to read as follows:

10.153 PUD PLANNED UNIT DEVELOPMENT DISTRICT. (1) Statement of purpose. The purpose of the PUD Planned Unit Development district is to promote improved development design by allowing greater flexibility and imagination in urban and rural development while ensuring substantial compliance with the intent of the zoning ordinance and adopted plans. The district allows variations in uses, structures, densities, setbacks and yard requirements, building heights, landscaping and other provisions for developments which are cohesively planned and implemented. In exchange for such flexibility, the project (hereinafter referred to as Planned Unit Development or PUD) must provide a higher level of design and functionality than normally required for other developments.

(2) Permitted uses. The only uses permitted within each mapped PUD district shall be those lawful use(s) in place at the time of PUD district mapping plus those uses explicitly listed, depicted and described as permitted uses within that particular PUD district.

(3) Building height limit; Area, frontage and population density regulations; Lot coverage; Number of principal buildings per lot; Setback from road and front property line and front yard requirements; Side and rear yard requirements; Off-street parking; Screening and landscaping provisions; Sign regulations. Zoning limitations on or requirements for building height, lot area, lot frontage/width, housing unit or population density, number of buildings per lot, lot coverage, setbacks, yard areas, off-street parking and loading, screening or landscaping, and signage shall be specified for each particular PUD district. Such requirements shall be generally described as part of an approved General Development Plan (GDP) for each PUD and explicitly specified as part of an approved Specific Implementation Plan (SIP). Where they provide sufficient detail, such specifications shall supersede similar specifications found elsewhere in the zoning ordinance.

(4) Criteria for approval of PUDs. Planned unit developments shall meet all of the following criteria to be approved:

(a) The development shall be consistent with a town comprehensive plan approved by both the town and county.

(b) The uses and their intensity, appearance, design and arrangement shall be compatible with the physical nature of the site and area, and shall not have a significant adverse impact on the natural environment.

90 (c) The uses and their intensity, appearance, design, and arrangement shall
91 in no foreseeable manner diminish or impede the uses, values and normal and
92 orderly development of surrounding properties.

93 (d) The uses and their intensity, appearance, design and arrangement shall
94 not create access issues, traffic or parking demand inconsistent with existing or
95 anticipated transportation facilities.

96 (e) The development shall include adequate provision for the continued
97 preservation, maintenance and improvement of natural areas and open space.

98 (f) The applicant shall provide evidence of financial feasibility and assurances
99 that each phase can be completed in a manner which would not result in an
100 adverse effect upon the community as a result of termination at that point.

101 (g) The development shall comply with all other applicable ordinances.

102 (5) *Planned unit development approval process.* There is a two step review
103 and approval process for establishing a PUD district. The first step consists of
104 submittal of a General Development Plan (GDP) that outlines the nature of the
105 Planned Unit Development and provides information necessary for consideration
106 and decision-making by the town and county. The second step involves
107 submittal of a Specific Implementation Plan (SIP) which documents the detailed
108 actions the applicant will take to implement the General Development Plan. No
109 PUD zoning district can be established without an approved GDP and
110 corresponding SIP(s). If approved by the zoning administrator, the applicant may
111 combine steps for simple PUDs involving a small tract of land or proceed with
112 both steps concurrently.

113 (a) *General Development Plan (GDP).* 1. Prior to submitting a formal
114 application, the prospective applicant shall present the concept of the proposed
115 PUD to, and consult with, representatives from the affected town, staff from the
116 planning and development department, and the zoning committee regarding the
117 project, required application materials, and the PUD review process. These
118 representatives may comment on the concept, but their comments are not
119 binding on the representatives nor indicative of their position on a formal
120 application. The review by the town and the zoning committee may take place at
121 a joint meeting.

122 2. The applicant shall submit to the zoning administrator a formal application
123 for GDP review and approval, along with required application materials. The
124 zoning administrator shall process such applications under the standard zoning
125 map amendment procedure, plus additional procedures established herein. The
126 applicant shall include twenty-five (25) copies of all required materials, along with
127 the applicable fee provided for in chapter 12.

128 3. The zoning administrator shall determine whether the GDP submittal is
129 complete in reference to the following required application materials:

130 a. Name of the applicant, agent, property owner(s) and entity which intends
131 to develop the land.

132 b. A complete written legal description of the subject property.

133 c. A map(s) of the subject property showing all lands for which the PUD is
134 proposed, and all other lands within 1,000 feet of the subject property. Said map
135 shall clearly indicate the current property owners and zoning of the subject

136 property and all lands within 500 feet, the boundaries of all political jurisdiction(s)
137 in the area and all lot dimensions of the subject property. The map shall be at a
138 scale not less than one inch equals 800 feet.
139 d. A general written description of the proposed PUD, including:
140 i. general project themes, images and design concepts;
141 ii. general mix of dwelling unit types and land uses;
142 iii. approximate development densities;
143 iv. general treatment of natural features and provisions for open space
144 preservation;
145 v. general relationship to nearby properties and existing and planned streets,
146 highways and other transportation improvements;
147 vi. general relationship to the approved town land use plan; and
148 vii. a general plan for phasing, including a planned timeline for submittal of
149 one or more SIPs.
150 e. A description of why the applicant wishes to develop the project using
151 PUD zoning. This description shall include justification for the proposed PUD,
152 and shall indicate how the criteria in sub. 10.153(4) will be met.
153 f. A list of standard zoning provisions which will be met by the proposed
154 PUD, standards which will not be met by the proposed PUD, standards which will
155 be more than met by the proposed PUD, and the location(s) in which they apply.
156 This list shall be organized in the following manner:
157 i. land use types and mix (list range of permitted uses);
158 ii. density and intensity of land uses (list range of dwelling units per acre, lot
159 sizes, lot frontages/widths, setbacks and yard requirements, lot coverage,
160 building heights, lot dimensions, number of units, and floor area ratios for non-
161 residential uses);
162 iii. landscaping and screening;
163 iv. off-street parking and loading;
164 v. signage; and
165 vi. other applicable standards.
166 g. GDP map(s) at a minimum scale of 1 inch equals 100 feet (11" x 17"
167 reduction shall also be provided) of the proposed project showing at least the
168 following information:
169 i. land use layout and the location of major public streets and/or private
170 drives;
171 ii. location of recreational and open space areas and facilities; and
172 iii. statistical data on lot sizes in the development, the approximate areas of
173 large development lots and pads, and density/intensity of various parts of the
174 development.
175 h. A conceptual landscaping plan, noting approximate locations and types of
176 existing and planned landscaping, screening and fencing.
177 i. A general signage plan, including approximate locations, types, heights,
178 lighting and sign face areas.
179 j. Evidence of financial capability pertaining to construction, maintenance
180 and operation of all public and private improvements associated with the
181 proposed development.

182 k. Other maps or information requested by the town or county.
183 l. In the case of a rural PUD, the GDP shall identify any areas proposed to
184 be subject to conservancy easements, the nature of the conservancy easements
185 to be imposed, and other features designed to protect the rural character of the
186 area in which the PUD is proposed.
187 4. After the GDP submittal is complete, the zoning administrator shall
188 forward two copies of the submittal to the town clerk of the affected town and
189 schedule the petition for zoning committee public hearing.
190 5. The affected town shall review and act on the proposed GDP. The town
191 may approve the GDP with conditions that identify specific limits or elements the
192 town requires to be included in the SIP.
193 6. The zoning committee, after a public hearing and after receiving
194 comments from the affected town, shall forward its recommendation on the
195 proposed GDP to the county board. The GDP may be approved with conditions
196 that identify specific limits or elements the county requires be included in the SIP.
197 If the town board approves the GDP subject to conditions and such conditions
198 are amended or deleted by the county, the GDP as approved by the county shall
199 be submitted to the town board for approval of the county's conditions or denial
200 of the GDP.
201 7. The county board shall act on the GDP and, if the GDP is approved, shall
202 establish through its approval a delayed effective date (DED) totaling at least 12
203 months within which one or more SIPs must be filed in order to effectuate the
204 rezoning and establish the PUD on the zoning district map. Such timeframe may
205 later be extended through an amendment to the approved GDP, which shall
206 follow the same process as GDP approval. Failure to file an SIP(s) within the
207 delayed effective date, or to extend said date, shall cause the rezoning to
208 become null and void.
209 8. Approval of the GDP shall establish the basic right of use for the subject
210 property in conformity with the approved plan, but approval of such plan shall not
211 make permissible in any area of the PUD those uses proposed until an SIP is
212 approved for that area. No development may occur within a PUD district which is
213 inconsistent with an approved GDP.
214 (b) Specific Implementation Plan (SIP). 1. The applicant may submit to the
215 zoning administrator an application for one or more SIPs along with required
216 application materials within the delayed effective date period as established
217 through county board approval of the rezoning to PUD (GDP approval). If such
218 SIP(s) has not been submitted by the Delayed Effective Date, the approved GDP
219 shall be null and void for those portions of the subject property not yet covered by
220 an approved SIP, and the zoning administrator shall approve no further SIPs for
221 the property under the previously approved GDP. In the event all or part of a
222 GDP is rendered null and void, the zoning on the property shall revert to the
223 zoning category existing prior to the PUD rezoning.
224 2. The zoning administrator shall determine whether the SIP submittal is
225 complete in reference to the following required application materials:
226 a. Name of the applicant, agent, property owner(s) and entity which intend to
227 develop the land.

- 228 b. A complete written legal description of the SIP area.
- 229 c. A map showing the relationship of the SIP area to the approved GDP
- 230 area.
- 231 d. A written description of the proposed SIP area within the PUD, including:
- 232 i. specific project themes, images and design features;
- 233 ii. a specific list of permitted dwelling unit types and land uses;
- 234 iii. specific development densities by dwelling units per acre, lot sizes, lot
- 235 frontages/widths, setbacks and yard requirements, lot coverage, building heights,
- 236 lot dimensions, number of units, and floor area ratios for non-residential uses;
- 237 iv. specific treatment of natural features and provisions for open space
- 238 preservation;
- 239 v. specific relationship to the remainder of the PUD included in the approved
- 240 GDP, nearby properties and existing and planned streets, highways and other
- 241 transportation improvements; and
- 242 vi. a development schedule indicating project stages.
- 243 e. A written description demonstrating the consistency of the proposed SIP
- 244 with the approved GDP and the criteria in s. 10.153(4), and identifying any and
- 245 all deviations between the approved GDP and the proposed SIP.
- 246 f. An SIP map at a minimum scale of 1 inch equals 100 feet (11" x 17"
- 247 reduction shall also be provided) of the proposed project showing at least the
- 248 following information:
- 249 i. locations, sizes, dimensions and permitted uses of all lots and building
- 250 sites (detailed lot layout/conceptual subdivision plan required for SIPs with
- 251 multiple lots);
- 252 ii. locations, sizes and dimensions of all structures (minimum setbacks and
- 253 yard areas);
- 254 iii. delineations of all water bodies, wetlands, floodplains, steep slopes and
- 255 other sensitive environmental areas;
- 256 iv. locations, dimensions and surface type of all driveways, walkways, trails,
- 257 parking and loading areas and roads;
- 258 v. detailed off-street parking lot and stall design;
- 259 vi. location of all public and private utilities;
- 260 vii. location, type and intensity of outdoor lighting;
- 261 viii. location of recreational and open space areas and facilities, specifically
- 262 describing those that are to be reserved or dedicated for public use; and
- 263 ix. statistical data on lot sizes in the development, the exact areas of all
- 264 development lots and pads, density/intensity of various parts of the development,
- 265 floor area ratios, and lot coverage percentages.
- 266 g. A detailed landscaping plan for the area included in the SIP, specifying the
- 267 location, species, and installed and mature size of all existing and proposed
- 268 trees, shrubs and fencing.
- 269 h. A signage plan for the project, including the type, location, height,
- 270 dimensions, lighting and sign face area of all proposed signs.
- 271 i. An erosion control, drainage and stormwater management plan.
- 272 j. Building elevations for all buildings, including building heights and
- 273 materials.

274 3. After the SIP submittal is complete, it shall be forwarded to the town clerk
275 of the affected town. The town may then forward any comments and
276 recommendations on the proposed SIP to the zoning administrator within 60
277 days. Alternatively, at the sole discretion of the affected town, the town may
278 forward its comments and recommendations to the zoning administrator prior to
279 the zoning administrator's determination of SIP submittal completeness, in which
280 case the 60 day review period is not required.

281 4. The planning and development director and zoning administrator shall
282 review the submitted SIP with reference to the GDP approval, the evaluation
283 criteria in section 10.153(4), and town comments and recommendations. Within
284 50 days of receipt of a complete submittal (or within 10 days of such receipt in
285 the event that the town offers comments and recommendations before the zoning
286 administrator's determination of completeness is made), the director and zoning
287 administrator shall determine whether the SIP is consistent with the approved
288 GDP. Inconsistencies shall require an amendment to the GDP according to the
289 procedure in sub. 10.153(5)(a). If generally consistent with the approved GDP
290 and the evaluation criteria, the director and zoning administrator shall, within
291 such timeframe, approve the SIP as submitted or with modifications necessary to
292 achieve full consistency. If approved with modifications, the applicant shall
293 submit modified SIP materials consistent with the approval before the issuance of
294 zoning permits.

295 5. The approved SIP shall provide the basis for the issuance of all
296 subsequent permits including, but not limited to, zoning permits, to allow
297 development within the SIP area. Any portion of an approved SIP for which a
298 zoning permit is not issued within three years of SIP approval shall expire, and a
299 new SIP must be submitted and approved for that area before any development
300 may occur.

301 6. As an alternative to SIP technical review by the zoning administrator,
302 planning and development director and affected town, approval of the GDP may
303 include detailed restrictive covenants specific to the PUD that establish a design
304 review committee and design review process to review SIP submittals so as to
305 ensure compliance with the GDP. All other requirements for the SIP per para. (b)
306 above shall remain in effect if this option is approved by the town and county as
307 part of the GDP.

308
309 ARTICLE 6. Subsection 12.05(15a) is created to read as follows:

310 (15a) The fee for review of a general development plan (GDP) required to
311 establish an urban planned unit development district shall be \$1,000.00 inclusive
312 of the fee to amend the zoning ordinance. The fee to amend a previously
313 approved GDP or for review of a specific implementation plan (SIP) required
314 before development in an urban planned unit development district may occur
315 shall be \$1,000.00. Except that for a rural planned unit development district, the
316 fee shall be \$500 for the initial GDP and \$500 for an amendment or SIP.

317
318 *[EXPLANATION: This amendment creates a Planned Unit Development (PUD)*
319 *zoning district. Any PUD district would be either an urban or a rural PUD district,*

320 with a range of uses appropriate for either an urban or rural land use context.
 321 The text establishes the intent of the district, indicates the flexibility in uses,
 322 densities and designs allowed in such a district, and describe a two-stage
 323 approval process for mapping such a district. The first stage--general
 324 development plan (GDP)--would require town board and county board review
 325 and approval of a general plan for development of a property. The second stage--
 326 -specific implementation plan (SIP)--would require county planning and
 327 development department staff review and approval of a specific plan consistent
 328 with the GDP, after town review and recommendation (optional to town).
 329 Alternatively, a design review committee could be established by both the town
 330 and the county in the GDP stage, and that committee would instead be
 331 responsible for review and approval of SIP submittals. After SIP approval, the
 332 PUD zoning district would be established on the county zoning map, and zoning
 333 permits could be issued for construction.]

Referred to:

- Executive
- Hlth/Hum Needs
- Pers/Finance
- Pub Prot/Jud
- Pub Wks/Transp
- Envir/Ag/Nat Res
- Zoning/Land Reg

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