

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.

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

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

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

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

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

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

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

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

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

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

c. A map(s) of the subject property showing all lands for which the PUD is proposed, and all other lands within 1,000 feet of the subject property. Said map shall clearly indicate the current property owners and zoning of the subject property and all lands within 500 feet, the boundaries of all political jurisdiction(s) in the area and all lot dimensions of the subject property. The map shall be at a scale not less than one inch equals 800 feet.

d. A general written description of the proposed PUD, including:

i. general project themes, images and design concepts;

ii. general mix of dwelling unit types and land uses;

iii. approximate development densities;

iv. general treatment of natural features and provisions for open space preservation;

- v. general relationship to nearby properties and existing and planned streets, highways and other transportation improvements;
 - vi. general relationship to the approved town land use plan; and
 - vii. a general plan for phasing, including a planned timeline for submittal of one or more SIPs.
- e.** A description of why the applicant wishes to develop the project using PUD zoning. This description shall include justification for the proposed PUD, and shall indicate how the criteria in sub. 10.153(4) will be met.
- f.** A list of standard zoning provisions which will be met by the proposed PUD, standards which will not be met by the proposed PUD, standards which will be more than met by the proposed PUD, and the location(s) in which they apply. This list shall be organized in the following manner:
- i. land use types and mix (list range of permitted uses);
 - ii. density and intensity of land uses (list range of dwelling units per acre, lot sizes, lot frontages/widths, setbacks and yard requirements, lot coverage, building heights, lot dimensions, number of units, and floor area ratios for non-residential uses);
 - iii. landscaping and screening;
 - iv. off-street parking and loading;
 - v. signage; and
 - vi. other applicable standards.
- g.** GDP map(s) at a minimum scale of 1 inch equals 100 feet (11" x 17" reduction shall also be provided) of the proposed project showing at least the following information:
- i. land use layout and the location of major public streets and/or private drives;
 - ii. location of recreational and open space areas and facilities; and
 - iii. statistical data on lot sizes in the development, the approximate areas of large development lots and pads, and density/intensity of various parts of the development.
- h.** A conceptual landscaping plan, noting approximate locations and types of existing and planned landscaping, screening and fencing.
- i.** A general signage plan, including approximate locations, types, heights, lighting and sign face areas.
- j.** Evidence of financial capability pertaining to construction, maintenance and operation of all public and private improvements associated with the proposed development.
- k.** Other maps or information requested by the town or county.
- l.** In the case of a rural PUD, the GDP shall identify any areas proposed to be subject to conservancy easements, the nature of the conservancy easements to be imposed, and other features designed to protect the rural character of the area in which the PUD is proposed.
- 4.** After the GDP submittal is complete, the zoning administrator shall forward two copies of the submittal to the town clerk of the affected town and schedule the petition for zoning committee public hearing.
- 5.** The affected town shall review and act on the proposed GDP. The town may approve the GDP with conditions that identify specific limits or elements the town requires to be included in the SIP.
- 6.** The zoning committee, after a public hearing and after receiving comments from the affected town, shall forward its recommendation on the proposed GDP to the county board. The GDP may be approved with conditions that identify specific limits or elements the county requires be included in the SIP. If the town board approves the GDP subject to conditions and such conditions are amended or deleted by the county, the GDP as approved by the county shall be submitted to the town board for approval of the county's conditions or denial of the GDP.
- 7.** The county board shall act on the GDP and, if the GDP is approved, shall establish through its approval a delayed effective date (DED) totaling at least 12 months within which one or more SIPs must be filed in order to effectuate the rezoning and establish the PUD on the zoning district map. Such timeframe may later be extended through an amendment to the approved GDP, which shall follow the same process as GDP approval. Failure to file an SIP(s) within the delayed effective date, or to extend said date, shall cause the rezoning to become null and void.
- 8.** Approval of the GDP shall establish the basic right of use for the subject property in conformity with the approved plan, but approval of such plan shall not make permissible in any area of the PUD

those uses proposed until an SIP is approved for that area. No development may occur within a PUD district which is inconsistent with an approved GDP.

(b) Specific Implementation Plan (SIP). 1. The applicant may submit to the zoning administrator an application for one or more SIPs along with required application materials within the delayed effective date period as established through county board approval of the rezoning to PUD (GDP approval). If such SIP(s) has not been submitted by the Delayed Effective Date, the approved GDP shall be null and void for those portions of the subject property not yet covered by an approved SIP, and the zoning administrator shall approve no further SIPs for the property under the previously approved GDP. In the event all or part of a GDP is rendered null and void, the zoning on the property shall revert to the zoning category existing prior to the PUD rezoning.

2. The zoning administrator shall determine whether the SIP submittal is complete in reference to the following required application materials:

- a. Name of the applicant, agent, property owner(s) and entity which intend to develop the land.
- b. A complete written legal description of the SIP area.
- c. A map showing the relationship of the SIP area to the approved GDP area.
- d. A written description of the proposed SIP area within the PUD, including:
 - i. specific project themes, images and design features;
 - ii. a specific list of permitted dwelling unit types and land uses;
 - iii. specific development densities by dwelling units per acre, lot sizes, lot frontages/widths, setbacks and yard requirements, lot coverage, building heights, lot dimensions, number of units, and floor area ratios for non-residential uses;
 - iv. specific treatment of natural features and provisions for open space preservation;
 - v. specific relationship to the remainder of the PUD included in the approved GDP, nearby properties and existing and planned streets, highways and other transportation improvements; and
 - vi. a development schedule indicating project stages.
- e. A written description demonstrating the consistency of the proposed SIP with the approved GDP and the criteria in s. 10.153(4), and identifying any and all deviations between the approved GDP and the proposed SIP.
- f. An SIP map at a minimum scale of 1 inch equals 100 feet (11" x 17" reduction shall also be provided) of the proposed project showing at least the following information:
 - i. locations, sizes, dimensions and permitted uses of all lots and building sites (detailed lot layout/conceptual subdivision plan required for SIPs with multiple lots);
 - ii. locations, sizes and dimensions of all structures (minimum setbacks and yard areas);
 - iii. delineations of all water bodies, wetlands, floodplains, steep slopes and other sensitive environmental areas;
 - iv. locations, dimensions and surface type of all driveways, walkways, trails, parking and loading areas and roads;
 - v. detailed off-street parking lot and stall design;
 - vi. location of all public and private utilities;
 - vii. location, type and intensity of outdoor lighting;
 - viii. location of recreational and open space areas and facilities, specifically describing those that are to be reserved or dedicated for public use; and
 - ix. statistical data on lot sizes in the development, the exact areas of all development lots and pads, density/intensity of various parts of the development, floor area ratios, and lot coverage percentages.
- g. A detailed landscaping plan for the area included in the SIP, specifying the location, species, and installed and mature size of all existing and proposed trees, shrubs and fencing.
- h. A signage plan for the project, including the type, location, height, dimensions, lighting and sign face area of all proposed signs.
- i. An erosion control, drainage and stormwater management plan.
- j. Building elevations for all buildings, including building heights and materials.

3. After the SIP submittal is complete, it shall be forwarded to the town clerk of the affected town. The town may then forward any comments and recommendations on the proposed SIP to the zoning administrator within 60 days. Alternatively, at the sole discretion of the affected town, the town may forward its comments and recommendations to the zoning administrator prior to the zoning

administrator's determination of SIP submittal completeness, in which case the 60 day review period is not required.

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

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

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

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

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