

**CHAPTER 4**

PUD Planned Unit Development Overlay District

**SEC. 8-4-1 PURPOSE OF THE PUD OVERLAY DISTRICT.**

The PUD Planned Unit Development Overlay District is established to encourage and promote improved environmental design in the Village of Hales Corners by allowing for greater freedom, imagination and flexibility in the development of land while insuring substantial compliance to the basic intent of the zoning ordinance and the general plan for community development. The 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 in regard to public services and encourage and facilitate preservation of open land.

**SEC. 8-4-2 TYPES OF PLANNED UNIT DEVELOPMENTS.**

This Chapter contemplates that there may be a Residential, Business, Industrial, Planned Unit Developments and Mixed Compatible Use Developments.

**SEC. 8-4-3 PHYSICAL REQUIREMENTS FOR PLANNED UNIT DEVELOPMENTS.**

- (a) **Minimum Total Area Requirements.** Areas designated as planned unit developments shall contain a minimum total development area as follows:

<u>Principal Uses</u>	<u>Minimum Area of PUD</u>
Residential PUD	1 acre
Business PUD	1½ acres
Industrial PUD	3 acres
Mixed Compatible Use PUD	2 acres
Parks & Institutional PUD	1 ½ acres

- (b) **Lot Area, Lot Width, Heights and Yard Requirements.** In the PUD Overlay District, there shall be no specific lot area, lot width, height, floor area ration, yard and usable open space requirements, but such requirements as are made a part of an approved recorded precise development plan shall be construed to be and enforced as a part of this Chapter.
- (c) **Permitted Uses.** Any use permitted in any of the other Districts of this Chapter may be permitted subject to the criteria as established in Section 8-4-7 following, but such requirements as are made a part of an approved precise development plan shall be construed to be and enforced as a part of this Chapter.
- (d) **Conditional Uses.** Any use allowed only as a conditional use in any of the other Districts of this Chapter may be permitted subject to the criteria as established in Section 8-4-7 following, but such requirements as are made a part of an approved recorded precise

Section 8-4-3

development plan shall be, along with the recorded plan itself, construed to be and enforced as a part of the Chapter.

- (e) **Single Parcel, Lot or Tract.** Each PUD Overlay District shall be considered as one (1) tract, lot or parcel, and the legal description must define said PUD as a single parcel, lot or tract and be so recorded with the Milwaukee County Register of Deeds.

#### **SEC. 8-4-4 SIGNS.**

In the Planned Unit Development Overlay District, signs shall be permitted in accordance with the requirements of the sign regulations of the Village, and such requirements as are made a part of an approved recorded precise development plan shall be, along with the recorded plan itself, construed to be and enforced as a part of this Chapter.

#### **SEC. 8-4-5 OFF-STREET PARKING.**

In the PUD Overlay District, off-street parking facilities shall be provided as set forth in an approved recorded precise development plan which shall be, along with the recorded plan itself, construed to be and enforced as a part of this Chapter.

#### **SEC. 8-4-6 SUBSEQUENT LAND DIVISION.**

The division of any land or lands within a planned unit development for the purpose of change or conveyance of ownership may be accomplished pursuant to the land division/subdivision regulations of the Village when such division is contemplated.

#### **SEC. 8-4-7 CRITERIA FOR APPROVAL.**

As a basis for determining the acceptability of a Planned Unit Development Overlay 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, is consistent with the policies of the Village development plan, has been prepared with professional advice and guidance and produces significant benefits in terms of environmental design:

- (a) **Character and Intensity of Land Use.** In a Planned Unit Development Overlay District, the uses proposed and their intensity and arrangement on the site shall be of a visual and operation character which:
  - (1) Are compatible to the physical nature of the site with particular concern for preservation of natural features, tree growth and open space.
  - (2) Would produce an attractive environment of sustained aesthetic and ecologic desirability, economic stability and functional practicality compatible with the general development plans for the area as established by the community.
  - (3) Would not adversely affect the anticipated provision for school or other municipal services.

Section 8-4-7

- (4) Would not create a traffic or parking demand incompatible with the existing or proposed facilities to serve it.
- (b) **Economic Feasibility and Impact.** The proponents of a Planned Unit Development Overlay 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.
- (c) **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 storm water 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 insure the public safety and welfare as determined by the Village Engineer.
- (d) **Preservation and Maintenance of Open Space.** In a Planned Unit Development Overlay District, adequate provisions shall be made for the permanent preservation and maintenance of "open space" either by private reservation or dedication to the public.
  - (1) In the case of 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 non-business, recreational or cultural purposes compatible with the open space objective may be permitted only where specifically authorized as part of the development plan or, subsequently, with the express approval of the Village Board following approval of building, site and operational plans by the Plan Commission.
  - (2) The care and maintenance of such open space reservations shall be assured by establishment of appropriate management organization 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.
  - (3) 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.
- (e) **Implementation Schedule.** The proponents of a Planned Unit Development Overlay 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 could be brought to completion in a manner which would not result in an adverse effect upon the community as a result of termination at that point.

Section 8-4-8

**SEC. 8-4-8 PROCEDURAL REQUIREMENTS FOR A PLANNED UNIT**

## DEVELOPMENT OVERLAY DISTRICT.

- (a) **Pre-Petition Conference.** Prior to the official submission of the petition for the approval of a Planned Unit Development Overlay District, the owner or his agent making such petition should meet with the Plan Commission or its staff to discuss the scope and proposed nature of the contemplated development.
- (b) **Petition for Approval.** Following the pre-petition conference, the owner or his agent may file a petition with the Village Administrator for approval of a Planned Unit Development Overlay District. Such petition shall be accompanied by a review fee of Two Hundred Dollars (\$200.00). The procedure for rezoning to a Planned Unit Development Overlay District shall be as required for any other zoning district change under this Chapter, except that, in addition thereto, the following information shall be filed by the applicant with the Village Administrator with the petition for rezoning:
  - (1) Informational Statement. A statement which sets forth the relationship of the proposed PUD to the Village's adopted master (comprehensive land use and thoroughfare plan) plan, neighborhood plan, or any adopted component thereof, and the general character of and the uses to be included in the proposed PUD, including the following information:
    - a. Total area to be included in the PUD, area of open space, residential density computations, proposed number of dwelling units, population analysis, availability of or requirements for municipal services and other similar data pertinent to a comprehensive evaluation of the proposed development.
    - b. A general summary of the estimated value of structures and site improvements costs, including landscaping and special features.
    - c. A general outline of the organizational structure of a property owner's or management's association, which may be proposed to be established for the purpose of providing any necessary private services.
    - d. Any proposed departures from the standards of development as set forth in the Village zoning regulations, land subdivision requirements, other Village regulations or administrative rules, or other universal guidelines.
    - e. 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.
    - f. Appropriate statistical data on the size of the development, residential density in the various parts of such development, ratio of land uses, percentages of multi-family units by number of bedrooms, economic analysis of the development, expected staging and any other plans or data required by the Plan Commission or Village Board.
  - (2) A General Development Plan Including:
    - a. A legal description of the boundaries of the subject property included in the proposed PUD and its relationships to surrounding properties.
    - b. The location of public and private roads, driveways, sidewalks and parking facilities.  
Section 8-4-8
    - c. The size, arrangement and location of any individual building sites and

- d. proposed building groups on each individual site.
- d. The location of institutional, recreational and open space areas and areas reserved or dedicated for public uses, including schools, parks and drainageways.
- e. The type, size and location of all structures.
- f. General landscape treatment.
- g. The existing and proposed location of public sanitary sewer, water supply facilities and stormwater drainage facilities.
- h. The existing and proposed location of all private utilities, exterior lighting or easements of any nature.
- i. Characteristics of soils related to contemplated specific uses.
- j. Existing topography on the site with contours at no greater than two (2) foot intervals.
- k. Anticipated uses of adjoining lands in regard to roads, surface water drainage and compatibility with existing adjacent land uses.
- l. If the development is to be staged, a staging plan.
- m. A plan showing how the entire development can be further subdivided in the future.

**SEC. 8-4-9 BASIS FOR APPROVAL OF THE PETITION FOR PLANNED UNIT DEVELOPMENT**

- (a) **Requirements.** The Plan Commission, in making recommendations for approval, and the Village Board, in making a determination approving a petition for planned unit development, shall find as follows:
  - (1) That the applicable physical requirements made and provided in Section 8-4-3 will be met;
  - (2) That the requirements as to public services and facilities made and provided in Section 8-4-7 will be met.
- (b) **Proposed Construction Schedule.** 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 (1) year of approval being deemed reasonable.
- (c) **Residential PUD, Considerations.** The Plan Commission and Village Board, in making their respective recommendation and determination as to a proposed residential planned unit development, shall further consider whether:
  - (1) 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 community.

Section 8-4-9

- (2) The total net residential density within the planned unit development will be compatible with the Village master plan (comprehensive land use and thoroughfare plan), neighborhood plan, or components thereof, and shall be compatible with the

- density of the district wherein located.
  - (3) Structure types will be generally compatible with other structural types permitted in the underlying basic use district.
  - (4) Provision has been made for the installation of adequate public facilities and the continuing maintenance and operation of such facilities if privately owned.
  - (5) Provision has been made for adequate, continuing fire and police protection.
  - (6) The population density of the development will or will not have an adverse effect upon the community's capacity to provide needed school or other municipal service facilities.
  - (7) Adequate guarantee is provided for permanent preservation of open space areas as shown on the general development plan as approved either by private reservation and maintenance or by dedication to the public.
- (d) **Business PUD, Parks and Institutional PUD, Considerations.** The Plan Commission and Village Board, in making their respective recommendation and determination as to a proposed business planned unit development, shall further consider whether:
- (1) The economic practicality of the proposed development can be justified.
  - (2) The proposed development will be served by off-street parking and truck service facilities in accordance with this Chapter.
  - (3) 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 storm water drainage and maintenance of public areas.
  - (4) The locations of entrances and exists 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.
  - (5) 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.
- (e) **Industrial PUD, Considerations.** The Plan Commission and Village Board, in making their respective recommendations and determination as to a proposed industrial planned unit development, shall further consider whether:
- (1) The operational character and physical plan arrangement of buildings will be compatible with the latest in performance standards and industrial development design and will not result in an adverse effect upon the property values of the surrounding neighborhood.
  - (2) 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 storm water drainage and maintenance of public areas.

Section 8-4-9

- (3) The proposed development will include provision for off-street parking and truck service areas in accordance with this Chapter and will be adequately served by easy-access rail and/or arterial highway facilities.
- (4) The proposed development is properly related to the total transportation system of

the community and will not result in an adverse effect on the safety and efficiency of the public streets.

- (f) **Mixed Use PUD, Considerations.** The Plan Commission and Village Board, in making their respective recommendation and determination as to a proposed mixed use planned unit development, shall further consider whether:
- (1) The proposed mixture of uses produces a unified composite which is compatible with the zoning district and which, as a total development entity, is compatible with the surrounding neighborhood.
  - (2) The various types of uses conform to the general requirements as hereinbefore set forth, applicable to projects of such use and character.
  - (3) 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 storm water drainage and maintenance of public areas.

**SEC. 8-4-10 RECORDING AND IMPLEMENTATION PLAN.** Before any building permit shall be issued, the applicant and the owner shall enter into an appropriate contract with the Village to guarantee the implementation of the development according to the terms and conditions established as a part of the Specific Implementation Plan. The Village shall have the right, if deemed appropriate, to require the inclusion of a performance bond satisfactory to the Village Attorney. Such contract shall be recorded by the developer in the Milwaukee County Register of Deeds' office within ten (10) days after its execution. Any subsequent change of use of any lot or parcel of land shall be subject to the procedure provided in Sections 8-4-8 and 8-4-9 above and, in this subsection, before the use is changed. Any subsequent change of or addition to or modification of the plans shall be submitted for approval to the Village Board following review by the Plan Commission and if the Village Board determines that such change, addition, or modification constitutes a substantial alteration of the original plans or plans previously approved, the procedure provided in Sections 8-4-8 and 8-4-9 above and, in this subsection, shall be required before the plans are so altered. If the Village Board determines that such proposed change, addition, or modification does not constitute a substantial alteration of the original or previously approved plans, the Village Board may act upon such proposal forthwith. A determination as to whether any alteration is substantial shall be made upon the consideration of the proposed change, addition, or modification to plans in relation to the scope of the General Plan and original Purpose of and applicable Considerations given to the previously approved Planned Unit Development under this Chapter. Any such subsequent change of use or addition to or modification of plans may only be made upon the favorable vote of a majority of all the members of the Village Board.

- (a) **Recording.** Upon final approval of the application and adoption of a zoning change to the Planned Unit Development Overlay district by the Village Board, the building, site and operational plans for the development, as approved, as well as all other commitment and
- Section 8-4-10

contractual agreements with the Village offered or required with regard to components, project value, character and other factors pertinent to an assurance that the proposed development will be carried out basically as presented in the official submittal plans shall be recorded by the developer within ten (10) days in the Milwaukee County Register of Deeds' office. Unless and until all of said plans and documents have been recorded, no building

permit shall be issued for any construction within said Planned Unit Development Overlay District. Detailed construction and engineering plans need not necessarily be completed at the time the zoning is approved, but the approval and recording of the above plans shall be conditioned upon the subsequent submittal and approval of more specific and detailed plans as the development progresses.

(b) **Specific Implementation Plan After Approval of Zoning.** The applicant shall file with the Plan Commission, through the Zoning Administrator:

- (1) A precise plan of development.
- (2) Proof of financial capability.
- (3) A scale map of the area.
- (4) A final plat of the entire development 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.
- (5) The location and treatment of open space areas and recreational or other special amenities.
- (6) The arrangement of building groups, other than single-family residences and all final landscape plans.
- (7) Architectural drawings and sketches illustrating the design and character of proposed structures.
- (8) Location of all utility installations.
- (9) A development schedule indicating:
  - a. The approximate date when construction of the project can be expected to begin;
  - b. The stages in which the project will be built and the approximate date when construction of each stage can be expected to begin;
  - c. The anticipated rate of development;
  - d. The approximate date when the development of each of the stages will be completed; and
  - e. The area and location of open space that will be provided at each stage.
- (10) Agreements, bylaws, provisions or covenants which govern the organizational structure, use, maintenance and continued protection of the Planned Unit Development and any of its common services, open areas or other facilities.
- (11) Any other plans, documents or schedules required by the Plan Commission or Village Board.

(c) **Development Contract.** Before any building permit shall be issued, the applicant and the owner shall enter into an appropriate contract with the Village to guarantee the implementation of the development according to the terms and conditions established as a part of the Specific Implementation Plan. The village shall have the right, if deemed

Section 8-4-10

appropriate, to require the inclusion of a performance bond satisfactory to the Village Attorney. Such contract shall be recorded by the developer in the Milwaukee County Register of Deeds' office within ten (10) days after its execution. Any subsequent change of use of any lot or parcel of land or addition or modification of the plans 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 procedure provided in Sections 8-4-8 and 8-4-9 above and, in this Subsection, shall be required before the use is changed or the plans modified. If, in the opinion of the Plan Commission, such change or modification does not constitute a substantial alteration of the original plans and if such change or modification is recommended by the Plan Commission, the change or modification may be made without the approval of the Village Board.

Reference: Ordinance 02-13; 02-17