

ORDINANCE NO. 2020-01

**AN ORDINANCE CREATING TITLE 575, CHAPTER 36.5
OF THE FREDONIA CODE OF ORDINANCES PERTAINING
TO PUD PLANNED UNIT DEVELOPMENT OVERLAY DISTRICT ZONING**

The Village Board of the Village of Fredonia does ordain as follows:

Part 2. Title 575, Chapter 36.5, is hereby created as follows:

A Planned Unit Development (PUD) Overlay District may be initiated by the Village Board, Village Planning Commission, or by petition of one or more of the owners or lessees of property within the proposed area. Planned unit development (PUD) involves one or more lots, tracts, or parcels of land to be developed as a single, themed entity, the plan for which may propose density or intensity transfers, density or intensity increases, and mixing of land uses, or any combination thereof, and which may not correspond in lot size, bulk, or type of dwelling or building, use, density, intensity, lot coverage, parking, required common open space, or other standards to zoning use district requirements that are otherwise applicable to the area in which it is located. PUD permits flexibility in the application of land development regulations that will encourage innovative development and redevelopment for residential and nonresidential purposes so that a growing demand for other housing and other development and land use may be met by variety in type, design, and layout of dwellings and other buildings and structures, including traditional neighborhood and urban Village development; provide flexibility in architectural design, placement, and clustering of buildings, use of open areas, provision of circulation facilities, including pedestrian facilities and parking or related site and design considerations; encourage the conservation of natural features and the preservation of open space, critical and sensitive areas, and natural hazard areas; provide for efficient use of public facilities; encourage and preserve opportunities for energy-efficient development and redevelopment; and promote attractive and functional environments for nonresidential areas that are compatible with surrounding land use. Such developments are intended to provide a safe and efficient system for pedestrian and vehicular traffic; to provide attractive recreation and open spaces as integral parts of the developments; to enable economic design in the location of public and private utilities and community facilities; and to ensure adequate standards of construction and planning. The PUD Overlay District under this chapter will allow for flexibility of overall development design with benefits from such design flexibility intended to be derived by both the developer and the community.

A. Permitted uses.

- (1) Uses permitted in a Planned Unit Development Overlay District shall conform to uses generally permitted in the underlying basic use district. Individual structures shall comply with the specific building area and height requirements of the underlying basic use district. All open space and parking requirements of the underlying basic use district shall be complied with either individually or by providing the combined open space and parking space

required for the entire development in one or more locations within the development.

B. Minimum area requirements.

- (1) Areas designated as Planned Unit Development Overlay Districts shall be under single or, by agreement, joint or corporate ownership and control, and shall contain a minimum development area of:

Principal Uses	Minimum Area of PUD (acres)
Residential PUD	5
Commercial PUD	5
Industrial PUD	20
Mixed compatible use	20

C. Procedural requirements.

- (1) Prepetition conference. Prior to the official submission of the petition for the approval of a Planned Unit Development Overlay District, the owner(s) or designee(s) making such petition shall meet with the Village Planning Commission or its staff to discuss the scope and proposed nature of the contemplated development.
- (2) Petition. Following the prepetition conference, owner(s) or designee(s) may file a petition with the Village Clerk for approval of a Planned Unit Development Overlay District. Such petition shall be accompanied by a review fee, as required by the Village Board pursuant to the Village Fee Schedule, and the following information:
- (a) A general plan statement which sets forth the relationship of the proposed PUD to the Village's adopted Comprehensive 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:
- [1] 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 any other similar data pertinent to a comprehensive evaluation of the proposed development.
- [2] A general summary of the estimated value of structures and site improvement costs, including landscaping and special features.
- [3] 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 district-wide private services, and any proposed contractual agreements between multiple owners for such purposes.

- [4] Any proposed departures from the standards of development, other Village regulations as set forth in the Village zoning regulations or administrative rules, or other universal guidelines.
- [5] The expected date of commencement of physical development as set forth in the proposal.
- (b) Specific implementation plan. The specific implementation plan shall include the following detailed construction and engineering plans and related detailed documents and schedules except when specific documents are waived by Plan Commission:
 - [1] An accurate map of the area covered by the plan including the relationship to the total general development plan.
 - [2] The pattern of public and private roads, driveways, walkways and parking facilities.
 - [3] Detailed lot layout and subdivision plat where required.
 - [4] The arrangement of building groups, other than single-family residences, and their architectural character.
 - [5] Sanitary sewer and water mains.
 - [6] Grading plan and storm drainage system.
 - [7] The location and treatment of open space areas and recreational or other special amenities.
 - [8] The location and description of any areas to be dedicated to the public.
 - [9] Landscape plan and plant list.
 - [10] Proof of financing capability.
 - [11] Analysis of economic impact upon the community.
 - [12] A construction schedule indicating the approximate dates when construction of the project can be expected to begin and be completed.
 - [13] Agreements, bylaws, provisions or covenants that govern the organizational structure, use, maintenance and continued protection of the development and any of its common services, common open areas or other facilities.
- (3) Approval of the petition. The Village Planning Commission shall hold a

public hearing regarding the PUD petition and plan elements pursuant to the requirements of Article XIII of this chapter. Notice for such hearing shall include reference to the development plans filed in conjunction with the requested Planned Unit Development Overlay District. Following a review of the general plan statement, specific implementation plan, and any other requested information, and a determination as to whether or not the proposal is compatible with the Village's adopted Comprehensive Plan, the Village Planning Commission shall recommend to the Village Board that the petition be approved as submitted, approved with modifications, referred back to the petitioner for further modifications or disapproved. Upon receipt of the Planning Commission recommendation, the Village Board may approve the plan and authorize the development to proceed accordingly, or disapprove the plan and refer it back to the Planning Commission with specific objections for further negotiation with the developer. In the event the Village Board approves the specific implementation plan and adopts a zoning ordinance amendment designating a tract of land as a Planned Unit Development Overlay District, the owner or developer of such land shall provide the Zoning Administrator, within 12 months of the date of Village Board approval, with recordable copies of the approved general or specific implementation plan and all other written commitments and contractual agreements with the Village regarding project value, character and other pertinent factors, and a certified copy of the zoning ordinance amendment and any other formal action taken by the Village. The cost of preparing such recordable copies and the recording fees for all documents shall be paid by the owner or developer of the lands included in the Planned Unit Development Overlay District. Upon receipt of such recordable documents, the Zoning Administrator shall record them with the Ozaukee County Register of Deeds. No building permit may be issued prior to recording of the documents. If the specific implementation plan is not recorded within 12 months of the date of Village Board approval, the approval shall be null and void, and a new petition and approval process shall be required to obtain specific implementation approval. However, where the plans have not been altered from the Village Board's prior approval and the time for recording the PUD specific implementation plan has expired, the Zoning Administrator may, after consultation with and approval from the Planning Commission, approve an extension for up to 24 months from the original expiration date. No alteration of a PUD specific implementation plan shall be permitted unless approved by the Planning Commission, although the Zoning Administrator may issue permits for minor alterations that are compatible with the concept approved by the Village Board and the provisions of this chapter.

D. Principal uses.

- (1) In the case of a proposed residential Planned Unit Development Overlay District:
 - (a) 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.
 - (b) The total net residential density within the Planned Unit Development Overlay

Overlay District will be consistent with the range of intensity and density of development permitted in the underlying basic use district.

- (c) Where a parcel zoned PUD is located partially within a flood plain or C-1 District, the floodway or conservancy district lands may be used to fulfill the area requirements set forth in Subsection **D(1)(b)** above, provided that at least 2/3 of the land utilized in the calculation of density is located outside of the floodway or C-1 District.
 - (d) Provision has been made for the installation of adequate public facilities and the continuing maintenance and operation of such facilities.
 - (e) Adequate, continuing fire and police protection is available.
 - (f) The population composition of the development will not have an adverse effect upon the community's capacity to provide needed school or other municipal service facilities.
 - (g) Adequate guarantee is provided for permanent preservation of open space areas as shown on the approved site plan either by private reservation and maintenance or by dedication to the public.
- (2) In the case of a proposed commercial Planned Unit Development Overlay District:
- (a) The proposed development will be adequately served by off-street parking and truck service facilities.
 - (b) 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, and maintenance of public areas.
 - (c) The locations for entrances and exits have been designated to prevent unnecessary interference with the safe and efficient movement of traffic on surrounding streets, and the development will not create an adverse effect upon the general traffic pattern of the surrounding neighborhood.
 - (d) 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.
- (3) In the case of a proposed industrial Planned Unit Development Overlay District:
- (a) 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 effect upon the property values of the surrounding neighborhood.

- (b) 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, and maintenance of public areas.
- (c) The proposed development will include adequate provisions for off-street parking and truck service areas and will be adequately served by rail and/or arterial highway facilities.
- (d) 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.
- (e) No residential structures shall be permitted in an industrial PUD.
- (4) In the case of a mixed use Planned Unit Development Overlay District:
 - (a) The proposed mixture of uses produces a unified composite which is compatible within the underlying districts and which, as a total development entity, is compatible with the surrounding neighborhood.
 - (b) The various types of uses conform to the general requirements as hereinbefore set forth, applicable to projects of such use and character.
 - (c) 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, and maintenance of public areas.

- E. Subsequent land division.
The division of any land or lands within a Planned Unit Development Overlay District for the purpose of change or conveyance of ownership shall be accomplished pursuant to the land division regulations of the Village, and when such division is contemplated, a preliminary plat or certified survey map of the lands to be divided shall accompany the petition for PUD approval.

Severability. If any provision of this ordinance is invalid or unconstitutional, such invalidity of unconstitutionality shall not affect the other provisions of this ordinance.

This ordinance shall take effect and be in force one day after its passage and posting as provided by law.

PASSED AND ADOPTED by the Fredonia Village Board, Ozaukee County,
Wisconsin, this 5th day of March, 2020.

FREDONIA VILLAGE BOARD

Donald Dohrwardt, Village President

ATTEST:

Village Clerk