

PLANNED DEVELOPMENT DISTRICT (Revised 11-4-08)

A. GENERAL

1. Planned Development District shall be an overlay Zoning District. It shall operate as a conditional use and as an alternative to the permitted uses and regulations applicable to existing districts, and shall be applicable only to those lands which are hereby and may hereafter be zoned Planned Development District by the Town Board.

2. There shall be no more than one PDD district established for all or any part of any one parcel of land. Basic underlying zoning requirements for lands conditionally zoned as Planned Development District shall continue in full force and effect and shall be solely applicable until such time as the Town Board grants final approval as hereinafter provided.

3. The amount of a contingency fund will be determined by the Town Board at the Pre-Application Conference. This fund will provide payment for meeting fees, lawyer fees and associated additional expenses, as determined by the Town Board, related to the Planned Development District. Contingency funds will be forwarded by the applicant/developer to the Zoning Administrator at the time the applicant/developer is applying for the Preliminary Approval meeting and will begin to be utilized immediately for expenses incurred.

The contingency fund must be maintained at 30% of the original amount until the completion of the project. Replenishment funds must be received by the Zoning Administrator no later than 7 working days following the notice issued by the Town of Glenmore to the applicant/developer. Excess contingency funds will be refunded to the applicant/developer following successful completion of the entire project as determined by the Town Board.

4. A fee of two hundred fifty dollars (\$250.00) shall be required for each meeting held by the Plan Commission regarding the Planned Development District application and approval process.

5. A fee of one thousand dollars (\$1000.00) per business unit, other than the owner/applicant in the proposed development, shall be included as part of the Petition for Final Approval.

6. Applicant/developer shall be responsible for all attorney fees incurred in relation to the Planned Development District.

7. An Irrevocable Letter of Credit shall be required. The amount and terms of such Irrevocable Letter of Credit shall be determined by the Glenmore Town Board members for costs associated with the project.

8. Permission to sell lots and/or begin construction on lots will be contingent upon all documents being executed, recording of such documents at the Brown County Register of Deeds office and receipt of copies of the same by the Glenmore Town Clerk.

B. PURPOSE

The purpose of the Planned Development District and the regulations applicable to the same are to encourage and provide means for effecting desirable and quality development by permitting greater flexibility and design freedom than that permitted under the basic district regulations, and to accomplish

a well balanced, aesthetically satisfying town and economically desirable development of building sites within a Planned Development District.

These regulations are established to permit latitude in the development of the building site if such development is found to be in accordance with the purpose, spirit and intent of this ordinance and is found not to be hazardous, harmful, offensive or otherwise adverse to the environment, property values or the character of the neighborhood or the health, safety and welfare of the community.

It is intended to permit and encourage diversification, variation and imagination in the relationship of uses, structures, open spaces and heights of structures for 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 space and other natural features, such as woodlands, floodplains and wetlands.

C. DEFINITIONS

1. Basic Zoning Regulations. Zoning regulations as are applicable to the use district other than the regulations set forth in this section.
2. Building Site. A tract of land not divided by public streets or into lots, excepting for single-family dwelling purposes and which will not be subdivided; or where the tract of land, if so divided, is in single ownership or is owned by a corporation, or other legal entity. The site must be located on a public street or highway.
3. Comprehensive Plan. The official guide for the physical, social and economic growth of the Town of Glenmore which is now or may hereafter be in effect.
4. Density. The number of dwelling units permitted per square foot of land area or number of dwelling units permitted per acre of land area.
5. Easement. Land over which a liberty is granted to the public, utility, some particular person, corporation, or part of the public for limited right of use.
6. Final Plan. The proposal for development of a planned unit development, including a plat of subdivision (if any), all covenants, easements and other conditions relating to use, location and bulk of buildings, density of development, common open space and public facilities. The plan shall include such information as required by Subsection I. Final Approval herein.
7. Improved Open Space. The “Open Space” parcels and any structure or improvements which are placed upon such parcels (i.e., rest rooms, tennis courts, ball diamonds, etc.).
8. Irrevocable Letter of Credit. An irrevocable promise by the applicant/developer’s bank that the bank will make any payment to the Town requested by the Town of Glenmore should the Town of Glenmore, in the Town’s sole discretion, believe that the applicant/ developer has broken one or more of its promises to the Town.
9. Open Space. A parcel or parcels of land or an area of water, or a combination thereof, with the site designated for the Planned Development District and intended for the use or enjoyment of residents of the planned development.

10. Planned Development District. An area of land, controlled by a single owner, corporation, or other legal entity which is to be developed as a single unit and is referred herein as PDD.

11. Preliminary Plan. The preliminary drawings described in Subsection G PROCEDURE 3c. Information Required herein indicating the proposed manner and/or layout of the PDD to be submitted to the Zoning Administrator who will present it to the Glenmore Plan Commission for its recommendation to the Town Board.

12. Unimproved Open Space. Open space kept free of structures or improvements, except for hiking, horseback riding, bicycle trails, ponds, picnic areas and nature parks.

D. PERMITTED USES

The following uses are permitted in a PDD upon obtaining all necessary approvals required under this ordinance:

1. All uses permitted under the basic zoning regulations applicable to the zoning district in which the particular property is located.

2. When a building site is situated in more than one zoning district, all uses permitted under the basic zoning regulations of one district may be extended into the adjacent district, but only under the condition that the maximum area of such extension shall not exceed fifty (50) percent of the land area of the parcel from which the zoning district is to be extended.

3. Such additional uses, or mixture of uses, as are recommended by the Plan Commission and approved by the Town Board.

E. GENERAL REQUIREMENTS

1. Building Restrictions.

When all necessary approvals required under this ordinance are obtained, the building height, size and floor area, lot size, setback, side and rear yard, density and open space requirements under the basic zoning regulations shall not be applicable, but rather such requirements as are made a part of the approved precise development plan and the plan itself, shall be construed to be and shall be enforced as part of this ordinance.

2. Engineering Design Standards.

Normal standards or operational policy regarding right-of-way widths, provision of sidewalks, street lighting and similar environmental design criteria shall not be mandatory in a planned development, but precise standards satisfactory to the town, pursuant to F. CRITERIA FOR APPROVAL herein shall be made a part of the approval plan and shall be enforceable as a part of this ordinance.

3. Approvals

The applicant/developer shall develop the site in accordance with the terms and conditions of development presented to and approved by the Town Board. Any changes or additions to the original approved development site, structures, or plans of operation shall require re-submittal and recommendation by the Plan Commission and approval by the Town Board.

4. Rescinding Approval.

Failure to comply with the conditions, commitments, guarantees, or the recommendations established in the approval of such development project shall be cause for rescinding the approval of the same. Upon notice given by the Zoning Administrator, the applicant/developer then shall be required to appear before the Town Board at its next public meeting to explain any such failure to comply. The Town Board at such meeting shall determine whether or not the applicant/developer shall have failed to comply and, if there has been such a failure, may either:

a. Rescind its approval, whereupon such rescission and cessation of all rights and privileges of the applicant/developer and/or owner, including the right to complete construction or to construct any building or other structure or improvement, shall become effective on the thirty-first (31st) day following mailing by certified mail to the applicant/developer at his/her last known address of a written notice of such rescission; or

b. Adjourn such discussion at the Town Board meeting for a period not to exceed sixty-five (65) days to enable the applicant/developer to comply. Whereupon, if the applicant/developer is then in substantial compliance and has then established to the reasonable satisfaction of the Board that there will be compliance in the future, the rights and privileges of the applicant/developer and owner shall continue for such period of time that there shall be such compliance; but, if the applicant/developer is not then in substantial compliance, or does not establish to the reasonable satisfaction of the Board that there will be compliance in the future, the Board will proceed in accordance with subparagraph a, immediately above.

F. CRITERIA FOR APPROVAL

As a basis for determining the acceptability of a Planned Development proposal, the following criteria shall be applied to the development plan with specific consideration as to whether or not it is consistent with the spirit and intent of this ordinance, 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 a visual, aesthetic and operational character which:

a. Is compatible to the physical nature of the site, with particular concern for preservation of natural features, tree growth and open space.

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, sewer, water,

snow removal, garbage pickup, fire protection or other municipal services.

d. Would provide sufficient and accessible off-street parking and loading facilities in the amounts specified in **Off Street Parking and Loading**.

2. Landscaping of Parking Areas.

The parking site shall be planned to provide a desirable transition from the streetscape and to provide for adequate landscaping, pedestrian movement and parking areas. In keeping with this purpose, the following design standards shall be set forth:

a. Where natural or existing topographic features contributed to the beauty and utility of a development, consideration shall be given to this preservation. Modification to topographic features should not occur where it only contributes to good appearance.

b. Plant material shall be selected for interest in its structure, texture, color and for its ultimate growth. Further, it is recommended that native materials be employed for their ability to tolerate the prevailing adverse conditions.

c. In locations where plant materials will be susceptible to injury by pedestrians and/or motor vehicles, appropriate curbs, tree guards or other protective devices shall be employed.

d. Parking areas shall be arranged so as to prevent through traffic to other parking areas.

e. Parking areas shall be screened from adjacent structures, roads and traffic arteries with hedges, dense planting, earth berms, changes in grade or walls, except where parking areas are designed as an intricate part of the street.

f. No more than fifteen (15) parking spaces shall be permitted in a continuous row without being interrupted by landscaping.

g. All parking areas shall be adequately lighted. All such lighting shall be so arranged as to direct the light away from adjoining residences.

h. All parking areas and off-street loading and unloading areas shall be paved, and the design thereof approved by the Plan Commission. Parking areas shall meet the requirements of **Off-Street Parking and Loading**.

i. All parking areas and off-street loading and unloading areas shall be graded and drained so as to dispose of all surface water without erosion, flooding and other inconveniences.

j. All streets shall have hard surfaces with minimum roadbed width of thirty (30) feet.

3. Engineering Design Standards.

The width of rights-of-way, width and location of street or other paving, requirements for outdoor lighting, location of sanitary and storm sewer and water lines and provision for drainage and other similar environmental engineering considerations shall be based upon a determination as to the

appropriate standards necessary to insure the public safety and welfare.

4. Preservation and Maintenance of Open Space.

Adequate provision shall be made for the permanent preservation and maintenance of common "open space" and rights-of-way either by private reservation or dedication to the public.

a. In the case of private reservation, the open area to be reserved shall be protected against building development by conveying to the town, as part of the conditions for project approval, an open space easement over such open areas restricting the areas against any further building or use, except as is consistent with that of providing landscaped open space for the aesthetic and recreational satisfaction of the surrounding residences. Buildings or uses for noncommercial 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 Town Board following the recommendation of building, site and operational plans by the Plan Commission.

b. In the case of roadways and other rights-of-way which are not dedicated to the public, as part of the conditions for project approval, there shall be granted to the town such easements over the same as may be necessary to enable the Town to provide suitable and adequate fire protection, sanitary and storm sewer, water and other required municipal services to the project area.

c. The care and maintenance of such open space reservations and rights-of-way shall be assured, either by establishment of appropriate management organization for the project or by agreement with the town for establishment of a special service district for the project area on the basis of which the town shall provide the necessary maintenance service and levy the cost thereof as a special assessment on the tax bills of properties within the project area. In any case, the town shall have the right to carry out and levy an assessment for the cost of any maintenance which it feels necessary if it is not otherwise taken care of to the satisfaction of the town. The manner of assuring maintenance and assessing such cost to individual properties shall be determined prior to the approval of the final project plans and shall be included in the title to each property.

d. Ownership and tax liability of private open space reservations and rights-of-way shall be established in a manner acceptable to the Town and made a part of the conditions of the plan approval.

5. Factors and Requirements to be Considered by the Plan Commission and Town Board.

a. Heights of structures.

b. Auto parking facilities. Parking areas shall meet requirements of **OFF-STREET PARKING AND LOADING.**

c. Screening and fencing.

d. Landscaping.

e. Setbacks.

f. Open space reservations.

- g. The site itself as it relates to neighborhood environment, compatibility to existing neighborhood use, and general neighborhood characteristics.
- h. Nature and use of the proposed structures and design, architecture and materials to be used.
- i. Highway access to the site, number of openings and location of same.
- j. Construction of roads will be determined by the Town Board.
- k. Traffic generation, number of vehicles parked and rate of turnover per hour.
- l. Site drainage.
- m. Capacities required for sewer, water and other necessary utilities.
- n. Educational capacity capabilities (number of families and school load).
- o. Economic impact on the town, its inducements, attractions and detractions.
- p. Exterior lighting.
- q. Proposed methods and hours of operation.
- r. Comparison of open space as required by the underlying basic zones with that of the proposed project.
- s. Operational control.
- t. Commencement and completion dates.
- u. Highway dedication.
- v. Deed restrictions and sureties deemed necessary to protect the health, safety and welfare of the community.
- w. Such other limitations, conditions, or special requirements, as may be deemed necessary to protect the health, safety and welfare of the town.
- x. Proposed roadway, driveway and walk locations. They shall conform to standards set up by the Plan Commission and Town Board of the Town of Glenmore.

G. PROCEDURE

1. PRE-APPLICATION CONFERENCE

Prior to filing of an application for a Planned Development District, the

applicant/developer of the proposed Planned Development District is encouraged to arrange a conference with the Town Board and the Plan Commission. The primary purpose of the conference shall be to provide the applicant/developer with an opportunity to gather information and obtain guidance as to the general suitability of the proposal for the area for which it is proposed and its conformity to the provisions of this chapter before incurring substantial expense in the preparation of plans, surveys and other data. The fee for such pre-application conference will be two hundred fifty dollars (\$250.00), payable to the Zoning Administrator prior to the arrangement of the pre-application conference.

The Plan Commission and the Town Board shall schedule a mutually convenient date to walk the property with the applicant/developer and his/her site designer. The purpose of the visit is to familiarize Town officials and Plan Commission members with the property's special features and to provide them an informal opportunity to offer guidance (or at least a response) to the applicant/developer regarding the suitability of the proposal for the area for which it is proposed and its conformity to the provisions of this chapter.

The proponents of a Planned Development District shall submit a reasonable schedule for the implementation of the development to the satisfaction of the Plan Commission and the Town Board.

2. RE-ZONE PROPERTY WITH A PDD OVERLAY.

3. PRELIMINARY APPROVAL.

a. Notice and Fee.

A person desiring to develop a particular site as a planned development project shall apply to the Zoning Administrator on such forms as shall be provided by the town. Such application shall contain the names, mailing addresses and telephone numbers of the owners and developers and a description of the development site. Appropriate supporting documents and maps, as required in Subsection G. PROCEDURE 3.c. herein, shall be filed with the application.

An irrevocable letter of credit from the applicant/developer's bank will be required for assurance that each phase could and should be brought to completion in a manner that shall not result in adverse effect upon the community as a result of termination at the end of any phase. Such letter of credit shall be presented to the Zoning Administrator prior to any further meetings on the Planned Development District.

The amount of a contingency fund will be determined by the Town Board at the Pre-Application Conference. This fund will provide payment for meeting fees, lawyer fees and associated additional expenses, as determined by the Town Board, related to the Planned Development District. Contingency funds will be forwarded by the applicant/developer to the Zoning Administrator at the time the applicant/developer is applying for the Preliminary Approval meeting and will begin to be utilized immediately for expenses incurred.

The contingency fund must be maintained at 30% of the original amount until the completion of the project. Replenishment funds must be received by the Zoning Administrator no later than 7 working days following the notice issued by the Town of Glenmore to the applicant/developer.

Excess contingency funds will be refunded to the applicant/developer following successful completion of the entire project as determined by the Town Board.

b. Notice to Committee.

The Zoning Administrator shall inform the Plan Commission of such desire and shall secure a date for a preliminary discussion between the applicant/developer and the Plan Commission and shall notify such applicant/developer of such date.

The Plan Commission and the Town Board may schedule a mutually convenient date to walk the property a second time with the developer/applicant and his/her site designer. The purpose of the visit is to review the property's special features and to offer guidance (or at least a response) to the applicant/developer regarding the suitability of the proposal for the area for which it is proposed and its conformity to the provisions of this chapter.

c. Information Required.

The following information shall be provided by the applicant/developer in adequate detail to satisfy the Plan Commission for its recommendation regarding preliminary approval:

- (1). A statement describing the general character of the intended development.
- (2). An accurate map of the project area, prepared by a registered surveyor, drawn at a scale no less than one (1) inch equals twenty-five (25) feet, showing the nature, use and character of abutting properties.
- (3). Twelve (12) copies of a general development plan of the proposed project drawn at a scale no less than one (1) inch equals twenty-five (25) feet, showing the following information in sufficient detail to make possible the evaluation of the criteria for approval as set forth in subparagraphs 1, 2, 3, and 4 of Subsection F. CRITERIA FOR APPROVAL.
 - (a) Tract boundaries and a statement of the total acreage of the tract
 - (b) Significant physical features within the tract, including existing two (2) foot contours, watercourses, drainage, ponds, lakes, wetlands, floodplains, floodways and proposed major changes in those features
 - (c) Zoning District (s) on and within four hundred (400) feet adjacent to the proposed project
 - (d) Property lines (if any) within the proposed project
 - (e) All contemplated land uses within the tract
 - (f) An indicator of the contemplated intensity of use; i.e., gross density in residential development, number of prospective tenants in office, commercial and industrial development or recreational development
 - (g) Number and type of dwelling units
 - (h) Existing buildings that may affect future development and proposed location of all principal

structures and associated parking areas

- (i) Proposed lot coverage of buildings and structures
 - (j) Proposed circulation systems (pedestrian, bicycle, auto, mass transit) by type, how they relate to the existing network outside this site
 - (k) Existing rights-of-way and easements which may affect the PDD project
 - (l) In the case of plans which call for development in stages, a map at an appropriate scale showing the successive stages
 - (m) The location of sanitary and storm sewer lines, watermains, fire hydrants and lighting
 - (n) The location of recreational and open space areas and areas reserved or dedicated for public uses, such as schools, park, etc.
 - (o) Description of proposed system for drainage
 - (p) General landscape treatment
 - (q) Erosion control measures shall be implemented as necessary to control erosion, or as directed by the Town Board
 - (r) An accurate drawing showing the location, size, height, types and design of all exterior signs
- (4) Appropriate statistical data on the size of the development, residential density, ratio of various land uses, economic analysis of the development and any other data pertinent to the evaluation of F.CRITERIA FOR APPROVAL subparagraphs 1,2,3, and 4.
- (5) Architectural drawings and sketches illustrating the design and character of proposed structures.
- (6) General outline of intended organization structure related to property owner's association, deed restrictions and private provision of common services, if any.
- (7) Economic feasibility and impact report may be required by the Plan Commission to provide satisfactory evidence of the project's economic feasibility, of available adequate financing and of its not adversely affecting the economic prosperity of the town or the values of surrounding properties.

d. Committee Recommendation.

The Plan Commission, after such preliminary discussions and such further discussions as may be required with the applicant/developer, shall report in writing such proposed project development to the Town Board, together with its recommendation for either approval or disapproval of the same. Such report and recommendation of the Plan Commission shall be made to the Town Board no later than four (4) months from the date of the filing of the application with the Zoning Administrator and receipt of any required supportive information by the Plan Commission. A recommendation of approval by the Plan Commission shall in no way be binding on the Town Board. The Town Board shall either approve or disapprove the proposed development project, without

modification, within sixty (60) days receipt of the Plan Commission recommendation. Any such approval shall be a preliminary approval only and shall not bind the Town Board regarding final approval.

e. Public Hearing.

Upon receipt of the recommendation of the Plan Commission, the Town Board shall hold a public hearing. It shall then consider whether or not to give preliminary approval of the proposed project.

H. AMENDMENT TO PRELIMINARY APPROVAL

The recommendation of the Plan Commission and the preliminary approval of the Town Board shall be based on and include as conditions thereto the building, site and operational plans for the development as approved, as well as all other commitments offered or required with regard to project value, character or other factors pertinent to an assurance that the proposed development will be carried out basically as presented in the approved plans.

Detailed construction time and the approval of such preliminary plan shall be conditioned upon the subsequent submittal and approval of more specific and detailed plans.

Any subsequent change or addition to the plans or use shall first be submitted to the Plan Commission and if, in the opinion of the Plan Commission, such change or addition constitutes a substantial alteration of the original plan, it shall within forty five (45) days make an appropriate recommendation to the Town Board relating to an amendment of the preliminary approval. Any request or petition for an amendment to a preliminary approval shall be accompanied by an additional fee of five hundred (500) dollars. Such fee is in addition to the normal Plan Commission meeting charge.

No amendment shall be allowed or permitted until a recommendation is made by the Plan Commission, a public hearing is held, and approval is granted by the Town Board.

I. FINAL APPROVAL

1. PETITION FOR FINAL APPROVAL.

When the Town Board has issued its preliminary approval of the proposed plan, then the applicant/developer may file with the Zoning Administrator a petition executed by the owner of the property to be developed, or his/her agent, for the final approval, stating that he/she seeks to develop such property under the provisions of this section. Such petition shall include:

a. A plat of subdivision (if any), all covenants, easements and other conditions relating to use, location and bulk of buildings, density of development, common open space and public facilities.

b. The names, mailing addresses and telephone numbers of any additional owners and developers of the development site, and the names of owners and developers listed on the application who no longer have an interest in the project, in the event there has been a change in owners or developers since the date of the application.

c. An accurate topographical map showing topographical data at two (2) foot intervals and extending within one hundred (100) feet beyond the exterior boundaries of the site, showing all public rights-of-way and all buildings accurately located within one hundred (100) feet of the exterior boundaries of such site. Such map shall contain all available utilities, including drainage and the capacities thereof and high water elevations along rivers.

d. A plot plan at a scale of one (1) inch equals twenty five (25) feet showing the location, type and size of every proposed structure and its proposed use; also driveways, driveway access roads, parking facilities, walk locations, lighting appliances, recreation areas, loading docks, open spaces, screening, fencing, and landscaped areas and utility easements.

e. A statistical table showing the size of the site in square feet, the acreage (exclusive of public streets), proposed population densities and open area (both in square feet and as a percentage of the project area).

f. Architectural drawings of all buildings and structures and sketches showing the design characteristics and treatment of exterior elevations and typical floor plans of proposed structures.

g. A table showing the approximate costs of structures.

h. A statement showing the starting and completion dates of the project.

i. Any other pertinent data, statements, drawings or plans which may be required by the Zoning Administrator, the Plan Commission or the Town Board.

j. The following **additional information** for **commercial and industrial developments**:

(1) Square feet of buildings.

(2) Square feet of offices, production areas and the proposed number of employees in each such area.

(3) Details of proposed use or uses and manner of operation.

(4) The municipal services that may be required to serve the site.

2. ENTITLEMENT TO FINAL APPROVAL.

The applicant/developer is entitled to final approval if the final development plan is submitted within twelve (12) months of the date of approval of the Preliminary Plan and conforms to such layout and conditions of the approved Preliminary Plan, amendments, if any, and required final approval information.

a. The Plan Commission shall make a recommendation to the Town Board within sixty (60) days of the submittal of a final plan. The Town Board then shall have an additional sixty (60) days after receipt of the Plan Commission recommendation in which to make a decision.

b. Upon receipt of the recommendation of the Plan Commission, the Town Board shall hold a public hearing. It shall then consider whether or not to give final approval of the

proposed project.

3. COMMENCEMENT OF CONSTRUCTION.

No construction shall be commenced on the building site until the Town Board has granted final approval.

Neither preliminary approval nor final approval shall constitute permission to begin construction of any building or structure prior to the issuance of required permits in accordance with the provisions of the Town of Glenmore Zoning.

Permission to sell lots and/or begin construction on lots will be contingent upon all documents being executed, recording of such documents at the Brown County Register of Deeds office and receipt of copies of the same by the Glenmore Town Clerk.

J. AMENDMENT TO FINAL APPROVAL

1. Any request or petition for an amendment to a final approval shall be accompanied by an additional fee of five hundred (500) dollars. Such fee is in addition to the normal Plan Commission meeting charge.

2. No amendment shall be allowed or permitted until a recommendation is made by the Plan Commission, a public hearing is held, and approval is granted by the Town Board.