

Article 6

Planned Unit Development District

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6.1 PUD Planned Unit Development

A. Purpose. The purpose of Planned Unit Development regulations is to encourage and allow more creative and imaginative design of land developments than is possible under district zoning regulations. Planned Unit Developments are intended to allow substantial flexibility in planning and designing a proposal. This flexibility often accrues in the form of relief from compliance with conventional zoning ordinance site and design requirements. Ideally, this flexibility results in a development that is better planned, that contains more amenities, and ultimately a development that is more desirable to live in than one produced in accordance with typical zoning ordinance and subdivision controls.

B. Objectives.

1. To allow for the design of developments that are architecturally and environmentally innovative, and that achieve better utilization of land than is possible through strict application of standard zoning and subdivision controls.
2. To encourage land development that, to the greatest extent possible, preserves natural vegetation, respects natural topographic and geologic conditions, and refrains from adversely affective flooding, soil, drainage, and other natural ecologic conditions.
3. To combine and coordinate architectural styles, building forms, and structural/visual relationships within an environment that allows mixing of different land uses in an innovative and functionally efficient manner.
4. To promote the efficient use of land resulting in networks of utilities, streets and other infrastructure features that maximize the allocation of fiscal and natural resources.
5. To enable land developments to be compatible and congruous with adjacent and nearby land developments.
6. To allow unique and unusual land uses to be planned for and located in a manner that ensures harmony with the surrounding community.

C. Standards for Planned Unit Developments.

1. **Comprehensive Plan.** A Planned Unit Development must conform with the objectives of the Comprehensive Plan of Edgerton.
2. **Compatibility.** The uses permitted in a Planned Unit Development must be of a type and so located as to exercise no undue detrimental influence upon surrounding properties.
3. **Net Density.** The net density of the Planned Unit Development is not required to precisely correspond with the normal net density of a traditional zoning district, but instead should reflect complementary building types and architectural design. The Planning Commission shall determine net density and floor area through the conceptual site plan review.

4. **Site Ownership.** The Planned Unit Development site shall be under a single ownership or unified control. Unified control shall mean that the various owners of adjacent sites join to submit a unified application for a PUD.
5. **Space Between Buildings.** The minimum horizontal space between buildings shall be:
 - a). Twelve (12) feet between clustered or "zero lot line" single-family detached buildings.
 - b). Sixteen (16) feet between single-family detached dwellings.
 - c). Twenty-five (25) feet between buildings, other than single family-detached dwellings, of one (1), or two and one-half (2 1/2) stories in elevation.
 - d). Equal to the height of the taller building in the case of free-standing buildings greater than two and one-half (2 1/2) stories in elevation.
6. **Yards.** The minimum required yards in a PUD shall be:
 - a). The required yards along the periphery of the Planned Unit Development shall be at least equal in width or depth to that of the adjacent zoning district.
 - b). The minimum required side yards shall be consistent with the space standards listed in item 5a-d stated above.
 - c). The minimum front and rear yards shall be determined by the review of the Planning Commission and approval of the Governing Body and shall be based on design or construction features that are deemed both architecturally and environmentally superior, are consistent with the provision of amenities, and are in strict compliance with Edgerton's building, fire health, and other applicable codes, and/or contribute to the increased health, safety, and welfare of existing and future residents of Edgerton.
7. **Parking Standards.** Adequate parking shall be provided and shall be in general conformance with the parking regulations provided for in other sections of this Ordinance unless changes are warranted by the particular characteristics of the proposed Planned Unit Development.
 - a). Additional parking space for guests, customers, the handicapped, recreational vehicles, and other common storage and/or parking uses in Planned Unit Developments, shall be required by the Governing Body, acting upon the recommendation of the Planning Commission, if warranted by the particular characteristics of the proposed Planned Unit Development.
8. **Traffic.** The PUD must incorporate adequate provisions to provide ingress and egress designed to minimize both internal and external traffic hazards and congestion.
9. **Design Standards.** The basic design standards for a PUD are provided in this Unified Development Code and are known as the "Subdivision Regulations."
 - a). **Use Standards.** The standards for the allowable use of building and land are provided throughout the various use districts of this Unified Development Ordinance.
 - b). **Departure From Standards.** The Planned Unit Development may depart from strict conformance with the required density, dimension, area, height, bulk, use and specific content regulations of this Ordinance to the extent specified in the preliminary plat and documents authorizing the Planned Unit Development so

long as the Planned Unit Development provides tangible benefits to the neighborhood or community in which it is located. These benefits shall be in the form of provisions of amenities, design excellence, and general compatibility with neighboring properties. The waiver of any requirement shall be the direct cause of accrual of benefits to the residents of the development as well as to the general community. Departure from any requirement specified in this UDC or other City ordinances and regulations is a privilege, and shall be granted only upon recommendation of the Planning Commission and approval by the Governing Body.

6.2 Procedures for Planned Unit Development

A. General. Approval of a Planned Unit Development proposal shall follow the procedures used for a change to the official zoning map as outlined in Article 9. A conceptual plan shall be submitted with the request for rezoning to PUD.

B. Processing Procedures. The following steps are required in processing all Planned Unit Developments:

1. Pre-Application

- a). **Intent.** The intent of the Pre-Application process is to obtain a general awareness of the City's adopted planning rationale, the compatibility of the proposed Planned Unit Development with existing and anticipated land uses in the vicinity, and a familiarity with the City's Planned Unit Development procedures. This meeting allows the developer to understand the Planned Unit Development procedures.
- b). **Pre-Application Conference.** Prior to the filing of an application for approval of a Planned Unit Development, the prospective applicant may request the Planning Commission to discuss the development of the proposed Planned Unit Development site in conjunction with the City's adopted planning rationale and its compatibility with existing and anticipated land uses in the vicinity at an informal meeting. This meeting may be a part of a regularly scheduled agenda or at a special meeting. All such meetings shall be open to the public, and included on the agenda in advance of the meeting.
- c). **Pre-Application Document Review.** Prior to the filing of an application for approval of a Planned Unit Development, either before or after the Pre-Application Conference, all prospective applicants shall review copies of the Edgerton Land Use Plan, the Zoning Map, and the Planned Unit Development Sections of this UDC. The petitioner shall evaluate the Comprehensive Plan in order to determine the consistency of the proposal with the City's adopted planning rationale. The Zoning Map shall be reviewed to ascertain whether or not the proposal is likely to be compatible with existing and anticipated land uses in the vicinity of the proposal. The Planned Unit Development sections of this UDC shall be reviewed to insure familiarity with the City's Planned Unit Development procedures.

C. Conceptual Plan and Preliminary Plat Procedure.

1. **Intent.** The intent of the Conceptual Plan Submission is to obtain approval of the City for the development of a parcel of land in accord with the plans, programs, and schedule submitted as this part of the Planned Unit Development application. The

Conceptual Plan shall be prepared so as to serve in lieu of a preliminary plat. At this stage the applicant is explicitly committing the subject property to a specific arrangement of land uses at a specific range of densities. In return the petitioner is receiving - through rezoning for a Planned Unit Development - a community commitment that, following conceptual plan approval, the petitioner can proceed to subsequent steps of the Planned Unit Development procedure with reasonable assurance that if the agreed to concept is carried forth, final plan and plat approval will be granted.

2. **Procedure.** A request for approval of a Conceptual Plan/rezoning, as a step in the Planned Unit Development procedure, shall be submitted to the Zoning Administrator and subsequently shall be referred to the Planning Commission for public hearing, review, and recommendation.
3. **Hearing.** The Planning Commission shall hold a public hearing on the application for a Planned Unit Development Conceptual Plan/rezoning in accord with the procedures established for public hearings in this UDC.
4. **Review Time.** Following the public hearing and review of the Conceptual Plan submission, the Planning Commission shall within sixty (60) days, unless an extension is requested by the applicant, recommend approval, modification, or disapproval of the Conceptual Plan/Rezoning, and the reasons therefore, or indicate why a report and recommendation cannot be rendered to the Governing Body.
5. **Governing Body Review.** The Governing Body, after receipt of the Conceptual Plan/rezoning from the Planning Commission, shall approve, disapprove, or return the proposal to the Planning Commission for additional review within sixty (60) days, unless an extension is requested by the applicant. In the case of approval, the Governing Body shall pass an ordinance approving the Conceptual Plan. This ordinance shall provide for a change in the official City Zoning Map indicating that the subject site is approved for a Planned Unit Development. If the Governing Body returns the application to the Planning Commission with specific recommendations for change, and such changes are not made or not in agreement with the with the comments accompanying the return, the Governing Body may modify, add conditions, or impose specific limitations as necessary to protect the health, safety, and welfare of the City.

D. Final Development Plan and Final Plat Approval

1. **Purpose.** The purpose of the Final Development Plan and Plat is a precise plan of development that shows the exact location of facilities, arrangement of streets and lots, open space and common areas, and the final survey description.
2. **Procedure.** The Final Plat shall be submitted as a Planned Unit Development Plat and shall conform substantially to the Conceptual Plan as approved and, if desired by the applicant, may be submitted in stages with each stage reflecting the approved Conceptual Plan; provided, however, that each stage submitted conforms to all requirements of these regulations.
3. **Submission.** Submission of the items required of a Final Development Plan and Plat petitioner as identified under the "Submission Requirements" Section of this Article shall be made to the Zoning Administrator for certification that the Final Development Plan and Plat is in conformance.

4. **Review.** The Planning Commission shall review the Final Development Plan and Plat within sixty (60) days after submission unless an extension is requested by the applicant.
5. **Governing Body.** The Governing Body, after receipt of the Final Development Plan and Plat from the Planning Commission, shall approve, or disapprove the Final Development Plan and Plat within a period of sixty (60) days, unless the applicant requests an extension. The Governing Body shall base its review on the sufficiency of the dedications and/or reservations offered by the applicant. If approved, the Governing Body shall sign the plat and return it to the Register of Deeds for recording.

6.3 Conceptual Plan and Preliminary Plat Submission Data.

A. Pre-Development Stage.

1. **Application.** A written application for a Planned Unit Development shall be submitted on forms supplied by the Zoning Administrator.
2. **Fee.** A Conceptual Plan and Preliminary Plat Fee, established within the Fee Schedule for the Unified Development Code, shall be submitted with the conceptual plan and preliminary plat application. If special planning, engineering, architectural or other consultants must be retained by the City for review of the proposed Planned Unit Development, the petitioner shall be so notified, and all costs for said consultants expended by the City - not covered by the filing fee - shall be reimbursed by the petitioner.
3. **Notification List.** A list of the names and addresses of owners of all property situated within two hundred (200) feet of the property lines of the subject site shall be submitted to the Zoning Administrator. This list shall be current as of the date of submission. Persons appearing on said list will be sent notice of the public hearing in compliance with statutory requirements. In addition, the responsible fire protection district (if any), affected school districts, affected park districts, and affected sanitary and/or drainage district shall appear on a separate list of notification. Additional parties, specified by the applicant, may appear on the notification list.
4. **Ownership.** A state of present and proposed ownership of all land within the development shall be submitted to the Zoning Administrator.
5. **Legal Description.** A legal description of the subject site shall be submitted to the Zoning Administrator.
6. **Number of Copies.** At the time of the public hearing on the Conceptual Plan, six (6) copies, and all subsequent listed information, shall be submitted (with the exception of non-reproducible exhibits). Failure to submit any of the required information, without a specific written waiver from the Planning Commission, shall constitute grounds for dismissal of the Planned Unit Development petition. Waiver of specific submission elements may be requested of the Planning Commission, in writing, at the time the Planned Unit Development Conceptual Plan application is made. The Planning Commission shall decide upon the waiver request at its next regularly scheduled meeting; the petitioner will be notified of the decision, and the public hearing will then be scheduled. Specific grounds for waiver must be stated by the petitioner. The Conceptual Plan submission shall include the following:

7. **Conceptual Plan and Plat.** A drawing of the Planned Unit Development shall be prepared at a scale that provides for a clear understanding of the way in which the property is intended to be developed. The Plan shall indicate the concept of the development with refinements to indicate the overall land use pattern, general circulation system, open space or park system, and major features of the development together with a set of proposed restrictions, conditions, and covenants. The Plan must include:
 - a). Boundary lines and dimensions of the subject site.
 - b). Existing and proposed easements--general location and purpose.
 - c). Streets on, adjacent, or proposed for the tract, including all rights-of-way and pavement widths.
 - d). Land use patterns proposed for the subject site.
 - e). Map data--name of development, name of site planner, north point, scale, date of preparation.

8. **Site Data.** A list of pertinent site data, including:
 - a). Description and quantity of land uses.
 - b). Acreage of site.
 - c). Number of dwelling units proposed.
 - d). Area of industrial, commercial, institutional, recreational, and number of buildings proposed.
 - e). Densities of residential areas.
 - f). Housing mix.
 - g). A statement indicating how the proposed Planned Unit Development corresponds to and complies with objectives for Planned Unit Developments as previously stated in this Article.
 - h). Development schedule indicating:
 - i). Stages in which project will be built with emphasis on area, density, use, and public facilities such as open space to be developed with each stage. Overall design of each stage shall be shown on the plat and through supporting graphic material.
 - j). Approximate dates for beginning and completion of each stage.
 - k). If different land use types are to be included within the Planned Unit Development, the schedule must include the mix of uses anticipated to be built in each stage.

9. **Environmental Information.** Data identifying existing natural and environmental site conditions, including:
 - a). **Topography.** A topographic map, if possible underlying the concept plan, at a minimum of ten (10) foot contour intervals.
 - b). **Flood Plain.** Information from the most current source specified by the City indicating the location and extent of the regulatory flood plain.
 - c). **Soils.** Information from the most current U.S. Department of Agriculture - Soil Conservation Service Soils Catalog indicating the location and species of soils. If said information is not available, soil borings may be submitted.
 - d). Location and extent of existing vegetation.

- e). A depiction of existing surface drainage patterns and proposed retention and detention areas.
- 10. **Utilities.** Statement indicating that sanitary sewer, storm sewer, and water are directly available to the site, or if well and septic systems are proposed, a statement from a licensed professional engineer indicating that the proposed development can be suitably served by such systems.
- 11. **Traffic Analysis.** A study providing information on the existing road network, and adjunct vehicle volumes, and the effect the proposed Planned Unit Development will have on the existing (or improved) road network.
- 12. **Tax and School Impact.** A study indicating the sources and amounts of revenue to be generated to various governmental jurisdictions as a result of the development, expected school-age children generation, and estimated cost of providing service to the development that will be absorbed by the City and the affected school districts.
- 13. **Market Analysis.** At the request of the Planning Commission, and depending upon the types of land uses proposed to be included in a Planned Unit Development, information may be provided from one (1) or more of the following categories:
 - a). Planned Unit Developments proposed to contain any residential uses shall require submission of at least the following market data:
 - b). Details about the proposal pertaining to: housing types, floor area of dwellings, estimated price ranges, number of bedrooms, densities, and amenities included.
 - c). Total anticipated demand in the City for the type of unit(s) proposed shall be estimated for the immediately subsequent five (5) year period. The percent of that demand which would be absorbed by the proposed Planned Unit Development shall be identified. Methods used in determining the five (5) year demand shall be indicated.
 - d). Planned Unit Developments proposed to contain any commercial uses shall require submission of at least the following market data: details about the proposal pertaining to: number of users, floor area of each use area, bulk of buildings, price or rent ranges, or floor area ratios.
 - e). Planned Unit Developments proposed to contain any industrial uses shall require submission of at least the following market data: details about the proposal pertaining to: number of users, floor area of each use area, bulk of buildings, price or rent ranges, floor area ratios, and approximate number of employees.

6.4 Final Plan and Final Plat Submission Data.

A. Final Plan and Final Plat Submission Requirements.

1. A Final Plan and Final Plat Fee, established within the Fee Schedule for the Unified Development Code, shall be submitted with the final plan and final plat application.
2. An accurate legal description of the entire area under immediate development within the planned development.
3. A Planned Unit Development Plat of all lands which are part of the Final Plat being submitted, and meeting all requirements for a Final Plat.
4. An accurate legal description of each separate unsubdivided use area, including common open space.
5. Designation of the location of the building pads, or areas, or setback lines or setback standards for all buildings to be constructed.

6. Certificates, seals, and signatures required for the dedication of lands, and recording the document.
7. Tabulation of separate unsubdivided use area, including land area, number of buildings, number of dwelling units, and dwelling units per acre.
8. **Common Open Space Documents.** All common open space shall be either conveyed a not-for-profit corporation or entity established for the purpose of benefiting the owners and residents of the Planned Unit Development, or retained by the developer with legally binding guarantees, in a form approved by the City Attorney, verifying that the common open space will permanently be preserved as open area. All land conveyed to a not-for-profit corporation or like entity shall be subject to the right of said corporation to impose a legally enforceable lien for maintenance and improvement of the common open space.
8. **Final Systems Plans.** Final plans, with all required detail, shall be submitted, including:
 - a). Engineering plans showing how the site is to be serviced with sewer, water, well, and/or septic systems (as agreed to during the Preliminary Plat Stage).
 - b). Lighting plans.
 - c). Drainage and storm water retention and detention plans.
 - d). Road plans, including curbs and gutters, on-site/off-site signalization, acceleration, deceleration lanes, etc.
 - e). Sidewalk, paths, and cycle trails.
 - f). **Landscape Plans.** Plans showing the type and location of plant material, berms, and other aesthetic treatments.
 - g). **Public Facilities.** All on-site and/or off-site public facilities and improvements made necessary as a result of the Planned Unit Development shall be either constructed in advance of the approval of the Final Plat or subdivider's bond or approved letters of credit posted to guarantee construction of the required improvements. The subdivider's bond or approved letters of credit, payable to the City of Edgerton, shall be sufficient to cover the full cost of the improvements plus ten (10) percent. Detailed construction plans shall be submitted for all public facilities to be built.
 - h). **Construction Plans.** Detailed plans shall be submitted for the design, construction, or installation of site amenities; including buildings, landscaping, lakes, and other site improvements.
 - i). **Construction Schedule.** A final construction schedule shall be submitted for that portion of the Planned Unit Development for which approval is being requested.
 - j). **Delinquent Taxes.** A certificate shall be furnished from the appropriate County official that no delinquent taxes exist and that all special assessments constituting a lien on the whole or any part of the property of the Planned Unit Development have been paid.
 - k). **Covenants.** Final agreements, provisions, or covenants which will govern the use, maintenance and continued protection of the Planned Unit Development shall be approved by the City and recorded at the same time as the Final Planned Unit Development Plat.

6.5 Changes and Amendments to a PUD.

- A. **Development Concept.** The Planned Unit Development shall be developed only according to the approved and recorded Final Plan and Plat and all supporting data. The recorded Final Plat and supporting data together with all recorded amendments shall be binding on the applicants, their successors, grantees, and assigns and shall limit and control the use of premises and location of structures in the Planned Unit Development project as set forth therein.
- B. **Changes.** Changes and amendments may be made to the PUD in accord with the following schedule:
 1. **Major Changes.**
 - a). Changes which alter the concept or intent of the Planned Unit Development including increases in density, changes in the height of buildings, reductions of proposed open space, changes in the development schedule, changes in road standards, or changes in the final governing agreements, provisions, or covenants, may be approved only by submission and reconsideration of a new Preliminary and/or Final Planned Unit Development Plat and supporting data and following the Preliminary or Final Plat procedure.
 - b). If the major change alters data or evidence submitted during the Conceptual Plan or Preliminary Plan or Preliminary Plat stage, then the resubmission must begin at the Preliminary Plat stage.
 - c). If only Final Plat evidence or data is altered as a result of the major change, then the resubmission shall begin at the Final Plat stage. If major changes are proposed, a new public hearing shall be required during resubmission of the Preliminary or Final Plat.
 - d). All changes to the "original" Final Plat shall be recorded with the County Register of Deeds as amendments to the Final Plat or reflected in the recording of a new "corrected" Final Plat.
 2. **Minor Changes.** Changes that are deemed minor by the Planning Commission, and not listed above under major changes, may be initiated at any regular meeting after first being published on the agenda.
 3. **Vesting.** Vested rights to a PUD shall expire five (5) years after the date of final approval if all public utilities have not been installed in the first approved phase. The land shall then revert to its underlying zoning district.