
Planned Development District

Introduction

This section consists of a single Planned Development District, intended to replace the separate sections of the current code:

- *Planned Community Development District*
- *Planned Community Mobile Home Park District*
- *Planned Unit Development District*

All three have common features, but only the PUD District is currently used much. As discussed in the Zoning Code Analysis and Annotated Outline reports, the rewrite is intended to consolidate these districts and “raise the bar” to ensure a higher quality of development.

Intent

The Planned Development District is established as a means to facilitate the development of land in an integrated and innovative fashion, to allow for flexibility in site design, and to encourage development that is sensitive to environmental, cultural, and economic considerations.

Because substantial flexibility is permitted in the base zoning districts, the PD option should rarely be used. It is intended that applicants use the PD option only for unique situations and where none of the base zoning districts address the type of development or site planning proposed. Examples include redevelopment, large-scale master planned developments, projects that create exceptional employment or economic development opportunities, or developments that include a variety of residential, commercial, and employment uses in a functionally integrated mixed use setting.

Approval of a Planned Development District requires a rezoning, and shall result in the creation of a new site-specific zoning district, with specific requirements and standards that are unique to that planned development.

Identified Objectives

When reviewing requests for approval of a Planned Unit Development, the city shall consider whether the objectives listed below will be served or achieved. Planned unit developments shall not be allowed simply for the purpose of increasing overall density or allowing development that otherwise could not be approved.

- A. Promotion of green building technologies, low-impact development techniques for stormwater management, and other innovative measures that encourage sustainable development.
- B. Promotion of integrated land uses allowing for a mixture of residential, commercial, and public facilities along corridors and in transitional areas, with enhanced pedestrian, bicycle and transit connections and amenities.
- C. Preservation and enhancement of important environmental features through careful and sensitive placement of buildings and facilities.
- D. Preservation of historic buildings, structures, or landscape features through adaptive reuse of public or private preservation of land.
- E. Provision of more adequate, usable, and suitably located open

space, recreational amenities, and other public facilities than would otherwise be provided under conventional land development techniques.

- F. Coordination of architectural styles and building forms to achieve greater compatibility with surrounding land uses.

Relationship to Other Applicable Regulations

- A. In general. A Planned Development shall comply with all standards, procedures, and regulations of this ordinance that are applicable to the individual uses within the development and to the site plan review standards in Subchapter __, except as otherwise provided in this subchapter.
- B. Platting requirement. All land within a Planned Development District shall be platted into one or more lots in compliance with the requirements of the subdivision and platting regulations. The development plan for the Planned Development shall include the necessary information to serve as a preliminary plat.

Minimum Requirements

- A. Minimum size of district. A PD district must contain the minimum area specified in this section and have at least two hundred (200) feet of frontage or City approved private road access.
 - 1. Two (2) acres where the district replaces a base residential districts.
 - 2. One (1) acre where the district replaces base mixed use or nonresidential districts.
- B. Exceptions to minimum size. Applications for a PD district on sites containing less than the required acreage listed above, but not less than the underlying zoning district requirements, may be approved upon proof by the owner that the development is in the public interest and that one (1) or more of the following conditions exist:
 - 1. The property contains steep topography or other unusual physical features which necessitates substantial deviation from the regulations otherwise applicable, in order to ensure a safe, efficient and attractive development.
 - 2. The property is adjacent to an existing PD district and will contribute to the maintenance of amenities and values of the neighboring district.
 - 3. The proposal involves the redevelopment of an existing area or makes use of an infill site that could not be reasonably developed under conventional zoning requirements.
- C. Permitted uses. The PD agreement shall identify all proposed land uses, and those uses shall become permitted uses upon the approval of the Planned Development by the Common Council.

- D. Placement of structures. More than one principal building may be placed on a platted lot within a Planned Development. The appearance and compatibility of buildings in relation to one another, other site elements, and surrounding development shall be considered in the review process.
- E. Density. The plan may increase the maximum density beyond that permitted in the base zoning district for the purpose of promoting an integrated project with a variety of housing types and additional site amenities.
- F. Floor area and height. The PD may provide for an increase in the maximum gross floor area, floor area ratio, and/or maximum building height allowed in the base zoning district for the purpose of promoting project integration and additional site amenities.
- G. Building setbacks. The PD may provide for a reduction in or elimination of required setbacks in the base zoning district, provided that a landscaped setback area of the minimum width established for the base zoning district is maintained along the periphery of the PD where it abuts lower-density residential districts.
- H. Lot requirements. The City Council may authorize reductions in the area and width of individual lots within a PD from that required for the base zoning district, provided that such reductions are compensated for by an equivalent amount of open space elsewhere in the Planned Development.
- I. Street layout. The PD should maintain the existing street grid where present and restore the street grid where it has been disrupted. In newly developing areas, streets shall be designed to maximize connectivity in each cardinal direction, except where environmental or physical constraints make this infeasible. All streets shall terminate at other streets, at public land, or at an environmentally sensitive area, except that local streets may terminate in stub streets when those will be connected to other streets in future phases of the development or adjacent developments.
- J. Open space. At least 20 percent of the project area not within street rights-of-way shall be preserved as protected open space. Such open space must be available to the residents, tenants, or customers of the PD for recreational purposes or similar benefit. Land reserved for stormwater management and other required site improvements shall not be applied to this requirement, unless designed as open space that will meet resident needs.
 - 1. Open space shall be designed to meet the needs of residents of the PD and the surrounding neighborhoods to the extent practicable for parks, playgrounds, playing fields, and other recreational facilities.
 - 2. Land donated for any public purpose, which is accepted by the City, may be credited towards the open space requirement at the discretion of the Common Council.

3. Where a planned development is to be developed in phases, a portion of the required open space shall be provided in each phase. Maintenance of the open space shall be provided for in the planned development's restrictive covenants and/or the Specific Implementation Plan (SIP) recorded as part of the project.
- K. Other exceptions. As part of PD approval, the City Council is authorized to approve other exceptions to the zoning controls applicable to the base zoning district. Such exceptions shall only be granted when they are clearly warranted to achieve the "identified objectives" in Subsection __ above.

Procedures

The procedure for rezoning to a planned unit development district shall be as required for any other zoning district change in this chapter, with the additional requirements specified below.

- A. Pre-Submittal Requirements. These requirements are intended to provide opportunities for the applicant to explore issues associated with the proposal prior to the expenditure of significant resources in the development of any design plans. This phase shall include the following:
1. Pre-Design Conference. The applicant shall meet with Planning Division and Zoning staff to review and discuss aspects of the proposal including, but not limited to: the site and its context, potential impacts of the project, and initial design direction.
 2. Concept Presentation. The concept shall be submitted for review by the Urban Design Commission at an informational meeting. No formal action will be taken by the Commission. Submittals shall include contextual information such as topography, photos of the site and surrounding properties, and a discussion of the initial design direction. The Commission may request that additional materials, such as massing models, be submitted to assist in communicating the nature of the site and its context.
- B. General Development Plan Requirements. The proponents shall file the following with the City Plan Commission:
1. A statement describing the general character of the intended development.
 2. An accurate map of the project area including its relationship to surrounding properties and existing topography and key features.
 3. A plan of the proposed project showing sufficient detail to make possible the evaluation of the criteria for approval as set forth in Section __.
 4. Proposed circulation systems (pedestrian, bicycle, auto, transit) by type and how they relate to the existing network outside this site.

5. Analysis of potential economic impacts to the community, including the cost of municipal services and any additional infrastructure.
 6. When requested, a general outline of intended organizational structure related to property owner's association, deed restrictions and private provision of common services.
- C. Decision on General Development Plan. The decision process, including recommendation by the City Plan Commission and action by the Common Council, shall be as specified in Section [1002-Amendments and Rezoning], with the following additional requirements:
1. Approval of the rezoning and related general development plan shall establish the basic right of use for the area when in conformity with the plan as approved, which shall be recorded as an integral component of the district regulations. However, the plan shall be conditioned upon approval of a specific implementation plan, and shall not allow any of the uses as proposed until a specific implementation plan is submitted and approved for all or a portion of the general development plan.
 2. If the approved general development plan is not recorded as approved within twelve (12) months of the date of approval by the Common Council, the approval shall be null and void and a new petition and approval process shall be required to obtain general development plan approval.
 3. If the general development plan and specific implementation are approved at the same time and not recorded as approved within twelve (12) months of the date of approval by the Common Council, the approval shall be null and void and a new petition and approval process shall be required to obtain general development plan and specific implementation for each plan.
- D. Specific Implementation Plan Requirements. The following information shall be submitted to the City Plan Commission, unless specific documents are waived by the Secretary of the 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; traffic projections and mitigation measures.
 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. A construction schedule indicating the approximate dates when construction of the project can be expected to begin and be completed.
 12. Agreements, bylaws, provisions or covenants which govern the organizational structure, use, maintenance and continued protection of the development and any of its common services, common open areas or other facilities.
- E. Decision on Specific Implementation Plan. The decision process, including recommendation by the City Plan Commission and action by the Common Council, shall be as specified in Section [1002-Amendments and Rezoning], with the following additional requirements:
1. If the specific implementation plan is approved, the building, site and operational plans for the development, as approved, as well as all other commitments and contractual agreements with the City shall be recorded by the Zoning Administrator within twelve (12) months of the date of approval by the Common Council in the Dane County Register of Deeds Office. This shall be accomplished prior to the issuance of any building permit.
- If the specific implementation plan is not recorded as approved within twelve (12) months of the date of approval by the Common Council, the approval shall be null and void, and a new petition and approval process shall be required.
- F. Recording of Approved Plans and Zoning Ordinance Amendments.
1. Within twelve (12) months of the date of approval by the Common Council, of a zoning ordinance amendment designating a tract of land as a Planned Development District, the owner of the development shall provide the Zoning Administrator a facsimile copy of the approved General Development and/or Specific Implementation Plan together with a certified copy of the related zoning ordinance amendment and any other related actions taken by the Common Council.
 2. Upon receipt of complete plans, documents and fees, the Zoning Administrator shall record them with the Dane County Register of Deeds office. The cost for preparing a facsimile copy of the plan in recordable form and the recording fee, as determined by the Dane County Register of Deeds, shall be paid by the owners of the lands included in the Planned Development District.

3. If either plan is not recorded as approved within twelve (12) months of the date of approval by the Common Council, the approval shall be null and void, and a new petition and approval process shall be required, with the exception below.
 - a. Where the plans have not been altered from the Common Council's approval, the Director of Planning and Community and Economic Development may approve an extension of up to twenty-four (24) months to record either plan.
- G. Construction Required. Within thirty-six (36) months of Common Council approval of the general development plan, the basic right of use for the areas, when in conformity with the approved specific implementation plan, shall lapse and be null and void unless a building permit is issued for the project, or an extension is issued as specified below.
1. An application for an extension must be filed at least thirty (30) days prior to the expiration of the thirty-six (36) month period.
 2. If the Plan Commission, after a public hearing pursuant to Sec. ____, determines that no changes in the surrounding area or neighborhood since approval of the general development plan would render the project incompatible with current conditions, the Commission may grant an extension of up to twenty-four (24) months in which to obtain a building permit.
 3. An extension shall not allow a building permit to be issued more than sixty (60) months after approval of the general development plan by the Common Council.
 4. If a new building permit is required pursuant to sec. 29.06(4), Madison General Ordinances, a new petition and approval process shall be required to obtain general development plan approval and specific implementation plan approval.

Changes to a Planned Development

- A. Minor modification. The zoning administrator may approve minor modifications to an approved Specific Implementation Plan for a PD, provided that such changes are consistent with the intent of the plan and do not involve any of the activities listed below under "major modification."
- B. Major modification: Major modifications include changes of ten (10) percent or more in land area designated in a specific category; creation of a new public street or removal of a public street segment; removal of a park or open space area; or addition or removal of an entire block. A major modification to a Specific Implementation Plan requires a recommendation by the City Plan Commission and action by the Common Council, as specified in Section [1002-Amendments and Rezoning]. *[or does it simply require PC approval?]*