

12.26-4 PUD PLANNED UNIT DEVELOPMENT OVERLAY DISTRICT

(a) Primary Purpose and Characteristics.

The Kenosha County Board of Supervisors has determined that section 59.69 of the Wisconsin Statutes grants the county board authority to create "planned development districts" as granted to cities pursuant to section 62.23(7)(b) of the Wisconsin Statutes. The PUD Planned Unit Development Overlay District, set forth herein, is intended to permit developments that will, over a period of time, be enhanced by coordinated area site planning and diversified location of structures. Such developments are intended to provide a safe and efficient system for pedestrian and vehicle 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 Ordinance 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, while at the same time maintaining insofar as possible the land use density and other standards or use requirements set forth in the underlying basic zoning district. The unified and planned development of a site in a single or corporate ownership or control or in common ownership under the Unit Ownership Act set forth in Chapter 703 of the Wisconsin Statutes (condominiums) may be permitted by the county board upon specific petition under this section of the ordinance and after public hearing with such development encompassing one (1) or more principle uses or structures and related accessory uses or structures when all regulations and standards as set forth in this section of the ordinance have been met.

(b) Planned Unit Development Overlay District. (PUD)

So as to ensure a maximum benefit to both the community and to developers and so as to provide for flexibility in planning in all the districts created under this ordinance except for the A-1, A-2, A-3, A-4, R-1, R-2, R-6, R-12, I-1, PR-1, C-1, C-2, FPO, HO, and AEO districts, there is hereby created the Planned Unit Development Overlay District. (3/1/94)

(c) Principal, Accessory and Conditional Uses

Principal, accessory and conditional uses permitted in a Planned Unit Development Overlay District shall conform to uses permitted in the underlying basic use district or districts. All open space and parking requirements of the underlying basic use district or districts shall be complied with either individually or by providing the combined open space and parking space required for the entire development in one (1) or more locations within the development. (3/2/10)

(d) Ownership

Areas designated as PUD Overlay Districts shall be under single or corporate ownership or control at the time of their creation.

(e) Minimum Area Requirements (3/2/10)

Areas designated as PUD Overlay Districts shall contain a minimum development area of:

Principal Uses	Minimum Area of PUD
Residential Planned Unit Development	10 acres

Commercial Planned Unit Development	10 acres
Industrial Planned Unit Development	10 acres
Mixed Use Planned Unit Development	10 acres
Agricultural Preservation Planned Unit Development	10 acres

- (f) **Minimum Sanitary Sewer Requirements**
All Planned Unit Developments shall be on a public sanitary sewer system, except for Agricultural Preservation Planned Unit Developments, which need not be on public sanitary sewer systems but which must then have soils adequate to support on-site septic systems.

- (g) **Pre-petition Conference and General Lay-out Concept Plan**
Prior to the official submission of the petition for the approval of a Planned Unit Development Overlay District, the owner or his agent making such petition shall meet with the staff of the Kenosha County Department of Planning and Development and the designated representative of the town wherein the Planned Unit Development is to be located to discuss the scope and proposed nature of the contemplated development and data and other information as deemed appropriate and pertinent for presentation to the committee. At the pre-petition conference, the owner or agent shall present a general lay-out and plan including drawings and sketches of the proposed development and figures or calculations that are pertinent to the development using as a general guideline the requirements set forth in subsection 2a-n of this section. (3/2/10)

- (h) **Petition.**
Following the pre-petition conference, the owner or his agent may file a petition with the Kenosha County Department of Planning and Development for approval of a Planned Unit Development Overlay District. Such petition shall be accompanied by the review fee required under section 12.05-7 of this ordinance as well as the following information: (3/2/10)
 - 1 A statement which sets forth the relationship of the proposed Planned Unit Development to any existing or proposed master plans or any adopted component thereof, and the general character of and the uses to be included in the proposed Planned Unit Development including the following information:
 - a Total area to be included in the Planned Unit Development, 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.
 - b A general summary of the estimated value of structures and site improvement costs, including landscaping and special features of common open spaces.
 - c A general outline of the organizational structure of a property owner's association, which may be proposed to be established for the purpose of

providing any necessary private services or maintenance of common open spaces.

- d Any proposed departures from the standards of development as set forth in the county zoning regulations, other county regulations or administrative rules, or other county or town ordinances.
- e The expected date of commencement, schedule of development by phases, and completion of physical development as set forth in the proposal.
- f Notwithstanding the departures from lot area, setback, building separation; and modification of street standards and/or sidewalk and walkway requirements; no modifications shall be granted from the floodplain protection and wetland protection measures set forth in this ordinance.
(3/2/10)

2 A detailed development site plan including:

- a A survey and legal description of the boundaries of the subject property included in the proposed Planned Unit Development and its relationship to surrounding properties prepared by a land surveyor registered by the State of Wisconsin.
- b The location of public and private roads, driveways, and parking facilities.
- c The size, arrangement, and location of any individual building sites and proposed building groups on each individual site.
- d The location of institutional, recreational, and open space areas and areas reserved or dedicated for public uses, including schools, parks, and drainageways.
- e The type, size, and location of all structures.
- f General landscape treatment.
- g Architectural plans, elevation, and perspective drawings and sketches illustrating the design and character of the proposed structures.
- h The existing and proposed location of public sanitary sewer and water supply facilities.
- i The existing and proposed location of all private utilities or other easements.

- j The characteristics of soils related to contemplated specific uses.
 - k Existing topography on the site with contours at no greater than two (2) foot intervals.
 - l Detail storm-water drainage plans prepared by a professional engineer registered by the State of Wisconsin.
 - m Anticipated uses of adjoining lands in regard to roads, surface water drainage, and compatibility with existing adjacent land uses.
 - n Any other data or information requested at the pre-petition conference.
- (i) Referral to Town Board and Planning, Development & Extension Education Committee
The petition and detailed site plan for a Planned Unit Development Overlay District shall be referred to the Town Board of the town wherein the proposed Planned Unit Development is to be located for its review and recommendation, which may include any additional conditions or restrictions the Town Board may deem necessary or appropriate. Following such review, the petition and recommendation shall be forwarded to the Kenosha County Planning, Development & Extension Education Committee for similar review and recommendations. (11/5/84)
- (j) Public Hearing
The Planning, Development & Extension Education Committee, before formulating its recommendations to the County Board, shall hold a public hearing pursuant to the requirements of section 12.38 of this ordinance. Notice for such hearing shall include reference to the development plans filed in conjunction with the requested Planned Unit Development Overlay District. (11/5/84)
- (k) Basis for Petition Approval
- 1 The Planning, Development & Extension Education Committee in making its recommendation to the County Board and the County Board in making its determination, shall find: (11/5/84)
 - a That the petitioners for the proposed Planned Unit Development Overlay District have indicated that they intend to begin the physical development of the Planned Unit Development within twelve (12) months following the approval of the petition and that the development will be carried out according to a reasonable construction schedule satisfactory to the county.
 - b That the proposed Planned Unit Development Overlay District is consistent in all respects to the purpose of this section and to the spirit and intent of this ordinance; is in conformity with any existing or proposed adopted master plans or any adopted components thereof; and, that the development would not be contrary to the general welfare and economic prosperity of the community.

- c That the proposed Planned Unit Development Overlay District is compatible with adjacent development in the immediate area, or that appropriate measures, such as a vegetative buffer, have been employed to reduce the visual impact on surrounding land uses. (3/2/10)

- d The Planning, Development & Extension Education Committee in making its recommendations and the County Board in making its determination shall further find that: (11/5/84)
 - 1 The proposed site is provided with adequate drainage facilities for surface and storm waters.
 - 2 The proposed site is accessible from public roads that are adequate to carry the traffic that can be expected to be generated by the proposed development.
 - 3 No undue constraint or burden will be imposed on public services and facilities, such as, but not limited to, fire and police protection, street maintenance, and maintenance of public areas by the proposed development.
 - 4 The streets and driveways on the site of the proposed development are adequate to serve the proposed development and do meet the minimum standards of all applicable ordinances or administrative regulations of the county or town, whichever is more restrictive.
 - 5 Centralized public water and sewer facilities are provided, except with respect to an Agricultural Preservation Planned Unit Development Overlay District. (3/2/10)
 - 6 The entire tract or parcel of land to be included in a Planned Unit Development Overlay District is held under single ownership, or if there is more than one (1) owner, the petition for such Planned Unit Development Overlay District is considered as one (1) tract, lot or parcel and the legal description defines said Planned Unit Development as a single parcel, lot or tract and is jointly petitioned by the several owners. This requirement shall not be deemed to prevent further divisions of the land after creation of the Planned Unit Development Overlay District provided that all further divisions are in accordance with the restrictions placed on the particular Planned Unit Development.

- e That in the case of a proposed residential Planned Unit Development Overlay District:
 - 1 Such development creates an attractive residential environment of sustained desirability and economic stability, including structures in relation to terrain, consideration of safe pedestrian flow, ready access to recreational space, and coordination with overall plans for the county and the town wherein the Planned Unit Development is to be located.

2 The following table has been used and complied with for the following districts in determining the density of a development or site: (3/2/10)

District Zoning	Maximum Gross Density (dwelling units per acre)	Average Net Area Per Dwelling Unit (square feet)
R-3	2.2	20,000
R-4	2.9	15,000
R-5	4.4	10,000
R-8	4.4	10,000
R-9	8.7	5,000
R-10	10.8	4,000
R-11	12.4	3,000

- 3 The Residential Planned Unit Development project is limited to development types as hereinafter set forth:
- a Cluster developments, attached single-family dwellings, townhouses, and condominiums are permitted in the R-4, R-5 and R-8 districts but shall not exceed two (2) dwelling units per structure.
 - b Cluster developments, townhouses, and condominiums are permitted in the R-9 district, but shall not exceed four (4) dwelling units per structure.
 - c Cluster developments, townhouses, and condominiums are permitted in the R-10 district, but shall not exceed eight (8) dwelling units per structure.
 - d Cluster developments, townhouses, and condominiums are permitted in the R-11 district, in which case, the Kenosha County Planning, Development & Extension Education Committee may set limits on structural size and number of units in each structure.
- 4 Provision has been made for the installation of adequate public facilities and the continuing maintenance and operation of such facilities.
- 5 Provision has been made for adequate, continuing fire and police protection.
- 6 The population composition of the development will not have an adverse effect upon the individual town's capacity to provide needed school or other municipal service facilities.
- 7 Adequate guarantee is provided for permanent preservation of open space areas as shown on the approved site plan either by private reservation and maintenance or by dedication to the public.

f That in the case of a proposed commercial Planned Unit Development Overlay District:

- 1 The economic practicality of the proposed development can be justified.
- 2 The proposed development will be adequately served by off street parking and truck service facilities.

- 3 The proposed development is adequately provided with and does not impose any undue burden on public services and facilities such as fire and police protection, street maintenance, and maintenance of public areas.
- 4 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 that the development will not create an adverse effect upon the general traffic pattern of the surrounding neighborhood.
- 5 The architectural design, landscaping, control of lighting, and general site development will result in an attractive and harmonious service area compatible with and not adversely affecting the property values of the surrounding neighborhood or area.

g That in the case of a proposed industrial Planned Unit Development Overlay District:

- 1 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 effects upon the property values of the surrounding neighborhood.
- 2 The proposed development will be adequately provided with and will not impose any undue burden on public services and facilities, such as, but not limited to, fire and police protection, street maintenance, and maintenance of public areas.
- 3 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.
- 4 The proposed development is properly related to the total transportation system of the community and will not result in an adverse effect on the safety and efficiency of the public streets.

h That in the case of a proposed mixed use Planned Unit Development Overlay District: (3/2/10)

- 1 The proposed mixture of uses (i.e. residential, commercial, industrial) will produce a unified composite which is compatible within the underlying districts and which as a total entity is compatible with the surrounding neighborhood.
- 2 The various types of uses (residential, commercial, industrial) conform to the general requirements for each use as hereinbefore set forth, applicable to projects of such use and character.
- 3 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 effects upon the property values of the surrounding neighborhood.
- 4 The proposed development will be adequately provided with and will not impose any undue burden on public services and facilities, such as, but not limited to, fire and police protection, street maintenance, and maintenance of public areas.

- 5 The proposed development will include adequate provisions for parking and truck service areas and will be adequately served by rail and/or arterial highway facilities.
 - 6 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.
- i. That, in addition to the applicable provisions of subsection e above, in the case of an Agricultural Preservation Planned Unit Development Overlay District:
- 1 The proposed development promotes the purpose of an Agricultural Preservation Planned Unit Development Overlay District, which is to permit rural-character residential development that, over a period of time, will enable residential growth to occur and coexist with agricultural production, maximizing the value and enjoyment of the former while maintaining the availability and productivity of the latter, and thereby preserving the local community's agricultural and rural character.
 - 2 The density of the proposed development, as approved by the Town, shall conform to the overlying Comprehensive Plan land use category, which shall be Suburban-Density Residential and/or Rural-Density Residential for new residential parcels and Farmland Protection and/or General Agriculture and Open Land for the remnant parcel, and with the underlying zoning district, which shall be A-1, R-1, or R-2 for new residential lots (depending on approved density) and A-1 or A-2 for the remnant parcel, all with an Agricultural Preservation Planned Unit Development overlay. Only single-family dwellings are allowable.
 - 3 The proposed development satisfies the following residential lot design standards:
 - a All residential lots shall contain suitable soils for the installation of a private on-site waste treatment (septic) system and well.
 - b Residential lots shall have adequate access to existing or new state¹, county, or town rights-of-way. The proposed access point shall comply with the required access standards as established by the state, county, and town regulations. Shared driveways may be allowed or required.
 - c Residential lots shall provide adequate site drainage and not create adverse impacts on adjoining properties. Any drain tiles on the property shall be maintained or rerouted and, if damaged, repaired so as to not adversely impact any lands utilizing the existing drain tile, regardless of location.
 - d To the extent possible, residential lots shall be located adjacent to existing residential uses or lands designated as a residential zoning district, minimizing the number and length of edges between residential uses and agricultural operations.
 - e Residential lots shall be sized and located in a manner as to minimize the amount of tillable agricultural land converted to

¹ US 45 and STH 142 are Wisconsin DOT controlled access highways. Proposed access points along US 45 and STH 142 will require Wisconsin DOT review and approval.

- nonagricultural use. Lots shall be a minimum of 2 acres and a maximum of 5 acres, excluding the remnant parcel, lifestyle farms and/or farm consolidations.
- f Residential lots shall not create inefficient to farm remnant agricultural parcels based on the remnant parcels' shape, size or contiguity to other agricultural land.
 - g Residential lots shall be compatible with existing, planned, and/or permissible nearby agricultural practices, including the raising of livestock. So as to minimize the likelihood of future conflicts between residential uses and agricultural practices, the approved petition and site plan shall be recorded against the development and shall include a conspicuous notification apprising would-be owners of the proximity of the residential lots to existing and/or potential future agricultural practices, the externalities of which may impair the residential enjoyment of the parcel, and further to apprising the would-be lots' purchasers of the provisions of Wisconsin's "Right to Farm" law, sec. 823.08, Stats., as may be amended from time to time.
 - h Residential lots shall minimize the visibility of principal and accessory structures by utilizing landforms, existing vegetation, topography, new plantings, or other similar factors to provide screening. Existing vegetation and new plantings shall be maintained in good health. Dying vegetation and plantings shall be restored or replaced to their original condition by the responsible lot owner. New plantings shall be setback from the lot line a distance equal to $\frac{1}{2}$ the full maturity of the new planting to prevent planting growth over lot lines. A formal landscaping plan and bond may be required by the Town. Notwithstanding the above, the aesthetics and appearance of a proposed development, vis-à-vis the rural character of the nearby properties, may be taken into account in reviewing a proposed development and in determining the extent of screening that shall be required. For example, property owners choosing to impose, by way of the inclusion of such a provision in the petition, which shall be recorded against the development upon approval, a restriction on residential lots so as to allow only the construction of Midwestern farmhouse style-homes thereon may require no screening at all. For purposes of this section, "Midwestern farmhouse-style homes" means those houses characterized by the following features: two stories; simple, vertical lines; a gable roof; light-colored wood or wood-appearance siding; and a front or wrap-around porch.
 - i Residential lots shall have an approximate depth to width proportion of 2:1, to the greatest extent possible.
 - j All allowable residential lots, based upon the property's approved density, shall be described and depicted on the proposed development's petition and site plan, including those lots that are not intended to be immediately created by subdivision plat or by certified survey map.

4. All parcels shown on an approved petition and site plan, specifically including all remnant parcels, shall be restricted against any future land division or rezoning for a period of 30 years from the date of the approval of the petition, except with respect to such residential lots as are described and shown on an approved petition and site plan but which were not created contemporaneously with the petition. The restriction shall further provided that, upon expiration of the 30-year period, the subject parcels may be rezoned or further divided only with the unanimous approval of the Town Board.
5. The Agricultural Preservation Planned Unit Development Overlay District is designed to be consistent the Kenosha County 2035 Multi-jurisdictional Comprehensive Plan and with the Town's subdivision requirements and procedures. Therefore, all Agricultural Preservation Planned Unit Development Overlay District petitions shall be reviewed and approved in conjunction with, or conditioned upon, a corresponding approval to change the property's Comprehensive Plan designation and with a corresponding approval by the Town of a land division creating one or more new lots consistent with the petition. If any of the Comprehensive Plan category change application, the proposed land division application, or the Agricultural Preservation Planned Unit Development Overlay District petition applications are denied for any reason, the other applications shall be denied as well.

(l) Determination

The County Board, after due consideration, may deny the petition, approve the petition as submitted, or approve the petition subject to additional conditions and restrictions. The approval of a Planned Unit Development Overlay District shall be based upon and include as conditions thereto adherence to the building, site, and operational plans for the development as approved by the County Board.

(m) Changes and Additions

Any subsequent change or addition to the plans or uses shall first be submitted for approval to the designated Town Board and the Planning, Development & Extension Education Committee and if in the opinion of either such change or addition constitutes a substantial alteration of the original plan, a public hearing before the Planning, Development & Extension Education Committee shall be required and notice thereof shall be given pursuant to the provisions of section 12.38 of this ordinance, and said proposed alterations shall be submitted to the County Board for approval. (11/5/84) With respect to an approved Agricultural Preservation Planned Unit Development Overlay District, a substantial alteration may be approved only by the County Board and unanimous consent of the Town Board.

(n) 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 Kenosha County and the individual Town.

- (o) Failure to begin development if no substantial construction has commenced as defined in section 12.05-3 of this ordinance or no use established in the Planned Unit Development District within the time schedule submitted to the county board, the Kenosha County Department of Planning and Development shall petition the Kenosha County Board of Supervisors for the purpose of rescinding the planned unit development overlay designation so as to allow the land in question to revert to its underlying zone. The procedures set forth in section 12.38 of this ordinance, relating to the amendment of this ordinance shall be adhered to in its discretion and for good cause, the county board may extend for a reasonable period of time, not to exceed one year, the period for the beginning of construction or the establishment of a use. If the Planned Unit Development Overlay District is rescinded, the Department of Planning and Development shall remove said district from the official zoning map. Those zoning regulations applicable before the creation of said district shall then be in effect and no vested rights in the Planned Unit Development Overlay District shall be deemed to have occurred. (3/2/10)

- (p) List of adopted PUD Districts can be found in Appendix "F". (3/2/10)