

4.500 - Purposes: Planned Development Districts shall be those for which the quality of development shall be of primary concern for reasons that may relate to unique characteristics and circumstances of geography, topography, surrounding development, the special goals and objectives of the community, and special factors pertaining to public health and safety, permanence of buildings, aesthetics, and intrinsic as well as extrinsic values of property.

The Planned District regulations and procedures may apply to the development of presently open or vacant lands, and may apply to parcels of relatively small size as well as large-scale development, depending upon the nature of the proposed use and improvements and their relationship with other surrounding uses and the overall characteristics of the area in which located.

Planned Development is intended to encourage innovations in land development and renewal techniques so that the growing demands of the community may be met with greater flexibility and variety in type, design and layout of sites and buildings and by the conservation and more efficient use of open spaces and other amenities generally enhancing the quality of urban life.

Application of Planned Development should also encourage a more efficient use of land and of public or private services, and utilities and reflect the changes in the technology of land development so that resulting economies may accrue to the benefit of the community at large.

4.510 - Classifications of Planned Development: Upon preliminary approval of a proposal for Planned Development, as hereinafter provided, such proposal shall be identified by the general character or dominant use of the development, although the uses need not necessarily be exclusive of all other types of use. Such proposals shall be classified by the following designations:

"PD-R" - Planned Development Residential:

Any development occupying a district consisting of not less than one acre in which more than 80 percent of the interior floor area of all buildings to be included in the development are used for residential purposes or those accessory purposes customarily relating to residential use.

"PD-C" - Planned Development - Commercial:

Any development occupying a district consisting of not less than three acres in which all of the interior floor area of all buildings to be included in the development is to be used for commercial purposes as defined under the other commercial classifications of this ordinance.



"PD-I" - Planned Development - Industrial:

Any development occupying a district consisting of not less than ten acres in which more than 80 percent of the interior floor area of all buildings to be included in the development are used for industrial or manufacturing purposes or such accessory uses customarily relating to industrial uses with the balance of such interior floor areas, if any, being intended for such commercial uses as reasonably relate to the support or convenience of the intended industrial uses or their occupants.

"PD-L" - Planned Development - Leisure:

Any development occupying a district consisting of not less than five acres in which the principal activity, whether conducted within or without a building or other structures, relates to recreation, amusement, the exhibition of sports events, the conduct of games and athletics, or the provision of open space for any passive or active endeavor, whether for profit or not for profit, and whether the use and benefit of the public at large or otherwise. In such district, such commercial structures or uses as reasonably relate to the principal activity of the development shall also be permitted.

"PD-E" - Planned Development - Extraordinary:

A development not otherwise distinguishable under any previous classification, occupying a district consisting of any quantity of land area, and containing less than the stated minimum proportions of any single or dominant use or function, and in

which the proposed uses of interior and exterior spaces, although diverse or mixed, bear extraordinary design qualities resulting in a completely logical and complementary conjunction of uses and functions not ordinarily encountered in normal development.

4.520 - Origination of Proposals: A proposal for a Planned Development District may be made by the Planning Board or its professional staff, or by the Common Council, or by the Urban Renewal Agency, or by any other public body, public benefit corporation, development agency or government, whether or not actual development of the proposal is to be carried out by the proponent or under sponsorship of the proponent.

Any person, corporation, partnership or association having an ownership interest in a proposed district, or any group of owners united in interest, acting jointly, and in pursuance to an agreement to carry out the proposal in separate ownership, may propose a Planned Development District in accordance with the procedures hereinafter established, where such individual owner or group of owners in making such proposal intends to act as developer or sponsor of the development if the proposal is adopted and indicates the requisite capabilities to carry out such proposal. A parcel, district or site proposed for Planned Development need not be under single ownership where the proposed development consists of a group of structures or



improvements capable or being developed separately but in accordance with a single, unitary plan, and in which the separate owners indicate their express intentions to enter into such private agreements between or among themselves as will facilitate their mutual enterprise, and assure its completion as planned to the satisfaction of the community.

4.530 - Procedure On Proposals: It is the intention of this Article that proposals for Planned Development be of such community significance and concern that they be made at the early planning stages in order to allow time for full evaluation and orderly processing, to consider alternative plans or methods of development, to assess the full impact and consequences of the proposal, to formulate modifications or conditions that may be necessary, and to provide ample opportunity to determine the best means for implementation. The Planning Board or the Common Council may, from time to time, promulgate such guidelines, rules and regulations as may be deemed necessary for the orderly presentation and processing of such proposals in addition to those contained in this Article, which guidelines may also establish permanent or temporary priorities on the type, location, or scale of development proposals.

1. All proposals for Planned Development Districts shall be submitted directly to the Planning Board through its Planning Administrator.

The proposal shall be in writing, and shall include such drawings, maps, charts, or supporting materials and information as would

clearly indicate the concept of the development, its design, its uses, the proposed building dimensions, illustrative landscape schemes, preliminary site and architectural data, identification of parcels by tax map references, and any statements the proponent may consider appropriate relative to the necessity or desirability of development, its harmony with adjacent development, its conformity with the Master Plan or other planning objectives of the community and the reasons why the proposal could not be developed under applicable zoning regulations. The proponent may be required to state whether any prior application or appeal has been made to the Planning Board, Common Council, Board of Appeals or Code Enforcement Officer, respecting the use and occupancy of the parcel, and whether there is any outstanding order, citation, notice or action pending respecting the use and occupancy of the parcel or existing buildings.

2. The Planning Administrator shall, upon receipt of a proposal for a Planned District which is in his judgement complete as to the appropriate information to facilitate a reasonable consideration of the concept, transmit such materials to the city professional planner, planning staff, or planning consultant, as the case may be, so that a professional opinion may be prepared regarding the verification of data shown in the proposal, the proposal's relationship with the existing zoning and with the Master Plan, the possible effects of the proposal upon the surrounding properties, the general harmony with the essential character of the area, the



aesthetic and design qualities of the proposal, and such other factors or considerations as may be appropriate in considering the merits of the proposal.

3. After the professional planner, planning staff or planning consultant, as the case may be, has had the said materials for a period of not less than 10 days, the Planning Administrator shall place the proposal upon the agenda for the next regular meeting of the Planning Board, giving notice of such meeting to the proponent or proponents of the Planned Development District, whereat they will be afforded an opportunity to be heard on the proposal.
4. After hearing the proponent or proponents at any such regular meeting, and any professional opinion provided for in subparagraph 2, above, the Planning Board shall consider the proposal and make its determinations regarding the following:
  - a) That the proposal substantially conforms with the Master Plan for the City, with regional comprehensive plans, and with other manifest expressions of public development policy;
  - b) That there is a need for the proposed development in the proposed location and that there is a reasonable probability of economic success of the proposal;
  - c) That the existing character of the neighborhood will not be adversely affected and that adequate safeguards are provided to minimize possible detrimental effects of the proposed use on adjacent properties and on the neighborhood in general;

- d) That there is ample provision for water supply, sanitary sewage disposal, storm and surface water drainage and other utilities;
- e) That soil conditions, natural characteristics, topography and geography do not present substantial hazard to development;
- f) That there is adequate availability to schools, to police and fire protection, to parks and recreational facilities and other community facilities and public services;
- g) That there are no social, economic or cultural consequences likely to follow the proposed development which are not consistent with desirable community standards or public policy;
- h) That the location, height and bulk of buildings and structures on the site are in proportion to each other and relate well to other structures and visual perspectives in the vicinity;
- i) That careful attention has been given to the patterns of pedestrian circulation and to the effective use and design of open spaces, landscaping, exterior facade and amenities;
- j) That vehicular access is adequate to and within the site, that parking and loading spaces are adequate and well located relative to the uses and structures to be served, and that there are no conflicts between vehicular traffic and the other uses and activities proposed;
- k) That the proposed installation of driveways, lighting, signs, landscaping, fencing, screening, and other site details are generally in harmony with the proposed structures, with adjacent properties, with the rights and interests of the general public, and with the design qualities and objectives suggested by the ordinance and the Planning Board.



5. If, after consideration of the above criteria, the Planning Board shall approve of the proposal as to its preliminary planning and design concepts, it shall adopt its appropriate Resolution recommending to the Common Council that the parcel be rezoned to the designated Planned Development District classification as provided in Section 4.510 above, and shall transmit such resolution and the other supporting materials relating to the proposal, including the professional opinion, to the Common Council. The Resolution may contain conditions, restrictions or limitations that the Planning Board may deem requisite to its recommendation in addition to the conditions, restrictions or limitations provided in this Ordinance.

#### 4.540 - Procedures Before the Council

1. Upon receipt of a Resolution of the Planning Board recommending a zone change by amendment, the Council shall proceed in accordance with the provisions of Article IX of this Ordinance relative to amendments generally, except that referral to the Planning Board of the proposed amendment shall be deemed waived unless a substantial change in the proposal shall occur after the date of the Planning Board recommendation.
2. In the event that the Planning Board had declined to recommend rezoning, or in the event that the Planning Board had not acted upon the proposal within a period of 45 days after the date that full submissions had been made to the

Planning Administrator, the proponent may submit the proposal directly to the Common Council with a request that the said Common Council consider the proposal upon its own motion. The proponent shall, in such instance, make full disclosure to the Common Council of the reasons for Planning Board failure or refusal to approve. Before taking final action upon such proposals, the Common Council shall hear and consider any statements or opinions of the Planning Board as to the merits of the proposal or reasons for its failure or refusal to approve.

4.550 - Procedure After Re-Zoning: Neither favorable recommendation by the Planning Board nor adoption of an amendment by the Common Council changing the zoning of the parcel to a Planned Development District shall constitute approval of final plans or an authorization to the proponent or developer to begin construction or site preparation.

1. After receipt of notice of the adoption by the Common Council of the amendment changing the zoning of the parcel to a Planned Development District, it shall be the responsibility of the owner or developer to communicate with the Planning Administrator to ascertain what further materials, drawings, data, maps, plans, specifications, or otherwise shall be required by the Planning Board prior to final approval of the development. The Planning Administrator may recommend that the owner or developer confer



with the professional planner, planning staff, or planning consultant prior to further submission to the Planning Board, and in such event, the Planning Administrator shall arrange for such conferences.

2. Upon submission to the Planning Administrator of all final plans and specifications for the development, the matter shall be placed upon the agenda of the Planning Board at its next regular meeting. Nothing herein shall prevent the Planning Board from considering the development in phases or stages, and it may act upon the final plans and specifications in such steps and sequence as it deems appropriate. However, no Certificate of Occupancy may be issued for any part or portion of the development unless and until all parts, phases, or stages of the development are completed in accordance with the Planning Board's approval.
3. In considering the final plans and specifications for a development in a Planned Development District, the requirements for lot area, lot width, building coverage, building heights and other bulk, density or parcel specifications of this Ordinance, as contained in Article IV, or the other physical requirements of this ordinance shall be observed as general guidelines, and may be made more or less restrictive in accordance with the policies set forth in this Article, and in accordance with the recommendations of the professional planner, planning staff, or planning consultant, or in accordance with criteria or guidelines promulgated or adopted from time to time by the Planning Board.

4. The Planning Board may require such changes in the plans, specifications, drawings, elevations and other pertinent submissions it may deem to be necessary or appropriate to meet the requirements for planned development, and may make such additional requirements as are necessary to protect established or permitted uses in the vicinity and to promote and protect the orderly growth and development of the community.
5. The Planning Board may require submission and review of pertinent documents, deeds, agreements, conditional limitations, restrictive covenants, or other legal materials pertaining to private arrangements proposed by the owner or developer to control the use, occupancy or maintenance of the land and buildings, in similar fashion to its authority under the subdivision regulations adopted by the Common Council.

In any event, all conditions imposed by the Planning Board, including those the performance of which are or may be conditions precedent to the issuance of any permit necessary for the development of any part of the entire site, shall run with the land and shall not lapse or be waived as a result of any subsequent change in the tenancy or ownership of any or all said area. Such conditions shall be deemed a part of the Certificate of Occupancy issued for any use or structure in a Planned Development District.

6. No change in the finally approved construction, development, use, or occupancy in any Planned Development District shall be permitted



without prior approval of the Planning Board, in accordance with the policies, criteria and procedures herein provided.

4.560 - Expiration: In the event that the Planning Board has not approved the final plans and specifications for development in a Planned Development District within one-year from the date when amendment to the zoning map by the Common Council became effective; or

In the event that development authorized by the Planning Board in a Planned Development District has not been commenced and diligently prosecuted within one-year from the date when the final plans and specifications were approved by the Planning Board; then and in that event

The Planned Development District zoning shall automatically lapse and be null and void, and the land shall revert to the previous zoning district designation in effect prior to the amendment, except that

The one-year limitation provided above may, upon written application by the proponent or developer stating reasons or excuse for delay, may be extended by the Common Council for such additional periods of time as it deems appropriate.