

PLANNED DEVELOPMENT DISTRICT OVERLAY (PDD)

A. PURPOSE

The purpose of the Planned Development District Overlay (PDD) is to encourage and provide a means for creating desirable and quality development by permitting greater flexibility and design freedom than permitted under the basic zoning district regulations. These regulations are established to permit latitude in the development of the building sites if such development is found to be in accordance with the purpose, spirit, and intent of this ordinance, comprehensive plan of the Town of Rockland, 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 Town of Rockland.

It is intended to permit and encourage diversification, variation and imagination in the relationship of uses, landscaping, structures, open spaces, lot sizes, 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 the preservation of open space and other natural features such as the Niagara escarpment, woodlands, floodplains, and wetlands by incorporating these features into the overall development.

B. APPLICATION TO EXISTING ZONING DISTRICTS

This section shall serve as an option to the permitted uses and regulations applicable to all zoning districts in the Town, and shall be applicable only to those lands which are hereby and may hereafter be zoned Planned Development District Overlay by the Town Board. Existing zoning shall continue in full force and effect and shall be solely applicable until such time as the Town Board grants final approval for the Planned Development District Overlay Zone.

In areas of the Town outside of the Agricultural Transition Zone, only conservation subdivisions meeting the requirements of Section E(1)(b) and G(2) of this ordinance shall be considered for PDD Overlay Zoning. Conservation subdivisions in this area shall meet the overall density required under the Agricultural Zoning District (5 acres) and shall provide for the conservation of the Niagara escarpment ledge, wetlands, floodplains, and/or other Environmentally Significant Areas.

All required improvements, construction standards, design standards, and all other engineering standards contained within the Town of Rockland Code of Ordinances shall be complied with, except where specifically varied through the provisions of this section of the Code.

C. MINIMUM SIZE OF PDD OVERLAY DISTRICT

No district shall be established unless it contains the minimum area specified in this section and has at least two hundred (200) feet of frontage or Town approved private road access.

1. The minimum gross area required for a PDD Overlay District is as follows:
 - a. Two (2) acres where the overlay is placed upon base residential districts.
 - b. One (1) acre where the overlay is placed upon base commercial or industrial districts.

D. DEFINITIONS

1. BASIC ZONING REGULATIONS

Means such zoning regulations as are applicable to the use district other than the regulations set forth in this section.

2. BUILDING SITE

Is a tract of land not divided by public streets or into lots, excepting 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 condominium group. (The site must be located on a public street or highway.)

3. COMPREHENSIVE PLAN

Shall mean the document adopted by ordinance by the Town of Rockland Board that meets the requirements of Sec. 66.1001 Wis. Stats, which is now or may hereafter be in effect.

4. DENSITY

Shall mean the number of dwelling units permitted per square foot of land area or number of dwelling units permitted per acre of land use.

5. FINAL PLAN

Shall mean 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 spaces and public facilities. The Final Plan shall include such information as required by Section L (Final Plan requirements) herein.

6. IMPROVED OPEN SPACE

Shall mean the above parcels and any structure or improvements which are placed upon such parcels (i.e. restrooms, tennis courts, ball diamonds, etc.)

7. OPEN SPACE

Shall mean a parcel or parcels of land or an area of water, or a combination thereof with the site designated and intended for the use or enjoyment of residents of the Planned Development and/or the public at-large.

8. PRELIMINARY PLAN

Shall mean the preliminary drawings described in Section J(4) (preliminary plan requirements) herein, indicating the proposed manner and/or layout of the Planned Development District to be submitted to the Planning Commission for approval.

9. UNIMPROVED OPEN SPACE

Shall mean open space kept free of structure or improvements except for hiking, horseback riding, bicycle trails, ponds, picnic areas, and nature parks.

E. USES PERMITTED

1. BASIC ZONING USES

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

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

b. Conservation subdivision plats having a minimum of 50 percent open space, of which at least 25 percent must be outside of environmentally sensitive areas, as described in the Brown County Subdivision Ordinance. Stormwater management facilities, group on-site private wastewater treatment system absorption fields, and other public facilities may be located within the 25 percent of land outside of environmentally sensitive areas.

c. A mixture of residential types, recreational, commercial, and institutional uses may be developed to serve the residents of the PDD and/or residents of the surrounding area, provided such uses can be supported by the residents as indicated by an appropriate market study provided by the developer. Also, parking, signage, and any additional use restrictions for the uses shall be addressed in the ordinance adopted that authorizes and establishes the proposed PDD development.

2. BUILDING RESTRICTIONS

Requirements for building height, size and floor area, lot size, setbacks (front, side, rear and corner side), density and open space shall be delineated in the Preliminary and Final Development Plans and the ordinance adopted that authorizes and establishes the proposed PDD. Minimum setbacks shall conform to those listed in the General Provisions of the Town of Rockland Zoning Ordinance. In no case shall these requirements be less than stated in other sections of the PDD ordinance and shall be found to not be hazardous, harmful, offensive or otherwise adverse to the environment, property values, or the character of the proposed development, surrounding neighborhood or community or adverse to the health, safety, and welfare of the residents of the PDD and/or community as a whole. Notwithstanding the foregoing, if the Final Development Plan does not address a specific zoning requirement (the "Non-addressed Requirement"), the provisions of the Town of Rockland Zoning Ordinance shall apply to the development plan to the extent of the Non-addressed Requirements.

F. GENERAL PROVISIONS

1. ENGINEERING DESIGN STANDARDS

The width of rights-of-way, width and location of street, sidewalks, or other paving requirements, outdoor lighting types and locations, public sanitary sewer or private on-site wastewater treatment systems, storm sewer, and water lines, provision for stormwater retention and drainage, and other similar environmental engineering considerations shall be based upon a determination as to the appropriate standards necessary to perform the specific function in the specific situation; provided, however, that in no case shall construction standards be less than necessary to insure the public safety and welfare. The Town reserves the right to have an engineer of the Town's choosing review all engineering aspects of the development at cost to the developer.

2. APPROVALS

The applicant 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 resubmittal and recommendation by the Planning Commission, and approval by the Town Board.

3. RESCINDING APPROVAL

Failure to comply with 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 Town Clerk, the applicant or agent 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 hearing shall determine whether or not the developer has failed to comply, and if there has been such a failure, may either:

- a. Rescind its approval, whereupon such recession and cessation of all rights and privileges of the developer and owner, including the right to complete construction or to construct any building or other structure or improvement, shall become effective on the thirty-first (31) day following a written notice of such decision sent by certified mail to the developer at his or her last known address; or
- b. Adjourn such hearing for a period not to exceed sixty-five (65) days to enable the developer to comply; whereupon, if the 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 developer and owner shall continue for such period of time that there be such compliance. If the developer has not establish to the reasonable satisfaction of the Town Board that there will be compliance in the future, the Board will proceed in accordance with subparagraph a.

G. CRITERIA FOR APPROVAL

As a basis for determining the acceptability of a PDD proposal, the following criteria shall be applied to the development proposal, with specific considerations as to whether or not it is consistent with the spirit and intent of this ordinance and the Town of Rockland Comprehensive Plan.

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 the Niagara escarpment, woodlands, open space, or other environmentally sensitive areas.
- b. Would produce an attractive environment of sustained aesthetic and ecologic desirability, economic stability and functional practicality compatible with the general development plans for the 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. Creativity in addressing the provision of parking is encouraged. Alternate parking arrangements may be used (such as exterior or interior satellite parking lots, provision of mass transportation, (etc.) to provide adequate parking within the requirements of the PDD ordinance.

e. Would be developed in a manner that encourages alternative means of transportation through the provision of sidewalks and/or off-street trails, and a well-connected street pattern.

f. Is consistent with the Town of Rockland Comprehensive Plan.

2. PRESERVATION AND MAINTENANCE OF OPEN SPACE

Adequate provisions 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. Any identified reserved open space within a Planned Development shall first be offered to the Town for conveyance and dedication for public open space.

b. 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 from any further building or use except as specifically authorized as part of the development plan, or, subsequently, with the express approval of the Town Board following the recommendation of site and operational plans by the Planning Commission.

c. In the event that the designated open space is to remain in agricultural use, the following uses shall be permitted only in the designated open space areas:

1. General farming activities, such as dairying, cropping, apiculture, floriculture, forestry, horticulture, tree and shrub nurseries, pasturage, orchards, and similar non-intensive agricultural activities.
2. Existing farmstead, barns, and associated outbuildings

Proposed new construction or additions outside of the existing footprint of agricultural-related buildings shall require obtaining an amendment to the PDD as identified in Section N: Amendments. Agricultural-related buildings shall not be interpreted to mean new residential, commercial, or industrial buildings.

d. In the case of roadways, other rights-of-way, and stormwater management facilities, 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, maintenance, recreational trail connections, and other required municipal services to the project area.

e. The construction, care, and maintenance of such open space reservations, stormwater management facilities, and rights-of way shall be assured either by establishment of an appropriate management organization for the project, acceptance of dedication to the Town, or by agreement with the Town for establishment of a special service district and levy the cost thereof as a special assessment on the tax bill 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 that 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 of each property. The developer shall submit a landscape maintenance schedule and stormwater management plan with the final plan for approval by the Town that satisfies the above requirements.

f. Ownership, maintenance, construction (if necessary), 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 plan approval.

3. IMPLEMENTATION SCHEDULE

The petitioners for a PDD Overlay shall submit a reasonable schedule for implementation of the development to the satisfaction of the Planning Commission and the Town Board, including suitable provisions (and the Town may require the furnishing of a sufficient performance bond for construction) for assurance that each phase could and should be brought to completion in a manner which shall not result in adverse effect upon the community as a result of termination at the end of any phase.

4. ADDITIONAL FACTORS THAT MAY BE CONSIDERED BY THE PLANNING COMMISSION AND TOWN BOARD:

- a. Height of structures
- b. Screening and fencing
- c. Landscaping
- d. Setbacks
- e. The site itself as it relates to neighborhood environment, compatibility to existing neighborhood use, and general neighborhood characteristics
- f. Nature and use of the proposed structures, and design, architecture and materials to be used.
- g. Highway access to the site, number of driveways and location
- h. Traffic generation, number of vehicles parked, and rate of turnover per hour.
- i. Stormwater management
- j. Capacities required for sewer, water, and other necessary utilities.
- k. Educational capacity capabilities (number of families and school load).
- l. Economic impact on the Town, its inducements, attractions, and detractions.
- m. Lighting
- n. Proposed hours of operation.
- o. Comparison of open space as required by the underlying basic zones with that proposed project.
- p. Operational control
- q. Commencement and completion dates
- r. Highway/street dedication
- s. Signage
- t. Deed restrictions and sureties deemed necessary to protect the health, safety, and welfare of the community.
- u. Impact on groundwater resources.
- v. Method of sanitary waste disposal.

- w. If development is not proposing to have public sewer and water, the development's ability to be efficiently and cost-effectively connected to public sewer and water, when available.
- x. Such other limitations, conditions, special requirements or characteristics to the use as may be deemed necessary to protect the health, safety, and welfare of the Town.

H. PROCEDURES

No development shall be permitted within this district unless it is submitted, reviewed, and approved subject to the following procedures:

I. PRE-APPLICATION CONFERENCE

Prior to filing of an application for PDD, the applicant of the proposed PDD shall contact the Town Clerk to arrange a conference with Town representatives and/or staff. The primary purpose of the conference shall be to provide the applicant 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.

J. PRELIMINARY APPROVAL

1. NOTICE AND FEE

A person desiring to develop a particular site as a planned development project shall apply to the Town Clerk on such forms as shall be provided by the Town and shall pay a fee equal to cover the cost to the Town of Rockland for reviewing the plans and specifications. All PDD fees shall be reviewed and set annually. The fee must accompany said forms. Such application shall contain the names, mailing addresses and telephone numbers of the owners and developers, a contact name, address, and telephone number, if different, and a description of the development site. Appropriate supporting documents and maps, as required in Section J (4) shall be filed with the application.

2. NOTICE TO PLANNING COMMISSION

The Town Clerk shall inform the Planning Commission of such desire and shall secure a date for a preliminary discussion between the developer and the Planning Commission, and shall notify the developer of such date.

3. PRELIMINARY PDD PLANNING COMMISSION RECOMMENDATION

The Planning Commission, after such preliminary discussions, and such further discussions as may be required with the applicant, shall report in writing such proposed project development to the Town Board, together with its recommendation for either approval, approval with modifications, or denial of the same. Such report and recommendation of the Commission shall be made to the Town Board no later than three (3) months from the filing of the application with the Town Clerk, unless agreed upon in writing by the Town and applicant. A recommendation of approval from the Commission shall in no way be binding on the Town Board.

4. INFORMATION REQUIRED

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

- a.** A statement describing the general character of the intended development.
- b.** An accurate map of the project area, drawn to scale no less than one (1) inch equals two hundred (200) feet, showing the nature, use and character of abutting properties prepared by a registered surveyor.
- c.** Twelve (12) copies of a general development plan of the proposed project drawn at a scale no less than one (1) inch equals two hundred (200) feet showing the following information in sufficient detail to make possible the evaluation of the criteria for approval as set forth in Subsection (G) of this ordinance:
 - 1.** Tract boundaries and a statement of the total acreage of the tract;
 - 2.** Significant physical features within the tract and outside the tract to a distance of 200 feet from the outer boundary of the tract, including existing two (2) foot contours, watercourses, drainage, ponds, lakes, wetlands, and other potential environmentally sensitive areas;
 - 3.** Existing zoning district(s) on the property and within four hundred (400) feet adjacent to the proposed project;
 - 4.** Property lines (if any) within the proposed project;
 - 5.** All contemplated land uses within the tract;
 - 6.** 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;
 - 7.** Number and type of dwelling units;
 - 8.** Existing buildings that may affect future development and proposed location of all principal structures and associated parking area;
 - 9.** Proposed lot coverage of buildings and structures;
 - 10.** Proposed circulation systems (pedestrian, bicycle, auto, mass transit) by type, how they relate to the existing network outside this site;
 - 11.** Existing rights-of-way and easements, which may affect the project;
 - 12.** In the case of plans which call for development in stages, a map at an appropriate scale showing the successive stages;
 - 13.** The location of sanitary and storm sewer lines, water mains, fire hydrants, and lighting;
 - 14.** The location of recreational and open space areas and areas reserved or dedicated for public uses, such as schools, parks, etc.;
 - 15.** Description and proposed location of proposed stormwater management facilities;
 - 16.** General landscape treatment, including parking and refuse areas.
- d.** 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 under the criteria of subparagraphs 1, 2, 3, and 4 of subsection (G).

