

# VILLAGE OF ELM GROVE

13600 Juneau Boulevard  
Elm Grove, WI 53122

LEGISLATIVE COMMITTEE

Tuesday, May 12, 2020 \* 5:30 PM \* Parkview Room

## AGENDA

### 1. Bring meeting to order

### 2. Review and act on minutes

*Documents:*

[LC031120md.pdf](#)

### 3. Review and act on Chapter 335-22 B1 Local Business

*Documents:*

[B-1 Local Business District \[TPH Edits 032720\].pdf](#)

### 4. Review and discussion of PDO ordinance

*Documents:*

[24.05.040\\_\\_\\_PUD\\_\\_Planned\\_Unit\\_Development\\_Overlay..pdf](#)

[Brookfield\\_Planned\\_Development\\_Districts.pdf](#)

[Shorewood\\_Hills\\_PUD\\_10-1-33.pdf](#)

[Village\\_of\\_Shorewood,\\_WI\\_Ecode360.pdf](#)

[Village\\_of\\_Whitefish\\_Bay,\\_WI\\_Planned\\_Development\\_District.pdf](#)

### 5. Other Business

### 6. Adjourn

Any person who has a qualifying disability as defined by the Americans with Disabilities Act who requires that the meeting or materials for the meeting has to be in an accessible location or format must contact the Village Clerk, Mary S. Stredni, at 262-782-6700 or 13600 Juneau Boulevard by 3:00 PM Friday prior to the meeting so that any necessary arrangements can be made to accommodate your request.

NOTICE: It is possible that members of, and possibly a quorum of, other governmental bodies of the Village may be in attendance at the above stated meeting to gather information. No action will be taken by any governmental body at the above stated meeting other than the governmental body specifically referred to in the above notice.

**VILLAGE OF ELM GROVE  
LEGISLATIVE COMMITTEE MINUTES  
Wednesday, March 11, 2020**

Present: Chairman Domaszek, President Palmer, Trustee Haas, and Barry Book  
David De Angelis Village Manager, Mary S Stredni, Village Clerk, Tom Harrigan Zoning  
Administrator, and Village Attorney Hector de la Mora.

Absent: Angie Jodie

1. Call meeting to order  
Chairman Domaszek called the meeting to order at 5:30 p.m.
2. Minutes  
Palmer and Haas moved and seconded to approve the February 12, 2020 minutes. Motion carried.
3. Review and act on amendments to Chapter 335-22 B-1 Local Business District.  
Reviewed de la mora draft of B-1.  
Line 13-17 Line 13 remove word 'follows'. Line 14 period after services; delete the rest of line 14, 15, 16, 17.  
  
Line 41 Combine with line 50  
  
Line 73-74 Keep – Building height. No structure of parts thereof shall exceed 35 feet in building height. Renumber as (3) and renumber line 73 to (4).  
  
Line 76 Discussion regarding setback of 20 feet. Consensus to keep at 20 feet and removed lines 77-81.  
  
Line 113 J. Plan of operation is required. Add the word is.  
New draft will be reviewed at next meeting.
4. Review and act on amendments to Chapter §335-24 B-3 Mid-Rise Office and Professional District  
Use the same comments as B-1.  
Line 24-27 Regional retail, remove reference.  
Line 74, 75 Remove both lines  
Line 77 Change 10 feet to 15 feet in height  
Line 88 I. Plan of operation is required. Add the word is.  
New draft will be reviewed at next meeting.
5. Review and act on amendment to Chapter 171-4 Classes of Licenses and Permits  
President Palmer and Chairman Domaszek moved and seconded to table and refer to Finance and Licensing. Motion carried.
6. Other Business  
Consensus to meet on April 16 at 5:30 p.m.
7. Adjourn  
Trustee Haas and Barry Book moved and seconded to adjourn at 7:05 p.m. Motion carried.

Respectfully submitted,

Mary S Stredni, Village Clerk

1 *The following Code does not display images or complicated formatting. Codes should be viewed online. This*  
2 *tool is only meant for editing.*

3 § 335-22 **B-1 Business District.**

4 The B-1 Business District is intended to provide for individual or small groups of retail and customer service  
5 establishments serving primarily the convenience of the local area. The character, appearance and operation  
6 of the business district shall be compatible with the character of the surrounding area.

7 A. Permitted uses. Except for those uses specifically stated as being conditional uses found in section §335-  
8 22C, permitted uses include:

- 9 (1) Professional Offices, defined as establishments providing executive, management, administrative, or  
10 professional services.
- 11 (2) Community Retail, defined as businesses, excluding those that have a drive up window that involve the  
12 sale of goods, merchandise or services directly to the consumer in small quantities.

13 B. Permitted accessory uses.

- 14 (1) Garages for storage of vehicles used in conjunction with the operation of a business or owned or used by  
15 tenants residing within quarters located in the same structure as the business.
- 16 (2) Off-street parking facilities and loading areas.
- 17 (3) Residential quarters for the owner or proprietor of a business located in the same structure, provided  
18 such living accommodations satisfy all applicable health, safety and current building code provisions  
19 and such use is accurately reflected in a current plan of operation which identifies the number and  
20 location of all residential occupants in such structure in accordance with § 335-22 of the Code of the  
21 Village of Elm Grove.

22 C. Conditional uses, provided that an unreasonable amount of traffic is not generated, adequate loading and  
23 unloading areas are provided and compatible hours of operation with the surrounding and adjacent  
24 neighborhood are included in, and followed as to each respective plan of operation.

- 25 (1) Automotive and marine sales and service.
- 26 (2) Building supply stores and general sales of industrial products, such as building materials, electrical  
27 supplies, heating supplies, lighting supplies, paint and painting supplies, plumbing supplies, roofing  
28 supplies, wallpaper and wallpaper supplies, and windows and doors.
- 29 (3) Businesses with drive-up windows except for restaurants with drive-up windows for take-away service.  
30 Only property which has frontage along, and vehicular ingress and egress access to, Bluemound Road  
31 may be considered for such a use.

32

33 (5) Funeral homes.

34 (6) Gasoline service stations and car wash establishments, provided that all pumps and service islands meet  
35 the setback and yard requirements.

- 36 (7) Grain processing and storage.
- 37 (8) Physical culture facilities, such as fitness centers, massage parlors, tanning parlors and tattoo parlors and  
38 body-piercing establishments as defined by Wis. Admin. Code § SPS 221.
- 39 (9) Power equipment centers, sales, service and storage.
- 40 (10) Utilities.
- 41 (11) Wireless Communication Facilities as defined by Federal Law 47 CRF §§1.6100 and 1.6002
- 42 (12) Multifamily residential units with a density up to 12 dwelling units per acre.
- 43 (13) Parking lots, driveways, walkways or other hardscape facilities constructed using a permeable surface  
44 that allows exceeding the allowable percentage of maximum impervious surface area as defined within  
45 this chapter.
- 46 (14) Parking lots and parking structures serving groups of businesses in the district.

47 D. Site and Building Criteria

- 48 (1) Before determining appropriate setbacks, the Plan Commission shall first make a determination that due  
49 consideration has been given to the existing conditions and the potential for redevelopment of adjacent  
50 properties when establishing front, side and rear yard setbacks, so as to provide a suitable, streamlined  
51 and compatible transition between structures. The following criteria shall be considered by the Plan  
52 Commission in determining front, side and rear yard setbacks:
- 53 (2) Lot area and width. Lots shall be a minimum of 7,200 square feet in area and shall be not less than 60  
54 feet in width at the front building line.
- 55 (3) Building height. No structure or parts thereof shall exceed 35 feet in building height. No accessory  
56 structure shall exceed 15 feet in building height.
- 57 (4) Yards (principal and/or accessory structures).
  - 58 (a) There shall be a minimum building setback of 20 feet from each abutting street right-of-way.
  - 59 (b) There shall be no required side yard; however, when a side yard is provided, there shall be a minimum  
60 of 10 feet from the lot line.
  - 61 (c) There shall be a rear yard setback of not less than 25 feet.
- 62 (5) Yards within the Downtown Design Overlay District (principal and/or accessory structures).
  - 63 (a) Subject to the provisions of § **335-22G(2)**, the Plan Commission may approve deviations from any of  
64 the yard requirements specified in § **335-22F**.
  - 65 (b) Notwithstanding the provisions of § **335-22F(1)**, **(2)** and **(3)**, an applicant shall propose, and the Plan  
66 Commission shall review and may approve, the proposed side, front and rear yard setbacks for  
67 structures to be developed or redeveloped within the boundaries of the Downtown Design Overlay  
68 District as established by § **335-12G(3)**.

- 69 (i) Whether the building setbacks of new or modified structures are compatible with those of existing or  
70 desirable new adjacent structures and are scaled at an appropriate distance based on massing and height  
71 characteristics to adjacent or desired new adjacent structures;
- 72 (ii) Whether the proposed new or modified structure fosters a harmonious relationship to desired or new  
73 adjacent structures;
- 74 (iii) Whether the proposed location of the new or modified structure is reasonably accessible to streets and  
75 public walkways, as contemplated in the Downtown District Site Design Guidelines;
- 76 (iv) Whether the major facade and/or major entrance of the proposed new or modified structure is  
77 functionally linked to a feasible pedestrian access as determined by the Plan Commission on a case-by-  
78 case basis; and
- 79 (v) Whether the proposed new or modified structure maintains an appropriate distance from any adjacent  
80 single- and/or multiple-family residentially zoned properties as determined by the Plan Commission on  
81 a case-by-case basis.
- 82 H. Maximum impervious surface: 80% of lot area.
- 83 I. Maximum building footprint area: 60% of lot area.
- 84 J. Plan of operation is required. (Refer to § **335-85**.)

85

24.05.040 - /PUD, Planned Unit Development Overlay.

A. Purpose.

1. General. The /PUD, Planned Unit Development Overlay district is intended to accommodate development that may be difficult if not impossible to carry out under otherwise applicable zoning district standards. Examples of the types of development that may benefit from the PUD overlay district include the following:
  - a. Enhanced Protection of Natural Resource Areas. Developments that offer enhanced protection of natural resources and sensitive environmental features, including streams, water bodies, floodplains, wetlands, steep slopes and woodlands.
  - b. Energy Conservation/Sustainability. Developments that achieve extremely high levels of energy conservation and developments that achieve extremely high levels of sustainability, as evidenced by commitment to attain at least LEED Gold or equivalent ratings by recognized green building organizations.
  - c. Traditional Urban Development. Developments characterized by parcel configurations, street patterns, streetscapes and neighborhood amenities commonly found in urban neighborhoods platted or otherwise created before the 1950s.
  - d. Mixed-use Development. Developments that contain a complementary mix of residential and nonresidential uses.
2. Objectives. Different types of PUDs will promote different planning goals. In general, however, PUDs are intended to promote the following objectives:
  - a. implementation of and consistency with the city's adopted plans and policies;
  - b. flexibility and creativity in responding to changing social, economic and market conditions allowing greater public benefits than could be achieved using conventional zoning and development regulations;
  - c. efficient and economical provision of public facilities and services;
  - d. economic opportunity and environmental and social equity for residents;
  - e. variety in housing types and sizes to accommodate households of all ages, sizes, incomes and lifestyle choices;
  - f. compact, mixed-use development patterns where residential, commercial, civic and open spaces are located in close proximity to one another;
  - g. a coordinated transportation system that includes an inter-connected hierarchy of facilities for pedestrians, bicycles and vehicles;
  - h. compatibility of buildings and other improvements as determined by their arrangement, massing, form, character and landscaping;
  - i. the protection and enhancement of open space amenities and natural resource features such as tree canopy, native vegetation, wetland and stream buffer area and hydric soils in the development design;
  - j. the incorporation of sustainable development features including green infrastructure practices in landscapes and parking area, to maximize the aesthetic and water quality benefits of stormwater management practices; and
  - k. attractive, high-quality landscaping, lighting, architecture and signage, including the use of native landscaping, that reflects the unique character of the development.

- B. Procedure. PUDs must be reviewed and approved in accordance with the procedures of Section 24.16.050. Applications must be signed by all property owners of record.

- C. Zoning Map. Approved PUDs must be identified on the zoning map by appending the map symbol "/PUD" as a suffix to the base zoning district classification, as in "R8/PUD."
- D. Developer's Statement of Intent. Each PUD application must include a written explanation from the applicant describing the community benefits of the proposed development and how the proposed development provides greater benefits to the city than would a development carried out in accordance with otherwise applicable zoning ordinance standards. The statement must also include a comparison of the proposed development with the standards of the base zoning district.
- E. Approval Criteria. A /PUD overlay zoning district may be approved only when the common council determines that the proposed PUD would result in a greater benefit to the city as a whole than would development under conventional zoning district regulations.
- F. Standards Eligible for Modification. Unless otherwise expressly approved by the common council as part of the PUD approval process, PUDs are subject to all applicable standards of this zoning ordinance. The common council is authorized to approve PUDs that deviate from strict compliance with specified standards if they determine that the resulting development satisfies the approval criteria of Section 24.05.040E. PUDs may not deviate from compliance with Title 14 (Fire Prevention) or Title 15 (Buildings and Construction) of the city code of ordinances.
- G. Allowed Uses. The uses to be allowed in a PUD must be identified as part of the PUD approval process along with all applicable conditions or supplemental use regulations that apply to such uses. Regardless of the underlying zoning, the common council may approve a mix of use types within a PUD as a means of accommodating mixed-use developments and developments with a broader range of housing types and housing options than allowed by the underlying zoning district.
- H. Lot Size. Minimum lot area and width standards of the base zoning district may be reduced as part of the PUD approval, provided that lot sizes are adequate to safely accommodate all proposed buildings and site features.
- I. Residential Density. The allowable residential density of the base zoning district may be changed if the common council determines that such a change is warranted to support the public benefit likely to result from the proposed development and that the resulting density can be supported by existing and planned public facilities and services.
- J. Setbacks. The minimum setback standards of the base zoning district may be reduced as part of the PUD approval.
- K. Height. The common council may allow an increase in allowable building heights if it determines that such an increase is warranted to support the public benefit likely to result from the proposed development.
- L. Parking and Loading. Off-street parking and loading requirements may be modified when the common council determines that modified requirements are in keeping with projected parking and loading demand of the proposed development, that other means of meeting access demand will be provided or that the requested modifications will better meet the purpose of the PUD overlay.
- M. Streets. Alternatives to otherwise "standard" street cross-sections and designs may be approved when the common council determines that such alternative designs would better meet the purpose of the PUD overlay, while still providing a safe and efficient traffic circulation system.

## Chapter 17.41

### PLANNED DEVELOPMENT DISTRICTS

Sections:

- 17.41.010 Statement of purpose.
- 17.41.020 Allowed uses.
- 17.41.030 Lot size, lot width, height, floor area, maximum lot coverage, landscape surface ratio, open space requirements, signs and parking requirements.
- 17.41.040 Procedure.
- 17.41.050 Standards for planned development districts by predominant land use.

**17.41.010 Statement of purpose.**

The planned development district or PDD provides regulatory framework to encourage improved community benefits as to matters such as environmental and aesthetic design, stormwater management, preservation of natural topography, and the like, and allowing for greater flexibility in the development of land than that allowed in standard districts, while achieving substantial compliance with the intent of the zoning code and existing or future city plans. The district allows variation in the relationship of uses, structures and spaces in developments organized internally as cohesive projects, and carefully related to other nearby developments and lands. (Ord. 1690 § 1 (part), 1999)

**17.41.020 Allowed uses.**

The PDD allows those uses that are approved for that district through the city review and approval process, selected from among all uses allowed in any other districts, singly or in combination, unless restricted by applicable overlay districts. The district makes no differentiation between permitted and special exception or conditional uses, since all uses will receive discretionary review. Restaurants, limited food establishments or taverns that were permitted as part of the original specific plan for a property or amendments thereto are permitted to have outdoor seating not exceeding twenty-five (25) percent of the indoor seating capacity. No extraordinary separation between the outdoor seating and residential uses contained within the PDD is required. The location and operating hours for the outdoor seating and adequacy of parking will be subject to plan commission approval. (Ord. 2251-11 § 14, 2011; Ord. 1690 § 1 (part), 1999)

**17.41.030 Lot size, lot width, height, floor area, maximum lot coverage, landscape surface ratio, open space requirements, signs and parking requirements.**

This district has no predetermined specific lot area, lot width, height, floor area ratio, yard, usable open space, sign and off-street parking requirements. Such requirements are determined for each district on an individual basis through the city review and approval process. (Ord. 1690 § 1 (part), 1999)

**17.41.040 Procedure.**

The following requirements shall apply to applications for the PDD, in addition to normal zoning amendment procedural requirements in Section 17.08.070:

A. General Plan. To commence the city review and approval process, the applicant shall file the following with the city:

1. A description of the character of the intended development;
2. Scale drawings of the project area including drawings showing the relationship to surrounding properties, the existing topography and key features. Where a planning unit or node designation has been specified in relevant city plans or zoning, the general map plan shall cover that planning unit or portion of the node as directed by the community development department;
3. A plan of the proposed project showing sufficient detail to allow evaluation in relation to the standards for approval, as defined in Section 17.41.050;



4. When requested by the city, a general outline of intended organizational structure of a property owners' association, deed restrictions, and provisions on shared installation and maintenance of common services;
5. Analysis of the impact upon the community, demonstrating community benefits warranting PDD status;
6. Submittal of plans and documents shall generally be consistent with the specifications of the submittal requirements of Section 17.100.050.
7. Planned Development Districts-General Plan Review Application Fees. Any application for community development review of a planned development district general plan shall include a fee as specified in Section 3.28.010(I).
8. The applicant will be billed a fee specified in Section 3.28.010(KK) for the engineering department review of any planned development district general plan review.

B. Referral and Hearing.

1. After the filing of an application that is deemed complete by the community development department, the application shall be reviewed by the plan commission, which shall forward the application to the common council with recommendations that the plan should be approved as submitted, approved with modifications or disapproved.
2. Upon receipt of the recommendations of the plan commission, the council shall determine whether or not to initiate a zoning amendment to place the subject lands in the proposed PDD and to schedule the required public hearing.

C. Action on Amendatory Ordinance to place Lands in the PDD.

1. If the council initiates a zoning amendment procedure to place the subject lands in the proposed PDD, the council shall determine whether the required public hearing shall be held by the plan commission or common council, and may direct that the report and recommendations previously adopted by the plan commission be included in the record of that hearing without the necessity of referral back to the plan commission.
2. Before the statutory public hearing, the common council shall review the recommendations of the plan commission and such other evidence and information as the council considers relevant and then shall take action to re-refer, to adopt, or to reject the zoning amendment applying the PDD for the subject property.
3. If the council votes to approve the rezoning of the subject property to PDD, status of the property shall be that the base zoning will be PDD, with general plan approval only. The map designation will be PDD-General Plan and a numeric and geographic reference identifying the specific district.

D. Actions Following Approval of a General Plan.

1. Approval of the rezoning to a PDD shall conditionally entitle the applicant to apply to the city for approval of a specific plan for the area in conformity with the general plan as previously approved by the common council, but all rights to commence development shall be conditioned upon city approval of the specific plan, and shall not make permissible any of the uses or developments until the specific plan is approved for all or a portion of the area included in the general plan.
2. If the approved general plan is not followed within six months of the date of approval by the common council by submittal of an application for approval of a specific plan, the approval shall be null and void and a new application and approval process shall be required to obtain general plan approval. The zoning of the property shall revert without hearing to the prior zoning classification. The six-month deadline may be extended for good cause for up to six additional months by the director of community development.

E. Specific Plan Application. The specific plan shall be submitted to the plan commission, through the department of community development and shall include detailed construction and engineering plans and related detailed documents and schedules as described below:

1. An accurate map of the area covered by the plan including the relationship to the total general plan;
2. The pattern of public and private roads, driveways, walkways and parking facilities;
3. Detailed lot layout per specifications of Chapter 17.100-17.124 and 17.136 of the Municipal Code; subdivision plat per Chapter 16.16, if by plat or certified survey map, as applicable;
4. The arrangement of buildings and their architectural character;
5. Sanitary sewer, water and other utility facilities;
6. Grading plan and stormwater drainage system;
7. The location and treatment of open space areas and recreational or other related amenities;
8. The location and description of any areas to be dedicated to the public;
9. Landscape plan and plant list per specifications of the "Site Development Standards for Nonresidential Uses" and "Residential Landscape Standards," as applicable;
10. Demonstration of financial capability;
11. A construction schedule indicating the approximate dates when construction of the project and its phases can be expected to begin and be completed;
12. Agreement, bylaws, provisions or covenants that govern the organizational structure, use, maintenance and continued protection of the development and any of its common services, common open areas or other facilities;
13. Submittal of plans and documents should generally be consistent with the specifications of the submittal requirements of Section 17.100.050;
14. Planned Development Districts-Specific Plan Review Application Fees. Any application for community development review of a planned development district specific plan shall include a fee as specified in Section 3.28.010(J).
15. The applicant will be billed a fee specified in Section 3.28.010(KK) for the engineering department review of any planned development district specific plan review.

F. Review and Approval of the Specific Plan.

1. The process for review and approval of the specific plan shall be administrative, as contrasted with the legislative process of general plan review and approval.
2. Following review of the specific plan, the plan commission shall recommend to the council that the plan be approved as submitted, approved with modifications or disapproved. The recommendation may include a suggestion that an optional public hearing be held on the specific plan for purposes of determining conformance of the specific plan with the approved general plan and with all applicable standards.
3. Upon receipt of the plan commission recommendation, the council may approve the specific plan or disapprove the plan and send it back with specific issues identified to the commission for further interaction with the developer.
4. A motion of approval by the common council, whether after initial referral from the plan commission or after subsequent re-referral from said commission, shall include the following:
  - a. A direction that the district be retitled from PDD-General Plan to Planned Development District-Residential (PDD-R-#), or Planned Development District-Commercial (PDD-C-#), depending upon the

dominant use approved for the district, or Planned Development-Mixed Use (PDD-M-#), if no single type of use is dominant. (# stands for geographic and numeric identifiers.)

b. The text and graphics of the specific plan.

G. Development Agreement and Demonstration of Consent.

1. The final stage in the city review and approval process shall be preparation, approval and execution by the city and the applicant of a development agreement embodying all of the terms and conditions of the specific plan and additional terms of implementation required by the city dealing with timetables, performance assurances, inspection, prohibitions on any division of the real estate parcels included with the district (with the exception of the creation of condominium parcels within the confines of land parcels approved within the PDD) and/or change of ownership structure of the entities that are parties to the development agreement and provisions for lapsing of specific plan approval and reversion of the zoning status of the property to general plan approval status, upon specified change of circumstances or failure of the development to materialize as planned.

2. Developer execution of the development agreement shall constitute the statutorily-required demonstration of property owner consent.

H. Duration and Amendment.

1. The development agreement shall run with the land and fully bind all parties subsequently taking interest in the property or properties.

2. Any subsequent change including conversion to condominium parcels or addition to the plan or use shall first be submitted for approval to the plan commission and if, in the opinion of such commission, the change or addition constitutes a substantial alteration of the original plan, the procedure provided in this section shall be required. (Ord. 1919-03 §§ 2 (part), 3 (part), 2003; Ord. 1725 §§ 5, 6, 2000; Ord. 1690 § 1 (part), 1999)

**17.41.050 Standards for planned development districts by predominant land use.**

A. General. All PDDs shall be consistent with goals and objectives of city master plan or elements thereof.

B. Residential Planned Developments.

1. Applications for residential planned development districts that propose residential densities higher than allowed by any residential base zoning shall be by invitation only, expressed by a motion of the plan commission, or based on an element of the city master or comprehensive plan.

2. Issuance of such invitations shall be conditioned upon approval of a detailed area plan for the site and its vicinity that demonstrates the linkage between the higher density residential development possibilities and the nature, intensity and compatibility with other interrelated uses, as well as compatibility with public services and facilities.

3. All residential planned developments shall demonstrate community benefits in aesthetics and construction to warrant the special standards achieved by PDD designation.

C. Commercial Planned Developments. All commercial planned developments shall demonstrate community benefits in aesthetics and construction to justify the PDD designation.

D. Mixed-Use Planned Development.

1. All PDD districts shall be related to nearby uses different from the dominant uses in the PDD district, through planning unit analysis.

2. Particular attention shall be placed upon careful and creative interrelationship of uses mixed within a PDD-M district. (Ord. 1690 § 1 (part), 1999)

stage.

- (g) Conditions. The Plan Commission may condition approval of either the concept plan or development plan to provide for the following:
- (1) Landscaping.
  - (2) Exterior materials.
  - (3) Lighting.
  - (4) Fencing and other types of visual screening.
  - (5) Traffic circulation and access.
  - (6) Deed restrictions.
  - (7) Bulk requirements greater than those required in Article D of this Chapter.
  - (8) Parking requirements greater than those required in Article H of this Chapter.
  - (9) Maximum amount of gross floor area.
  - (10) Signage.
  - (11) Drainage.
  - (12) Other requirements deemed necessary by the Plan Commission to fulfill the purpose and intent of this Chapter.

**SEC. 10-1-33 PUD PLANNED UNIT DEVELOPMENT DISTRICT.**

- (a) Description and Purpose. The planned unit development district is established to provide a voluntary regulatory framework designed to encourage and promote improved environmental and aesthetic design in the Village by allowing for greater design freedom, imagination and flexibility in the development of land while insuring substantial compliance with the basic intent of this Chapter and the Village Comprehensive Plan. To further these goals, the district allows diversification and variation in the bulk and relationship of uses and structures and spaces in developments conceived as comprehensive and cohesive unified plans and projects. The district is further intended to encourage developments consistent with coordinated area site planning.
- (b) Lot Area, Lot Width, Height, Floor Area Ratio, Yard, Usable Open Space Requirements, Land Use, Signs and Off-Street Parking Requirements. In the planned unit development district there shall be no predetermined specific lot area, lot width, height, floor area ratio, yard, usable open space, land use, sign and off-street parking requirements, but such requirements as are made a part of an approved recorded specific development plan agreed upon by the owner and the Village shall be, along with the recorded plan itself, construed to be and enforced as a part of this ordinance.
- (c) Criteria For Approval. As a basis for determining the acceptability of a planned unit development district application, the following criteria shall be applied with specific consideration as to whether or not it is consistent with the spirit and intent of this ordinance and has the potential for producing significant community benefits in terms of

environmental and aesthetic design.

- (1) Character and intensity of land use. A planned unit development district's uses and their intensity, appearance and arrangement shall be of a visual and operational character which:
    - a. Are compatible with the physical nature of the site or area.
    - b. Will produce an attractive environment of sustained aesthetic desirability, economic stability and functional compatibility with the Village Comprehensive Plan.
    - c. Will not adversely affect the anticipated provision for school or other municipal service unless jointly resolved.
    - d. Will not create a utility, traffic or parking demand incompatible with the existing or proposed facilities to serve it unless jointly resolved.
    - e. Economic impact. A planned unit development district shall not adversely affect the economic prosperity of the Village or of surrounding properties.
  - (2) Preservation and maintenance of open space. A planned unit development district shall make adequate provision for the improvement and continuing preservation and maintenance of attractive open space.
  - (3) Implementation schedule. A planned unit development district shall include suitable assurances that each phase could be completed in a manner which would not result in an adverse effect upon the community as a result of termination at that point.
  - (4) Adherence to Comprehensive Plan. A planned unit development district shall further the Village Comprehensive Plan.
- (d) Procedure. A petition for a planned unit development district shall be filed with the Zoning Administrator on a form prescribed by the Zoning Administrator. The application shall be accompanied by a general development plan. Upon submission of a complete application form, general development plan and payment of the required fee, the Zoning Administrator shall forward the application to the Plan Commission.
- (1) General development plan (GDP). The plan shall include the following:
    - a. A statement describing the general character of the intended development.
    - b. An accurate map of the project area including its relationship to surrounding properties and existing topography and key features.
    - c. A plan of the proposed project showing sufficient detail to make possible the evaluation of the criteria for approval as set forth in Section 10-1-33(e).
    - d. A statement addressing relevant items under Section 10-1-33(c) above.
    - e. A general outline of the intended organizational structure related to

- property owner's association, deed restrictions and private provision of common services.
- f. An economic feasibility study of the proposed use and proof of financial capability.
  - g. When requested, any other information necessary to evaluate the proposal.
- (2) Hearing and Referral.
- a. The general development plan shall follow the rezoning process contained in Section 10-1-125(c). Notice of hearings on general development plans and modifications to such plans shall provide notice according to Section 10-1-125(c)(2)a.
  - b. Approval of the re-zoning 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, but such plan shall be conditioned upon subsequent approval of a specific development plan, and shall not make permissible any of the uses as proposed until a specific development plan is submitted and approved for all or a portion of the general development plan. If the approved general development plan, or notice thereof in a form approved by the Village, is not recorded with the Dane County Register of Deeds within twelve (12) months of the date of approval by the Board, or such other time as the Village may allow in approving the General Development Plan, the approval shall be null and void and a new petition and approval process shall be required to obtain general development plan approval. The Village Board may extend the time allotted to record a General Development Plan. Applicants shall provide proof of recordation to the Zoning Administrator. If a specific development plan for all or part of the general development plan area is not submitted to the Village within twelve (12) months of the date of approval by the Board of the general development plan the general development plan shall be null and void. If the general development plan has been recorded, the applicant may request extension of the time allotted to submit a specific development plan. Such a request shall be considered by the Plan Commission.
- (3) Specific development plan (SDP). The specific development plan shall be submitted to the Plan Commission and shall conform to the requirements of Section 10-1-108 of this Chapter. A specific development plan may be submitted for consideration concurrently with a general development plan, however, such a submittal shall clearly delineate which components are part of the GDP and which are part of the SDP, and shall include the required materials for each submittal.
- (4) Approval of the specific development plan.
- a. Following a review of the specific development plan, the Plan Commission shall recommend to the Board that it be approved as submitted, approved with modifications or disapproved.

- b. Upon receipt of the Plan Commission recommendation, the Board may approve the plan and authorize the development to proceed accordingly, modify the plan or disapprove the plan and send it back with specific objections to the Plan Commission for further negotiation with the developer.
  - c. In the event of approval of the specific development plan, the building, site and operational plans for the development, as approved, as well as all other commitments and contractual agreements with the Village offered or required with regard to project value, character and other factors pertinent to an assurance that the proposed development will be carried out basically as presented in the official submittal plans, shall be recorded by the developer within twelve (12) months of the date of approval by the Board, or such other time as the Village may allow in approving the Specific Development Plan, in the Dane County Register of Deeds Office. Applicants shall provide proof of recordation to the Zoning Administrator. This shall be accomplished prior to the issuance of any zoning permit. If the specific development plan, as approved, or notice thereof in a form satisfactory to the Village, is not recorded with the Dane County Register of Deeds and a building permit has not been acquired within twelve (12) months of the date of approval by the Board, and the Village Board has not extended the time for recording the specific development plan, the approval shall be null and void, and a new petition and approval process shall be required to obtain specific development plan approval. If the specific development plan has been recorded, the applicant may request extension of the time allotted to acquire a building permit. Such a request shall be considered by the Plan Commission.
- (5) Any subsequent change or addition to the specific development plan shall be submitted to the Zoning Administrator.
- a. Changes to signage that are in compliance with either the Village sign ordinance or the approved specific development plan and that do not result in a net addition of signage beyond the square footages that were approved in the specific development plan, may be approved administratively by the Zoning Administrator.
  - b. The Zoning Administrator shall forward other specific development plan modifications to the Plan Commission for consideration. Minor modifications to the approved SDP shall be considered by the Plan Commission. If, in the judgment of the Plan Commission, the proposed modifications constitute a major change to the SDP, the Plan Commission shall forward the application to the Village Board with a recommendation to approve, approve with conditions, or deny the application.
  - c. The Village Board shall approve, approve with conditions, or deny a major SDP modification.
- (6) The provisions of this section relating to the time for recording General

Development Plans and Specific Development Plans, and relating to changes or additions to specific development plans, shall apply to General Development Plans and Specific Development Plans approved before the effective date of this section.

The Zoning Administrator shall not issue a zoning permit or certificate of occupancy for a planned unit development district unless the application conforms to the approved recorded specific development plan.

SEC. 10-1-34 THROUGH SEC. 10-1-39 RESERVED FOR FUTURE USE.



*Village of Shorewood, WI  
Monday, August 5, 2019*

## Chapter 535. Zoning

### Article IV. Zoning Districts

#### § 535-22. Planned Development District.

##### A. Purpose.

- (1) The purpose of the Planned Development District is to encourage and provide a means for effectuating desirable development, redevelopment, rehabilitation and conservation in the Village of Shorewood by allowing for greater flexibility, better utilization of topographical and natural site characteristics, and more economical and stable development with variations in siting, land use, and types of dwellings and commercial buildings, thereby promoting the public health, safety and welfare.
- (2) The regulations contained herein are established to permit latitude in the development of a building site, if such development is found not to be harmful, offensive, or otherwise adverse to the environment, property values or character of the neighborhood in which it is to be located and is found to be in accordance with the purpose, spirit and intent of the Village's Comprehensive Plan and of this chapter. It is intended to permit and encourage diversification, variation and imagination in the relationship of uses and structures and open space for developments conceived and implemented as comprehensive and unified projects. Economic considerations, amenities and

compatibility of a Planned Development District are to be assured through adoption of a development plan.

- B. Application to existing uses. This section shall operate as a conditional use and as an alternative to permitted uses and regulations applicable to existing districts and shall be applicable to particular lands only when such lands are zoned under a Planned Development District by action of the Village Board.
- C. Standards and requirements.
- (1) Uses permitted. All uses which are presently permitted in this chapter, and such other uses which, in the opinion of the Plan Commission and the Village Board, are felt to be compatible with the permitted uses referred to herein, and which will effectuate the intended purpose of this chapter, shall be permitted.
  - (2) Lot area. The minimum lot area which may be permitted for application of the Planned Development District shall be 75,000 square feet, except when undertaken in conjunction with a public improvement, in which case 25,000 square feet will be the minimum.  
[Amended 10-23-2006 by Ord. No. 1917]
  - (3) Standards. Standards for land area per dwelling unit, land coverage by building, density, front, side and rear yard setback requirements, building height requirements, aesthetic considerations and other requirements deemed necessary by the Village Plan Commission and the Village Board shall be determined by standards established in the applicable existing zoning district most similar in nature and function to the proposed Planned Development District, as determined by the Village Plan Commission and the Village Board. Exceptions to these standards are permissible when the Village Plan Commission and the Village Board find that such exceptions will:
    - (a) Encourage a desirable living environment.

- (b) Not adversely affect property values of adjacent or neighboring lands or the character of the same but rather will be compatible with existing uses and structures found thereon.
  - (c) Not unreasonably impact school facilities or other public facilities or services without adequate provision being made to minimize or relieve such impact.
  - (d) Not create a traffic or parking demand incompatible with existing or proposed facilities to serve it.
  - (e) Be of overall benefit to the community and be in the public interest.
  - (f) Promote the intended purpose of the district and of this chapter.
- (4) Development plan and specifications. A development plan shall contain such information as the Plan Commission and the Village Board shall deem necessary and shall include the following:
- (a) A plat of survey of the development area by a registered land surveyor, with a recordable legal description, all existing utilities, recorded easements and other existing physical features, including but not limited to trees over six inches in diameter.
  - (b) A plot plan showing location of all structures, all other features to be constructed, and all other uses of land, to scale, and with sufficient detail to determine the extent of each use of said structures and land.
  - (c) A topographic map with a contour interval of not more than two feet and sufficient spot elevations to determine the nature of the grade in the proposed development.
  - (d) Building plans in sufficient detail such that the use of each floor and the bulk and aesthetic nature of the

building may be determined.

- (e) A planting plan sufficient in detail to indicate the size, identity, location and nature of all landscaping to be completed in the proposed development.
- (f) A statement of the various stages, if more than one is intended, by which the development is proposed to be constructed or undertaken and the proposed time limit of the completion of each stage, together with a description of the real property to be included in each stage. If more than one stage is proposed, a plot shall be furnished showing the physical location of each stage.
- (g) A statement of the proposed changes, if any, in locations or levels of streets or alleys and any proposed street or alley closings or vacations.
- (h) A statement related to the adequacy of public facilities and utilities.
- (i) A statement of the proposed method of financing the development in sufficient detail to evidence the probability that the proponents of said plan will be able to finance or arrange to finance the development to insure the timely completion of the project.

#### D. Procedures.

- (1) Pre-petition conference. Prior to official submittal of a petition for consideration of a Planned Development District, the petitioner (owner, agent or proponent) shall meet with the Village Plan Commission and its technical advisory staff as may be provided by the Village Board for a preliminary discussion as to the scope and nature of the proposed development and to consider alternate solutions to the development of a given area.
- (2) Petition.

- (a) Following the preliminary consultation with the Plan Commission and its technical advisory staff, petition may be made to the Village Board by the owners, their agents, or the proponents of the development plan for approval of a specific project plan under the provisions of these regulations and for a change in zoning to that of Planned Development District. Such petition for approval of a plan and for a change of zoning shall be processed in accordance with the procedures set forth in § 62.23(7)(d), Wis. Stats.
  - (b) Further, said petitioner shall include in the petition filed with the Village evidence satisfactory to the Village Board that the petitioner is or has the power to become the owner of all lands in the proposed planned development area upon compliance with prescribed conditions at a date to be established by the Village Board.
- (3) Referral. Prior to making a final determination, the proposed development plan shall be referred by the Village Board to the Village Plan Commission and the Design Review Board for consideration, advice and recommendation. Unless extended by the Village Board, the recommendation of the Village Plan Commission and the Design Review Board shall be made to the Village Board within 60 days of such referral.
  - (4) Findings and action required.
    - (a) The Village Plan Commission may recommend rezoning of an area into a Planned Development District. The Village Board, after receiving the recommendations of the Village Plan Commission and the Design Review Board and after public hearing, may, by resolution, approve the development plan as presented or modified and, by ordinance, rezone the area included in said plan to a Planned Development District, provided that the Plan Commission and it find that the facts submitted with the application and presented at the hearings establish that:

- [1] The development plan is in accord with the intent and purpose of the Village's Comprehensive Plan and this chapter and is in the public interest.
- [2] The area to be developed is not less than 75,000 square feet, or that it is undertaken in connection with a public improvement, in which case it is not less than 25,000 square feet, and will be developed in an efficient and economically satisfactory manner and will contribute to the improvement of the area in which the development is to be located.  
[Amended 10-23-2006 by Ord. No. 1917]
- [3] The various stages, if any, by which the development is proposed to be constructed or undertaken as stated in the development plan are practical, are capable of standing on their own as separate and independent stages should the development not be completed timely, and are in the public interest.
- [4] Public facilities and utilities, existing or proposed, either in conjunction with the plan or separately, are or will be adequate by the time the development plan is completed.
- [5] The proposed changes, if any, to the Village map with regard to street and alley location, levels, closing or vacations are necessary, desirable and in the public interest.
- [6] The development as proposed will create an environment of sustained desirability and stability, will not be detrimental to present and potential surrounding uses, and will not adversely affect neighboring property values or be incompatible with the character of the surrounding area but will have an overall beneficial effect which could not be achieved under other zoning districts.

- [7] Any exception from standard ordinance requirements is warranted by the design and amenities incorporated in the development plan.
- [8] The area surrounding said development can be planned and zoned in coordination and substantial compatibility with the proposed development.
- [9] The proposed method of financing the development is feasible and that it is probable that proponents of the plan will be able to finance or arrange to finance the development.
- (b) If, from the facts presented, the Plan Commission or the Village Board is unable to make the necessary findings, the application shall be denied.
- (c) In taking action, the Plan Commission may recommend a denial of the development plan and development schedule as submitted or may recommend approval of said plan and schedule subject to specified amendments.
- (d) The Plan Commission or the Village Board may conditionally approve a plan subject to modification and/or subject to a showing that the method of financing the development plan is feasible and that it is probable that the proponents of the plan will be able to finance or arrange to finance the development plan, such showing to be made at a time thereafter to be determined by the Plan Commission or the Village Board but prior to the giving of final approval hereunder.
- (e) The Village Board may rezone hereunder to take effect upon final approval of a plan filed pursuant to the provisions of this section and/or subject to the issuance of a building permit for the implementation of a plan approved by the Village Board in accordance with the provisions of this section.

- (f) At the time of adopting any ordinance establishing a Planned Development District, the Village Board shall make appropriate arrangements with the applicant as may be permitted under law which will assure the accomplishment and completion at scheduled times of the development plan, in accordance with approvals given.
- (g) If no development has occurred to effectuate a planned development within a time limit, if any, established by the Village Board, or if the development is not completed timely, the Plan Commission shall review the action and determine whether or not the continuation of a given planned development is in the public interest. Upon its determination, it shall make recommendations to the Village Board in accordance therewith.
- (h) Upon receipt of the recommendation of the Plan Commission, in the event that no development has occurred to effectuate a planned development within a time limit established or if the development is not completed timely, the Village Board shall determine what action, if any, shall be taken, including whether or not the area shall be rezoned to its former classification.
- (i) Any changes or additions to the original approved development plan shall require resubmittal and approval by the Plan Commission, and if such changes or additions are substantial in the opinion of the Plan Commission, such plan as modified shall be considered as an original application, and the requirements for the same shall govern prior to final approval of such modifications.



*Village of Whitefish Bay, WI  
Monday, December 30, 2019*

## Chapter 16. Zoning

### Article III. Zoning Districts

#### § 16-19. District 9 - Planned Development District.

- A. Purpose. The purpose of the Planned Development District is to encourage and provide a means for effectuating desirable development, redevelopment, rehabilitation and conservation in the Village of Whitefish Bay by allowing for greater flexibility, better utilization of topographical and natural site characteristics, more economical and stable development and variations in siting, land use and types of dwellings and commercial buildings, thereby promoting the public health, safety, welfare and morals.
- B. Standards and requirements.
- (1) Uses permitted. All uses which are permitted in Chapter **16** of the Village Code are permitted in the Planned Development District subject to the conditions, standards, requirements and procedures imposed under § **16-19** of the Zoning Code.
  - (2) Area. The minimum area for application of the Planned Development District shall be 50,000 square feet, except:
    - (a) When undertaken in extension of an adjoining planned development area in which case there shall be no minimum area requirement;
    - (b) When the extension of a planned development area extends across a public street or alley, the minimum area across the public street or alley shall be 25,000 square feet; or
    - (c) When undertaken in an area adjacent to an area zoned for public building and grounds, the minimum area shall be 25,000 square feet and the area may be separated by a public street.
  - (3) Standards. Standards for land area per dwelling unit, land coverage by building, density, front, side and rear yard setback requirements, building height requirements, parking requirements, aesthetic consideration and other requirements deemed necessary shall be established by the Village Plan Commission and the Village Board when these bodies find that such standards encourage a desirable environment and promote the intended purpose of the district. A PDD submittal shall include the following:  
[Amended 10-21-2019 by Ord. No. 1856]
    - (a) A statement which sets forth the relationship of the proposed PDD to the Village's adopted comprehensive plan or any adopted component thereof and the general character of and the uses to be included in the proposed planned development district, including the following information:
      - [1] Total area to be included in the PDD, 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.

- [2] A general summary of the estimated value of structures and site improvement costs, including landscaping and special features. A general outline of the organizational structure of a property owner's or management's association, which may be proposed to be established for the purpose of providing any necessary private services.
  - [3] Any proposed departures from the standards of development as set forth in the Village zoning regulations, land division ordinance, sign ordinance, other Village regulations or administrative rules or other universal guidelines.
  - [4] The expected date of commencement of physical development as set forth in the proposal and also an outline of any development staging which is planned.
- (b) A general development plan that shall contain such information as the Village Plan Commission and the Village Board shall deem necessary, and shall include the following:
- [1] A plat of survey of the development area by a registered land surveyor, with a recordable legal description all of the boundaries of lands included in the proposed PDD, including all existing utilities and recorded easements. Plat of survey shall conform to Chapter 236 of the Wisconsin Statutes.
  - [2] A plot plan, to scale showing location of all existing structures or features to be removed or retained, all structures or features to be constructed, and all other uses of land, and with sufficient detail to determine the extent of each use of said structures, features, or land.
  - [3] A plan showing existing uses and development within 300 feet of the boundaries of the proposed plan development, including, but not limited to anticipated uses of adjoining lands with regards to roads, adjacent/across-the-street driveway openings from the PDD, surface water drainage, and compatibility with existing adjacent land uses.
  - [4] A plan showing:
    - [a] The existing and proposed location of public sanitary sewer, water supply facilities and stormwater drainage facilities; The existing and proposed location of all private utilities or other easements.
    - [b] The existing and proposed location of public and private roads, driveways and parking facilities.
    - [c] The location of institutional, recreational and open space areas and areas reserved or dedicated for public uses, including schools, parks and drainageways.
  - [5] A topographic map with a contour interval of not less than two feet, and sufficient spot elevations to determine the nature of the grade in the proposed development.
  - [6] Architectural plans, elevations and perspective drawings and sketches illustrating the exterior design, interior layout, and character of proposed structures. Interior plans in sufficient detail such that the use of each floor can be determined, and the bulk of the building and aesthetic nature of the building may be determined.
  - [7] A landscape plan sufficient in detail to indicate the nature of all landscaping to be done in the proposed development including fences, signs, lighting, plantings, screening for off-street parking spaces and other features relating to the development of the open space. The landscape plan should include characteristics of soils related to contemplated specific uses.

- [8] A statement of the various stages, if more than one is intended, by which the development is proposed to be constructed or undertaken and the time limit of the completion of each stage, together with a description of the real property to be included in each stage. If more than one stage is proposed, a plot plan shall be furnished, showing the physical location of each stage.
- [9] A statement of the proposed changes, if any, in locations or levels of streets or alleys and any proposed street or alley closings or vacations.
- [10] The location and type (materials) of drives, driveway entrances, walks, parking areas, loading areas, refuse collection areas and screening therefor.

### C. Procedures.

- (1) Pre-petition conference. Prior to official submittal of a petition for consideration of a Planned Development District, the petitioner (owner, agent or proponent) shall meet with the Village Plan Commission and its technical advisory staff, as may be provided by the Village Board, for a preliminary discussion as to the scope and nature of the proposed development and to consider alternate solutions to the development of a given area. Failure to secure preliminary approval of the Plan Commission in the pre-petition conference shall preclude further consideration of the proposed development.
- (2) Petition.
  - (a) Upon securing preliminary approval from the Village Plan Commission and its technical advisory staff, the petitioner shall submit to the Village Board the preliminarily approved proposal, requesting a change in zoning to that of Planned Development District. Such petition for approval of a plan and for a change of zoning shall be processed in accordance with the procedures set forth in § 62.23(7)(d), Wis. Stats. A fee of \$100 shall accompany the petition; fee shall be payable to and will be retained by the Village of Whitefish Bay.
  - (b) Petitioner shall submit evidence satisfactory to the Village Board that he is or has the power to be the owner of all lands in the proposed planned development upon compliance with prescribed conditions at a date set by the Village Board.
- (3) Referral. Prior to making a final determination, the proposed development plan shall be referred by the Village Board to the Village Plan Commission, which body in turn shall refer the proposed plan to the Architectural Review Commission for consideration, advice and recommendation. Unless extended by the Village Board, the recommendation of the Village Plan Commission shall be made to the Village Board within 60 days of such referral to the Building Board.
- (4) Findings and action required.
  - (a) The Village Plan Commission may recommend rezoning of an area into the Planned Development District. The Village Board, after receiving the recommendations of the Village Plan Commission and the Architectural Review Commission, and after public hearing, held after public notice as provided by Wisconsin Statutes and in addition thereto, notification to all property owners within 500 feet in all directions from the boundaries of the proposed development project, may by ordinance rezone the area to a Planned Development District, provided that the information submitted with the application and presented at the hearings establishes that:
    - [1] The development as proposed will create an environment of sustained desirability and stability, and will not be detrimental to the present and potential surrounding uses, but will have a beneficial effect which could not be achieved under other zoning districts;

- [2] The development plan is in accord with the intent and purpose of this chapter;
  - [3] The area to be developed complies with the area requirements of Subsection **B(2)** of this chapter and that the area will be developed in an efficient and economically satisfactory manner and will contribute substantially to the improvement of the area in which the development is to be located.
  - [4] The various stages, if any, by which the development is proposed to be constructed or undertaken as stated in the development plan, are practical and in the public interest;
  - [5] Public facilities and utilities, existing or proposed adequate to meet the requirements imposed by the proposed planned development project, either in conjunction with the plan or separately, are or will be completed by the time the related stage of the development plan is completed;
  - [6] The proposed changes, if any, to the Village map with regard to street and alley locations, levels, closing, or vacations are necessary, desirable, and in the public interest;
  - [7] Exceptions from standard Zoning Code requirements are warranted by the design and amenities incorporated in the development plan;
  - [8] The area surrounding said development must have been considered in the planning and its existing uses and probable future use shall be substantially compatible with the proposed development;
  - [9] When the development is an extension to an existing planned development, said development is compatible with or complimentary in appearance and use to the existing planned development.
- (b) In taking action, the Village Plan Commission may recommend a denial of the development plan and development schedule as submitted, or may recommend approval of said plan and schedule subject to specified amendments.
  - (c) At the time of adopting any ordinance establishing a Planned Development District, the Village Board shall make appropriate arrangements with the petitioner, through contract or a performance bond which will insure the accomplishment and completion at scheduled times of the development plan in accordance with approvals given.
  - (d) Any change in the development plan made after adoption of the chapter placing an area in the Planned Development District shall be considered a change in zoning. The owner shall record with the Register of Deeds of Milwaukee County a covenant running with the land restricting the use and development of the area within the boundaries of the development plan to that approved by the Village Board.
  - (e) If no development has occurred to effectuate a planned development within the time limit established by the Village Board, the Village Plan Commission shall review the action and determine whether or not the continuation of a given planned development is in the public interest. Upon its determination, it shall make recommendations to the Village Board in accordance therewith.
  - (f) Upon receipt of the recommendation of the Village Plan Commission and in the event no development has occurred to effectuate a planned development within the time limit established, the Village Board shall determine what action shall be taken, including whether or not the area shall be rezoned to its former classification.

- (g) Upon completion of a planned development area, no changes shall be made without approval of the Plan Commission and the Village Board. (Changes in a completed planned development area shall be considered the same as a change in zoning and shall be made in accordance with the provisions of law.)