

ORDINANCE NO. 568

An Ordinance to Amend Subsections 7.0301.A and 7.0301.C, and Create Subsection 7.0308 of Chapter Seven (7) of the General Ordinances of the Village of River Hills Regarding the Establishment of a Planned Unit Development Residential Overlay District in the Village of River Hills

The Village Board of the Village of River Hills, Milwaukee County, Wisconsin, does ordain as follows:

Section I. Subsection 7.0301.A of Chapter Seven (7) of the General Ordinances of the Village of River Hills is hereby amended to provide as follows:

- “A. For the purpose of this Ordinance the Village of River Hills is hereby divided into the following 5 basic zoning districts and a Planned Unit Development Residential Overlay District:

R-1	Residential District
R-2	Residential District
R-3	Residential District
SW	Shoreland-Wetland District
NSW	Nonshoreland-Wetland District
PUD	Planned Unit Development Residential Overlay District

Provisions are also set forth for floodland regulations.”

Section II. Subsection 7.0301.C of Chapter Seven (7) of the General Ordinances of the Village of River Hills is hereby amended to provide as follows:

- “C. The District Boundaries in the R-1, R-2, R-3 and PUD Districts shall be construed to follow: corporate limits; U. S. Public Land Survey lines; lot or property lines; centerlines of streets, highways, alleys, easements, and railroad rights-of-way or such lines extended. District boundaries in the SW and NSW Districts shall be as described in Subsection 7.0307.C.”

Section III. Subsection 7.0308 of Chapter Seven (7) of the General Ordinances of the Village of River Hills is hereby created to provide as follows:

“7.0308. PUD - PLANNED UNIT DEVELOPMENT RESIDENTIAL OVERLAY DISTRICT.

- A. Definition. A planned unit development residential overlay district is an alternative residential district which applies to any area of land of over 50 acres that consists of at least 25 acres that is wholly owned by one person or legal entity and at least 25 contiguous acres that is owned by the Village of River Hills and dedicated or restricted against any use other than for conservation purposes as set forth in section 7.0308.E. Such planned residential district gives no automatic right to landowners but only the right to apply in the manner provided below for discretionary approval by the Village Board of a planned residential development. The Village Board may approve such a plan only if the proposed

development and application conform to this section. The landowner may develop the land for residential use only as is permitted in the underlying residential district, subject to section C below.

- B. Purpose and intent. The purpose of the planned unit development residential overlay district is to encourage future development of large tracts of vacant land in a manner that will be more in the public interest than is likely to occur for development under the existing basic residence district regulations. A planned unit development residential overlay district, because of its flexibility, is more likely to conserve land through the setting aside of open space areas as private or public parks, to create attractive recreational areas, to lead to the installation of more and better utility services, such as access to a public water system, and to save costs in maintenance and capital expenditures for roads, sewers and water mains on a per-homesite basis. All the advantages of planned development tend to encourage and enable the owner to prepare a more attractive development and thereby strengthen the tax base of the village and property values in the neighborhood surrounding the future development. The planned development, by requiring discretionary village approval, encourages the owner to exhibit a degree of quality in design and aesthetics not universally attainable under the underlying zoning district regulations.
- C. Relationship to basic residential district. The regulations of the underlying residential district shall apply in any planned residential development that shall be approved by the Village Board except that the Village Board may, in its approval of the proposed planned residential development, permit exceptions from those regulations in the following respects:
1. Uses. Permit detached single-family dwelling and uses permitted in the underlying residential zoning district plus such accessory uses as a community recreational area or clubhouse and other similar uses designed as an accessory amenity to the planned development.
 2. Density. Permit a maximum number of detached single-family dwelling units of one per acre for each acre of the entire planned unit development residential overlay district.
 3. Building location. Permit exceptions from the specific building location, size, height, yards, lot size and open space requirements of the underlying zoning district.
 4. Street design. Permit variations in the village's existing requirements for road design and other engineering matters to the extent that it is consistent with good engineering practice.
 5. Setbacks. Building setbacks may be reduced in accordance with the approved site plan.
- D. Procedure.
1. Proposal. The proponent of village approval of a planned residential development shall submit a proposal to the Village Board, together with fees in such amounts as established by the Village Board from time to time by ordinance or resolution. The proposal and any supplements to the proposal shall contain, but not be limited to, the following information:
 - a. Names and addresses of the proponent, architect, planner, engineer, attorney and any other professional advisers who assisted and or will assist in preparing the proposed

development. If the proponent is not the owner, proponent must submit proof of the right to submit along with the name and address of the owner.

- b. A legal description of the proposed project area, together with an accurate map showing its relationship to surrounding properties.
 - c. Names and addresses of all opposite and abutting property owners of record.
 - d. Maps and plans showing the proposed planned residential development plan, including the pattern of public and private roads, driveways, parking facilities, recreational facilities, private or public parks, and the size, arrangement and location of lots, the location of sewer and possible water facilities, and the existing topography and storm drainage system, showing basic topographic changes.
 - e. Statistical data on the total size of project area, area reserved for open space, density computation, and proposed number of residential units.
 - f. General outline of the manner by which any privately owned open space will be maintained and by which aesthetic and other similar controls will be enforced, together with the provision for services which may be supplied by a homeowners' or condominium association.
 - g. A general summary of the financial factors, such as total anticipated cost of the development of the project, the estimated selling price for individual lots or residential units, the estimated cost of landscaping, and other improvements.
2. Referral to Plan Commission. The proposal shall be referred to the plan commission for review and a report on the proposal to the Village Board. The plan commission shall make its report to the Village Board, which may include recommendation for changes or additional conditions in the proposed plan. Unless the report of the plan commission is made within 60 days or such longer period as may be stipulated by the Village Board, the Board may take action without the report of the plan commission.
3. Public hearing. Upon the receipt of the plan commission's report the Village Board shall, before taking affirmative action to approve the proposed planned residential development, hold a public hearing on the proposal. Notice of such hearing shall include a reference to the specific proposed project's development plans. The public hearing shall be in compliance with state statutes then applicable.
- E. Basis for approval. The Village Board in making its determination may give consideration to and determine that it is satisfied with the following:
1. That the proposed development complies with the requirements of subsections C and D of this section.
 2. That such development will create an attractive residential environment and the economic impact is substantially as beneficial to the community as that which could be anticipated under the underlying zoning.
 3. That the project will not create traffic or parking demands substantially greater than that anticipated under the existing zoning.
 4. That the proponent of the proposed development will demonstrate ability to start construction within a specified period of time following the approval of the project, that

the project appears economically sound, that the proponents of the proposed development have the financial capacity to carry out the project as proposed and furnish proof thereof to commence and complete construction within a time specified by the Village Board from date of approval.

5. That the plan would result in the preservation of open land in a manner that would enhance the total environmental setting and desirability of the development and compensate for any reduction in individual lot area requirements which are allowed.

6. That adequate guarantee is provided for permanent preservation of the residual common open land area resulting from the application of these regulations by private reservation as an enhancement to the development.

7. That the common open area to be reserved shall be protected against building development as part of the conditions for project approval with an open space easement over such common open areas, by the Village restricting them against any future building or use except as is consistent with that of providing natural or landscaped open space for the aesthetic and recreational satisfaction of the surrounding residences. Buildings or uses for recreational or cultural purposes compatible with open space objective may be permitted only where specifically authorized as part of the development plan or subsequently with the express approval of the Village Board.

8. That the care and maintenance of such common open space reservations shall be ensured either by establishment of an appropriate management organization for the project or by agreement with the village for establishment of a special service district for the project area on the basis of which the municipality shall provide the necessary maintenance service and levy the cost thereof as a special assessment on the tax bills of properties within the project area. In any case the village shall have the right to carry out and levy an assessment for the cost of any maintenance which it feels necessary, if it is not otherwise taken care of to the satisfaction of the village. 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 conveyance of each property.

9. That the ownership and tax liability of private common open space reservations shall be established in a manner acceptable to the village and made a part of the conditions of the plan approval.

F. Determination. The Village Board after due consideration may deny, approve as submitted, or approve the proposed development subject to additional conditions or modifications. Such approval shall constitute approval of the specific project development plan.

1. The developer shall enter into an appropriate contract with the village to guarantee the implementation of the development according to the terms of the conditions established as part of the development plan approval. The village board may require bonds and other sureties for all or any part of the development to ensure implementation and completion of the project as approved.

2. Any subsequent change or addition to an approved plan shall be submitted for approval to the Village Board. If such change or addition is construed by village staff to be

substantial a public hearing shall be held prior to affirmative action by the Village Board on such recommendation.

3. Failure to comply with the conditions and regulations as herein established and as specifically made applicable to a specific project development shall be cause for termination of the approval for said project. At least 15 days' notice shall be given to the developer to appear before the Village Board and answer any such charge of noncompliance. If the Village Board finds the charges substantiated, they may recommend such termination of the project approval if the situation is not satisfactorily adjusted within a specified period.”

Section IV. The sections and subsections of this ordinance are declared to be severable. If any subsection, section or portions of the sections of this ordinance as enacted hereunder is for any reason held invalid, unenforceable or unconstitutional by any court of competent jurisdiction, such portions shall be deemed a separate, distinct and independent provision and such holdings shall not affect the validity of the remaining portions hereof which shall remain in full force and effect.

Section V. All ordinances or parts of ordinances conflicting with the provisions of this ordinance are to such extent repealed.

Section VI. This ordinance shall be in full force and effect after its passage and posting or publication as provided by law.

PASSED AND ADOPTED by the Village Board of the Village of River Hills this 21st day of November 2022.

Christopher B. Noyes
Village President

Countersigned:

Tammy LaBorde
Village Clerk