

## SECTION TEN

### PLANNED UNIT DEVELOPMENT

10-00

10-01 DESCRIPTION

10-01.1 Size - The provisions of this section shall apply only to a tract of land proposed to be developed, which is suitable and of a character to be planned and developed for Planned Unit Development. Such property shall include not less than seventy-five (75) acres of contiguous land.

10-01.2 Applicants - The record owner, owners, or optionees of land proposed to be developed as a Planned Unit Development shall bind themselves by an agreement which shall be a part of the Site Plan to act as one person in developing the property.

10-01.3 Permitted Zones - Planned Unit Development shall be developed only in R-12 and B zones in accordance with the provisions of Sections 3-03.2 B.2. through 3-03.2 B.6. and Section 3-03.2 B.9. of these regulations.

10-01.4 Mixed Land Uses - Varied residential and/or commercial land uses are permitted provided that such uses are compatible with each other, the Town Plan of Development, and existing uses surrounding the Planned Unit Development. Industrial land uses may not be mixed with commercial or residential uses.

- A. If commercial land uses are proposed, said facilities shall be sized to service only the needs of the residents of the proposed Planned Unit Development, and in this connection, parking provisions shall be in accordance with the requirements made by the Planning and Zoning Commission at the time of the approval of the application. No commercial facility shall be constructed or maintained within two hundred (200) feet of the boundary of the proposed development.
- B. A Planned Unit Development incorporating commercial facilities must provide a buffer area along the boundary of the Planned Unit Development, which shall be of such a nature as to visually screen the first story of proposed structures in said Planned Unit Development from the first story of buildings which may be built in the adjacent residentially zoned properties. If automobile parking, driveways, or machinery operation is to be provided within fifty (50) feet of said boundary, a tight opaque fence or structure seven (7) feet high, which shall also be visually screened, as above, shall be provided between the parking, driveway, or machinery, and the adjacent residential areas. Such a buffer area may be topographic in nature, or include evergreen plantings of such density and size as to

- 10-01.4 fulfill the screening requirements, but in no event shall be less than twenty-five (25) feet in width. It shall be planted and designed to present a natural appearance to adjacent properties.
- 10-01.5 Building Intensity - Buildings shall cover no more than twenty (20%) percent of the area proposed to be developed. In determining such total use, the paved area of public highways, common drives, parking lots, and buffer areas will be excluded.
- 10-01.6 Building Height - No building shall exceed a height of thirty-five (35) feet, except that the Commission may allow up to thirty-three and one-third (33-1/3%) percent of the proposed units to be contained in buildings of a greater height when in its opinion there will be no harmful effect on the character of the area, and only when fire fighting feasibility is satisfactory and approval for the same has been given in a written report by the Fire Chief.
- 10-01.7 Area Relationships - The proposed Planned Unit Development shall relate properly to such land uses and zoning as may exist at the time of the application, and shall protect the property values of the surrounding neighborhood.
- 10-01.8 Open Space - Provisions shall be made for the maintenance and upkeep of open space including recreational facilities provided therein, by an organization set up by the developer with the power of obtaining assessments through enforceable covenants against privately owned land within the development.
- 10-01.9 Lots Without Highway Frontage - Lots without public highway frontage may be permitted within the Planned Unit Development provided that unobstructed access therefrom by a perpetual paved, right-of-way for motor vehicles at least 30' wide with all-weather pavement at least 24' wide is provided to a public highway; that the buffering side yard, front yard and rear yard distances for the whole Planned Unit Development are not less than that required by these Regulations; that the approximate lot lines and rights of way have been approved as a part of the Site Development Plan and that covenants, easements or declarations naming the Town as an enforcing authority providing for the continued maintenance and upkeep of such rights of way have been filed on the land records simultaneously with the recording of any map purporting to create such lots.

10-02 PROCEDURE AND APPLICATION

The procedure making application for and obtaining approval of a Planned Unit Development shall be governed by the provisions of Section 8 of these Regulations. In addition, written notice shall be mailed ten (10) days in advance of public hearing to the last known address of owners of

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property within a radius of five hundred (500) feet of the premises of the proposed Special Permit Use, according to the latest records of the Town Assessor.

10-02.1 Preliminary Consideration - An applicant may review with the Commission and its staff in a preliminary and informal manner any proposal for a Planned Unit Development prior to submission of a formal application. In such a review, the applicant may submit and the Commission or its staff may request such information as may lead to a rendering of a non-binding opinion by the Commission.

10-02.2 Site Development Plan - Any Site Plan for Planned Unit Development shall be prepared and certified by a licensed architect or a professional civil engineer, and shall be subject to Section 9 of these Regulations, and in addition shall contain the following information:

- A. Proposed dwelling unit densities, including number of dwelling units
- B. Description of proposed open space such as parks, lawn areas, and recreational facilities, and such proposed covenants, agreements, easements and other provisions relating to maintenance, occupancy, dimensions, location and density of such building units and public and/or common facilities as are necessary for the welfare and maintenance of the development and the best interests of the Town.
- C. Perspective drawings.
- D. Description of types of building materials and facing, including fire retardant characteristics for all proposed buildings.
- E. Proposed priority schedule of construction of the various units, buildings, landscaping, and other elements of the plan.
- F. Future division of property among landowners either by building, condominium, or other reasonable separations.
- G. A report from the Fire Marshal on the fire fighting feasibility of the proposed plan.
- H. A map showing owners of property within five hundred (500) feet distance from the premises of the proposed Planned Unit Development, according to the latest records of the Town Assessor.
- I. Any other information which the Commission may reasonably require or the applicant may wish to submit.

10-02.3 Stage Development - Site Development Plans may be for a stage, or stages, of not less than thirty (30) units. Such a stage shall include, to the same proportions as included in the overall Site Development Plans, all the public amenities and elements used as a protection of the surrounding area. Such a stage shall be capable of complete and self-sufficient existence without the completion of the final stages. When the applicant for a Planned Unit Development which contemplates the incorporation of commercial facilities, desires to develop in stages, said commercial facilities shall not be constructed until fifty (50%) percent of the units in the overall Planned Unit Development have been constructed and certificates of occupancy for same have been issued by the Building Inspector.

10-03 FINDINGS

In addition to other considerations for approval as provided for in these Regulations, the Commission must be satisfied that:

10-03.1 Utilities and drainage have been so laid out as to not unduly burden the capacity of such facilities, such other facilities presently connected therewith, and such facilities proposed by the officially adopted master and master utility plans.

10-03.2 The streets and drivers will be suitable and adequate to carry anticipated traffic and increased densities will not generate traffic in such amounts as to overload the street network in the area.

10-04 ENFORCEMENT

The following action may be taken to enforce the Site Development Plans in addition to those provisions for zoning enforcement provided by law:

10-04.1 If the owner, his successors or assigns, fail to adhere to any part of the Site Development Plans as adopted by the Commission, the Building Inspector shall notify such owner, by certified mail, that a violation of said plans exists, specifying the nature of the violation and ordering the correction thereof. If the owner does not proceed to comply with the order to correct the specified violations within thirty (30) days after receipt of notification thereof, the Building Inspector shall, at the direction of the Commission, instruct the Zoning Enforcement Officer to call in the bond established under Section 9-06 of these Regulations.