

improvements, until the same are accepted by legal action by the Mayor and Council;

900.23 to obtain the easements and releases required when any street, drainage facility, or other improvement wherein a subdivision abuts or traverses land of persons other than the person holding legal title to the lands of the subdivision, at the subdivider's own cost, and to obtain from the owner of the lands so abutted or traversed full releases from all damages which may change in grade, construction, or otherwise, the street, drainage facility, or other improvement, and such releases shall insure to the benefit not only of the owner of the subdivision but to the Town as well.

901 GUARANTY

901.1 To assure the Town that the subdivider will install at his own expense all improvements mentioned in Section 900.21 above as required by the Planning Commission in strict accordance with the final plats, as finally approved, and with the standards, regulations, and specifications of the Town, and that said improvements will be maintained by the owner until accepted by the Town, the owner shall furnish to the Town cash or beyond with such surety as the Town Council shall approve in an amount sufficient to cover the cost, as estimated by the Town Engineer, of the construction and installation of the aforesaid improvements, until the same shall be accepted by the Town.

901.2 The improvement guaranty shall be conditioned upon:

901.21 The subdivider constructing and installing, or causing to be constructed or installed, in strict accordance with the final plat, as finally approved, and with the Town standards and specifications, the streets, curbs, sidewalks, fire hydrants, drainage facilities, street signs, monuments, water and sewerage facilities, and other improvements shown on said final plat, as the Planning Commission may require or order to construct or install.

901.22 The subdivider maintaining at his own cost the said streets, curbs, sidewalks, fire hydrants, drainage facilities, street signs, monuments, water and sewerage facilities, and other improvements, until the same are accepted by the Town for public use.

901.23 The faithful performance by the owner of the contract provided for in these regulations.

ARTICLE 10

REGULATIONS FOR PLANNED RESIDENTIAL DEVELOPMENTS

1000 PURPOSES

The purposes of these Planned Residential Development provisions are:

1000.1 to encourage innovations in residential development and renewal so that the demand for housing may be met by greater variety and maximum choice in the type, design and layout of dwellings and by the conservation and more efficient use of open space ancillary to said dwellings;

1000.2 to provide, through such innovations, greater opportunities for better housing and recreation for present and potential residents of the Town;

1000.3 to encourage a more efficient use of land and services and to reflect changes in the technology of land development so that the economies secured may enure to the benefit of those who need homes

1000.4 to permit greater flexibility in the design of land developments which will respect and conserve natural resources such as streams, lakes, flood plains, wetlands, wooded areas, steeply sloped areas, areas of unusual beauty, and significant natural habitats;

1000.5 to insure that the provisions of the Zoning Ordinance which are concerned with the uniform treatment of dwelling type, bulk, density and open space within each zoning district may be applied flexibly in a manner which would not distort the objectives of these Regulations, when dealing with the improvement of land by other than lot-by-lot development; and

1000.6 in furtherance of these purposes, to establish a procedure which can relate the type, design and layout of residential development of the particular site and the particular demand for housing existing at the time of development, in a manner consistent with the preservation of the property values within existing residential areas and to assure that the increased flexibility of regulations over land development established hereby is carried out pursuant to sound, expeditious, and fair administrative standards and procedures.

1001 ELIGIBILITY AND GENERAL REQUIREMENTS

1000.1 A proposed development shall be eligible to use the provisions of this Article only if all of the following requirements are met.

1001.11 The proposed Planned Residential Development shall consist of one or more contiguous parcels of land under ownership, purchase agreement, option to purchase, leasehold agreement or other similar legal agreement by a single legal entity to own and/or develop the land; and

1001.12 The entire proposed Planned Residential Development shall be served by a centralized water supply and sewage disposal system; and

1001.13 The proposed Planned Residential Development shall contain a minimum number of contiguous acres in accordance with the following schedule:

1001.21 In SR - Suburban Residential Zoning
Districts: -- 30 acres

1001.22 In TR - Town Residential Zoning
Districts: -- 15 acres

1001.23 In TC - Town Center Zoning Districts:
-- 15 acres

1000.2 All design standards, requirements, procedures, specifications and guarantees in these Regulations shall apply to Planned Residential Developments, unless otherwise provided in this Article.

1002 TYPES AND DENSITIES OF LAND USES

1002.1 A Planned Residential Development may contain more than one type of residential use, provided that such use or uses are otherwise permitted in the Zoning District under the provisions of Section 305 of the Town Zoning Ordinance.

1002.2 Subject to the provisions of Section 305 of the Town Zoning Ordinance, commercial uses may be permitted in a Planned Residential Development to the extent that they are designed and intended to serve the daily and convenient shopping and personal needs of the residents in the PRD and are compatible and harmoniously incorporated into the unitary design of the Planned Residential Development. A market feasibility study to show need shall be provided by the developer.

1002.3 If permitted, commercial uses shall not occupy more than five (5%) percent to the total PRD acreage, and no such areas shall be counted in measuring the gross area of the PRD for the purpose of computing average residential densities.

1002.4 Gross residential density for the total PRD site, excluding permitted non-residential uses, shall not exceed the average number of dwelling units per acre as follows in relationship to the Town Zoning Ordinance:

1002.41 In the SR - Suburban Residential District -- six dwelling units per acre.

1002.42 In the TR - Town Residential -- eight dwelling units per acre.

1002.43 In the TC - Town Center District -- ten dwelling units per acre.

1002.5 The percentage of the Planned Residential Development site which is to be covered by buildings, roads, parking areas, and other impermeable areas shall not exceed thirty percent (30%) of the total site area.

1002.6 The percentage of the Planned Residential Development site to be included within common open space shall be no less than twenty-five (25%) percent of the total site area. Common open space includes recreation areas, pedestrian use areas, steep slopes, flood plains and easements free of paving and structures, but does not include parking areas, streets, and yard areas within twenty-five (25) feet of any residential building.

1003 NATURAL FEATURES ANALYSIS

To determine which specific areas of the total PRD are best suited for higher density development, which areas are best suited for lower density development, and which areas should be preserved in their natural state as open space areas, a thorough analysis of the natural features of the site shall be prepared by the applicant and shall include at least the following subject areas:

1003.1 Hydrology - Analysis and mapping of natural drainage patterns and water resources including streams, natural drainage swales, ponds or lakes, wetlands, flood plain areas, permanent high water table areas, and seasonal high water table areas throughout the site;

1003.2 Geology - Analysis of characteristics of rock formations underlying the site including mapping of aquifers (particularly those locally subject to pollution), shallow bedrock areas, and areas in which rock formations are unstable;

1003.3 Soils - Analysis, based upon the Washington County Soil Survey, of types of soils present in the site area including delineation of prime agricultural soil areas, aquifer recharge soil areas, unstable soils, soils most susceptible to erosion and soils suitable for urban development.

1003.4 Topography - Analysis of terrain of the site including mapping of contour lines at vertical intervals of not more than two (2) feet for land with average natural slope of ten percent (10%) or less, and at intervals of not more than five (5) feet for land with average natural slope greater than ten percent (10%), and including the delineation of slope areas over twenty percent (20%), between ten percent (10%) and twenty percent (20%), and under ten percent (10%).

1003.5 Vegetation - Analysis of tree and plant cover of the site, including delineation of principal wildlife habitat areas.

1004 COMMUNITY IMPACT ANALYSIS

To determine the impact of the Planned Residential Development upon the Town, analysis of the potential affects of the PRD upon public facilities, utilities, and roadway systems shall be submitted by the developer.

A comparison of the costs to the Town versus the tax revenues expected to be produced by the PRD shall be included in the analysis. Market analysis data which estimates potential market demand for various types of housing in the area of the proposed PRD site shall also be presented.

1005 SITE DESIGN PRINCIPLES

Conventional siting practices as specified in the Town Zoning Ordinance and in Article 7 of these Regulations, such as the setback and orientation of buildings in relation to lot lines, streets and other buildings, may be varied to produce attractive and interesting arrangements of buildings.

1005.1 Residential structures shall be located and arranged so as to promote privacy for residents within the PRD and maintain privacy for residents adjacent to the PRD.

1005.2 Residential and other structures located near the periphery of the planned residential development shall be designed so as to be harmonious with neighboring areas.

1005.3 Residential and other structures located within two hundred (200) feet of the perimeter of a Planned Residential Development shall be set back by a distance sufficient to protect the privacy of adjacent existing uses; no structure shall be located within fifty (50) feet from the perimeter boundary line of the PRD site.

1005.4 The natural features of the PRD site shall be a major factor in determining the siting of residential structures. In addition, the effects of prevailing winds, seasonal temperatures, and daily hours of sunlight shall be considered in designing and siting dwelling unit structures.

1005.5 Residential structures shall be located and sited to facilitate pedestrian and visual access to common open space wherever

possible.

1005.6 No structure shall be located within twenty (20) feet of the right-of-way of any street or parking area within the PRD site.

1005.7 No structure shall be erected within a distance less than its height from any other structure.

1005.8 If permitted, commercial uses shall be located in not more than two (2) areas of the Planned Residential Development, one area of which shall consist of at least two (2) contiguous acres.

1005.9 Off-street parking areas required, pursuant to Article 6 of the Town Zoning Ordinance, in conjunction with permitted nonresidential uses shall be located and designed to provide direct access to collector or arterial streets. Any such parking area that includes more than one hundred (100) parking spaces shall have access only to a collector street or streets.

1005.10 Signs shall be permitted, pursuant to Article 7 of the Town Zoning Ordinance, in conjunction with permitted non-residential uses, provided that signs for commercial uses shall be subject to the following additional requirements:

1005.101 A single sign for a commercial center is permitted. Such signs shall be limited to a height of six (6) feet with a total area of thirty (30) square feet.

1005.102 Signs for individual commercial uses shall be permitted on the structure, except that roof signs or freestanding signs shall not be permitted. Such individual signs may include only the store name and/or symbol, and shall be no more than thirty (30) square feet in area and shall be mounted flush on the structure.

1006 DESIGN PRINCIPLES FOR COMMON OPEN SPACES

1006.1 The location shape, size and character of the required common space shall be provided in a manner consistent with the objectives set forth for PRD's in the Town Zoning Ordinance and in these Regulations, with natural features constraints determined through the site analysis procedure, and with the plans for recreation and conservation set forth in the Town Comprehensive Plan.

1006.2 Wherever possible, common open space shall be provided in contiguous or connected areas for maximum visual and pedestrian accessibility by all residents of the PRD.

1006.3 The uses and facilities provided in the common open space shall be appropriate to the scale and character of the planned development, considering its natural features, size, land use intensity, potential population, and the number and types of dwelling units to be developed.

1006.4 Significant natural features such as woodland areas, large trees, natural watercourses and bodies of water, rock outcroppings, and scenic views shall be incorporated into common open space areas whenever possible; provided, however, that no less than twenty-five (25%) percent of the total common open space area shall be suitable for intensive use as an active recreation area or areas.

1007 DESIGN PRINCIPLES FOR STREETS

1007.1 The street system of the Planned Residential Development shall be designed to relate harmoniously with land uses within and adjacent to the PRD.

1007.2 The street system of the PRD shall be designed collector and local streets, to create a separation of automobile and pedestrian traffic through the coordination design of streets, dwelling units, common open space areas and pedestrian walkways, to create efficient and safe connections with the existing public road system.

1007.3 The street system of the PRD shall be designed to prevent or minimize through traffic in residential areas.

1007.4 The design and construction of all streets shall conform to Article 7, Section 703 and Article 8, Section 801 of these Regulations.

1008 PARKING STANDARDS

1008.1 Off-street parking spaces and areas shall be provided as specified in Article 6 of the Town Zoning Ordinance.

1008.2 Parking areas shall be screened from adjacent structures, access roads and traffic arteries, by hedges dense planting, earth berms or changes in grade or walls. All parking areas shall be at least twenty (20) feet from all structures.

1008.3 No more than 60 parking spaces shall be accommodated in any single parking area without being repeated from other single parking areas, approved medians or landscaped areas.

1009 WATER SUPPLY AND SEWAGE DISPOSAL STANDARDS

The Planned Residential Development shall provide centralized water supply and centralized sewage disposal facilities in conformance with these

Regulations.

1010 TREE CONSERVATION AND LANDSCAPING

1010.1 Existing trees shall be preserved wherever possible. The protection of trees six (6) inches or more in diameter (measured at a height four and one-half feet above the original grade) shall be a factor in determining the location of open space structures, underground utilities, walks and paved areas. Areas in which trees are preserved shall remain at original grade level and undisturbed wherever possible.

1010.2 Where extensive natural tree cover and vegetation does not exist and cannot be preserved on the PRD site, landscaping shall be provided to enhance the appearance of the PRD, aid in erosion control, provide protection from wind and sun, screen streets and parking areas, and enhance the privacy of dwelling units.

1010.3 Street trees shall be provided along all arterial and collector streets. No less than two three-inch caliper trees shall be provided for each 50 foot increment of street at a depth sufficient to avoid future problems of grading and buildings.

1011 OWNERSHIP, MAINTENANCE, AND PRESERVATION OF COMMON OPEN SPACE

The developer shall make provisions which insure that the common open space land shall continue as such and be properly maintained. The developer shall provide for and establish an organization for the ownership, maintenance and preservation of open space which shall conform to the following standards and procedures:

1011.1 The organization shall be established by the developer before the sale or rental of dwelling units in the PRD.

1011.2 The form, financial capability, rules of membership, and methods of cost assessment of the organization shall be devised so as to insure the successful fulfillment of the maintenance, preservation and improvement responsibilities of the organization.

1011.3 The organization responsible for maintenance, preservation, and improvement of common open space areas shall be the sole owner of the common open space lands.

1011.4 The organization shall have or hire adequate staff to administer common facilities and maintain the common open space.

1011.5 In the event that the organization established to own and maintain a common open space or any successor organization, shall at any time after establishment of the Planned Residential Development

fail to maintain the common open space in reasonable order and condition in accordance with the development plan, the Town may serve written notice upon such organization, or upon the residents and owners of the Planned Residential Development setting forth the manner in which the organization has failed to maintain the common open space in reasonable condition, and said notice shall include a demand that such deficiencies of maintenance be corrected within thirty (30) days thereof, and shall state the date and place or a hearing thereon which shall be held within fourteen (14) days of the notice. At such hearing the Town may modify the terms of the original notice as to the deficiencies and may give an extension of time within which they shall be corrected. If the deficiencies set forth in the original notice or in the modifications thereof shall not be corrected within said thirty (30) days or any extension thereof, the Town, to preserve the taxable values of the properties within the PRD and to prevent the common open space from becoming a public nuisance, may enter upon said common open space and maintain the same for a period of one year. Said entry and maintenance shall not constitute a taking of said common open space, nor vest in the public any rights to use the same. Before the expiration of said year, the Town, upon its initiative or upon the request or the organization theretofore responsible for the maintenance of the common open space shall call a public hearing upon notice of such organization, or to the residents and owners of the Planned Residential Development, to be held by the Town, at which hearing such organization or the residents and owners of the Planned Residential Development shall show cause why such maintenance by the Town shall not, at the option of the Town, continue for a succeeding year. If the Town shall determine that such organization is ready and able to maintain said common open space in a reasonable condition, the Town may, in its discretion, continue to maintain said common open space during the next succeeding year and subject to a similar hearing and determination in each year thereafter. The decision of the Town in any such case shall constitute a final administrative decision subject to judicial review.

1011.6 The cost of such maintenance by the Town shall be assessed ratably against the properties within the Planned Residential Development that have right to enjoyment of the common open space and shall become a lien on said properties. The Town at the time of entering upon said common open space for the purpose of maintenance, shall file a notice of lien in the office of the Treasurer of the County, upon the properties affected by the lien within the Planned Residential Development.

1012 PROCEDURAL REQUIREMENTS

The plans, plats and other required supplementary data and reports for a proposed Planned Residential Development shall be submitted for review and approval in accordance with requirements and procedures specified in

Article 5 and Article 6 of these Regulations.

1013 HEARING

Prior to preliminary plat approval, the Planning Commission may, at its discretion, conduct a public hearing regarding the proposed PRD, giving notice of such hearing in the same manner as specified in the Town Zoning Ordinance.