

## CHAPTER 10 - PLANNED RESIDENTIAL OVERLAY DISTRICT

### 10.1 PURPOSE

The Planned Residential Overlay (PRO) District is intended to combine with the SF-2, SF-3, SF-4 or AH Districts (base districts) in order to implement the goals and policies of the Comprehensive Plan concerning incentive and bonus residential densities. The purpose of the District is to provide for flexibility and to encourage superiority in the design of residential developments by allowing increased density in exchange for provision of open space and other amenities. The types of uses allowed and the types of performance standards applicable to planned residential developments approved as a PRO District vary with the base district with which the PRO District combines. For some base zoning districts, two levels of increased densities may be allowed: incentive density and bonus density. Accordingly, greater amenities must be provided in order to achieve bonus-level density.

### 10.2 USES AUTHORIZED

The uses authorized in a Planned Residential Overlay District shall be limited to those authorized in the base zoning district. Satisfaction of the minimum standards for planned residential developments set forth in the base district regulations does not assure establishment of the PRO district.

### 10.3 GENERAL STANDARDS FOR PLANNED RESIDENTIAL OVERLAY DISTRICT

#### A. Maximum Number of Dwelling Units.

The maximum number of dwelling units that may be authorized for a planned residential development in a Planned Residential Overlay District is limited by a number of factors, including project size, project density, lot mix, and open space allocation. General rules applicable to these factors are set forth in this section.

Specific limitations are contained in base district regulations. The actual number of dwelling units approved may be less than the maximum allowed for a planned residential development in the base district regulations, depending on the provision of amenities and other considerations, as the Town Council may determine to be appropriate for the land to be rezoned.

#### B. Project Size.

Because the size of the planned residential development site affects the extent to which the project can provide open space, large lot mix and other amenities offsetting increased densities allowed under this Chapter, a minimum project size shall be required for some base districts in order to achieve increased residential densities.

C. Incentive and Bonus Density.

1. The maximum density of a planned residential development which may be approved in a Planned Residential Overlay District shall be determined by the regulations of the base zoning district. In combination with some base districts, two levels of density may be approved, incentive or bonus density. The level of density approved in such districts depends on the nature and quality of the amenities provided, as set forth in Section 10.9.
  - a. In the SF-2 District, incentive density may be approved.
  - b. In the SF-3 District, incentive or bonus density may be approved.
  - c. In the SF-4 District, incentive density may be approved.
  - d. In the AH District, incentive or bonus density may be approved.
2. The maximum number of dwelling units for a planned residential development shall not exceed a number calculated by multiplying the maximum residential density authorized in base zoning district by the number of gross usable acres in the project.

D. Minimum Land Area per Dwelling Unit.

1. For single-family detached dwellings, single-family attached dwellings, and duplex units, the minimum land area per dwelling unit shall be the minimum lot size. For other types of dwelling units allowed by these regulations, the minimum land area required shall be the average obtained by dividing the net developable area for the project proposed to be occupied by such units by the number of units proposed.
2. Minimum land area per dwelling unit shall be exclusive of all rights-of-way or easements for streets and alleys; land dedicated for public use; or open space and buffer areas, unless otherwise stated in these regulations.
3. Where a mix of dwelling units is proposed, minimum land area per dwelling unit shall apply to each type of dwelling unit proposed.

E. Lot Mix.

Construction of single-family detached dwellings on a range of lot sizes smaller than the minimum lot size in the base district, together with correspondingly higher residential density may be allowed in a PRO district if authorized in the base district regulations.

F. Project Open Space.

An application for establishment of a PRO district must include an open space plan prepared in accordance with Section 20.3B.5. In addition, the following criteria apply:

1. A planned residential development shall not be approved unless the minimum percentage of the land area for the project specified in the base zoning district regulations is devoted to open space. Satisfaction of the minimum requirement does not guarantee that the planned residential development will be approved.
2. The Town may require dedication of proposed open space that is designated for public use in the Town's Open Space Master Plan, or which provides connective links between public open space areas.
3. Additional open space areas, or improvements to open space, may be proposed as amenities and may be considered by the Town in determining whether to establish the PRO district.
4. For the SF-3 zoning district, minimum open space requirements shall vary by whether incentive-level or bonus-level densities are sought, as set forth in the SF-3 district regulations.
5. For the AH zoning district, minimum open space requirements shall vary by type of dwelling unit proposed and by whether incentive-level or bonus-level densities are sought, as set forth in the AH district regulations.
6. Allocation of open space shall be made to each phase of a planned residential development, according to the minimum open space requirements established for the base zoning district. In the event that common open space is not to be provided proportionally by phase, the developer shall execute a reservation of common open space by grant of easement or covenant in favor of the Town authorizing the Town to dedicate all or a portion of such reserved area to common open space in the event that the development is not completed.
7. All open space standards contained in the design review regulations in Chapter 20 shall apply to provision of open space in planned residential developments.

G. Perimeter Buffering, Landscaping and Screening.

1. The perimeter of a planned residential development shall be buffered, landscaped and screened from adjacent property which is not part of the development using one of two basic methods: (1) a system of landscaped berms; or (2) a landscaped buffer area in combination with a one hundred percent (100%) planted screen as required by the Town's Design Criteria Manual or use of natural vegetation. Natural vegetation shall consist of

existing trees or shrubs of the species listed in section 20.5 of this ordinance, and shall be of sufficient density to achieve the level of screening provided by a 100% planted screen. The options available for each zoning district are set forth in base district regulations. More than one option may be proposed for a project. Standards and illustrations for each option are included in the Town's Design Criteria to these zoning regulations, which is incorporated herein by reference.

2. Buffering, landscaping and screening requirements applicable to non-residential uses and multi-family uses or to the design of country lanes and parkways contained in the design review chapter apply to such uses within planned residential developments.
3. Plan residential developments shall meet or exceed buffering, landscaping and screening requirements for base zoning districts contained in the design review chapter.

#### H. Design Review.

No PRO district shall be established nor shall any concept plan be approved unless the proposed planned residential development exceeds the minimum project, lot and structural design standards set forth in the design review chapter, pursuant to the criteria in Section 10.8.

#### I. Compatibility and Other Supplemental Standards.

The compatibility and other supplemental standards contained in Chapter 19 of these zoning regulations are applicable to planned residential development unless modified by provisions of this Chapter.

### 10.4 PHASING

An applicant may propose that a planned residential development be developed in phases or the Town may require the applicant to divide the project into phases in order to meet requirements and standards of these zoning regulations. Each phase of development shall be self-sufficient and shall be designed so that the requirements, standards and conditions applicable to the project as a whole can be met. In the event that open space is not allocated equally to each phase, the applicant may be required to execute a reservation of open space by grant of easement or covenant in favor of the Town. Each phase of the project shall be supported by adequate facilities and services.

### 10.5 STAGED APPROVAL OF PLANNED RESIDENTIAL DEVELOPMENT

- A. Approval of a planned residential development shall be in three stages: (1) establishment of Planned Residential Overlay District and approval of a concept plan; (2) approval of a tentative development plan; and (3) approval of a final development plan.

- B. An application for a tentative development plan shall be processed with an application for preliminary subdivision plat and an application for a final development plan shall be processed with an application for final subdivision plat. An application for tentative or final development plan approval may be submitted in phases.
- C. An applicant for approval of a planned residential development may elect to submit a tentative development plan with an application to establish a PRO district, in which case the application shall be processed as a concept plan.

10.6 APPROVAL PROCEDURE--ESTABLISHMENT OF DISTRICT AND CONCEPT PLAN

- A. Zoning Amendment.

The Town Council, after public hearing and proper notice to all parties affected and after recommendation from the Planning and Zoning Commission in accordance with the procedures in Chapter 23, may authorize the creation of a Planned Residential Overlay District. An application for establishment of a PRO District shall be considered an application for a zoning amendment.

- B. Concept Plan Required.

An application for establishment of a PRO District shall be accompanied by a concept plan which shall be processed simultaneously with the zoning amendment application. The purpose of the concept plan is to provide the basis for determining whether the planned residential development complies with the goals and policies embodied in the comprehensive plan and the requirements of these zoning regulations, and that appropriate conditions of approval are identified for large-scale developments. If the zoning amendment application is approved, the concept plan shall be incorporated within such amendment.

- C. Pre-Application Conference.

Prior to application for a zoning amendment and the filing of the concept plan, the applicant shall request a conference with the Town Administrator and other town staff in order to present preliminary drawings or data concerning the proposed concept and to determine the applicability of the zoning regulations to the proposed development; provided, however, that such preliminary drawings or data shall not be considered an application for rezoning or for concept plan approval.

- D. Application and Processing.

The property owner or designated representative shall file an application for establishment of a PRO district and for approval of the concept plan with the Town Administrator on forms supplied by the Town. The Town Administrator

shall process the application in accordance with the procedures established in Chapters 21 and 23. The application may be accompanied by a proposed phasing plan that identifies the sequence of development and a time schedule for installation of major capital improvements to serve the development.

E. Contents of a PRO Concept Plan.

Application for a PRO district shall include a dimensioned engineer scaled drawing on a sheet size 24" x 36", at scale not less than 1" = 100', including existing and proposed site conditions and improvements:

1. Name and address of landowner and date of preparation of the plan.
2. Name and address of architect, landscape architect, planner, engineer, surveyor, or other persons involved in the preparation of the plan.
3. Site boundaries and dimensions, site acreage and square footage, and approximate distance to the nearest cross street.
4. Location map, north arrow and title block.
5. Topography at five foot intervals or less.
6. Open space plan prepared in accordance with Section 20.3B.5.
7. Proposed and existing land use and zoning classifications on-site and on adjacent properties, including designation of development envelopes and lot mix designation where appropriate.
8. Public streets (other than local streets with pavement widths, buffers, right-of-way, median openings, turn lanes (including storage and transitional space), and driveways on adjacent property with approximate dimensions.
9. Proposed dedications and reservations of land for public or common use, including but not limited to: rights-of-way, easements, park land, open space, drainage ways, flood plains, and facility sites.
10. Existing and proposed utilities and easements.
11. Phases of development, including delineation of areas, building sites, land use and improvements to be constructed in independent phases and the scheduled timing and sequencing of development (See Section 10.4).
12. Proposed perimeter buffering and screening.
13. Proposed project design features.
14. A chart depicting the following information by phase:

15. Acreage of each proposed planned residential development, areas devoted to large lots, and areas to be dedicated as public improvements;
16. Total number of dwelling units by type and lot size;
17. Dwelling unit sizes; and
18. Projected population.
19. Reclamation concept plan for flood plain areas subject to section 19.17.

F. Planning and Zoning Commission Recommendation.

The Planning and Zoning Commission, following a public hearing in accordance with the procedures of Chapter 23, shall formulate its recommendation with respect to the establishment of the PRO district and approval of the concept plan, in accordance with the criteria in Section 10.6, and shall attach conditions, if any. The recommendation of the Commission shall be forwarded to the Town Council for decision in accordance with Chapter 23.

G. Town Council Decision.

Following receipt of the recommendation from the Commission, the Town Council shall conduct a public hearing in accordance with Chapter 21 and, in accordance with the criteria in Section 10.6, shall determine whether to establish the PRO District and approve the concept plan, with or without conditions.

H. Conditions.

The Planning and Zoning Commission may recommend such conditions and the Town Council may impose such conditions on establishment of the PRO District and approval of the concept plan as are reasonably necessary to assure that the District and concept plan are consistent with the goals and policies in the Comprehensive Plan and the requirements of these zoning regulations.

I. Adopting Ordinance.

The ordinance establishing a PRO District shall incorporate the concept plan as an exhibit and shall set forth the following provisions:

1. The base zoning district(s) to be overlaid;
2. A statement as to the purpose and intent of the PRO district established therein;
3. The permitted or conditional uses authorized in the district, the location of such uses, and residential densities associated with phases of the project, in conformance with the approved concept plan;

4. The general standards applicable to development within the district, with or without reference to the base district, including but not limited to: density, lot area, lot width, lot depth, yard depths and widths, building height, building elevations, coverage, floor area ratio, parking, access, accessory buildings, signs, lighting, project phasing or scheduling, management associations, and such other requirements as the Town Council and Planning and Zoning Commission may deem necessary in order to implement the Town=s Comprehensive Plan, and such as are consistent with the purposes of the PRO District and the base district;
5. The design standards applicable to the development, including but not limited to those standards addressed in the design review chapter;
6. A specific list of deviations from standards in the base zoning district;
7. Required dedications or public improvements; and
8. The timing of performance by the developer in relation to the phasing of development, where applicable.

J. Zoning Map.

All PRO Districts approved in accordance with the provisions of this Ordinance in its original form, or by subsequent amendments thereto, shall be designated on the Zoning District Map, and a list of such PRO Districts, together with the adopting ordinances, shall be maintained as part of the Zoning Ordinance.

10.7 CRITERIA FOR ESTABLISHMENT OF PRO DISTRICT AND CONCEPT PLAN APPROVAL

A. General Standards.

Based upon the concept plan, the Planning and Zoning Commission and Town Council shall determine whether the PRO District should be established, taking into account the following criteria:

1. Whether the planned residential development is consistent with the Future Land Use Diagram and furthers the goals and policies of the Comprehensive Plan;
2. Whether the project design and proposed amenities mitigate the impacts of residential densities greater than that of the base zoning district;
3. Whether the proposed uses and project design are compatible with existing and planned adjoining uses and the character of the neighborhood in which the project is located;

4. Whether adequate public facilities will be provided in a timely manner to support each phase of the development;
5. Whether the planned residential development meets the minimum performance and development standards set forth in the base zoning district;
6. Whether the overall design of the planned residential development meets the criteria set forth in Section 10.8; and
7. Where bonus densities are requested (and are authorized under base district regulations), whether the amenities proposed are in accordance with Section 10.9 and benefit the community as a whole, in addition to the residents of the planned residential development.

## 10.8 PROJECT DESIGN

It is the intent of these regulations to encourage outstanding project design for planned residential developments in order to implement the policies contained in the Town's Comprehensive Plan. The extent to which maximum residential densities can be achieved depends upon project design. Design of the project must exceed minimum standards set forth in the design review chapter. The following principles will be used to evaluate project design. Methods of achieving the standards are illustrated in the Town's Design Criteria Manual. It is expected that the planned residential development will follow the standards contained in the guidelines or, in the alternative, that the project manifests a design superior to that illustrated in the Design Criteria Manual.

- A. The project should preserve and enhance the natural character of the site, and should be designed to reflect existing topography and natural systems. Vegetative communities located in flood plains, existing tree stands and along fence rows should be maintained as open areas and wildlife habitat. Creeks and streams should be preserved and enhanced as amenities.
- B. The project should preserve historic elements of the site, including features such as farm structures and dwellings, stone wells, entry features, windmills or other features that illustrate the historic resources of the site.
- C. The project should be integrated with the Town's open space network as described in the Open Space Master Plan, including provision of a variety of trail types. Public or common uses and open space should be connected together to promote pedestrian usage. Utilization of open space should be enhanced through provision of amenities.
- D. Landscape planting and planting for purposes of mitigation should reflect the natural vegetation of the site through use of native plant materials.

- E. Buildings, transportation improvements, open space and landscaping should be designed and arranged to maximize the opportunity for privacy by the residents of the project and of the surrounding areas.
- F. Distant views should be incorporated into the design of the site. Construction of streets and any public amenities should frame and enhance distant views. Views that should be preserved include those of Lake Ray Hubbard, Duck Creek, Long Creek and other natural systems and stream corridors.
- G. Projects should create residential neighborhoods with street layouts that respond to the natural topography of the site. Residential neighborhoods should be laid out with a combination of long curvilinear and straight road segments working with the natural systems of the site. Curvilinear streets must be used to enhance overall project design.
- H. Project design elements should exceed the standards mandated in the design review chapter, including entry treatments, project lighting, infrastructure design, and screening.
- I. Architectural features of proposed structures should exceed the standards mandated in Chapter 20.

#### 10.9 AMENITY STANDARDS FOR BONUS DENSITY

- A. An applicant for a planned residential development, who seeks bonus density, may propose one or more amenities authorized under this section. The Town Council shall determine whether each proposed amenity or combination of amenities is appropriate for the project. Amenities that are authorized for bonus density are summarized in Chart 10.1, which is incorporated herein by reference.
- B. Rules Pertaining to Bonus Density Chart 10.1.

The following rules pertain to interpretation of chart provisions:

1. The “Percentage of Total Available Density Bonus” columns indicate the maximum density bonus available in that zoning district through the provision of the specified amenity. The percentage applies to the maximum increase in bonus densities authorized under the zoning district regulations for the SF-3 and AH districts for a particular project size. In determining the appropriateness of a proposed amenity pursuant to subsection A, the Town Council also shall determine the extent to which the amenity qualifies the project for the maximum increase in bonus density listed in chart 10.1, taking into consideration factors such as the size, quantity, quality of design, and location of the amenity proposed. The Town Council may approve a bonus density less than the maximum based upon such consideration.

2. Where an applicant proposes more than one amenity, the percentages associated with each amenity can be added to achieve additional density bonuses; provided, however, that the maximum density bonus may not exceed that authorized under zoning district regulations.
3. Where a particular amenity pertains to a standard that already is required in some degree in order to achieve incentive-level or bonus-level densities under these zoning regulations, a bonus will be granted only to the degree that the proposed amenity exceeds such requirements.
4. Amenities not anticipated in the chart that follows can be approved under Section 10.10.
5. Where land or improvements for public facilities are proposed as a project amenity, such contributions must benefit the planned residential development project; exceed the requirements for adequate public facilities necessary to serve the project otherwise imposed by these zoning regulations or provisions of the Town Code of Ordinances; and benefit the community by providing facilities designated or anticipated in the Comprehensive Plan. In-lieu of providing the land or improvements for a facility due to the timing or location of development in relation to the facility, the applicant may propose an equivalent cash contribution.

**Chart 10.1  
AMENITIES FOR BONUS DENSITY DEVELOPMENT**

AMENITY	ZONING DISTRICT	
	SF-3	AH
	Maximum Percentage of Total Available Density Bonus	
<b>1. Parks, Open Space and Natural Features</b>		
Provisions of open space features in addition to minimum required open space, as follows:		
a. <u>Additional small or passive use open space areas</u> Areas of open space or buffer, less than five acres in size and not intended for development as an active use park. Designation of at least 2 percent additional land for this use is necessary for this density bonus.	20%	20%
b. <u>Additional open space linkages</u> Open space/buffer areas that are used for trails or otherwise connect larger open space or public facilities. Designation of at least 2 percent additional land for this use is necessary for this density bonus.	30%	30%
c. <u>Additional active use park or open space sites</u> Sites of five acres or more, accepted by the Town as locations for active use parks (i.e., those with play facilities, ballfields and similar improvements) or improved open space (such as a nature observation area). Designation of at least 3 percent additional land for this use is necessary for this density bonus.	50%	50%
d. <u>Improvements to trails</u> Construction of trails, walkways, and associated lighting, benches and signage. Improvement of all designated trail/path segments in the project area is necessary for the maximum density bonus.	30%	30%
e. <u>Improvements to passive use open space areas</u> Construction of benches, decks, observation platforms and associated lighting and signage. Improvement of the complete facility within the project=s open space area is necessary for the maximum density bonus.	30%	30%
f. <u>Improvements to active use parks</u> Construction of planned improvements (such as play areas, ballfields, courts, picnic areas), and associated lighting and signage for parks accepted by the Town for public park use. Improvements of the complete park facility are necessary for the maximum density bonus.	50%	50%

AMENITY	ZONING DISTRICT	
	SF-3	AH
	Maximum Percentage of Total Available Density Bonus	
g. <u>Preservation of additional open space areas.</u> Areas of significant vegetation or other natural features in addition to those required to be preserved under Section 20.4.	30%	U <sup>1</sup>
h. <u>Preservation of additional flood fringe areas.</u> Flood fringe areas in addition to those that must be preserved pursuant to Section 19.17.	30%	U <sup>1</sup>
<b>2. Major Recreational Amenities</b>		
a. <u>Golf Course</u> The course must be a signature course and be a minimum of 200 acres in size.	50%	U <sup>1</sup>
b. <u>Equestrian Center</u> The center and grounds must be located on open space in addition to minimum performance standards and must be integrated with a trail system.	50%	U <sup>1</sup>
<b>3. Public Facilities &amp; Sites</b>		
a. <u>Minor public facility sites</u> Land accepted by the Town as sites for elementary schools, fire stations, libraries or similar community facilities. Dedication of an adequate site for the proposed use is necessary for this bonus.	30%	10%
b. <u>Major public facility sites</u> Land accepted by the Town as sites for middle or high schools, community centers, or similar community facilities. Dedication of an adequate site for the proposed use is necessary for this bonus.	50%	U <sup>1</sup>
c. <u>Additional street or utility right-of-way</u> Land accepted by the Town to be used as right-of-way for major roadways or utility extensions in excess of land required to be dedicated to adequately serve the project with such facilities.	40%	U <sup>1</sup>
d. <u>Improvement to minor facilities</u> Construction of improvements to planned facility for sites described in 3a above. Improvements of the complete project are necessary for maximum density bonus.	40%	30%

AMENITY	ZONING DISTRICT	
	SF-3	AH
	Maximum Percentage of Total Available Density Bonus	
e. <u>Improvement to major facilities</u> Construction of improvements to planned facility for sites described in 3b above. Improvements of the complete project are necessary for maximum density bonus.	50%	U <sup>1</sup>
f. <u>Improvements to streets</u> Construction of improvements to streets described in 3c above. Significant system improvements (in addition to those otherwise required) are necessary for the maximum density bonus.	40%	U <sup>1</sup>
g. <u>Improvements to utility or other systems</u> Construction of improvements to planned facilities described in 3c above. Improvement of a significant facility serving more than the planned residential development is necessary for the maximum density bonus.	50%	20%
<b>4. Housing</b>		
a. <u>Assisted housing</u> Housing to meet the Town's fair share of regional needs for assisted and/or subsidized housing, as described in Comprehensive Plan policies 9.3 and 9.4, if such need has not been met previously.	10%	50%
b. <u>Housing for seniors or persons with special needs</u> Projects including housing for seniors and persons with disabilities or other special needs may receive a density bonus. To receive the maximum density bonus, the project must include at least 10 percent of the units to serve such special needs.	10%	50%

1. This amenity is unavailable.

#### 10.10 ALTERNATIVE PROPOSAL AND VARIATION FROM REQUIREMENTS

The performance standards for planned residential development contained in this Chapter are considered to be the minimum standards necessary for approval of incentive-level or bonus-level residential densities. It is recognized, however, that project size, location and design may necessitate a different arrangement or distribution of land uses, open space or buffers than are envisioned in these regulations, and that different amenities than those specified in Chart 10.1 may become valuable options in consideration of bonus-level densities. Consequently, an applicant for a planned residential development may submit an alternative proposal with corresponding variations in the standards applicable to such a development,

which alternative shall be evaluated and action taken thereon in accordance with the procedures in Section 10.5 and under the criteria in Section 10.6; provided, however, that the following limitations apply:

- A. No variations will be granted from the maximum residential densities for planned residential developments set forth in the base zoning district regulations.
- B. The alternative proposal and variations requested shall achieve the same basic objectives as the particular standards which are to be varied.
- C. Where the proposal seeks to vary project size limitations, the alternative design shall be evaluated in accordance with standards applicable to larger projects.

#### 10.11 TENTATIVE DEVELOPMENT PLAN APPROVAL.

##### A. Purpose.

The purposes of the tentative development plan are to assure that planned residential developments proceeds in orderly fashion consistent with the approved concept plan and to assure that the standards applicable to planned residential developments are met for each phase of the development project.

##### B. Application and Processing.

Following approval of a concept plan, or simultaneously therewith, the property owner or his designated representative may submit an application for a tentative development plan for all or a portion of the property subject to the concept plan. The application shall be processed simultaneously with application for approval of a preliminary subdivision plat for the entire property subject to the concept plan, unless a phasing plan, together with a schedule of capital improvements was incorporated in the approved concept plan. The contents of the application for the tentative development plan approval shall be established by a resolution of the Town Council and shall be submitted on forms provided by the Town Administrator. The Town Administrator shall process the application in accordance with the procedures set forth in Chapter 21.

##### C. Contents.

Application for a PRO development shall include a dimensioned, engineer scaled drawing on a sheet size 24" x 36", at a scale of 1" = 100', showing existing and proposed site conditions and improvements and shall include the following information:

1. Name and address of landowner and date of preparation of the plan;
2. Name and address of architect, landscape architect, planner, engineer, surveyor, or other persons involved in the preparation of the plan;

3. Site boundaries and dimensions, lot lines, site acreage, square footage of the entire project, a chart showing square footage of lots, and approximate distance to the nearest cross streets;
4. Location map, north arrow, title block and site data summary table;
5. Topography at two foot intervals or less;
6. Natural features including tree masses and anticipated tree loss, drainage ways, creeks, and limits of the 100 year flood plain and floodway as shown on current FEMA mapping including location and acreage, to the extent not shown on the open space plan and any applicable reclamation concept plan;
7. Proposed and existing land use and zoning classifications on-site and on adjacent properties, including designation of project boundaries and large-lot mix designation where appropriate;
8. Building locations and foot prints including building size, intensity, density, height, setback, use, building materials proposed and location of entrances and exits;
9. Elevations and perspectives to show the relationship of building heights to surrounding topography;
10. Public streets (including country lanes), private drives, alleys and fire lanes with pavement widths, right-of-way, buffers, median openings, turn lanes (including storage and transition space), and driveways (including those on or planned on adjacent property) with dimensions and radii;
11. Parking areas and structures, aisles and spaces, handicap spaces, ramps, crosswalks, sidewalks and other facilities for pedestrian circulation, and loading areas with typical dimensions;
12. Access easements and off-site parking;
13. Accurate outlines of proposed dedications and reservations of land for public or common use, including but not limited to: right-of-way, easements, park land, open space, drainage ways, flood plains, and facility sites;
14. Screening walls, fences, living screens, retaining walls, headlight screens and service area screens;
15. Landscaping and open space areas (See Chapter 20);
16. Design elements included to meet requirements of the design review chapter and concept plan;

17. Existing and proposed topography reflecting proposed handling of on-site surface drainage, proposed improvements and method of maintenance for any drainage channels;
18. Existing and proposed gas mains or other underground structures, water and sanitary sewer mains and service lines with sizes, valves, fire hydrants, manholes, and other structures on site or immediately adjacent to the site specified;
19. Phases of development, including delineation of areas, building sites, land use and improvements to be constructed in independent phases and the scheduled timing and sequencing of development (See Section 10.4);
20. Details of perimeter buffering and landscaping;
21. A chart depicting the following information by phase (if more than one is submitted for approval):
  - a. Acreage of each proposed planned residential development, areas devoted to large lots, and areas to be dedicated as public improvements;
  - b. Total number of dwelling units by type and lot size;
  - c. Dwelling unit sizes; and
  - d. Projected population.

D. Planning and Zoning Commission Recommendation.

Upon determination by the Town Administrator that the content of the tentative development plan is complete in accordance with Town requirements, the Manager shall forward the plan to the Planning and Zoning Commission for its recommendation. The Commission shall make its recommendations to the Town Council for approval, approval with modifications, or disapproval of the tentative development plan.

E. Town Council Decision.

Upon receipt of the Commission's recommendation, and following a public hearing therein, the Town Council shall approve, approve with modifications or disapprove the tentative development plan.

F. Approval Standards.

The Planning and Zoning Commission and the Town Council shall determine whether the tentative development plan meets the following general standards, as made specific through the provisions of Chapter 10:

1. the tentative plan is consistent with approved concept plan, or appropriate amendment has been submitted;
2. the lot configuration within the planned residential development and areas designated for large lots is approved, consistent with subdivision regulations for preliminary plat;
3. the tentative plan provides for the adequacy of and preliminary design of roads and other facilities serving the development by phase or that conditions have been attached as necessary;
4. compatibility and buffering standards are met;
5. design of open space areas and amenities, where applicable, is acceptable;
6. landscaping plans have been tendered and are acceptable; and
7. covenants governing preservation and maintenance of common open space and natural features are approved.

G. Conditions.

The Planning and Zoning Commission and the Town Council may impose such conditions on approval of the tentative development plan as are reasonably necessary to assure that the plan is consistent with the approved concept plan and the standards applicable to planned residential developments.

## 10.12 FINAL DEVELOPMENT PLAN APPROVAL

A. Purpose.

The purpose of the final development plan is to ensure that any conditions have been met that were established at the time of concept plan approval or at the time of tentative development plan approval.

B. Application and Processing.

The property owner or designated representative shall initiate final development plan approval by filing an application with the Town Administrator. An application for final development plan approval may be submitted simultaneously with an application for approval of one or more phases of a tentative development plan, in which case the application shall be processed under the procedures for approval of a tentative development plan. Building permits will be issued only after infrastructure improvements are in place.

C. Contents.

Application for a PRO development shall include a dimensioned, engineer scaled drawing on a sheet size 24" x 36", at a scale of 1' = 100', showing existing and proposed site conditions and improvements and shall include the following information:

1. Name and address of landowner and date of preparation of the plan;
2. Name and address of architect, landscape architect, planner, engineer, surveyor, or other persons involved in the preparation of the plan;
3. Site boundaries and dimensions, lot lines, site acreage and square footage, and approximate distance to the nearest cross street;
4. Location map, north arrow, title block and site data summary table;
5. Topography at one foot contours or less referenced to sea level datum;
6. Natural features including tree masses and anticipated tree loss, drainage ways, creeks and limits of the 100 year Flood plain and floodway as shown on current FEMA mapping including location and acreage;
7. Land use and zoning on-site and on adjacent properties;
8. Building locations and foot prints including building size, intensity, density, height, setback, use and building materials proposed and location of entrances and exits;
9. Elevations and perspectives to show the relationship of building heights to surrounding topography;
10. Finished floor elevation of structures referenced to sea level datum;
11. Public streets (including country lanes), private drives, alleys and fire lanes with pavement widths, right-of-way, buffers, median openings, turn lanes (including storage and transition space), and driveways (including those on adjacent property) with dimensions, radii and surface type;
12. Parking areas and structures, including the number and layout of standard spaces, handicap spaces, the location of ramps, crosswalks, sidewalks and other facilities for pedestrian circulation, and loading areas with typical dimensions and surface type;
13. Access easements and off-site parking;
14. Accurate outlines of proposed dedications and reservations of land for public or common use, including but not limited to: rights-of-way

easements, park land, open space, drainage ways, flood plains, and facility sites;

15. Screening walls, fences, living screens, retaining walls, headlight screens and service area screens, including height and type of construction and/or planting specifications;
16. Landscaping and open space areas with dimensions and total square footage (See Chapter 20);
17. Existing and proposed water and sanitary sewer mains and service lines with sizes, valves, fire hydrants, manholes, and other structures on site or immediately adjacent to the site specified;
18. Water and sewer connections, meter locations, size and meter and/or detector check valve vents indicated; Table of the number of water meters by size and noting if they are existing or proposed;
19. Existing and proposed gas mains or other underground structures;
20. Existing and proposed topography reflecting proposed handling of on-site surface drainage, proposed improvements and method of maintenance for any drainage channels, including inlets, culverts and other drainage structures on-site and immediately adjacent to the site;
21. Additional requirements - the following approvals may be required prior to authorization for development:
  - a. Preliminary or final plat or replat;
  - b. Engineering plans;
  - c. Traffic impact analysis;
  - d. Landscape and irrigation plans;
  - e. Tree preservation and protection plan;
  - f. Facade plan and other documents required to satisfy design review chapter; and
  - g. Other approvals as required by ordinance; and
22. Subsequent phases of development, if any, including delineation of areas, building sites, land use and improvements to be constructed in independent phases and the scheduled timing and sequencing of development (See Section 10.4).

D. Decision by the Planning and Zoning Commission.

The Town Administrator shall review the final development plan application for completeness and for compliance with the standards and conditions applicable thereto to determine whether the application is complete. Thereafter, the Planning and Zoning Commission shall approve, approve subject to modification or deny the final development plan.

E. Appeal to Town Council.

In the event that the final development plan is denied or modified, the applicant may appeal the decision of the Planning and Zoning Commission to the Town Council.

F. Approval Standards.

The Planning and Zoning Commission, or the Town Council on appeal, shall determine whether the final development plan meets the following general standards, as made specific through the provisions of Chapter 10:

1. The final development plan is consistent with the approved tentative development plan.
2. The final lot configuration and design features meet the requirements of these regulations.
3. The plan includes acceptable final road design and facility provisions.
4. The final open space and amenity (where applicable) designs meet the requirements of these regulations.
5. The plan incorporates a final landscaping plan which conforms to these regulations.
6. There is provision for the adoption of open space and natural features covenants.

G. Conditions.

The Planning and Zoning Commission, or the Town Council on appeal, may establish such conditions and may require such modifications to assure that the final development plan is consistent with the approved tentative development plan and the approval criteria set forth herein.

### 10.13 AMENDMENT OF DISTRICT AND PLANS

A. Amendment of PRO District.

The property owner may propose amendment of the PRO District regulations or the accompanying concept plan. The request shall be processed as a zoning amendment in accordance with the procedures of Chapter 23 of these zoning regulations.

B. Amendment of Development Plans.

The property owner may propose amendment of an approved development plan. The application for amendment of the development plan shall be filed with the Planning and Zoning Commission and shall be processed in accordance with the standards and procedures for approval of the development plan.

10.14 LAPSE OF APPROVALS IN PRO DISTRICT

In a Planned Residential Overlay District, progress toward development of an approved project shall occur within the following time periods:

A. Failure to Submit Development Plan.

A tentative development plan shall be submitted for approval within two (2) years from establishment of the PRO District, unless otherwise provided by agreement. If a tentative development plan for all or a portion of the project is not submitted within such period, the authority to submit such tentative development plan shall expire.

B. Failure to Submit Subsequent Development Plan.

If the project is to be developed in phases, a subsequent tentative development plan shall be submitted within two (2) years from approval of a final development plan for the preceding phase. If a subsequent tentative development plan is not submitted within such period, authorization to submit such tentative development plan for that portion of the property or other subsequent development plans for the property shall expire.

C. Failure to Submit Final Development Plan.

A final development plan shall be submitted for approval within one (1) year from approval of the applicable tentative development plan. If a final development plan is not submitted within such period, and following any extensions that may be granted, authorization to submit a final development plan shall expire.

D. Lapse of Final Development Plan and Extension.

If a building permit for an authorized use has not been obtained within one (1) year from the date of approval of a final development plan, the development plan shall lapse and no application for a site plan or building permit shall be accepted for filing thereafter. The property owner, however, may submit a request for extension of the final development plan at least sixty (60) days prior to expiration of such plan, setting forth the reasons why an extension should be granted. The Planning and Zoning Commission thereafter shall schedule a public hearing to consider such request and shall determine whether to extend the final development plan, subject to a right of appeal to the Town Council.

In no case shall the final development plan be extended for a period in excess of two (2) years.

E. Stay of Process.

Upon expiration of any of the time limits for any step in the planned residential development process set forth in this section, an application for the tentative or final development plan, as the case may be, shall not be accepted for filing or further processed, pending the outcome of the procedures set forth in subsections F through H.

F. Planning & Zoning Commission Recommendation.

Following expiration of the right to submit a tentative or final development plan, the Town Administrator will place the PRO ordinance for the property on the agenda of the Planning and Zoning Commission for its consideration. Notice of the Commission's action shall state that the regulations governing the planned development district may be modified. The Commission shall conduct a public hearing and shall utilize procedures for a zoning amendment pursuant to Chapter 23 of this zoning ordinance. The Commission thereafter shall recommend to the Town Council whether the right to submit a tentative or final development plan should be reinstated, or whether the property should be zoned to another classification.

G. Council Consideration.

The Commission's recommendation shall be referred to the Town Council for consideration in accordance with procedures applicable to zoning amendments. The Council shall determine whether the right to submit the tentative or final development plan should be reinstated, or whether the property should be rezoned to another classification. In making such determination, the Council shall consider, at a minimum, the following factors:

1. Whether the PRO district remains consistent with the Comprehensive Plan;
2. Whether the uses authorized in the PRO are compatible with existing and planned land uses adjacent to the site;
3. Whether there are extenuating circumstances justifying the failure to submit a tentative or final development plan during the applicable time period; and
4. Whether rezoning the property to another classification constitutes confiscation of a vested property right or deprives the owner of the economically viable use of the land.

H. Council Action.

The Town Council may take the following actions:

1. Reinststate the right to submit the applicable tentative or final development plan within a time certain, subject to any conditions that may be appropriate to ensure that significant progress will be made toward development of the project;
2. Modify the PRO district regulations applicable to the property; or
3. Repeal the PRO district for the affected portions of the property.