

DIVISION 14. - PLANNED MIXED USE DEVELOPMENT (PMUD)

Sec. 78-1021. - Purpose.

The town is a community with a rich tradition of mixed use neighborhoods and a paucity of land area dedicated for large commercial, light industrial and institutional uses essential to bolster its nonresidential tax base and provide yearround employment opportunities. The intent of the PMUD district is to encourage creative and flexible land use design that efficiently maximizes the use of developable land while promoting the integration of new commercial and business development with supporting residential and recreational uses—all within a quality community environment.

(Ord. of 9-18-2001, § 9.3)

Sec. 78-1022. - Permitted uses.

(1) Temporary anemometer tower

(Ord. of 12-15-2009(3))

Sec. 78-1023. - Conditional uses.

Notwithstanding article VII of this chapter, the following conditional uses may be permitted in the planned mixed use development (PMUD) zone:

(1) Corporate, professional, and governmental offices.

(2) Light manufacturing, research, and assembly operations.

(3) Retail uses of less than 5,000 gross leasable area.

(4) Schools.

(5) Sports and performing arts centers, golf courses, clubhouses and similar recreational facilities.

(6) Lodging establishments.

(7) Convention centers and banquet facilities.

(8) Nursing homes and congregate care facilities.

(9) Single-family, two-family, multifamily dwellings, and community living arrangements.

(10) Municipal uses.

(11) Agriculture and aquaculture.

(12) Accessory buildings, structures, or uses customarily incidental or subordinate to a conforming or legally nonconforming building or use.

(13) Manufacturing, processing and treatment, exclusive of processes cited as prohibited uses.

(14) Light manufacturing.

(15) Retail uses in excess of 5,000 gross sales area, provided:

a. The primary target market for the proposed use consists of the occupants and residents of the PMUD project.

b. The nature of the proposed use complements the primary mixture of uses within the project.

c. The design of the proposed use is compatible with the scale and architectural character of the PMUD community.

(16) Warehousing, providing the following:

a. The total gross floor area of all warehouse facilities within the PMUD does not exceed 25 percent of the nonresidential floor area of the project. Warehouse facilities ancillary to an on-site manufacturing or retail use shall be excluded from the floor area restrictions of this division.

b. The proposed use complies with the following performance standards:

1. The use is sited within the project away from incompatible uses.
2. The use does not pose an immediate danger to surrounding uses by fire, explosion, chemical spills, or biological or gaseous release nor does the use generate odorous, offensive, or caustic emissions, persistent noise, or other nuisances that will negatively impact the quality of life or property values of surrounding uses.
3. Truck traffic is either routed directly to an arterial street from the site or is limited to ten trips per 24-hour period.
4. All material that produces dust, debris, emissions, or odors shall be stored in an enclosed building.
5. Adequate provisions are taken to contain and prevent any petroleum product, pesticide, chemical solution or solvent, salts or any compound from infiltrating and contaminating groundwater resources.
6. No use shall be permitted to discharge waste or wastewater into the municipal sewer that will adversely impact the ability of the municipal wastewater treatment plant to comply with provisions of the federal Clean Water Act.

(17) Public/private utility facility.

(18) Wireless telecommunications facilities.

(19) Child care facilities

(Ord. of 9-18-2001, § 9.3.1; Ord. of 12-15-2009(3); Ord. of 10-16-2012(1))

Sec. 78-1024. - Prohibited uses.

Prohibited uses in the planned mixed use development (PMUD) are as follows:

- (1)Mobile homes.
- (2) Automobile sales.
- (3) Salvage facilities.
- (4) Campgrounds.
- (5) Truck terminals/motor freight business.
- (6) Adult business.

(Ord. of 9-18-2001, § 9.3.2; Ord. of 12-15-2009(3))

Sec. 78-1025. - Space and bulk requirements.

Space and bulk requirements for the planned mixed use development (PMUD) are as follows:

Zoning Standard	Without Sewer	With Sewer
Minimum project area (lots of record after 1/1/94)	19 acres	19 acres
Minimum project area (lots of record prior to 1/1/94)	5 acres	2 acres
Minimum project setback from all property lines	50 feet	25 ft. plus 10 ft. for every building story above 1 story

Maximum impervious surface	35%	60%
Density: general residential	1 unit per 40,000 sq. ft. net development density	1 unit per 20,000 sq. ft. net development density
Density: elderly housing or age-restricted housing	2 units per 40,000 sq. ft. net development density	6 units per 40,000 sq. ft. net development density
Density: congregate care housing	1 unit per 5,000 sq. ft. net development density	1 unit per 1,000 sq. ft. net development density
Density: nonresidential	1,000 sq. ft. GLA/6,000 sq. ft.	1,000 sq. ft. GLA/4,000 sq. ft.
Maximum building height	70 feet	70 feet
Maximum height of temporary anemometer tower	125 feet	125 feet

GLA = Gross leasable area

(Ord. of 9-18-2001, § 9.3.3; Ord. of 12-15-2009(3))

Sec. 78-1026. - Distribution of uses.

(a) No single use type (single-family detached, office, industrial, etc.) shall exceed 75 percent of the total building square footage permitted for the planned mixed use development (PMUD) project, unless the planning board determines that the size of the project parcel is inadequate to effectively support multiple uses.

(b) A minimum of 35 percent of the project parcel shall be retained in dedicated permanent open space. Roads, parking lots, utility facilities and easements shall not be eligible for open space designation.

(c) Contiguous lots of record held in the same ownership shall be considered one parcel under the provisions of the PMUD district.

(Ord. of 9-18-2001, § 9.3.4; Ord. of 12-15-2009(3))

Sec. 78-1027. - Performance standards.

(a) *Site layout.* Standards for site layout in the planned mixed use development (PMUD) are as follows:

(1) The project shall be designed with sensitivity to the natural topography, important vegetative stands, site features, critical wildlife habitats, and the visual character of the site.

(2) Uses shall be arranged within the project in distinct neighborhoods and located in proximity to other uses based on the functional and visual interrelationship of those uses.

(3) Community facilities such as recreational facilities, retail centers, or institutional/public facilities should be centrally located within the project.

(4) Dedicated permanent open space required under subsection [78-1025\(b\)](#) shall be integrated into the overall design of the PMUD project and shall be accessible to the public and/or the PMUD residents from multiple access points.

(b) *Traffic and circulation.* Standards for traffic and circulation are as follows:

(1) The PMUD project shall be designed to minimize off-site traffic impacts to existing town roads. All traffic mitigation measures required to maintain acceptable LOS (level of service) intersection performance and road capacity standards shall be borne by the project developer.

(2) Internal circulation shall provide for the free movement and circulation of vehicles within the project.

(3) Through traffic flow shall not be routed through residential neighborhoods.

(4) All off-street parking and loading facilities shall conform to division 4 of article VIII of this chapter if the applicant demonstrates that, because of differing hours of peak demand, the same parking space may be used by multiple uses to meet the requirements of division 4 of article VIII of this chapter.

(c) *Water resource protection.* Standards for water resource protection are as follows:

(1) Stormwater management facilities shall be designed to produce zero peak runoff into all off-site waterbodies and watercourses.

(2) All title and maintenance responsibilities of stormwater detention or retention facilities shall reside with any other entity other than the town.

(d) *Wastewater treatment.* All proposed sewer PMUD projects shall demonstrate that adequate capacity is available at the municipal wastewater treatment plant to accommodate the volume and nature of the wastewater generated by the project.

(e) *Site amenities.* Standards for site amenities are as follows:

(1) Residential neighborhoods containing in excess of 50 units shall provide neighborhood facilities designed to service the recreational needs of the residents. Such facilities may be designed for indoor or outdoor use and for passive or active recreational activities. Recreational amenities within the outdoor or indoor facility shall be designed to service the varied age groups of the residents.

(2) Neighborhood recreational facilities shall not be required when project recreational facilities are located within 600 linear feet of all units within the residential neighborhood.

(3) Project-wide facilities and amenities shall be available to all residents and occupants of the PMUD project and shall be centrally located.

(4) In order to encourage pedestrian travel and to ensure the safety and convenience of PMUD residents, sidewalks shall be provided along all major pedestrian corridors, all residential streets, and between recreational/site amenities and residential or nonresidential users.

(f) *Parking.* The parking performance standards of division 4 of article VIII of this chapter shall apply to the PMUD district.

(g) *Signage.* The planning board and the applicant shall attempt to reach agreement on the details of the design and allocation of signage within a PMUD project; if negotiated agreement cannot be reached, the planning board shall determine signage design and allocation. In order to create a "sense of place" for the project and define it as a coordinated development, all signage should have common elements in materials, design, size, color, or style. In addition to division 5 of article VIII of this chapter, signage shall conform to the following base performance standards:

(1) *Sign area.* Sign area shall not exceed one square foot of sign area for every two linear feet of building frontage on a public street or a private way. Sign area may be transferable between buildings and properties within the PMUD project, pending planning board approval.

(2) *Freestanding signs.* Freestanding signs shall not exceed 15 feet in height and shall not exceed the allowable square footage, unless the planning board finds that a sign of greater elevation is compatible with the elevation of surrounding structures and does not detract from the visual quality of the surrounding neighborhood. Square footage of signage allocated for the freestanding sign shall be subtracted from the maximum allowable square footage.

(h) *Site lighting.* Standards for site lighting are as follows:

(1) Site lighting from a nonresidential use shall not shed more than 0.2 footcandle onto surrounding residential properties.

(2) All freestanding lighting shall consist of shielded downlights and shall not exceed the height of the principal building served by the lighting fixture. Recreational facilities and sports stadiums requiring lighting for evening use shall be exempted from these height requirements at the discretion of the planning board.

(3) Streetlights along private ways should provide an average 1.0 footcandle of illumination on the road or sidewalk surface and should not exceed 15 feet in height.

(4) No site lighting shall be directed or installed to produce glare, visual discomfort, or nuisance to motorists or residential properties.

(i) *Landscaping and setbacks.* Basic landscaping within the PMUD project shall conform to all applicable sections established in division 7 of article VIII of this chapter. The planning board may require additional landscaping and building setbacks from adjoining on-site or off-site properties in order to separate incompatible uses, minimize impacts of incompatible uses, abate noise and visual impacts, or maintain solar access. (Ord. of 9-18-2001, § 9.3.5; Ord. of 12-15-2009(3))

Sec. 78-1028. - Approval process for projects.

(a) *Generally.* All proposed development in the planned mixed use development (PMUD) district shall receive approvals prior to the issuance of building permits in accordance with the schedule in this section.

(b) *Concept plan approval.* Prior to submitting a subdivision or site plan review application to the planning board, all proposed projects within the PMUD shall receive conceptual plan approval from the planning board.

(1) *Concept plan submission.* Proposed projects in the PMUD district shall submit the following materials in support of a conceptual plan approval:

a. Conceptual site plan showing the proposed layout of all roads, parking lots, building lots, and recreational or common facilities, and connections to off-site utilities.

b. Location, type, and total building area of proposed uses.

c. Physical and functional relationship of roads and land uses to existing facilities on adjacent properties.

d. Proposed space and bulk data including maximum building area, common or open space area, number of parking spaces, amount of proposed impervious surface, net residential area totals, and other pertinent site data.

e. Location of important site features such as streams, wetlands, slopes in excess of 20 percent, rock outcrops, significant tree stands.

f. Phasing plan for project. If the applicant either owns or has a partial title interest in an adjacent property, the applicant shall provide a conceptual plan illustrating the common scheme of future development for all abutting properties

(2) *Planning board action.* Upon receipt of a conceptual plan application, the planning board will evaluate the proposed concept and approve or deny the proposed project based on the following criteria:

a. The project conforms to the intent and purpose of the PMUD district as expressed in this division.

b. The mixture of proposed uses and the layout of such uses maintain the character of the surrounding properties and neighborhood.

c. The project can secure reasonable access to off-site utilities and public roads.

d. The mixture of proposed uses and open space conforms to this division.

(c) *Subdivision approval.* All projects containing a subdivision of land or buildings into three or more lots or units of record or any project involving multiple phases of development on the same parcel or adjacent properties in common ownership shall be subject to the subdivision approval process as specified in [chapter 74](#). Any project within the PMUD district not qualifying as a subdivision under [chapter 74](#) and not involving multiple phases shall proceed to site plan review as specified in subsection (d) of this section and article IV of this chapter.

(d) *Site plan review required.* Upon receipt of a subdivision approval from the planning board, development of individual lots, phases, or sections of the approved project shall obtain a site plan approval from the planning board prior to the issuance of building permits.

(Ord. of 9-18-2001, § 9.3.6; Ord. of 12-15-2009(3))

Secs. 78-1029—78-1080. - Reserved.

FOOTNOTE(S):

⁽¹⁰⁴⁾ **Cross reference**— Businesses, ch. 18. ([Back](#))