

## **Chapter 4.5 Master Planned Developments**

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### **4.5.100 Purpose.**

The purposes of this Section are to:

1. Implement the Development standards of Section 2.1.200.J, by providing a means for master planning large development sites;
2. Encourage innovative planning that results in more mixed use development, improved protection of open spaces, and transportation options and site phasing of development;
3. Encourage developments that recognize the relationship between buildings, their use, open space, and transportation options, providing varied opportunities for innovative and diversified employment environments;
4. Facilitate the efficient use of land;
5. Promote an economic arrangement of land use, buildings, circulation systems, open space, and utilities;
6. Preserve to the greatest extent possible the existing landscape features and amenities that may not otherwise be protected through conventional development;
7. Encourage energy conservation and improved air and water quality and;
8. Assist Town in planning infrastructure improvements.

**4.5.110 Applicability.**

The master planned development designation is an overlay zone that may be applied over any of the Town's land use districts. An applicant may elect to develop a project as a master planned development in compliance with the requirements of this chapter. In addition, the Town may require that the following types of development be processed using the provisions of this Chapter:

1. Subdivisions are required to conform to the Master Planned Development standards of Chapter 2.
2. [Reserved for other uses requiring master plan approval.]

**4.5.120 Review and Approval Process.**

**A. Review Steps.** There are three required steps to planned development approval:

1. The approval of a planned development overlay zone and concept plan;
2. The approval of a detailed development plan; and
3. The approval of a preliminary subdivision plat(s) and/or site design review application(s).

**B. Approval Process.**

1. The Master Planned Development (PD) overlay zone and Concept Plan shall be reviewed together using the Type III procedure in Section 4.1.500, the submission requirements in Section 4.5.170, and the approval criteria in Section 4.5.150.
2. The detailed development plan shall be reviewed using the Type III procedure in Section 4.1.500, to ensure substantial compliance with the approved concept plan.
3. Preliminary subdivision plats and site design review applications for approved planned developments shall be reviewed using a Type II procedure, as governed by Section 4.2.400.
4. Steps 1-3, above, may be combined in any manner, so long as the decision-making sequence follows that in Section 4.5.120.A, above. Notification and hearings may be combined.

**4.5.130 Applicability of Design Standards (Chapter 3).**

The design standards of Chapter 3 apply to all master planned developments. Variances shall conform to the standards and procedures of Chapter 5.1 - Variances.

**4.5.140 Overlay Zone and Concept Plan Submission.**

- A. General Submission Requirements.** The applicant shall submit an application containing all of the general information required for a Type III procedure, as governed by Section 4.1.500. In addition, the applicant shall submit the following:
1. A statement of planning objectives to be achieved by the planned development through the particular approach proposed by the applicant. This statement should include a description of the character of the proposed development and the rationale behind the assumptions and choices made by the applicant.
  2. A development schedule indicating the approximate dates when construction of the planned development and its various phases are expected to be initiated and completed.
  3. A statement of the applicant's intentions with regard to the future selling or leasing of all or portions of the planned development.
  4. Narrative report or letter documenting compliance with the applicable approval criteria contained in Section 4.5.180.
  5. Special studies prepared by qualified professionals may be required by the Town Planning Official, Planning Commission or Town Council to determine potential traffic, geologic, noise, environmental, natural resource and other impacts, and required mitigation.
- B. Additional Information.** In addition to the general information described in Subsection "A" above, the concept plan, data, and narrative shall include the following exhibits and information:
1. Existing Conditions map, as defined in Section 4.2.500 - Site Design Review Application Submission Requirements;
  2. Conceptual site plan (e.g., general land use, building envelopes, circulation, open space, utility connections, and other information necessary to convey the concept plan);
  3. Grading concept (for hillside or sloping properties, or where extensive grading is anticipated);
  4. Landscape concept (e.g., shows retention of existing vegetation and general planting areas);
  5. Architectural concept (e.g., information sufficient to describe architectural styles, building heights, and general materials);
  6. Sign concept (e.g., locations, general size, style and materials of signs);
  7. Copy of all existing covenants and restrictions, and general description of proposed restrictions or covenants (e.g., for common areas, access, parking, etc.).

**4.5.150 Overlay Zone and Concept Plan Approval Criteria.**

The Town shall make findings that all of the following criteria are satisfied when approving or approving with conditions, the overlay zone and concept plan. The Town shall make findings that all of the criteria are not satisfied when denying an application:

- A. **Comprehensive Plan.** All relevant provisions of the Comprehensive Plan are met;
- B. **Land Division Chapter.** All of the requirements for land divisions, as applicable, shall be met (Chapter 4.3);
- C. **Chapter 2 Land Use and Design Standards.** All of the land use and design standards contained in Chapter 2 for the Industrial Service Commercial District are met, except as modified in Section 4.5.140
- D. **Requirements for Common Open Space.** Where common open space is designated, the following standards apply:
  - 1. The open space area shall be shown on the final plan and recorded with the final plat or separate instrument; and
  - 2. The open space shall be conveyed in accordance with one of the following methods:
    - a. By dedication to the Town as publicly owned and maintained open space. Open space proposed for dedication to the Town must be acceptable to the Town Planning Official with regard to the size, shape, location, improvement, environmental condition (i.e., the applicant may be required to provide a level one environmental assessment), and budgetary and maintenance abilities;
    - b. By leasing or conveying title (including beneficial ownership) to a corporation, home association or other legal entity, with the Town retaining the development rights to the property. The terms of such lease or other instrument of conveyance must include provisions (e.g., maintenance, property tax payment, etc.) suitable to the Town.

**4.5.160 Administrative Procedures.**

- A. **Land Use District Map Designation.** After a planned development overlay zone has been approved, the land use district map shall be amended in accordance with Chapter 4.7, to indicate the approved planned development designation for the subject development site. The approval of the planned development overlay zone shall not expire.

**4.5.160 Administrative Procedures. (continued)**

- B. Time Limit on Filing of Detailed Development Plan.** Within 3 years after the date of approval of the concept plan, the applicant or his or her successor shall prepare and file with the Town a detailed development plan, in conformance with Section 4.5.190.
- C. Extension.** The Town shall, upon written request by the applicant and payment of the required fee, grant a written extension of the approval period not to exceed one year provided that:
1. No changes have been made on the original conceptual development plan as approved;
  2. The applicant can show intent of applying for detailed development plan review within the one-year extension period;
  3. There have been no changes to the applicable Comprehensive Plan policies and ordinance provisions on which the approval was based; and
  4. The extension request is made before expiration of the original approval period.

**4.5.170 Detailed Development Plan Submission Requirements.**

The contents of the detailed development plan shall be determined based on the conditions of approval for the concept plan. At a minimum, the detailed development plan shall identify the final proposed location of all lots, tracts, parcels, open space, rights-of-way, building envelopes and other features, prior to approval of a development permit (e.g., Land Division, Development Review, Site Design Review, etc.). The detailed development plan shall be reviewed using a Type III procedure.

**4.5.180 Detailed Development Plan Approval Criteria.**

The Town shall approve the detailed development plan upon finding that the final plan conforms to the concept plan and required conditions of approval. Minor changes to the approved concept plan may be approved with the detailed plan, consistent with the following criteria:

**4.5.180 Detailed Development Plan Approval Criteria. (continued)**

1. Increased residential densities or lot coverage by no more than 15 percent, when such change conforms to the Comprehensive Plan;
2. A reduction to the amount of open space or landscaping by no more than 10 percent;
3. An increase in lot coverage by buildings or changes in the amount of parking by no more than 15 percent. Greater changes require a major modification (Chapter 4.6);
4. No change in land use shall be permitted without approving a major modification to the concept plan (Chapter 4.6);
5. No change which places development within environmentally sensitive areas or areas subject to a potential hazard shall be approved without approving a major modification to the concept plan (Chapter 4.6); and
6. The location of buildings, proposed streets, parking lot configuration, utility easements, landscaping or other site improvements shall be as proposed on the concept plan, or as modified through conditions of approval. Changes in the location or alignment of these features by more than 100 feet shall require approval of a major modification, in conformance with Chapter 4.6.
7. Other substantial modifications made to the approved conceptual development plan shall require approval of either a minor modification or major modification, in conformance with Chapter 4.6.

**4.5.190 Development Review and Building Permit Approvals.**

Upon receiving detailed development plan approval, the applicant may apply for development review (e.g., Land Division, Development Review, Site Design Review, etc.). Building permits shall not be issued until all required development permits have been issued and appeal periods have ended.

- A. **Development/Site Design Review.** Chapter 4.2 applies to developments requiring Development Review or Site Design Review.
- B. **Land Divisions.** Chapter 4.3 applies to Land Divisions.
- C. **Streamlined Review Option.** Preliminary subdivision plats and site design review applications for approved master planned developments may be reviewed using a Type II procedure, rather than the conventional Type III procedure. This shall be the applicant's option. The variation from the standard procedures of Chapter 4.2 - Site Design Review, and Chapter 4.3 - Land Divisions is intended to streamline review of projects that have received planned development approvals, since those projects have previously been subject to public review and hearings.