

### **Article XIII. Planned Development.**

#### **Sec. 70- 115 Purpose and Intent of Article.**

These regulations are intended to promote and enhance the public health, safety and welfare by providing comprehensive regulations and requirements for unified planning and development of tracts of land held in common ownership or control. In considering applications for Development Plan approval, the town council shall consider the extent to which the Development Plan for the planned development fulfills the following objectives:

- (a.) To promote a harmonious mixture of land uses, housing types and housing costs.
- (b.) To encourage creative and innovative design to complement and enhance the town's visual character.
- (c.) To ensure adequate provision and efficient use of open space and recreational facilities.
- (d.) To provide for the enhancement and preservation of property with unique features, such as historic significance, sensitive environmental resources, and scenic qualities.
- (e.) To promote good transportation design to minimize new traffic generation and to separate pedestrian, bicycle, local residential and through motor vehicle traffic.
- (f.) To reduce public utility maintenance costs by encouraging efficient land use patterns.
- (g.) To provide energy-conserving building and site designs and land use patterns.

#### **Sec. 70- 116 General Application of Article.**

- (a.) The provisions of this Article apply to planned development districts approved by the town council for Planned Residential Neighborhoods and Planned Residential Mobile Home Parks.
- (b.) No person shall erect or alter any building, structure or sign on any tract of land or use any tract of land within a planned development district except in conformance with the requirements and limitations of the amendment of the official zoning map approving the Development Plan and establishing the planned development district. No Development Plan or site plan shall be approved except in conformance with this Article.

#### **Sec. 70- 117 Creation of Planned Development Districts.**

- (a.) Planned development districts shall be established by amendment to the official zoning map, in accordance with the provisions of Sec. 70- 188 of this chapter. The approved Development Plan shall be included as part of the amendment.
- (b.) The official zoning map is a part of this Article by reference, as if set out fully herein.
- (c.) Any incorporated area or district in the town that is not specifically excluded in Sec. 70- 122 and Sec. 70- 123 of this Article may be classified into one of the planned development districts by the procedures listed in this Article. The designations to be shown on the official zoning map shall be as follows:

PRN shall mean a Planned Residential Neighborhood District.  
PRMH shall mean a Planned Residential Mobile Home Park District.

- (d.) Once a planned development district has been established, appropriate symbols on the official zoning map shall show the existence of a planned development district applicable to any tract of land.

Sec. 70- 118 Applicable Procedures.

- (a.) Administration.

All petitions, applications and supporting documents for planned development districts shall be filed with the zoning administrator, who shall maintain and make available for public inspection permanent records of all applications and related actions.

- (b.) Fees.

Fees shall be paid to the town for consideration of planned development petitions and applications, as established in Sec. 70- 189 of this chapter.

- (c.) Qualifications for Applicants.

Any person who exercises control over or who owns a tract of land that lies wholly within the town's corporate limits may apply for the establishment of a planned development district. If the track is jointly owned, all owners must concur in the application.

- (d.) Pre-application Review and Sketch Plan.

Prior to the formal submission of a proposed Development Plan, the applicant or his representative should confer with the zoning administrator concerning the proposed plan of development. Three copies of a sketch plan shall be submitted at this time, which shall include a map of the property and land within two-hundred (200) feet. Such map shall show:

1. The general location and arrangement of proposed uses, including open space and recreational uses.
2. The general alignment of major arterials or major thoroughfares and through collector roads, and the general alignment of pedestrian ways.
3. The location of sensitive and critical environmental features, such as steep slopes, floodplains and problem soils.
4. The approximate number of dwellings by type and the approximate floor area of non-residential uses.
5. Such other information as may be deemed necessary and appropriate by the zoning administrator to show compliance with this chapter and with the town's Comprehensive Plan.

The zoning administrator shall review the sketch plan and, within thirty (30) days, provide the applicant with comments and recommendations indicating general areas of non-conformity with this chapter and with the Comprehensive Plan.

(e.) Application for Development Plan Approval and Zoning Map Amendment to Establish the Planned Development District.

Following the pre-application reviews, the developer may apply for Development Plan approval and a change in the district boundaries shown on the official zoning map to classify the property in town as one of the planned development districts, in accordance with the procedures provided in this Article. Such application shall be accompanied by fifteen (15) copies of the Development Plan. The Development Plan shall contain the following data, together with such supplementary data for a particular development as is reasonably deemed necessary by the zoning administrator:

1. Proposed maximum numbers, type, floor areas and price ranges of dwellings.
2. Proposed location and types of all land uses, including common open space, dedicated open space and developed recreational open space, and the functional relationship between all proposed land uses.
3. Proposed non-residential uses by category.
4. Proposed maximum floor area of non-residential buildings by type of use.
5. Proposed public facility sites, areas and locations and the general description of their development.
6. Proposed general plan for landscaping of all area, showing lawns, greens, tree cover, landscape screens and buffers, including plans for peripheral areas.
7. Proposed maximum building heights and number of floors in all buildings except single-family detached and two-family (duplex) dwellings, both above and below finished grade.
8. Proposed lot areas, depth, width and maximum yard requirements, including building setbacks from the development boundaries and adjacent streets, roads and alleys.
9. Proposed plan or statement showing the location of all screening and indicating the type and height of such screening.
10. Proposed maximum size, height and number of signs.
11. Proposed thoroughfare plan showing the general location, width, names, traffic circulation pattern and typical sections, excluding pavement design, of all existing and proposed streets and roads, and the projected ultimate traffic volume and level of service for each.
12. Proposed general plan for pedestrian circulation paths, bikeways and trails.

13. General location of off-street parking and loading facilities and proposed requirements for number, design and maintenance of such parking and loading facilities.
14. Proposed limitations and requirements on building and land uses, including accessory buildings and structures.
15. The approximate location of existing and proposed utility systems of sanitary sewer, water, electric, telephone and gas lines.
16. A topographic map of the property with minimum contour intervals and scale acceptable to the zoning administrator, showing the boundary line and other features of the planned development, including the location of sensitive and critical environmental features.
17. Deed description and map of survey of the boundary and existing easements, made and certified by a state certified land surveyor.
18. Names and mailing addresses of owners of the planned development.
19. Proposed name of the planned development.
20. The names of all abutting subdivisions and the names and addresses of owners of record of abutting property.
21. Location, area, and names (if applicable) of all existing and proposed parks and open spaces within and immediately adjacent to the proposed planned development.
22. All parcels of land and easements proposed to be dedicated for public use and the conditions of each dedication.
23. Date, true north point, scale and a key map showing the general location of the proposed planned development.
24. The total area of the tract.
25. The zoning classification for the area within and adjacent to the proposed planned development, including the identification of any overlay districts, and the proposed zoning classification for the planned development.
26. A plan or statement detailing the exact number of all improved developed recreational open spaces, and all covenants, restrictions and conditions pertaining to the use, operation and maintenance of common space, and the percentage of the tract to be used as open space.
27. A statement in a tabular form of the anticipated residential density, the total number of dwelling places, the percentage of the tract which is to be occupied by structures, and the total floor area of all non-residential uses.

28. Where the development is to be constructed in stages or units, a sequence of development schedule showing the order of construction of each principal functional element of such stages or units, and the approximate completion for each stage or unit.
29. A plan or report indicating the extent and timing of all off-site improvements, such as road, sewer and drainage facilities necessary to construct the proposed development. The plan or report shall relate to the sequence of development schedule if the development is to be constructed in stages or units.
30. A statement showing the relationship of the planned development to the Comprehensive Plan of the town.
31. Where required by the planning commission or town council, a traffic impact analysis, showing the effect of traffic generated by the project on surrounding roads.
32. Where required by the planning commission or town council, a fiscal impact analysis, listing town revenue generated by the project and town expenditures resulting from the construction of the project.

The zoning administrator may waive any requirement of this Section when said requirement is clearly not applicable to the particular planned development district. The administrator may also recommend that the planning commission waive any requirement of this Section where the waiver is not adverse to, nor does it circumvent the purpose and intent of this Article.

Sec. 70-119 Review of Development Plan and Amendment to Zoning Map to Establish the Planned Development District.

- (a.) All procedures for the amendment of the official zoning map to establish a planned development district shall be in accordance with Sec. 70-188 of this chapter. A joint public hearing of the planning commission and town council shall be held after such notice is given as required by law. In recommending the planned development district the planning commission should find, and in approving the planned development district the town council must find, that:
  1. The planned development will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor other property in the immediate vicinity for the purposes already permitted, nor substantially diminish and impair property values in the neighborhood;
  2. Establishment of the planned development will not impede the normal and orderly growth and improvement of surrounding property for the uses permitted in the district;
  3. Adequate utilities, access roads, drainage; public facilities and amenities will be provided;
  4. Adequate measures have been taken or will be taken to provide ingress and egress so designed as to minimize traffic congestion in the area, and that

anticipated motor vehicle traffic volumes, including emergency vehicle access, are adequately accommodated;

5. The planned development meets the intent of this chapter and is in general conformity with the town's Comprehensive Plan;
  6. The establishment, maintenance or operation of the planned development will not be detrimental to or endanger the public health, safety or general welfare if located where proposed and developed according to the plan submitted;
  7. The planned development preserves existing vegetation to the extent practical, and mitigates unfavorable topographic and geological conditions; and
  8. The planned development includes proper noise attenuation measures.
- (b.) The town council, subsequent to the public hearing and recommendations from the planning commission, shall take one of the following actions:
1. Approve the Development Plan and amend the official zoning map to establish the planned development zoning district.
  2. Approve the Development Plan with conditions. If this is done, the developer shall resubmit a final, modified development plan for council review before the zoning map is amended and the planned development district is created.
  3. Disapprove the Development Plan. No petition for Development Plan approval and amendment of the zoning map shall be considered within one year from the date of disapproval of a similar petition for Development Plan approval and amendment of the zoning map for all or part of the tract.
- (c.) All terms, conditions, safeguards and stipulations made at the time of rezoning to planned development status, including the approval of the Development Plan, with or without specified modifications by the town council, shall be binding upon the applicant or any successors in interest. Deviations from the approved Development Plan or failure to comply with any requirements, conditions or safeguards shall constitute a violation of these zoning regulations. No approval of a Development Plan and establishment of a planned development district shall be effective until the applicant has signified acceptance and agreement to the terms and conditions thereof.

Sec. 70-120 Site Plans.

- (a.) Approval of the Development Plan and the establishment of the planned development district by the amendment of the official zoning map shall constitute authority for the applicant to prepare site plans in accordance with Article XVII of this chapter, and in conformity with the approved Development Plan.
- (b.) The site plan shall be for the entire project unless the project is approved in stages, in which case the site plan for the first stage shall be approved before site plans for any subsequent stages may be submitted.

- (c.) The site plan for a development stage other than the first shall not be approved until construction has been initiated on the immediately preceding stage or unit.
- (d.) Minor deviation from the approved Development Plan shall be permitted in the site plan when the zoning administrator determines that such changes are necessary or desirable due to requirements of topography, drainage, structural safety, vehicular or pedestrian circulation, or good planning. In no case shall such deviations increase the residential density of the planned development, reduce the area reserved for open space below the minimum required by the approved Development Plan, permit a change in the character or use of the planned development, or permit floor area of non-residential uses greater than provided in the Development Plan.
- (e.) The first site plan shall be submitted within five (5) years after the date of approval of the Development Plan and the establishment of the zoning district. If a site plan is not submitted within said period, approval of the Development Plan and consequent authority to submit a site plan shall terminate, and development may not proceed until a Development Plan has been resubmitted in accordance with the procedures set forth in Sec. 70-121 of this Article. Within thirty (30) days prior to the expiration of said five year period, the applicant may apply to the town council for an extension of time within which to submit a site plan in conformity with the approved Development Plan. The council may grant such extension upon good cause shown by the applicant, but such extension shall not exceed an additional one (1) year period, and no more than one (1) such extension may be granted. If such application is denied, approval of the Development Plan and consequent authority to submit a site plan shall terminate at the end of said five year period. Upon termination of the authority to develop as herein provided, the town council shall initiate a reclassification of the subject property to an appropriate zoning district other than PRN or PRMH.
- (f.) A subdivision plat, in recordable form, shall be submitted with each site plan if necessary.
- (g.) No zoning permit shall be issued for any building or structure not indicated on the approved Development Plan.
- (h.) If the present or future owner does not follow the approved site plan or the approved Development Plan, approval of the Development Plan shall terminate and the town council may initiate reclassification of the remaining undeveloped property to an appropriate zoning district other than PRN or PRMH.

Sec. 70-121      Revision or Re-approval of Development Plan.

- (a.) If an applicant wishes to make changes to an approved Development Plan greater than those permitted by Sec. 70-120 of this Article, or if the Development Plan has expired pursuant to Sec. 70-120 of this Article, he may submit a new Development Plan for revision or re-approval. The Development Plan for the affected portions shall be reviewed pursuant to the Conditional Use Permit provisions of Article XV of this chapter, as applicable. The plan shall provide all information as required by Sec. 70-119 of this Article.
- (b.) The public notice shall include a statement that the request is for approval of a revision to or re-approval of the Development Plan for a planned development district.

- (c.) No Development Plan may be revised or re-approved under this Section which varies from the originally approved Development Plan by: increasing density by more than five (5) percent of fifty (50) units, whichever is less; creating a reduction in the open space provided in excess of five (5) percent; or creating an increase in the traffic generated by the development in excess of five (5) percent.
- (d.) If the applicant wishes to make any changes greater than those allowed by this Section, the applicant shall be treated as a new rezoning application, pursuant to all the provisions of this Article and this chapter.
- (e.) Each application for revision or re-approval of a Development Plan shall be accompanied by the required fees, as established in Sec. 70-189 of this Article.

Sec. 70-122 Planned Residential Neighborhood (PRN) District Regulations.

(a.) Statement of Purpose and Intent

The Planned Residential Neighborhood is a concept which encourages and permits variation in residential developments by allowing deviation in lot size, bulk, density, lot coverage, setbacks and yards, and opens space from that required in any one district covered in this chapter. This district is intended to allow for the development of a mixture of housing types and price ranges in accordance with a master plan therefore, under one ownership or control. Within such developments, the location of all improvements shall be controlled in such a manner as to permit an orderly relationship of land uses, with the greatest amount of open area and the least disturbance of natural features.

(b.) Where Permitted

PRN Districts shall be permitted in any area or district within the town's boundaries, except in the B-2 Interstate Corridor Business District, and the M-1 Limited Industrial District.

(c.) Permitted Uses

In the PRN District, structures to be erected or land to be used shall be for one of the following uses and its permitted accessory uses; provided that, with the exception of multi-family dwellings, only one main building and its accessory buildings may be erected on any lot or parcel of land in this district:

1. Single-family detached dwellings.
2. Two-family dwellings.
3. Two-family attached (duplex) dwellings, where each unit may be separately owned.
4. Town houses, (in accordance with Sec. 70-145 of this chapter where applicable and/or as required by the town council).



5. Multi-family dwellings, including apartment houses, garden apartments and condominiums, as defined (and in accordance with Sec. 70-146 of this chapter where applicable and/or as required by the town council).
6. Public schools, and private schools which have been granted a non-profit, tax exempt status as educational institutions.
7. Churches and other places of worship, but not including rescue missions.
8. Libraries.
9. Parks and recreational facilities, including clubhouses, golf courses, playgrounds and play fields, swimming pools, tennis courts, pedestrian trails, bike paths, and similar recreational improvements and facilities.
10. Minor public utilities, as defined.
11. Home occupations, as allowed in the R-2 Residential District, as provided in Sec. 70-137 of this chapter.
12. Group homes, as defined and in accordance with Sec. 70-139 of this chapter.
13. Off-street parking and loading, in accordance with Sec. 70-150 and Sec. 70-151 of this chapter.
14. Signs, in accordance with the provisions of Sec. 70-152 of this chapter.
15. Storage of recreational vehicles, in accordance with Sec. 70-129 of this chapter.
16. Fences, in accordance with Sec. 70-133 of this chapter.
17. Dish antennae, in accordance with Sec. 70-130 of this chapter.
18. Temporary buildings, in accordance with Sec. 70-136 of this chapter.
19. Other customary accessory residential buildings and uses, that are clearly incidental to the principal building and/or use, as defined and in accordance with Sec. 70-128 of this chapter.
20. Short-Term Rental, Owner-Occupied
21. Short-Term Rental, Non-Owner-Occupied

(d.) Permitted Uses with a Conditional Use Permit

The following uses may be permitted in the PRN District, subject to the procedures and criteria established in this chapter:

1. Private clubs and organizations.

2. Resorts, country clubs and memorials.
3. Day care centers, as defined and in accordance with the provisions of Sec. 70-140 of this chapter.
4. Nursing homes, rest homes and retirement homes, in accordance with the provisions of Sec. 70-141 of this chapter.
5. Boarding facilities accessory to and operating in conjunction with private schools, (in accordance with the provisions of Sec. 70-38 of this chapter where applicable and/or as required by the town council).
6. Major public utilities, as defined.
7. Public safety and other community facilities and public and semi-public uses, as defined, that are not listed elsewhere in this Section.

(e.) Minimum District Size

The minimum permitted size for any PRN District shall be five (5) contiguous acres. Additional land may be added to an existing PRN district if it is adjoining, except for public roads, thereto, forms a logical addition to the existing PRN District, and is under the same ownership or control as the existing PRN District. The procedure for an addition shall be the same as if an original application were filed.

(f.) Area and Height Regulations

Lot area, yard, frontage, depth, lot coverage, distance between buildings, and setback regulations shall be as specified and set forth in the approved Development Plan for each PRN District at the time such district is established. These regulations shall, in general, meet health, safety and welfare requirements and shall be in harmony with good planning practices. It is the intent of this Article that the development standards imposed on the PRN shall be compatible with adjoining developed properties, and that the PRN shall reflect the character of adjoining and nearby dwellings.

The maximum height for any building or structure shall be as allowed in the R-2 Residential District, as provided in Sec. 70-36 of this chapter.

(g.) Density

The overall density for a PRN district may be approved for up to eight (8) dwelling units per gross acre. In determining the density to be allowed, the following shall be considered:

1. The anticipated population density;
2. The amount and type of open space provided;
3. The impact of the proposed density on surrounding areas; and
4. The adequacy of the public streets providing access to the proposed development.

When the development is constructed in stages or units, individual site plans are not limited to this density ceiling, but at no stage of the development shall the aggregate density of site plans approved exceed eight (8) dwelling units per gross acre.

(h.) Open Space

1. At least twenty-five (25) percent of the land area of a PRN shall be established for public and common open space, accessible, available and in reasonable proximity to all residents or occupants of the planned development. Common open space shall be defined, for the purpose of this Article, as the total area of land and water within the boundaries of the PRN designated for use and enjoyment as open areas, and not improved with a building, structure, street, road or parking area, except for recreational structures and parking for recreational use. Said green space shall not include side yards between buildings, yards located between buildings and parking areas, and land with slopes greater than twenty (20) percent. Not more than twenty-five (25) percent of the required percentage of usable common open space shall be in the form of water surfaces or wetlands. Common open space includes developed recreational space.
2. A portion of the required common open space shall be required to be developed recreational space. This developed recreational space shall be designated to meet the needs of the residents of the PRN, and the exact amount required shall be determined by the density of the development, types of dwelling units, topography of the site, and natural features of the site. Developed recreational space shall be defined, for the purpose of this Article, as that portion of the common open space within the boundaries of the PRN which is improved for recreational purposes, which may include but is not limited to: pedestrian ways and bicycle paths; play lots and playgrounds; tennis courts and swimming pools; and community buildings.
3. All open space, including developed recreational areas, shall be specifically included in the development schedule and shall be constructed and fully improved at an equivalent or greater rate than the construction of residential structures.

(i.) Utilities, Services and Easements

Structures within the PRN shall be connected to town water and sewer lines. Within the PRN district, all utilities, including telephone, television cable, and electrical systems shall be installed underground. Appurtenances to these systems which require above ground installation must be effectively screened, and thereby may be exempted from this requirement. PRN developments must provide adequate on-site and off-site drainage and easements for maintenance of utilities.

(j.) Access and Circulation

The PRN's vehicular and pedestrian circulation systems shall be designed to provide for safe and convenient access to dwelling units, open space, community facilities, and other non-residential areas. Private streets shall not be permitted in a PRN district; except that private access easements for town houses and multi-family dwellings, in accordance with

the standards set forth in Sec. 70-145 and Sec. 70-146 of this chapter, may be allowed when approved by the town council as part of the Development Plan. Variations from the regulations in the town's Subdivision Ordinance pertaining to streets, lots and blocks may be approved by the town council, provided the applicant can demonstrate that:

1. Safe and convenient access as required above will be provided;
2. Adequate access and circulation for emergency and service vehicles will be provided;
3. Principle vehicular access points will be designed to permit smooth traffic flow and minimum hazards to vehicular, bicycle, and pedestrian traffic; and
4. The variation is reasonable in relation to projected traffic generation in the area at the time of project completion.

(k.) Design Standards and Improvements

With the exception of such variations as may be granted in the previous subsection, all applicable design standards and improvements as required and set forth in this chapter and in the town's Subdivision Ordinance shall be followed.

(l.) Management of Open Space and Improvements

All open space, common land, facilities, utilities and improvements, including but not limited to detention pond and other erosion and sedimentation and/or stormwater management structures, in a PRN district shall be managed as follows:

1. All such lands and improvements shall be preserved for their intended purpose as expressed in the approved Development Plan.
2. The developer shall provide for the establishment of an incorporated property owner association of all individuals or corporations owning property within the PRN to insure the maintenance of all open space, common land, facilities, utilities and improvements.
3. An organization established for this purpose shall meet the following requirements:
  - a. The organization shall be established prior to the sale of any lots.
  - b. Membership in the organization shall be mandatory for all property owners, present or future, within the PRN, and said organization shall not discriminate in its membership or shareholders.
  - c. The organization shall manage all common open space and recreational facilities, provide for the maintenance, administration and operation of said land and improvements and any other common land within the development, and shall secure adequate liability insurance on the land.

- d. All such lands and improvements shall be described as to location, size, use and control in the declaration of covenants, conditions and restrictions. This declaration shall set forth the method of assessment for maintenance of such land and improvements, and such assessments shall constitute a pro-rata lien upon the individual lots. Covenants, conditions and restrictions shall run with the land and be for the benefit of present, as well as future property owners.
4. The developer shall be responsible for the management and maintenance of all private common areas, easements and improvements within the PRN development until such common areas, easements and improvements are taken over by the property owner association, and all such lands, easements and improvements shall be in good operating order and condition and in compliance with all applicable laws, codes and regulations at the time of transfer to the property owner association. The developer shall notify the zoning administrator when the transfer of control to the property owner association occurs.
5. Maintenance of detention ponds and other erosion and sedimentation and/or stormwater management structures shall be in accordance with current town standards, as determined during the erosion and sedimentation plan approval process and as required by the Subdivision Ordinance of the Town of New Market. A maintenance plan for such structures shall be submitted by the developer for review at the time of erosion and sedimentation plan review. A formal agreement for the maintenance of such structures shall be made with the town prior to Final Plat or Final Site Plan approval, whichever is applicable, and subject to review after final site inspection, in accordance with current administrative guidelines.
6. The town shall have the right to inspect any common area, easement, detention pond or other erosion and sedimentation and/or stormwater management structure or dedicated facility to ensure that the requirements of the Code of the Town of New Market are complied with. If the maintenance of such areas, easements, structures or facilities is neglected or becomes a danger to public health or safety, the zoning administrator shall give ten (10) days written notice to the responsible party to correct the violation. Upon failure to comply with this notice, the town shall have the authority to perform the work necessary to bring the area into compliance with all applicable codes and recover all costs from the owner(s).
7. All maintenance within the PRN development shall be provided for in such a manner so as to discharge any responsibility from the town.
8. All property deeds shall include the above restrictions, conditions and covenants and shall contain a prohibition against partition.
9. No common space shall be denuded, defaced or otherwise disturbed without approval of the town council.
10. The developer shall submit with the application for Development Plan approval a fiscal plan, for a minimum of ten (10) years, for the maintenance of all lands,

facilities, uses and improvements under the purview of the property owner's organization.

Sec. 70-123 Planned Residential Mobile Home Park (PRMH) District Regulations

(a.) Statement of Purpose and Intent

This district is intended to: encourage innovation in mobile (manufactured) home development so that the demand for mobile home living may be met by the imaginative design and layout of mobile homes and by the efficient use of open space needed for such dwellings, so that opportunities for better housing and recreation may be provided for occupants of mobile homes; to encourage a more efficient use of land and public services; and to provide a procedure which can relate the design and layout of a mobile home development to the particular site in a manner consistent with the preservation of property values of adjoining areas.

(b.) Where Permitted

PRMH Districts shall be permitted in any area or district within the town's boundaries, except in the R-1 Residential District, the B-2 Business District, and the M-1 Industrial District.

(c.) Permitted Uses

Only one building and its accessory buildings may be erected on any lot or parcel of land in the PRMH District, as defined in Sec. 70-10 of this chapter. A mobile home shall be considered a main structure and/or use, and subject to the provisions and regulations pertaining thereto. Structures to be erected, and land to be used in the PRMH District shall be for one of the following uses and its permitted accessory uses:

1. Single-family detached mobile homes.
2. Service buildings, such as management offices, storage areas, laundry facilities and other support facilities related to the operation of the mobile home park. Such buildings are subject to the same lot and setback standards applicable for mobile homes, but cannot be attached to a mobile home.
3. Accessory uses appurtenant to the operation of the PRMH development that directly serve the district residents, such as indoor recreational facilities, parks, playgrounds, swimming pools, picnic shelters, tennis courts and other outdoor recreational facilities and uses. Such uses must be subordinate to the residential use and character of the PRMH District.
4. Home occupations, as allowed in the R-1 Residential District, as provided in Sec. 70-137 of this chapter.
5. Minor public utilities, as defined.

6. Off-street parking and loading, as provided herein, and in accordance with Sec. 70-150 and Sec. 70-151 of this chapter.
7. Accessory buildings and uses, as defined and as provided herein, and in accordance with Sec. 70-128 of this chapter.
8. Temporary buildings, in accordance with Sec. 70-136 of this chapter.
9. Signs, in accordance with the provisions of Sec. 70-152 of this chapter.
10. Dish antennae, as provided in Sec. 70-130 of this chapter.
11. Fences, in accordance with Sec. 70-133 of this chapter.
12. Storage of recreational vehicles, as provided herein.
13. Short-Term Rental, Owner-Occupied
14. Short-Term Rental, Non-Owner-Occupied

(d.) Permitted Uses with a Conditional Use Permit

The following uses may be permitted in the PRMH District, subject to the procedures and criteria established in this chapter:

1. Major public utilities, as defined.
2. Day care centers, as defined and in accordance with Sec. 70-140 of this chapter.

(e.) Minimum District Size

The minimum permitted size for a PRMH District shall be five (5) contiguous acres. Additional land may be added to a PRMH District if it is adjoining, except for public roads, thereto, forms a logical addition to the existing PRMH District, and is under the same ownership or control as the existing PRMH District. The procedure for an addition shall be the same as if an original application were filed.

(f.) Density

The permitted density shall not be more than six (6) mobile homes per gross acre.

(g.) Occupancy

A minimum of ten (10) spaces shall be completed and ready for occupancy before the first occupancy is permitted.

(h.) Lot and Yard Requirements

1. The minimum lot area per mobile home shall be five thousand (5,000) square feet.

2. The minimum width for each mobile home lot shall be at least sixty (60) feet; except that for any mobile unit greater than fifteen (15) feet in width, the minimum lot width shall be one (1) additional foot per lot of mobile home width greater than fifteen feet.
3. The minimum lot length for each home lot shall be eighty (80) feet.
4. No mobile home shall be placed within twenty-five (25) feet of another; provided that, with respect to mobile homes arranged end to end, the distance shall not be less than fifteen (15) feet.
5. No mobile home, building or accessory building shall be placed less than thirty (30) feet from a PRMH district boundary and from any external public street right-of-way.
6. No mobile home shall be placed less than fifteen (15) feet from an interior street, walk or other common area.

(i.) Lot Coverage Regulations

1. Mobile home stands shall not occupy more than thirty-five (35) percent of the total area of the lot.
2. The total area occupied by a mobile home and its accessory structures shall not exceed forty (40) percent of the total area of the lot.

(j.) Outdoor Living Space

Each mobile home lot shall provide an appropriate outdoor living space to supplement the limited interior space of a mobile home. Said space shall be hard surfaced, and shall be at least three hundred (300) square feet. The least dimension of this space shall be at least fifteen (15) feet. Every such space shall be convenient to the entrance of the mobile home.

(k.) Height Regulations

1. The maximum height of any mobile home shall be eighteen (18) feet above grade.
2. The maximum height of any building or structure other than a mobile home shall be thirty-five (35) feet; however, no accessory building may exceed the main building in height.
3. Belfries, cupolas, chimneys, flues, flagpoles, television antennae, and radio aerials are exempt. Parapet walls may be up to four (4) feet above the height of the building which the walls rest.

(l.) Accessory Buildings



1. No accessory buildings are allowed on any lot occupied or designated for occupation by a mobile home; except that a private accessory building of not more than ten (10) feet by ten (10) feet in width and seven (7) feet in height may be located in the rear yard area of a mobile home lot. Such building shall be enclosed, and shall be located at least five (5) feet from the lot boundary or from any other structure.
2. Porches, stoops and carports may be attached to a mobile home and shall be considered to be a part of the mobile home. No such attachment shall exceed the height of the mobile home. Porches, stoops or carports, or awnings or other shade structures that may be attached to a mobile home shall be located at least five (5) feet from the lot boundary.

(m.) Mobile Home Stand

1. Required Each mobile home shall be placed on a mobile home stand, as defined.
2. Placement The mobile home placement shall provide for the practical placement on and removal from the lot of both the mobile home and its appurtenant structures, and the retention of the home on the lot in a stable condition and in satisfactory relationship to its surroundings.
3. Size The size of the mobile home stand shall be suitable for the general market to be served by the individual proposal and suitable to fit dimensions of mobile homes anticipated, including mobile home appurtenant structures or appendages.
4. Location The location of each mobile home stand shall be at such elevation, distance and angle in relation to the access street and the mobile home access way that the placement and removal of the mobile home is practical.
5. Construction Appropriate material, properly graded, placed and compacted so as to be durable and adequate for the support of the maximum anticipated load during all seasons.
6. Gradient There shall be zero (0) percent to five (5) percent longitudinal and adequate crown or cross gradient for surface drainage.

(n.) Markers for Mobile Homes

Every mobile home lot shall be clearly defined on the grounds by permanent markers. There shall be posted and maintained in a conspicuous space on each lot a number corresponding to the number of each lot as shown on the approved site plan.

(o.) Utilities, Services and Easements

1. Within the PRMH District all utilities, including telephone, television cable, and electrical systems shall be installed underground. Appurtenances to these systems which require above ground installation must be effectively screened and thereby may be exempted from this requirement.

2. PRMH developments must provide adequate on-site drainage and easements for the maintenance of utilities.
3. All developments must be connected to the town's public water and public sewer systems. Each unit shall have its own individual public water and sewer connections.

(p.) Storage Tanks

1. Gasoline, liquefied petroleum, gas or oil storage tanks shall be so installed as to comply with all town, state and national fire prevention code regulations.
2. Where oil heating of a mobile home is provided, a minimum of a fifty (50) gallon fuel storage facility shall be provided in each mobile home lot in an inconspicuous location or manner. In lieu of this, a central storage facility may be constructed to serve the PRMH District.

(q.) Skirting

Each mobile home shall have skirting around its perimeter to screen its wheels, undercarriage and tongue. The material to be used for the skirting shall be specified in the Development Plan application. Skirting must be installed within thirty (30) days after the occupancy of the unit.

(r.) Standards

Every mobile home placed in PRMH district shall meet all requirements of the Industrialized Building Code of the Commonwealth of Virginia, and shall be labeled as required by the Industrialized Building Code. Mobile homes that do not meet these requirements will not be issued a zoning certificate by the zoning administrator.

(s.) Required Open Space

1. Not less than twenty (20) percent of the gross area of the PRMH District shall be reserved as common open space.
2. Said green space shall not include mobile home lots, any area covered by buildings, parking structures or accessory structures (except recreational structures, which may be regarded as up to twenty (20) percent of the required common open space), and shall not include proposed street right-of-ways and open parking areas. The creation of "tot-lot" recreation areas and playgrounds will be encouraged when considering Development Plan approval.
3. All open space which is not part of individual mobile home lots shall be preserved for its intended purpose as expressed in the approved Development Plan. Maintenance of such open space shall be as provided in subsection "z." of this Section.

(t.) Access and Circulation

The PRMH District's vehicular and pedestrian circulation systems shall be designed to provide for safe and convenient access to mobile home stands, open space and other facilities in the development.

1. An internal street system shall be designed such that connections to existing drainage and utility systems is convenient, as is access to mobile home stands and district facilities. Access to streets outside the boundaries of the PRMH District shall be limited for traffic safety and protection of surrounding properties. No mobile home site shall be designed for direct access to a street outside of the MRMH district boundaries.
2. No private streets will be allowed in a PRMH District.
3. Individual walks of a minimum of four (4) feet in width, constructed of concrete or brick, shall be installed to each mobile home stand from a street or from a driveway or parking space connected to a street.
4. In addition to street sidewalks as required in the town's Subdivision Ordinance, common walks shall be provided in interior locations where pedestrian traffic is anticipated to be congested. These walks shall be of adequate width for the intended use, and shall be of a durable all-weather surface and convenient to maintain.
5. All driveways shall be paved with a permanent, hard surface material.

(u.) Design Standards and Improvements

All applicable design standards and improvements as required and as set forth in this chapter and in the town's Subdivision Ordinance shall be followed, and all improvements shall be constructed in accordance with town standards in effect at the time of site plan review; except that variations from street, block and lot requirements may be granted, pursuant to Sec. 70-122, subsection "j." of this chapter.

(v.) Vehicle Parking

1. Off-street parking shall be provided for the use of occupants at the minimum ratio of two and one-half (2.5) car spaces, each space containing a minimum of two hundred (200) square feet, for each mobile home. Each off-street parking area shall be paved with a permanent hard-surface material, and have unobstructed access to a public street. Each mobile home lot shall be equipped with at least one (1) such paved parking space; the remainder of the required spaces may be located not more than one-hundred and fifty (150) feet from the mobile home lot which it serves via the most direct common pedestrian route.
2. A special area shall be designed and provided for the accessory storage of boats, boat trailers, campers, travel trailers and other recreational vehicles. Such area shall be covered with an all-weather surface. No recreational vehicles shall be stored on a mobile home lot, and no such vehicles shall be occupied.
3. All required parking shall be clearly defined.

(w.) Lighting

All streets, walkways and parking areas within the PRMH District shall be lighted at night. Plans for the same shall be included in the Development Plan application.

(x.) Storage of Trash and Rubbish

1. Exterior storage areas for trash and rubbish shall be provided and shall be well screened on three (3) sides and contain vermin-proof containers. Such trash storage areas shall be well located at points convenient for pick-up by the town's contracted trash collection service.
2. Interior storage for trash and rubbish shall be at all times kept in an orderly and sanitary fashion.
3. No common trash and rubbish storage area shall be permitted within any required yard space.

(y.) Screening and Landscaping

1. All PRMH District boundary lines shall be appropriately screened by fences, walls or evergreen planting and/or other suitable enclosures, uniform throughout, and of a minimum height of six (6) feet. All screening must be of a sufficient density to screen the PRMH from adjoining districts and properties.
2. If evergreen trees, evergreen hedges or other types of year-round plants are used, a landscaped area shall be provided at least five (5) feet in width along the entire district boundary line, including provisions for lower plant materials for any open portions of the space where trees are used.
3. Plans and specifications for such screening shall be included in the Development Plan application.
4. In addition to the above required screening, landscaping plans shall also be included in the Development Plan applications, in accordance with Sec. 70-124 of this Article.

(z.) Maintenance

Maintenance of all open space, recreational areas, common walks, individual mobile home stands, parking areas, lots, landscaping and screening, buildings other than resident-owned mobile homes, accessory buildings, and all other lands, facilities and improvements, including but not limited to detention ponds and other sedimentation and/or stormwater management structures, within the PRMH development shall be the responsibility of the owner. Maintenance of detention ponds and other erosion and sedimentation and/or stormwater management structures shall be in accordance with current town standards, as determined during the erosion and sedimentation plan approval process, and a maintenance plan for such structures shall be submitted by the developer for review at the time of erosion and sedimentation plan review. A formal agreement for the maintenance of such structures shall be made with the town prior to Final Plat or final Site Plan approval, whichever is applicable, and subject to review after final site inspection, in accordance with current administrative guidelines. The owner shall also be

responsible for establishing lease requirements providing standards for the upkeep of all resident-owned mobile homes and their attached porches, stoops, carports, awnings and similar structures that are placed within the district, and remedies for the violation of such standards. The developer shall submit said lease requirements with the application for Development Plan approval.

#### Sec. 70-124 Requirements for Landscaping in All Planned Developments

The following requirements for landscaping apply in all planned developments:

- (a.) Existing tree cover shall be retained to the greatest extent possible and taken fully into account in the design of all features of planned developments.
- (b.) New landscaping, including structures and plant materials, shall be provided as appropriate to:
  - 1. Prevent soil erosion from wind and water.
  - 2. Reduce glare and noise from traffic.
  - 3. Separate and screen incompatible uses.
  - 4. Shade street, walkways and parking areas.
  - 5. Provide for the natural recharge of groundwater.
- (c.) Applications for Development Plan approval shall include a landscape plan drawn to scale for all land to be used for other than single-family detached dwelling lots, showing:
  - 1. The proposed extent, type and location of all plant materials, indicated at mature sizes, and other landscape features.
  - 2. The proposed treatment of all ground surfaces with paving, turf, gravel or other ground cover.
  - 3. The proposed schedule of planting.
  - 4. The protection of existing trees and preservation of soil aeration, drainage and moisture.
  - 5. Provisions for the continued maintenance and replacement of landscaping.
- (c.) Any landscaping plans that are part of an approved Development Plan shall be binding, in accordance with the provisions of this Article.

**Intentionally Left Blank**