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## **CHAPTER 1A - PLANNED UNIT DEVELOPMENT**

### **SECTION I - PURPOSE**

To allow, upon detailed application based on extensive and intensive advanced planning, and after specific "Required Findings" by the Gorham Town Council in accordance with Section V-E of this chapter, the creation of Planned Unit Developments of mixed uses within any of the zoning districts named in Chapter I, Section I-B, of this Land Use and Development Code, with the following goals:

- A. Reduced dependency on standard dimensional requirements without reduction in open space provisions.
- B. Conservation of natural features and resources, and the character of existing landscape and natural systems.
- C. Efficient use of land and of such public facilities as streets and utilities.
- D. Innovative, interesting, and attractive combinations of commercial, industrial, professional, and residential uses.
- E. Energy conservation through design, layout, and orientation of structures.
- F. Site-sensitive approaches to design and layout with innovation and variety in type of structures.
- G. Possible allowance of increased density of occupancy in exchange for intensive planning pursuant to this chapter.

### **SECTION II - PERMITTED USES**

- A. Planned unit developments shall permit the following uses, which shall be subject to the Performance Standards set forth in the Land Use and Development Code:

#### **1. Residential Uses**

- a. detached single-family dwellings;
- b. two family dwellings (duplex);
- c. attached single-family dwellings or townhouse units;
- d. multi-family housing or apartment buildings;
- e. manufactured housing

#### **2. Commercial/Light Industrial Uses**

- a. retail stores;
- b. personal services;
- c. drive-through services, excluding drive-through restaurants and gasoline stations and/or repair garages;
- d. motels
- e. business or professional offices;
- f. research and development laboratories, including research and development of manufactured, processed or compounded products. Research and development laboratories shall consist only of buildings and structures containing facilities and equipment as may be required for the purposes of such laboratories, including pilot experimental facilities;
- g. manufacture, production, fabrication, processing, assembling, packing, storing and distribution of:

- 1) Precision-electrical or precision-mechanical equipment;
  - 2) Optical goods, business machines, precision instruments, surgical and dental instruments;
  - 3) Pharmaceutical, toiletry, and cosmetics;
  - 4) Any other use of the same general character as any of the uses listed above;
- h. printing, engraving, bookbinding and other similar services;
  - i. offices for executive, administrative and data processing activities.
  - j. accessory uses and buildings.

**3. Other Uses**

- a. recreation or park facilities open to the public;
- b. private recreation facilities;
- c. municipal buildings or uses;
- d. congregate living facilities;
- e. nursing homes;
- f. utilities;
- g. schools, day care homes and centers, nursery schools, hospitals, churches or any other institutions of an educational, philanthropic, fraternal or social nature;
- h. golf courses; and
- i. cemeteries.

Uses and buildings that are accessory to the above mentioned uses, including parking lots, are also permitted uses.

- B. A proposed planned unit development with one or more of the "residential uses" listed in subsection II.A.1. shall be required to contain at least one of the "commercial/light industrial uses" listed in subsection II.A.2. and at least one of the "Other Uses" listed in subsection II.A.3.
- C. A proposed planned unit development with one or more of the "commercial/light industrial uses" listed in subsection II.A.2 shall be required to also contain at least one of the "Other Uses" listed in subsection II.A.3.
- D. No more than 70% and no less than 20% of the established net acreage of the PUD shall be devoted to any one of the permitted use categories in Section II.A. of this chapter and which are required to be contained in such PUD pursuant to Sections II.B. and II.C. above.

**SECTION III - STANDARDS**

- A. Planned unit developments shall contain not less than twenty (20) acres.
- B. Planned unit developments shall be served by public sewer and public water. Public sewer shall mean the two municipal sewer systems.
- C. The standards set forth in Chapter II, Section I (General Standards of Performance - Environmental) and of Chapter II, Section V (Site Design Standards) shall be met, where relevant. The Town Council may waive any of the requirements contained in said sections in accordance with the provisions of Section VII of this Chapter.

**D. Allowable base density**

**1. Net acreage**

The density of all PUDs shall be based on the established net acreage of the proposed PUD site. Net acreage shall be determined in accordance with Chapter I, Section V (Net Acreage). Deductions under this net acreage provision shall be subtracted from the gross acreage of the proposed PUD. The net acreage shall be further reduced if after determination of residential and/or non-residential densities, the proposed PUD does not meet the 30% open space requirement of Section III.F.

**2. Residential Density**

Net area dedicated for residential uses shall be established by determining the portion of the net area to be used for residential uses, as defined in Section II, Subsection A. Maximum numbers of dwelling units per acre dedicated to residential uses, by underlying zoning district are as follows:

<u>District</u>	<u>With public sewer and water</u>
Urban Residential, Office-Residential, Village Centers, Urban Commercial	5.5
Suburban Residential Roadside Office, Roadside Commercial, Industrial	5.5
Rural	Not Allowed

**3. Non-residential Density**

The total gross floor area of the non-residential uses set forth in Section II of this chapter shall not exceed thirty percent (30%) of the net acreage of the parcel dedicated to such uses. No more than seventy percent (70%) of the net acreage of the non-residential parcel may be covered with buildings, structures, accessory uses such as parking lots and other impervious surfaces.

**E. Affordable Housing**

- 1. A minimum of five percent (5%) of any proposed rental or owner-occupied housing units shall be reserved for occupancy by low and moderate income households. The monthly rental or mortgage payments for these housing units shall

not exceed 30% of the low and moderate income household's gross monthly income. For the purposes of this chapter, low and moderate income households shall mean households with incomes of less than or equal to 80% of the area median income, adjusted by family size, as established by the Maine State Housing Authority, or the Department of Economic and Community Development.

2. The housing units reserved for low and moderate income households shall be identical in external design and construction to the other units in the project and shall be integrated throughout the planned unit development. The developer must enter into a binding agreement with the town to maintain the affordability of these reserved housing units.

**F. Open space**

1. Planned unit developments shall reserve not less than thirty percent (30%) of the gross acreage as dedicated open space.
2. In addition to the open space required in Section III.F.1. of this chapter, multi-family residential development in the planned unit development shall provide private and common outdoor space in conformance with the requirements of Chapter II, Subsections IV.B.7. and 8. (Performance Standards for Multi-Family Housing).
3. Provision and maintenance of open space provided pursuant to the preceding two subsections shall comply with the following requirements:
  - (a) Open space shall have adequate access, shape, size, dimension, character, location and topography to promote the purposes set forth in Section I of this chapter.
  - (b) There shall be no further subdivision or development of this dedicated open space land.
  - (c) Open space land shall be subject to a conservation easement or an agreement with the Town for its preservation as open space or in the alternative shall be deeded as follows:
    - (i) To the town or state for recreational or conservation purposes; or
    - (ii) To a private non-profit association or land trust legally constituted for conservation purposes; or
    - (iii) To a community association consisting of the residents or owners of the development for open space purposes.
  - (d) The following shall be required if any or all of the open space is to be deeded to a community association consisting of the residents or owners of the development:
    - (i) The formation and incorporation by the developer of one or more appropriate community associations shall be required prior to site plan approval;
    - (ii) Covenants for mandatory membership in the association setting forth the owner's rights, interests, and privileges in the association and the common land, shall be reviewed by the Town Attorney and approved by the Planning Board and included in the deed for each lot or unit;

- (iii) The community association shall have the responsibility of maintaining the open space and operating and maintaining recreational facilities and lands;
  - (iv) The association shall levy charges against all property owners to defray the expenses connected with the maintenance of open space and recreational facilities; and
  - (v) The developer shall maintain control of such open space and be responsible for its maintenance until development sufficient to support the association has taken place.
4. If the planned unit development is developed in phases, the provision of open space shall be phased with the construction of improvements to insure that a proportionate share of the total dedicated open space is preserved with each phase.
  5. Open space shall be defined as lands permanently dedicated for one or more of the following uses: agricultural cultivation or grazing, gardening, forestry, natural resource conservation, wetland preservation, wildlife habitat, undeveloped park land, scenic preservation, outdoor recreation or common open space areas, including significant buffer yards, that are part of an integrated or interconnected open space system. Lands dedicated for use as recreation or park facilities open to the public or as private recreation facilities pursuant to Section II.A.3 shall be included in open space and counted toward the open space requirement. At least fifty percent (50%) of the open space designated to satisfy the minimum dedicated open space requirement shall be land suitable for development as determined by accordance with Chapter I, Section V. Streets and other impervious surface areas shall be excluded from the calculation of the minimum dedicated open space requirement; however, lands occupied by paved bicycle paths or similar common recreational facilities, not including tennis courts or buildings, may be counted as dedicated open space provided such impervious surfaces constitute no more than five percent (5%) of the total required dedicated open space. For the purposes of this subsection, "significant buffer yards" shall be large enough to be considered as usable open space and shall have a minimum dimension of 15 feet and a minimum area of 825 square feet.

**G. Off-street parking**

1. The number, design and construction of parking spaces, lots, bays and drives shall conform to the applicable requirements of Chapter II, Section II (Parking, Loading, and Traffic). The Planning Board may waive this requirement if it determines that the proposed off-street parking scheme will adequately meet the parking needs of the proposed development.

**H. Buffer yards**

1. **Screening of non-residential uses** - In addition to the requirements of Chapter II, Section I (General Standards of Performance - Buffer Areas), non-residential uses shall be screened from residential uses within and abutting the planned unit development by a buffer yard of twenty (20) feet in width containing at least three (3) canopy trees, six (6) understory trees and nine (9) shrubs per one hundred (100) feet of length along the perimeter of the lot line abutting the residential use. The Town Council may waive this requirement in accordance with the provisions of Section VII of this chapter.

2. **Screening Along Public Roadways** - Uses within the planned unit development which abut public roadways shall be screened as follows:

(a) Residential uses

- (i) Abutting an Arterial Street - A buffer yard of twenty (20) feet in width containing at least five (5) canopy trees, ten (10) understory trees and fifteen (15) shrubs per one hundred (100) feet of frontage.
- (ii) Abutting a Collector Street - A buffer yard of fifteen (15) feet in width containing at least two (2) canopy trees, four (4) understory trees and six (6) shrubs per one hundred (100) feet of frontage.
- (iii) Abutting a Local Street - A buffer yard of ten (10) feet in width containing at least one (1) canopy tree per one hundred (100) feet of frontage.

(b) Non-Residential uses

- (i) Abutting an Arterial or Collector Street - A buffer yard of ten (10) feet in width containing at least one (1) canopy tree, two (2) understory trees, and three (3) shrubs per one hundred (100) feet of frontage.
- (ii) Abutting a Local Street and Facing Non-Residential Use - A buffer yard of ten (10) feet in width containing at least one (1) canopy tree per one hundred (100) feet of frontage.
- (iii) Abutting a Public Street and Facing Residential Use - A buffer yard of fifteen (15) feet in width containing at least two (2) canopy trees, four (4) understory trees and six (6) shrubs per one hundred (100) feet of frontage.

3. Canopy trees shall be deciduous shade or evergreen trees planted at 3 to 3 1/2 inches in caliper with a mature height of at least 35 feet. Understory trees shall be deciduous shade, fruit or evergreen trees planted at 2 to 2 1/2 inches in caliper with a mature height of at least 12 feet.

4. Existing Vegetation

Notwithstanding the foregoing, existing vegetation shall be retained and maintained to the extent possible so as to permit such vegetation to fulfill or contribute to buffer and screening requirements.

5. Alternative Buffers and Screening

In lieu of compliance with the above buffer yard and screening requirements, a developer may submit a detailed plan and specifications for landscaping and screening which will afford a degree of buffering and screening equivalent to or exceeding that provided by the above requirements.

6. Screening of Refuse Collection Facilities

Uses within the planned unit development shall provide secure, safe, and

sanitary facilities for the storage and pickup of refuse. Such facilities shall be convenient to collection and shall be appropriate to the type and size of use being served. All refuse storage facilities shall be screened by a solid wall, fence, tight evergreen hedge, or combination of the above. Such screening shall be of sufficient height and design to effectively screen the facility from the view from adjacent residential uses and streets, and from adjacent properties.

7. Maintenance of Landscaping

All required landscaping and screening shall be maintained or replanted as necessary so as to continue its effectiveness.

I. **Traffic Impacts** - Traffic impacts shall be measured by levels of service calculated in accordance with the date and procedures of the Highway Capacity Manual Special Report 209 published by the Highway Research Board. The applicant must demonstrate the feasibility of, and agree to provide, the road improvements and traffic control devices necessary to accommodate increased traffic generated by the planned unit development.

J. **Public Utilities and Service Impacts**

1. The planned unit development, at completion, must not exceed the capacities of the public water supply, stormwater management facilities, sewers, solid waste disposal facilities, public safety, emergency, and educational services of the town. Public facilities constructed in connection with the planned unit development shall be constructed and located so as to minimize costs of municipal operation and maintenance. Where a proposed project at any point during its development would exceed the capacity of any of the services listed above, the applicant, prior to final site plan approval of the PUD by the Planning Board, shall negotiate, with the appropriate authority as determined by the Town, a strategy and program for mitigation. Where a capacity shortfall exists, the applicant shall be required to make the necessary improvements, or agree to pay for their pro rata share for the improvement, to accommodate the increased demand on facilities and services generated by the planned unit development. The results of these negotiations shall be subject to review and comment by the Planning Board and review and approval by the Town Council.

K. **Dimensional Standards**

1. Public or Private street setback - No principal or accessory structure shall be closer than fifty (50) feet to a collector street right-of-way and not closer than twenty-five (25) feet to a local street right-of-way or easement.
2. Building separation - No structure under thirty (30) feet in height shall be located within fifteen (15) feet of any other structure. Buildings higher than thirty (30) feet shall be separated by a distance equivalent to 50% of the height of the tallest building. In no instance shall buildings be more than four stories in height.
3. Perimeter boundary
  - (i) The applicable yard requirement of the abutting zone shall be used to determine perimeter boundary set back for buildings and structures, including accessory structures and parking areas.
  - (ii) No portion of an active recreational use shall be located within fifty (50) feet of an abutting residential development.
  - (iii) Where a planned unit development adjoins or borders an existing

residential zoning district or development sharing frontage on the same side of a public or private street, the minimum front yard requirement of the abutting residential zone or development shall apply for a minimum of two hundred (200) feet from such common border within the planned unit development frontage.

4. The Town Council may waive the requirements of Section III.K (Dimensional Standards) in accordance with the provisions of Section VII of this chapter.

## **SECTION IV - DENSITY BONUS PROVISIONS AND STANDARDS**

- A. A maximum density bonus of twenty-five (25) percent over the allowable base density for residential and nonresidential uses as set forth in Section III of this chapter may be approved in accordance with the following standards. The density bonuses may be granted, at the discretion of the Town Council, if the proposed density bonuses promote the purposes of the planned unit development zoning district set forth in Section I of this chapter. For residential uses, density bonuses shall be applied to the maximum number of dwelling units. For nonresidential uses, density bonuses shall be applied to gross floor area and maximum impervious surface requirements.
1. Dedicated open space - Increasing the dedicated open space area by a minimum of ten (10) percent of the net acreage of the tract may qualify for a bonus of up to five (5) percent above the allowable base density.
  2. Active recreation - Facilities and areas for active recreation exceeding by fifty (50) percent the minimum requirement of Chapter II, Section IV.B.8 may qualify for a bonus of up to five (5) percent above the allowable base density. Active recreation facilities may include, but are not limited to tennis courts, swimming pools, ball fields, picnic or cookout facilities and tot lots.
  3. Bike paths/greenway systems - An integrated system of bike paths or pedestrian greenways may qualify for a density bonus of five (5) percent above the allowable base density.
  4. Solar access/energy efficiency - Design, layout and construction of a planned unit development providing solar access to forty (40) percent of the dwelling units and ensuring through appropriate deed restrictions that dwelling units will effectively utilize solar energy systems for water and space heating purposes, or design and construction of all structures in a planned unit development in compliance with current Energy Efficiency Building Performance Standards of the Maine Office of Energy Resources pursuant to 10 M.R.S.A. 1411 et seq., may qualify for a bonus of five (5) percent above the allowable base density.
  5. Moderate Pricing - Providing a minimum of ten percent (10%) of all dwelling units to be marketed and sold to moderate income household with incomes of less than or equal to 80% of the area median income, adjusted by family size, as established by the Maine State Housing Authority or the Department of Economic and Community Development, which require monthly mortgage payments not exceeding 30% of the household's gross monthly income, may qualify for a bonus of up to ten percent (10%) above the allowable base density.  
  
Designated moderately priced units shall be identical in external design and construction to the other units in the project and shall be integrated throughout the planned unit development. The developer must enter into a binding agreement with the town to maintain the affordability of these units.
  6. Rental units - Providing a minimum of ten percent (10%) of all dwelling units as rental housing for households with incomes of less than or equal to 80% of the area median income, adjusted by family size, as established by the Maine State Housing Authority or the Department of Housing and Urban Development, which have monthly rental payments not exceeding 30% of the households' gross monthly income, may qualify for a bonus of up to ten percent (10%) above the allowable base density. The developer must enter into a binding agreement with the town to maintain the designated units at twenty percent (20%) below market rate for households with incomes of less than or equal to 80% of the area median income.

7. Underground parking - Providing for parking below structures for at least seventy-five percent (75%) of the dwelling units or fifty percent (50%) of the required spaces for non-residential uses may qualify for a bonus of up to ten percent (10%) above the allowable base density.
8. Day Care - Development of a public use day care facility for children may qualify for a bonus of up to five percent (5%) above the allowable base density. The developer must enter into a binding agreement with the town to dedicate the facility for day care and to provide a viable management and operations structure.
9. Public transportation/public transit - Providing public transportation to town residents may qualify for a bonus of up to five percent (5%) above the allowable base density.

## **SECTION V - PLANNED UNIT DEVELOPMENT ZONING DESIGNATION**

- A. Pre-application conference** - Prior to the submission of a planned unit development zoning amendment application, the applicant shall meet with the Town Council to generally discuss the planned unit development proposal.
- B. Application for Zoning Amendment** - An application to amend the zoning map to establish a planned unit development district shall be submitted to the Planning Board and administered in accordance with the provisions of Chapter I, Section I.G (Changes and Amendments) and this Section. The application shall include:
1. Fees and deposits, in accordance with the requirements of Chapter IV, Section IV (Site Plan Review - Administration) for non-residential development and in accordance with Section III.A. of the subdivision regulations for residential development.
  2. Deeds of current owners of all property within the proposed planned unit development with volume and page references as recorded in the Cumberland County Registry of Deeds and as listed in the Town's tax records.
  3. The names and current mailing addresses of all persons owning property within five hundred (500) feet of the proposed development, including tax map and lot designations as listed on the tax records.
  4. A general plan as described below.
- C. General Plan for Planned Unit Development** - All applications to amend the zoning map to establish a planned unit development district shall be accompanied by the following:
1. Maps and plans at a scale of either 1"=100' or 1"=40', as appropriate to the site, prepared by a licensed surveyor, registered engineer, landscape architect and/or architect licensed in the State of Maine, which shall include:
    - a. Survey of bounds showing courses and distances, zoning districts and lot lines within the tract and of all abutting property, existing easements burdening and benefiting the tract, and structures existing on the tract and within five hundred (500) feet of its boundaries.
    - b. A high-intensity soils survey prepared and certified by a state-licensed soil scientist, showing location and boundaries of soil areas and their names in accordance with the National Cooperative Soil Survey Classification, and complying with mapping standards of the Maine Association of Professional Soil Scientists.
    - c. Flood hazard areas, including base flood elevations.
    - d. Topographic contours at a maximum of two (2) foot intervals showing existing grades.
    - e. Existing vegetation, land forms and water bodies.
    - f. Roadway plans for primary and secondary traffic circulation patterns showing proposed and existing rights-of-way and easements.
    - g. Utility plans for public water, sanitary sewer, storm sewer, natural gas and underground electrical utilities.

- h. Delineation of any areas to be declared under the Maine Condominium Act and any areas to be subdivided within the planned unit development, with tentative lot lines for any proposed subdivision.
- i. Delineation of development phases and acreage of each phase.
- j. Delineation of residential and non-residential use areas.
- k. Delineation of required and proposed bonus open space.
- l. Each sheet shall be individually identified in its relationship to the whole with the inclusion of the title of the development, name(s) and established location (residence) of the developer and (if different) the owner(s), signature and seal of the person responsible for that sheet, a meridian arrow for sheets with directional significance, and clear indication of the applicable scale(s) of graphic representation.

2. Land Use analysis including:

- a. Calculation of net acreage for residential and non-residential density in accordance with Chapter I, Section V (Net Acreage) and information demonstrating how the calculations were derived.
- b. Number and types of residential units.
- c. Number, types and floor areas of non-residential structures.
- d. Acreage of open space and the percentage of open space to gross acreage and net acreage.
- e. Density provided and proposed density bonuses.
- f. Summary table of residential uses, non-residential uses, and open space planned for each development phase and for the entire development.

3. Statements addressing the following:

- a. A traffic analysis, which shall include:
  - (i) A description of the traffic circulation network within the vicinity of the proposed development or within one mile of the site, whichever is determined to be greater; existing and proposed public transportation services and facilities.
  - (ii) A description of current traffic volumes, capacities and levels of service based on three twenty-four-hour weekday counts on all roadways for all streets and intersections within the vicinity of the proposed development or within one mile of the site, whichever is determined to be greater. Average daily traffic and average peak hour volumes shall be based on these counts.
  - (iii) Traffic projections for the proposed development, prepared according to the data and procedures contained in the Institute of Traffic Engineers "Trip Generation Manual", indicating total average weekly and peak hour trips allocated to proposed phases and uses.

- (iv) Calculation according to the data and procedures contained in the Highway Capacity Manual Special Report 209 of the Highway Research Board of roadway service volumes at level of service C for arterials and level of service D for collectors providing access to the site.
  - (v) Calculation of capacity at level of service C for intersections within the vicinity of the proposed development or within one mile of the site, whichever is determined to be greater.
  - (vi) Analysis of projected traffic impacts from the planned unit development together with projected impacts of other developments approved for construction and utilizing the same elements of the traffic circulation network.
  - (vii) Recommended traffic circulation network improvements and traffic control devices.
- b. Market analysis justifying proposed uses.
  - c. Relationship of the planned unit development to surrounding land uses and to the Comprehensive Plan for the Town of Gorham; and interrelationship of land uses within the planned unit development.
  - d. The proposed storm water management system, including calculation of existing and post-development run-off.
  - e. Impacts of proposed development on water, sewer, public safety, emergency, and educational services of the town, supported by evidence that utilities are adequate to serve the demands of the proposed development.

**D. Review Procedures for General Plan and Zoning Amendment**

An application for planned unit development zoning amendment shall be accepted for review by the Planning Board unless the Town Planner determines that the application is incomplete. The sequence of the review procedures shall be as follows:

1. The Planning Board shall schedule a public hearing and consider the application, and then shall send its recommendation, including its recommendation regarding waiver and density bonus requests, and proposed findings to the Town Council.
2. In addition to the notice provisions set forth in Chapter I, Section I.G., the Planning Board and the Town Council shall send written notice of the application consideration to all owners of property within five hundred (500) feet of the proposed planned unit development.
3. The Town Council shall schedule a public hearing to review the application.
4. The Town Council shall approve, approve with modifications, or disapprove the general plan. A vote to approve the general plan with or without modification shall constitute an approval of amendment to the zoning map allowing a planned unit development in accordance with the general plan as approved. Disapproval of the general plan shall constitute a denial of the application for zoning map amendment.

5. Following Town Council approval of an application for planned unit development zoning designation, the property rezoned shall be labeled "PUD" on the official zoning map of the Town of Gorham with a notation that any development within this zone must be in accordance with the general plan approved in conjunction with approval of the amended zoning designation. No permits for development shall be issued within any area designated as "PUD" unless site plan approval is obtained pursuant to Section VI of this chapter. If site plan approval for one or more phases of the general plan is not granted within three (3) years and if site plan approval for the final phase is not granted within ten (10) years of such PUD zoning designation, the Town Council shall reserve the right, after notice and hearing, to rezone the undeveloped portion of the property to its prior zoning classification.

**E. Required findings** - Approval of a planned unit development zoning designation shall be based on findings by the Town Council as follows:

1. That the General Plan is consistent with the purposes of the PUD Ordinance (Section I of this chapter);
2. That the General Plan is consistent with the Comprehensive Plan for the Town of Gorham;
3. That the General Plan is consistent with Section III, Standards, of this chapter;
4. That the General Plan is consistent with Chapter II, General Standards of Performance, of the Gorham Land Use and Development Code, or as waived by the Town;
5. In the event that the General Plan contemplates construction over a period of years, that the terms and conditions intended to protect the interests of the public and the residents, occupants, and owners of the proposed development in the full completion of the development are adequate; and
6. That the proposed density bonuses meet the density bonus provisions of Section IV of this chapter and have been approved by the Town Council.

**F. Amendments to General Plan**

1. Minor Amendments - Amendments to the approved general plan which do not substantially change the concept of the planned unit development may be approved by the Planning Board upon recommendation of the Town Planner. Such minor changes may include but not be limited to small site alterations such as realignment of minor roads or relocation of utility lines due to engineering necessity, provided that the overall count approved in the General Plan and provided that the capacities of public services and utilities are not exceeded. The developer shall request such amendment in writing, clearly setting forth the reasons for such changes. If the change is approved, the general plan shall be so amended, as shall any site plan application affected by such amendment.
2. Major Amendments - Amendments to the approved general plan which are substantial deviations from the concept of the approved planned unit development or which involves a change from one to another permitted use set forth in Section II, or any change in use involving a significant change in development impact, shall require review and a recommendation by the Planning Board and approval by the Town Council.

3. Variances - The Board of Appeals shall not be authorized to grant or approve any variance from the requirements set forth in this chapter.

## **SECTION VI - PLANNED UNIT DEVELOPMENT SITE PLAN APPROVAL**

- A. Pre-application Conference - Prior to the submission of a planned unit development site plan/subdivision plan, the applicant shall meet with the Planning Board at least once to generally discuss the proposed project.
- B. Application for Planned Unit Development Site Plan/Subdivision Approval - Following approval of a general plan and planned unit development zoning designation, application for site plan/subdivision approval for one or more phases or all of the general plan shall be submitted to the Planning Board and administered in accordance with the provisions of Chapter III (Subdivision Ordinance), Chapter IV (Site Plan Review) and this chapter. The application shall include:
1. Fees and deposits, in accordance with the requirements of Chapter IV, Section IV (Site Plan Review - Administration) for non-residential development and in accordance with Section III.A of the subdivision regulations for residential development.
  2. All of the exhibits and information required by Chapter IV, Section VI (Site Plan Review - Submission Requirements) and by Section III.B of the Subdivision Ordinance.
  3. Delineation of residential, non-residential and open space areas on the parcel, as well as all proposed building and structure locations.
  4. Indication of proposed uses of all buildings and structures.
  5. Location and dimensions of all fences, walls, decks, ramps, pools, patios, accessory structures, walkways, bike paths, and surfaced areas.
  6. Location of refuse collection container locations.
  7. Location and planting plans for required buffer yards.
  8. Location of electrical service lines and all utility connections for attached residential and all non-residential uses. Utilities shall be underground unless this requirement is waived by the Planning Board. Waivers shall only be granted if the Planning Board determines that underground utilities would constitute a safety hazard or that above-ground utilities can be adequately screened.
  9. Delineation of steep slopes, wetlands, watercourses, and other site features excluded in the net acreage calculation prescribed in Chapter I, Section V (Net Acreage).
  10. Plans and profiles of all proposed streets.
  11. A detailed tabulation of:
    - a. Net acreage calculation for residential and non-residential uses.
    - b. Acreage of parcel dedicated to residential, non-residential and open space uses.
    - c. Number, type and number of bedrooms of dwelling units, gross floor area of non-residential structures and acreage of open space in each phase of development.

- d. Total area of impervious surfaces in square feet at full development.
- 12. Estimated costs for public improvements at each phase for bonding purposes.
- 13. Final drafts of all documents necessary for the formation of a management system for ownership and/or maintenance of all open space and other commonly used areas including, but not limited to, recreation areas, private streets, parking areas, parks, gardens, landscaped buffers and the like, which shall include:
  - (a) an analysis showing projected management costs and the revenue base to support such costs;
  - (b) documents which provide for the following (where applicable): reasonable quorums and voting procedures; mandatory automatic membership of all owners; mandatory and lienable payment of common expenses by owners; personal responsibility of owners for payment of assessments; maintenance, management, and, when appropriate, replacement by the association of all roadways, utility and safety systems, landscaping, or structures within the common areas owned by lot or unit owners or by the association; delivery of basic services by the association; maintenance of adequate liability, property, and casualty insurance by the association; and
  - (c) deeds covenants and agreements and/or declarations creating perpetual restrictions upon and reservations of the lot or unit owners' right to use common areas, which rights and restrictions shall not be severable from the appurtenant lots or units.

C. Review Procedures for Planned Unit Development Site Plan/Subdivision - An application for planned unit development site plan/subdivision review shall be accepted for review by the Planning Board unless the Town Planner determines that the application is incomplete. The sequence of the review procedures shall be as follows:

- 1. The Planning Board shall send written notice of the application consideration to all owners of property within five hundred (500) feet of the proposed planned unit development.
- 2. The Planning Board shall review the site plan and approve or approve with modifications, or disapprove the site plan/subdivision plan.
- 3. Following Planning Board approval of a planned unit development site plan/subdivision plan, a plat dedicating any approved public streets, easements, public facilities or utilities or land to the town shall be submitted to the Planning Board in form sufficient for recording in the Cumberland County Registry of Deeds, to be signed by the Planning Board and, no later than 30 days thereafter, recorded in said Registry of Deeds. Two copies of the signed plat shall be submitted to the town for inclusion in its records.
- 4. No building permit, certificate of occupancy, or other permit or approval administered by the municipality shall be issued for any structure or use within the planned unit development unless indicated on an approved site plan/subdivision plan.

D. Required Findings - Approval of a planned unit development site plan shall be based on findings of the Planning Board as follows:

- 1. That the Site Plan is consistent with the approved General Plan

2. That the Site Plan is consistent with Section III, Standards of this chapter, or as waived by the Town;
3. That the Site Plan is consistent with Chapter II of the Gorham Code, General Standards of Performance, or as waived by the Town;
4. That the Site Plan is consistent with the standards for Subdivision and Site Plan applications in the Gorham Code, as applicable to the PUD application.

## **SECTION VII - WAIVER**

- A. Only as specifically authorized within this Chapter, the Town Council may waive certain requirements by an affirmative vote of at least five of the seven members. The applicant shall submit a waiver request in writing at the time of general plan application. Waivers may be considered by the Town Council at a later date at the request of the Planning Board. The Town Council shall not grant a waiver unless it finds the following conditions are met:
1. The waiver has been requested in writing by the applicant in the general plan application submission;
  2. The granting of a waiver shall not have a significantly adverse effect upon the environment, the public health and safety or the cost of providing municipal services;
  3. The granting of the waiver shall promote the purposes set forth in Section I.
  4. The granting of the waiver shall not be in conflict with the Comprehensive Plan;
  5. Where it is proposed to vary any engineering standard, a report from the Public Works Director or the Town's Consulting Engineer has been requested and considered.
  6. In granting a waiver, the Council shall state upon its records the reasons for granting any waiver.