SECTION 27
PLANNED RESIDENTIAL RECREATION DEVELOPMENT OVERLAY DISTRICT

27.1 Purpose:

The intent of the Planned Residential Recreation Development Overlay District ("PRRD") is to provide for recreation opportunities, to preserve significant areas of open space and wetlands and to construct a variety of housing types that are consistent with the goals and objectives of the Residential and Open Space Chapters of the 2000 Middlebury Plan of Development.

The regulation provides for increased flexibility by combining recreational and residential uses in order to maximize open space, wetlands, natural resources and property values.

27.2 Qualifying Standards:

No parcel of land shall be considered for a PRRD unless it complies with the following standards:

27.2.1 The parcel shall be located in (and thereafter if approved shall be designated in conjunction with) R-40, R-80 or CA40 zoning districts in the Town of Middlebury, such districts shall be designated on the zoning map as R-40 PRRD, R-80 PRRD and CA-40 PRRD. In addition, the project shall be integrated and contributed to the Open Space Resources Plan as found in Section. 5.2 of the 2000 Middlebury Plan of Development.

27.2.2 The tract shall consist of a single lot or number of contiguous lots under one ownership or control having a total area of not less 200 acres. For the purposes of this section property separated from other property by a town or state roadway shall be considered to be contiguous provided there is a minimum of 50 acres on each side of the roadway.

27.2.3 The PRRD must contain 200 ft. minimum road frontage on state highway Rte. 188 and Rt. 64. In addition to frontage on the foregoing roadways, the tract may have access on the other roads if the Planning and Zoning Commission finds traffic conditions warrant it.

27.2.4 The PRRD is only allowed where: (a) immediate access to existing sanitary sewer lines is available, provided the Water Pollution Control Authority has determined that sufficient capacity exists, and (b) immediate access to an existing public water system is available, provided the Water Commission has determined an adequate supply exists.

27.3 Density

27.3.1 Standard Density

The maximum number of units allowed in the PRRD shall be determined in the following manner: Calculate the net area of the parcel by subtracting from the total site acreage: (a) Ten (10) percent of the entire site for roads, (b) Fifty (50) percent of those areas classified as wetlands and watercourses as determined by a qualified professional and as agreed to by the Conservation Commission and the Planning and Zoning Commission, plus fifty (50) percent of the land in steep slopes (i.e.: slopes above twenty-five (25) percent. However, any portion of the parcel that is to be deeded to the Town of Middlebury for a municipal use, as provided for in Section 21.2.7, shall be included in the adjusted net area for the purpose of calculating the density. Divide the net area by one acre (43,560 square feet) and round down to the nearest whole unit to determine the maximum number of units allowed.

The maximum number of age restricted units shall be 6 dwellings per adjusted acre.

Cluster units and zero lot line units shall be determined by dividing the adjusted acres by the minimum lot requirement of the underlying zone.

The maximum density of senior units shall be 6 dwellings per 40,000 square feet.

27.3.2 Density Increase

To encourage the provision of affordable housing units, the applicant for approval of a PRRD may apply for a density increase of up to 50% above the base density. Such increase will only be approved if said applicant agrees that one-half of the extra units are set aside for affordable housing.

27.3.2 Provision of Affordable Units

A. One half of all units allowed above the base density must be affordable units which are made available for sale or rent to moderate income households pursuant to Sections 22.7.1, 22.7.2, 22.7.3 and 22.7.4 of the Middlebury Zoning Regulation dated January 19, 2002. Where possible the affordable units shall not be segregated on the project site nor shall they be substantially different in finish or level of amenities offered. The different types of other housing units in terms of numbers of bedrooms shall generally be proportionately reflected in the types of affordable housing units.

B. To encourage the provision of recreational uses, the applicant for approval of a PRRD may apply for a density increase whereby the maximum density shall be 1.5 dwellings per adjusted acre. Such density increase will only be approved if said applicant agrees to provide, as part of the proposed PRRD, a golf course containing either nine(9) or eighteen (18) holes, provided that the PRRD does not include a restaurant, banquet/eating facility with or without provision for outside dining on the premises, or an equestrian complex.

C. To encourage the provision of large usable recreational open space communities, with a mixed residential and municipal use component, the applicant for approval of a PRRD may apply for a density increase whereby the maximum density may be up, to but shall not exceed, 1.25 dwellings per adjusted acre, with a maximum of 270 dwelling units, within the discretion of the Planning and Zoning Commission. Such density increase will only be approved if said applicant agrees to provide, as part of the proposed PRRD, the following components to be incorporated into the PRRD community: (a) a minimum of 150 acres of deeded or restricted usable recreational open space that is: (i) suitable for potential on-site walking and hiking trails to accommodate pedestrian circulation for or to residents of the development, or for members of the public; and (ii) will serve as a green corridor that will provide potential for wildlife passage, conservation of plant and wildlife communities, continuity of habitat throughout the development to adjacent natural resources, and a vegetative buffer for adjacent residential properties; and (b) a minimum of two acres of real property contiguous to the PRRD community to be deeded to the Town of Middlebury and restricted to municipal uses that are not inconsistent with the residential component of the PRRD community.

27.4 Procedure for Establishing planned Residential Recreational Development Overlay Districts

27.4.1 Establishment

All Planned Residential Recreation Development Districts shall be considered re-zonings subject to the requirements and procedures of Section 8-3 of the Connecticut General Statutes, except as noted herein. A Planned Residential Recreation Development District shall be established only in conjunction with approval of a Preliminary Development Plan for the entire District by the Planning and Zoning Commission. The purpose of the Preliminary Development Plan shall be to indicate the general intent and arrangement of the proposed development.

A. Zone Change Application

A completed application for zone change approval, with the required fee, shall be submitted to the Commission accompanied by ten (10) copies of the Preliminary Development Plan meeting the requirements of Subsection 27.4.2 below. Such application shall include the full text of the proposed zoning, amendment necessary for complete approval of the Planned Residential Development Overlay District, together with a statement of maximum proposed density and the calculation thereof in compliance with Subsection 27.3 above.

B. Public Hearing

After receipt of a complete zone change application, complete preliminary plan of development and required application fees, the Commission shall hold a public hearing and take action to approve, approve with modification, or disapprove the zone change and Preliminary Development Plan within the time limits provided in Sections 8-3 and 8-7d of the Connecticut General Statutes. The Commission, acting in its legislative capacity when it approves, approves with modification, or denies the zone change application and preliminary Plan of Development required by this regulation, has extensive discretion to determine compliance with the required standards.

27.4.2 Preliminary Development Plan Submission

Ten copies of the Preliminary Development Plan (PDP) shall be submitted to the Planning and Zoning Commission along with an application for a Certificate of Zoning Compliance. Such application shall include a clear statement explaining how the proposed zone change and PRRD meet the purposes set forth in Subsection 27.1 above. The Commission shall charge a fee, as may, be amended from time to time, to cover review costs of a PRRD submission The Commission shall refer the plans to the Conservation Commission for a review of the project impacts on wetlands and water courses, to the Water Commission to review the public water impacts and to the Water Pollution Control Authority for a review of sewer impacts. In addition, plans may be submitted to the Architectural Review Board for comment under procedures established in Section 51.3 of the Zoning Regulations. The PDP plans shall include topography at two foot contour intervals. The Preliminary and Final development Plans must be developed by either a professional engineer, architect, registered landscape architect, registered land surveyor or a professional planner, or any combination of such professionals, each to limit himself to his particular area of expertise. The PDP shall include the following:

A. The existing and proposed vehicular circulation system including major and minor thoroughfares, collector streets, local streets, parking and loading areas, and points of access to public easements and rights-of-way.

B. A written report by a qualified traffic engineer evaluating the impact of the PRRD on the transportation system, including the amount of traffic projected within and for the proposed development and the adequacy of the surrounding streets and traffic controls to accommodate existing traffic, projected traffic from the proposed development, and a projected traffic from other approved developments in the area.

C. The existing and proposed pedestrian circulation system including its interrelationships within the vehicular circulation system, open space system, and other areas of common use.

D. A general landscape plan including the proposed treatment of common areas, usable open space, water courses and the treatment of the perimeter of the PRRD including materials and techniques to be used such as living screens, berms, fences and stone walls.

E. Information on land areas adjacent to the proposed PRRD to indicate the relationship between the existing and proposed utilization of surrounding properties, including land uses, zoning, densities, height of structures, circulation systems, public facilities, and unique natural features.

F. Proposed types, quantities, and general location of residential units including square footage and the number of bedrooms and densities for individual sections of phases of the development as well as for the PRRD as a whole.

G. Examples of proposed product types for the residential units, typical lot and/or building layouts and elevations of all buildings (front, back and both sides) showing proposed textures, materials and colors. Identical buildings will not require multiple elevations.

H. Proposed area regulations in conformity with this Section 27, and with Section 11 to the extent applicable and their justification.

I. Proposed development schedule with projected completion date(s) for the PRRD and its individual phases.

J. Proposed number of units by bedroom count.

K. Identification of any historic structures or features on the site.

L. Preliminary grading and drainage information of the same nature into the same extent required for a subdivision under the Commission's regulations and Board and of Selectmen's regulations and ordinances.

M. A map showing all wetlands areas, water courses and slopes above 25% together with a calculation of the maximum allowable density on the site.

N. A listing of all property owners by attacks parcel number, within 250 feet of the projected boundaries.

O. A summary table indicating compliance with the development standards. The table shall show proposed phasing, the number and type of buildings and units, number of parking spaces required and provided, square feet and percent of a lot area covered by pavement and buildings, lot area, frontage and landscape requirements and amount of open space required and provided.

P. A report discussing projected demands for public water and sewer and evidence that an undue burden will not be placed on the services by the proposed development.

Q. The impact of the PRRD on schools, police, fire and other municipal services.

R. Provisions for and location of all housing types as specified in this regulation.

S. The areas of land laid out for any proposed golf course showing all 9 or 18 holes including tee, fairway, practice greens, driving ranges and putting greens, if applicable.

In addition, the Commission may require information which may be considered accessory to the course such as: storage and equipment buildings, clubhouse, restaurants and all banquet facilities, if applicable.

T. The areas of land in building laid-out for any proposed equestrian center including barns, indoor arenas, paddock areas, pasture land and bridle trails, if applicable.

U. Any other information the Commission deems appropriate for a proper and complete review of the PDP.

27.4.3 Findings

In order to approve a zone change and a Preliminary or Final Development Plan submitted under this Section, the Commission shall first make the following findings:

A. The purpose is specified in Subsection 27.1 have been substantially met.

B. The qualifying standards of Subsection 27.2 and the design standards of Subsection 27.9 have been met.

C. Provisions for traffic, water, sewerage, storm water and open space are adequate, do not overburden existing streets, water, sewer and storm water drainage facilities on or off-site and do not create water problems off-site.

D. No congestion in the streets surrounding the site will result from the PRRD and the proposed development design will not require upgrading of the street system of the Town of Middlebury. This requirement can only be waived if the Commission and the Board of Selectmen in their sole discretion elect to permit the necessary upgrading at the applicant's expense. To make the necessary analysis, the applicant may be required to provide additional information, plans and data at his expense.

E. The proposed development design will not require upgrading of the existing on/off-site sewer, water and similar, municipal systems and drainage systems. This requirement can only be waived if the Commission in its sole discretion recommends and The Water Pollution Control Authority or the Water Commission, as to their respective utilities, elect to Permit the upgrading either on or off-site at the applicant's expense. To make the necessary analysis, the applicant may be required to provide additional information, plans and data as his expense.

F. The need exists in the community for in different type of housing unit than is allowed under the base zone.

G. The development and design of the PRRD will not have an adverse effect on the surrounding properties, will be in harmony with the neighborhood, and will not have an adverse effect on property values in the area.

H. The proposed development will not have a significant adverse effect on the environment and in particular wetland and water course areas. In making this finding the recommendations of the Conservation Commission regarding the development will be taken into account.

I. Where appropriate, the applicant has provided for continuing maintenance of private roads, parking areas, storm water drainage facilities, open space and other amenities not accepted by the Town of Middlebury.

27.4.4 Recording and Effective Date

The approved Preliminary Development Plan shall be endorsed by the Commission and recorded in the office of the Town Clerk of the Town of Middlebury within ninety (90) days of the date of approval, unless extended by the Commission for good cause shown: The Planned Residential Recreation Development District zone change contemplated by Subsection 27.4.1 shall be effective upon recording of such approved and endorsed PDP.

27.4.5 Final Development Plan Submission

Before development can begin, a Final Development Plan must be approved by the Planning & Zoning Commission with respect to all or, if the site is to be developed in phases, that portion of the PRRD District where phase I is located. If the PRRD is to be developed in phases each phase shall require a Final Development Plan. An applicant may submit one Final Development Plan that includes all phases, or may submit a final development plan on a phase by phase and basis. The Final Development Plan shall conform substantially to the approved PDP including, without limitation, the vehicular and pedestrian circulation system approved in the Preliminary Development Plan and shall adhere to all area regulations adopted by the Preliminary Development Plan.

A. Final subdivision plan submission in accordance with Subdivision Regulations, if applicable.

B. Site plans meeting the standards of Section 8 and Section 51 of these Regulations, and the standards for a site development plan required by the Subdivision Regulations.

C. Detailed landscape plans for common areas, usable open space and perimeter areas including proposed grading, plant materials, and methods of maintenance.

D. The provision for Senior, Age Restricted and Affordable housing, if applicable.

E. A comprehensive water use management plan prepared by a qualified environmental consultant shall be provided that as a minimum addresses the following items: an Integrated Pest Management (IPM) system as endorsed by the Connecticut Institute of Water Resources in the document Report of the Advisory Committee on Potential Best Management Practice for Golf Course Water (Connecticut Institute of Water Resources Special Report No. 3 7), that specifies the application times and volumes of specified fertilizers, herbicides and pesticides, the periodic testing of the surface water flow at specified locations for chemicals used on the golf course, and the periodic testing of groundwater at specified monitoring well sites for the chemicals used on the golf course, and the periodic testing for the static level of the ground water near wells on adjacent properties if a public water supply is not available to these properties. As a minimum there shall be a surface water tests location at each point that water flows off-site in a perennial water course, and at least four groundwater monitoring wells. Testing shall begin before any development work starts, and if possible one year before development starts and shall continue for as long as the golf course operates. The water use management plan shall describe the chemical concentrations allowed by the Connecticut Department of Environmental Protection and it shall describe the procedures to follow if chemical concentrations exceed the allowable limits for any such chemical. If adjacent properties utilize private water supply wells, the water use management plan shall recommend a minimum static level in each monitoring well to protect levels in nearby private wells. If the minimum level is approached in a monitoring well, the golf course shall implement the Connecticut Drought Preparedness and Response Plan and progressively reduce withdrawals until the minimum level is achieved. Static ground water records for each monitoring well shall be obtained as often as once per week when irrigation equipment is being used or as otherwise required by the Town Sanitarian and shall be retained by the golf course superintendent and provided to the Town Sanitarian upon request. The water quality and water availability in wells on adjacent properties shall not be affected. The golf course owner shall at all times engage the services of a qualified environmental consultant and testing laboratory to conduct the water monitoring and other requirements of the water use management plan.

F. Nothing in these Regulations and specifically this Section 27.0 shall prohibit an applicant for a PRRD from simultaneously submitting both a Preliminary Development Plan, and a Final Development Plan, to the Planning and Zoning Commission for review and approval.

27.4.6 Procedure

A. The following procedure shall be followed with respect to the Final Development Plan. The Final Development Plan must be submitted within one year from the date of the Preliminary Development Plan approval. Otherwise the Preliminary Development Plan is null and void and the parcel will revert to the original underlying zone designation unless the Commission approves an extension of up to six months. Upon such reversion, the Commission shall take action to remove the PRRD District designation of the parcel from the zoning map. Application for a Final Development Plan may be for only part of the approved Preliminary Development Plan if the PDP as approved contemplates phases or if it is determined by both Commission that, as a result of the size of the project, it would be detrimental to the Town or neighborhood to allow development in a single phase, or it would be unreasonable to require a final application for the entire project. In no event, however, shall the first phase encompass less than twenty-five acres.

B. The following procedure shall be followed with respect to the Final Development Plan: Final application for subsequent phases of the project shall be submitted at maximum intervals of three hundred sixty-five (365) days. Upon failure to submit any such application within said time limit, the provisions of Subsection 27.4.6A. above will apply as to such phase.

C. The following procedure shall be followed with respect to the Final Development Plan: The Commission may hold a public hearing on the Final Development Plan if in its estimation the plan differs significantly from the Preliminary Development Plan or for any reason satisfactory to it. Otherwise, the Final Development Plan shall be processed in the same manner as a site development plan approval under Section 51 of these Regulations, but subject, however, to this Section 27, and shall be filed after approvals in accordance with those procedures.

24.4.7 Project Completion

If no Final Development Plan has been approved for all or a portion of the PRRD Within twenty-four (24) months after approval of the Preliminary Development Plan the Planned Residential Development District designation it may be revoked by the Commission. Notice of intent to revoke shall be given to the developer, or his successors and interest, by certified mail sent at least ten (10) days prior to the date of the meeting at which such action is proposed.

A. Each portion or phase of a PRRD for which no Final Development Plan has been approved within 24 months of the approval of the Preliminary Development Plan, shall be deemed to be subject to revocation unless an extension of the 24 month time period has been granted as provided below.

B. The applicant shall post a performance bond in accordance with Section 51 of these Regulations for completion of all improvements in the development, except residential units, at the time of approval of the Final Development Plan in accordance with procedures set forth in Section 51 of these Zoning Regulations. The performance bond requirement of Section 51 may be satisfied by an irrevocable letter of credit in the amount set by the Commission and in a form approved by Town Counsel.

C. If less than 5% of the dwelling units in any approved phase of a PRRD have received certificates of occupancy within twenty-four (24) months of approval of such Final Development Plan, the PRRD shall be reviewed by the Commission to determine the developer's intent to proceed. The Commission may, for good cause, all offer extensions of up to one (1) year for completion of buildings, structures, or other improvements. If the Commission determines that the developer does not intend to proceed with the PRD, the Commission may revoke such Final Development Plan approval. Notice of intent to revoke shall be given to the developer, of his successors in interest, by certified mail sent at least ten (10) days prior to the date of the meeting at which such action is proposed. Revocation of the FDP approval, or any phase thereof, shall terminate PRRD approval as to such FDP as well and automatically revoke the zone change of the PRRD, subject to the right to complete all structures commenced in accordance with the FDP. Thereafter, all completed structures shall constitute preexisting nonconforming uses in accordance with these Regulations.

D. In accordance with C.G.S. Sec. 8-3, the Commission shall state on its certificate of approval for the Final Development Plan the five year expiration for completion of all work in connection with the Final Development Plan.

27.4.8 Any proposed modification to an approved Preliminary Development Plan, and Final Development Plan, shall comply with the procedural requirements for the approval of such Plans as provided by Section 27.4. However, the Commission may, within its discretion, not require an applicant to submit the support information provided by Section 27.4, if the Commission determines that such is not necessary to act upon the requested a modification to the previously approved Preliminary Development Plan, and Final Development Plan.

27.5 Permitted Uses:

27.5.1 Residential Uses Permitted by the PRRD include the following:

A. Senior Housing for persons age 62 or older
Stacked single family attached dwellings;
Two story apartment stacked units containing a single hallway.

B. Age Restricted housing for persons age 55 years or older
Flat, stacked in building containing no more than eight (8) dwelling units with basement storage and parking;
One Half (1/2) acre, 20,000 square foot zero lot line duplex units.

C. Unrestricted Housing
i. One Half (1/2) acre, 20,000 square foot lots containing single family units.

ii. Single family attached dwellings with a density bonus as provided by Section 27.3.2(B). Single family attached includes semi-detached Dwellings.

D. There shall be a variety of residential uses as specified above. Under no circumstances shall there be only one type of housing constructed in the PRRD unless a golf course use is proposed pursuant to Sections 27.3.2(B); 27.5.1(C)(ii) and 27.5.2(A) or a large usable recreational open space community, with a mixed residential and municipal use component, is proposed pursuant to Sections 27.3.2(C), 27.5.1(E), and 27.8(D).

E. A municipal use limited to a minimum of two acres of real property contiguous to the PRRD community to be deeded to the Town of Middlebury, shall be permitted subject to the requirements of Section 27.3.2(C) and all other applicable requirements of Section 27 the subject real property shall be restricted to a municipal use not inconsistent with the residential component of the PRRD community.

27.5.2 Recreation Uses Permitted in the PRRD include:

A. A golf course containing nine or 18 holes with attendant facilities as defined in Section 9, Definitions. Supporting facilities for the course may include: a clubhouse, restaurant, banquet/catering facilities with provision for outside

dining on the premises swimming pool and/or tennis court. The swimming pool or tennis court shall be no closer than 200 feet to the nearest property line. The golf course with a residential density bonus as provided by Section 27.3.2(B) shall not have any of the aforementioned supporting facilities. However, the golf course with a residential density bonus as provided by Section 27.3.2(B) may have a private swimming pool and/or private tennis court(s) limited to use by the residents of the residential PRRD community.

B. Equestrian Complex:
An equestrian complex as defined in Section 9, Definitions. Supporting facilities for the equestrian facility may include stables private and/or commercial, barns, equipment storage structure, indoor arenas and paddock areas and living accommodations for a manager or caretaker of the facility. The complex shall be located on a minimum of five (5) acres.

C. A large usable recreational open space community shall contain: (a) a minimum of 150 acres of deeded or restricted usable recreational open space that is: (i) suitable for potential onsite walking and hiking trails to accommodate pedestrian circulation for or to residents of the development, or for members of the public; and (ii) will serve as a green corridor that will provide potential for wildlife passage, conservation of plant and wildlife communities, continuity of habitat throughout the development to adjacent natural resources, and a vegetative buffer for adjacent residential properties; and (b) a minimum of two acres of real property contiguous to the PRRD community to be deeded to the Town of Middlebury and restricted to municipal uses that are not inconsistent with the residential component of the PRRD community as provided by Sections 27.3.2(C), 27.5',.1(0), 21.5.1(E), and 21.8(0).

27.6 Maintenance Requirement:

In order to ensure the long-term maintenance of common land and facilities and to prevent maintenance expenditures by the Town, the following shall be required:

27.6.1 PRRD projects shall be approved subject to the submission of a legal instrument(s) setting forth a plan or manner of permanent care and maintenance of open spaces, recreational areas, common parking areas, and other communally owned facilities. No such instrument shall be acceptable until approved by the Town Attorney as to legal form and effect.

27.6.2 Any Homeowner's Association (HOA) created shall be organized as a not for profit corporation with automatic membership in the HOA by any owner of property purchased in the PRRD. This shall be specified in the covenants which shall run with the land and be binding on all subsequent owners. Covenants for maintenance assessments shall also run with the land. Deeds shall specify the rights and responsibilities of property owners to the HOA. The HOA show also be responsible for liability insurance, local taxes, and the maintenance of all commonly held facilities through the use of a pro rata share formula for all property owners.

27.7 Contract Requirements:

All age restricted housing shall be required to establish and maintain a community association. Such association shall certify annually to the Town of Middlebury that the age restricted units are in compliance with the minimum requirements of this section. Such certification shall comply with requirements of the United States Department of Housing and Urban Development.

The burden of complying with the Fair Housing Act, as amended and regulations promulgated thereunder, shall be on the owner of the development or the association of homeowners of such development.

27.8 Design Standards:

27.8.1 Open Space

Provision of open space is one of the major purposes for using PRRD. A minimum of fifty percent (50%) of the total site acreage must be preserved as private, common and recreational open space. For this purpose roads, parking areas, drives, land within twenty-five (25) feet of the building, and strips of land less than twenty-five (25) feet wide shall not be counted as part of the land constituting open space. All remaining land not utilized for dwellings or private lots shall be considered land which is either dedicated as open space or owned in common and by unit owners, unless otherwise designated and approved by the Commission.

A. Private Open Space
No less than one hundred fifty (150) square feet of permanent open space per dwelling unit shall be provided and constructed immediately adjacent and accessible to each unit for private use consisting of decks, patios or porches. In the case of the senior apartment units a permanent open space buffer twenty-five (25) feet wide shall be provided around the entire building.

B. Recreational Open Space

Recreational open space is permanent open space providing immediate access for or to residents of the development for pedestrian circulation. Persons residing within the development shall have priority memberships to the recreational facilities, if applicable. Suitable pathways shall be provided from residential dwellings to recreational facilities. Land set aside as recreational open space may be developed as a golf course and shall include paved areas within the course, maintenance areas and walkways associated with the course which shall not include the clubhouse, tennis courts, swimming pool, assembly buildings, food service structures or parking areas.

In the event that any golf course ceases to be used for golf for a period of five (5) years the land as defined in Section 9 of these Regulations shall be dedicated as Town owned open space.

Any equestrian complex shall be considered open space except for barns, stables or indoor arena.

C. Public Path Access

A Commission shall determine if established hiking or bridle trails traverse the parcel proposed for the PRRD, and if such trails exist, the applicant shall incorporate the appropriate trail within the private or recreational open space whenever possible.

D. Large Usable Recreational Open Space

A large usable recreational open space community shall contain:
(a) a minimum of 150 acres of deeded or restricted usable recreational open space that is: (1) suitable for potential onsite walking and hiking trails to accommodate pedestrian circulation for or to residents of the development, or for members of the public; and (ii) will serve as a green corridor that will provide potential for wildlife passage, conservation of plant and wildlife communities, continuity of habitat throughout the development to adjacent natural resources, and a vegetative buffer for adjacent residential properties; and (b) a minimum of two acres of real property contiguous to the PRRD community to be deeded to the Town of Middlebury and restricted to municipal uses that are not inconsistent with the residential component of the PRRD community as provided by Sections 27.3.2(C), 27.5.1(0), 27.5.1(E), and 27.5.2(C).

27.8.2 Building Setbacks

No building may be placed within 50 feet of an existing property line, or within 100 feet of an existing dwelling on an adjacent parcel as determined at the time of application. Any two story building shall be 100 feet from existing property lines. Buildings shall be set back 100 feet from abutting external roadways and 100 feet from any state highway. Minimum setbacks from internal roadways shall be 25 feet, unless the Commission determines that as to particular structures a setback of as little as 15 feet would enhance the design and would not adversely affect residents of the structures.

27.8.3 Building Standards and Separation

The maximum number of units in any building shall be eight (8) except for the senior's apartment which shall contain a maximum of 16 units.

A. No building shall extend within less than thirty (30) feet of any other dwelling, except that where any facing walls contain a window or door, such distance shall be increased by one (1) foot for each two (2) feet of height of the higher facing wall above the lowest adjacent elevation thereto. Any walls which are facing at an angle of thirty (30) degrees or less shall be considered facing walls. Enclosed stairwells and similar architectural appurtenances shall be considered as part of the wall and shall maintain the required setback. The distance between a single family detached dwelling and the garage of an adjacent single family attached dwelling shall be a minimum of twenty (20) feet. The distance between adjacent garages and single family dwellings shall be a minimum of fifteen (15) feet.

B. The minimum floor area for units shall be 650 square feet for a single bedroom unit, 800 square feet for a two bedroom unit and 1000 square feet for a three bedroom unit.

C. Maximum building length shall be 150 feet and not more than 30 feet of any exterior wall may be constructed without an offset of at least 2 feet.

D. The maximum height shall be limited to 2 1/2 stories or 35 feet in building height as defined in Section 9 of these Zoning Regulations. Accessory buildings shall be limited to 1 1/2 stories or 25 feet and building height as defined in Section 9 of these Zoning Regulations.

E. All buildings in the PRRD shall be of good quality design and appearance so as to blend harmoniously with the site and the neighborhood. Such design shall convey an impression and feeling to persons familiar with architecture that these dwelling units are of quality and substance and the PRRD is a desirable place to live. All dwellings within a neighborhood or phase shall be of a single consistent architectural style to create a harmonious appearance. However, a subsequent phase maybe of an alternative style of design provided it complements the architectural quality of the development and is reasonably compatible to that which exists in order to establish a conforming and consistent design.

F. All utility lines and connections shall be underground, except terminal boxes and connections which are prohibited from being placed underground, as provided by the Commission.

G. All above grade electric or telephone utility boxes and other apparatus shall be suitably screened with plant material or by an architectural screen compatible with the exterior materials of the dwelling units.

27.8.4 Parking

A. Residential

1. There shall be a minimum of two parking spaces per unit for resident parking, and a minimum of one-half (1/2) a parking space per unit for visitor parking. Parking for senior dwelling units shall comply with Section 24.7.4 of these Regulations.

2. At least one of the required dwelling unit spaces must be located in an enclosed garage or covered space within 50 feet of the dwelling unit. The senior apartment units shall be open parking and shall meet to the requirements as set forth in Section 24.7.4.

3. Both a garage space, and the pad in front of such garage, may count for the resident parking requirement.

4. Visitor parking spaces shall be located a maximum of (200) feet from the farthest dwelling unit to be served if the average typographical grade between the parking spaces and the dwelling units is less than five percent (5%). If the average typographical grade between the parking spaces and

the dwelling units is greater than five percent (5%), such parking shall be located within seventy-five (75) feet of the farthest dwelling unit to be served.

5. No parking may have as its only egress backing out onto a public street within the PRRD. Such parking off of cul-de-sacs may be permitted at the discretion of the Commission in instances where it would not present a safety hazard.

6. In Connection with parking, adequate, unobstructed space shall be provided for snow storage and clearance.

B. Nonresidential

The following parking standards apply to all non-residential uses within the development:

1. Clubhouse with banquet and catering facilitates: One (1) space for each forty-five (45) square feet of patron area;

2. Tennis courts: Four (4) spaces for each tennis court;

3. Swimming pool: Thirty (30) spaces for each pool;

4. Golf course: Six (6) spaces for each tee;

5. Equestrian Complex: One (1) space for each 1000 square feet of arena space plus one (1) space for each horse stall. Two (2) spaces for each caretaker's living accommodations. Where appropriate space should be reserved for the parking of horse trailers. Such parking may be surfaced with permeable paving block;

6. Clubhouse, private swimming pool, and private tennis court for residential community development (without banquet and catering facilities): One (1) space for each two hundred (200) square feet of clubhouse floor area.

Where there is more than one use sharing the same lot or there are uses with low vehicle turnover rates, the Commission may allow up to 40% of the parking lot to be surfaced with permeable paving blocks.

Where a parking lot contains more than 50 spaces, the applicant may provide up to 20% of the total parking in compact car spaces, subject to approval by the Planning and Zoning Commission. A compact space shall not be less than nine (9) feet in width and sixteen (16) feet in length. The compact space shall be laid out in a group and shall be marked on the site.

Any lighting used to illuminate off-street parking shall be confined essentially to the property where it originated. The maximum height of such lighting shall be twenty-five (25) feet.

All parking shall comply with the provisions of Section 62, Subsection 62.6.3, of these Regulations entitled "Landscaping", to the extent said Subsection 62.6.3 is applicable.

27.8.5 Road Standards

A. All roads within the PRRD shall be private and in general shall be designed to discourage through traffic. The Board of Selectmen must grant their approval before the Preliminary Development Plan is approved.

B. In the case of private roads, the Commission may permit pavement widths down to twenty (20) feet where the Commission finds that density, length of road, projected traffic volumes, available parking and other relevant factors justify such reduction.

C. Private driveways shall serve 1 to 3 units in shall have a pavement width of between 16 and 18 feet. Sidewalks are not required along private driveways, however, units located off private driveways shall be connected to the walkway system by appropriate pathways.

D. Private streets serving 4 or more units may intersect roadways (whether public or private) connecting Town streets, but private driveways may not intersect such roadways connecting Town streets.

E. The Planning and Zoning Commission may at its discretion require four foot wide sidewalks on only one side of the PRRD's streets, unless applicant agrees to provide sidewalks on both sides of the PRRD's streets, to serve portions or all of the proposed PRRD.

F. No entry signs may be placed within the median of project roadways. One small sign per entrance (maximum 32 sq. ft.) announcing the project may

be placed outside the public right-of-way at no more than 3 entrances to the development.

27.8.6 Coverage

The maximum percentage of the parcel which may be covered by buildings is ten Percent (10%).

27.8.7 Landscaping

A. All areas of the development adjoining other residential property shall contain a buffer strip of at least thirty (30) feet wide planted to substantially screen the buildings in the PRRD from neighboring residential areas.

B. A preliminary landscape planned must be submitted with the Preliminary Development Plan and a final landscape and planting plan must be submitted with the Final Development Plan.

C. All utility lines and connections must be placed underground, except terminal boxes and connections which are prohibited from being placed underground, as approved by the Commission. Terminal boxes and connections placed above ground shall be adequately landscaped to screen them from view and shall be shown on the PDP.

D. Existing mature vegetation of the site shall be retained in areas not disturbed by construction. In areas disturbed by construction, or in areas where existing vegetation is sparse, new plant material (trees, shrubs) shall be provided as follows:

1. Shade trees, evergreen trees and flowering trees shall be planted in, or adjacent to parking areas. At least one (1) tree shall be planted for each three (3) spaces, or fraction thereof: in locations approved by the Commission.

2. Trees and/or shrubs shall be planted around foundations and between structures in manner approved by the Commission.

3. Trees shall be suitably planted and maintained and shall not be less than two (2) inches caliper and 10 feet in height.