

Appendix D
Existing Planned Business Development District Regulations

§ 235-31.1 Planned Business Development District (PBD).

[Added 2-20-2008 by L.L. No. 2-2008]

A.

Purpose. The purpose of the Planned Business Development (PBD) District is to:

(1)

Establish an area for new commercial, industrial, recreational and/or mixed use development on a large scale that will provide the Town and region with employment opportunities, additional tax base and other community benefits, while minimizing impacts on public services;

(2)

Prevent piecemeal development that would compromise the availability and future marketability of a large area for significant new development;

(3)

Accommodate continued agricultural use in an area that is highly suited for agriculture;

(4)

Provide greater flexibility, more creative and imaginative design and utilization of innovative land development techniques while promoting more economical and efficient use of land, buildings, circulation systems and utilities;

(5)

Provide for both individual building sites and common property which are planned and developed as a unit; to provide harmonious land uses which offer a high level of amenities;

(6)

Permit a variety of industrial, commercial and/or recreational uses; and

(7)

Preserve natural and scenic qualities of the site during the development process.

B.

Requirements. Any development proposed for the Planned Business Development District shall meet the following requirements:

(1)

A coordinated development plan that addresses the requirements in this section and advances the purposes stated in Subsection A shall be presented for a contiguous land area that comprises at least 100 acres within the Planned Business Development District. Smaller developments would require an area variance from the Zoning Board of Appeals.

(2)

The preservation of open space and the preservation of trees, outstanding natural topography and sensitive environmental features shall be an integral part of the plan, while allowing sufficiently intensive development to support the extension of infrastructure to the PBD.

(3)

The development shall make creative and efficient use of land and related physical development resulting in smaller networks of utilities and streets and thereby lowering costs for construction and maintenance.

(4)

Adequate public services. No development shall be approved within the Planned Business Development District unless the Town Engineer submits a satisfactory report to the Planning Board regarding the following:

(a)

The project will be connected to municipal water and sewer.

(b)

The project will not overburden the municipal water and sewer system.

(c)

Adequate levels of water pressure are available for fire service.

(d)

A traffic impact study, detailing impacts and mitigation measures, has been prepared by each developer.

(e)

Any costs associated with improvements or upgrades to public facilities may be included in the developer's construction costs and carried out by the developer under the supervision of the Town Engineer.

(5)

Utilities. New public and private utilities and those relocated or replaced shall be underground, unless specifically exempted by the Planning Board.

(6)

Topography, landscaping and site appearance.

(a)

Landscaping shall contribute to prevention of water runoff and erosion problems. Temporary or permanent protection shall be provided during construction to prevent such problems.

(b)

All developments within the district shall be designed to take maximum advantage of the topography of the land, to provide for water storage and control of water runoff, to protect natural drainage courses, to reduce the amount of grading and maximize the conservation of trees and topsoil.

(c)

The design of the perimeter landscaping and improvements of each development should be visually harmonious and compatible with adjoining development.

(7)

Development in phases. If the applicant wishes to construct the development in phases, or if the Planning Board wishes to require that development be phased, the applicant may submit final site plans for only those phases for review per the approved phasing plan, provided that such final site plans are consistent with the coordinated development plan and approved preliminary site plan for the entire site. Any plan anticipated to require more than 24 months to be completed shall be required to be completed in phases, and a phasing plan must be developed. The Code Enforcement Officer may withhold the issuance of building permits if the approved phasing plan is not being followed.

(8)

Performance. The Planning Board may require bonding, a letter of credit or other instrument to ensure that public and private improvements are carried out as specified in the plans and approvals, as provided for in § [235-63C](#) (8).

(9)

Expiration. If no evidence of progressive activity has occurred within two years of the date of approval or upon expiration of any extension of time for starting development granted by the Planning Board, the Planning Board may, with twenty-day-advance-notice to the applicant, declare the approved plan to be null and void. Upon the request of the applicant, the Planning Board shall automatically grant a two-year extension for starting the development, and may thereafter consider further extensions in its discretion.

C.

Permitted uses.

(1)

The following uses are permitted in the Planned Business Development District:

(a)

Warehouse.

(b)

Manufacturing (enclosed).

(c)

Wholesale trade.

(d)

Commercial or professional office or service.

(e)

Research and development facility.

(f)

Governmental facilities.

(g)

Public utility (see § [235-38](#)).

(h)

Recyclables handling and recovery facility.

(i)

Pond (see § [235-48](#)).

(j)

Agriculture.

(k)

Agricultural products processing or distribution facilities.

(l)

Accessory buildings, structures and uses.

(2)

Uses requiring a special use permit. The following uses are permitted in the Planned Business Development District upon the issuance of a special use permit and provided the parcel fronts on, and is directly accessed from, a state highway:

(a)

Retail store.

(b)

Restaurant.

(c)

Hotel or motel.

(d)

Gasoline station (see § [235-37](#)).

(e)

Gasoline station-market (see § [235-37](#)).

D.

Area regulations. See Zoning Schedule A.

Editor's Note: Zoning Schedule A is included at the end of this chapter.

E.

Procedures.

(1)

Applicant. The applicant may be an individual, corporation or a group of individuals or corporations. An application shall be filed by the owner or jointly by the owners of all property included in a project. In the case of multiple ownership, the approved plan shall be binding on all owners.

(2)

Application for site plan approval for a planned business development. Application for a site development plan for a planned business development shall be made to the Planning Board. The applicant shall furnish basic data pertaining to the boundaries of the proposed development and the existing zoning, topography, drainage and soil conditions. A site development plan shall be provided in sufficient detail as may be required for an understanding of the type, uses and design of the proposed development. Information shall be provided to demonstrate that adequate public services exist or will exist to serve the proposed development.

(3)

Planning Board review of site plan.

(a)

The Planning Board shall review the proposed site plan in accordance with the criteria and procedures established in § [235-63C](#).

(b)

The Planning Board shall also consider the following criteria in its review of a proposed planned business development within the PBD District:

[1]

The suitability of the tract for the general type of development proposed and the physical characteristics of the land.

[2]

The relation of the proposed development to surrounding areas, existing and probable future development, including the extension of utilities to adjacent properties and the interconnection of road access to adjacent properties.

[3]

The relation to major roads, utilities and other facilities and services.

[4]

The adequacy of evidence on unified control and suitability of any proposed agreements, contracts, deed restrictions, sureties, dedications, contributions, guaranties or other instruments or the need for such instruments or for amendments in those proposed.

[5]

The suitability of plans proposed or the desirability of amendments, with reasons therefor.

(4)

Public hearing on the application for site plan approval. Within 62 days of receipt of the application, the Planning Board shall hold a public hearing, after public notice, on the application for site plan approval for the initial planned business development. A public hearing shall be optional for subsequent development within an approved planned business development that may be subject to site plan review pursuant to § [235-63C](#).

(5)

Changes in approved final plans. Changes in the types of uses within an approved planned business development and other changes to approved final plans and reports may be approved by the Planning Board only upon findings identical to those required for original approval.

(6)

Upon approval of final plans and reports, building permits shall be issued in the same manner as for building permits generally, provided that any requirements concerning the order and location in which building permits are to be issued in the particular planned business development shall be observed. Except as provided below, final plans and reports as approved shall be binding on the applicants and any successors in title so long as PBD zoning applies to the land.

(7)

Expiration of time limits on planned business development site plan approvals.

(a)

The Planning Board may require that certain actions be taken within specified time frames, as a condition of approval of the site development plan.

(b)

If actions required in any approval of a site plan in a PBD are not taken within any time limits set in connection with such approval, the Planning Board shall review the circumstances and prepare a written report specifying the circumstances and recommending that:

[1]

Site plan approval for the entire area be continued with revised time limits;

[2]

Site plan approval be continued for part of the area, with or without revised time limits;

[3]

Site plan approval be rescinded; or

[4]

Other appropriate actions taken.

(c)

Such recommendations shall include proposals for appropriate action in respect to any legal instruments in the case.