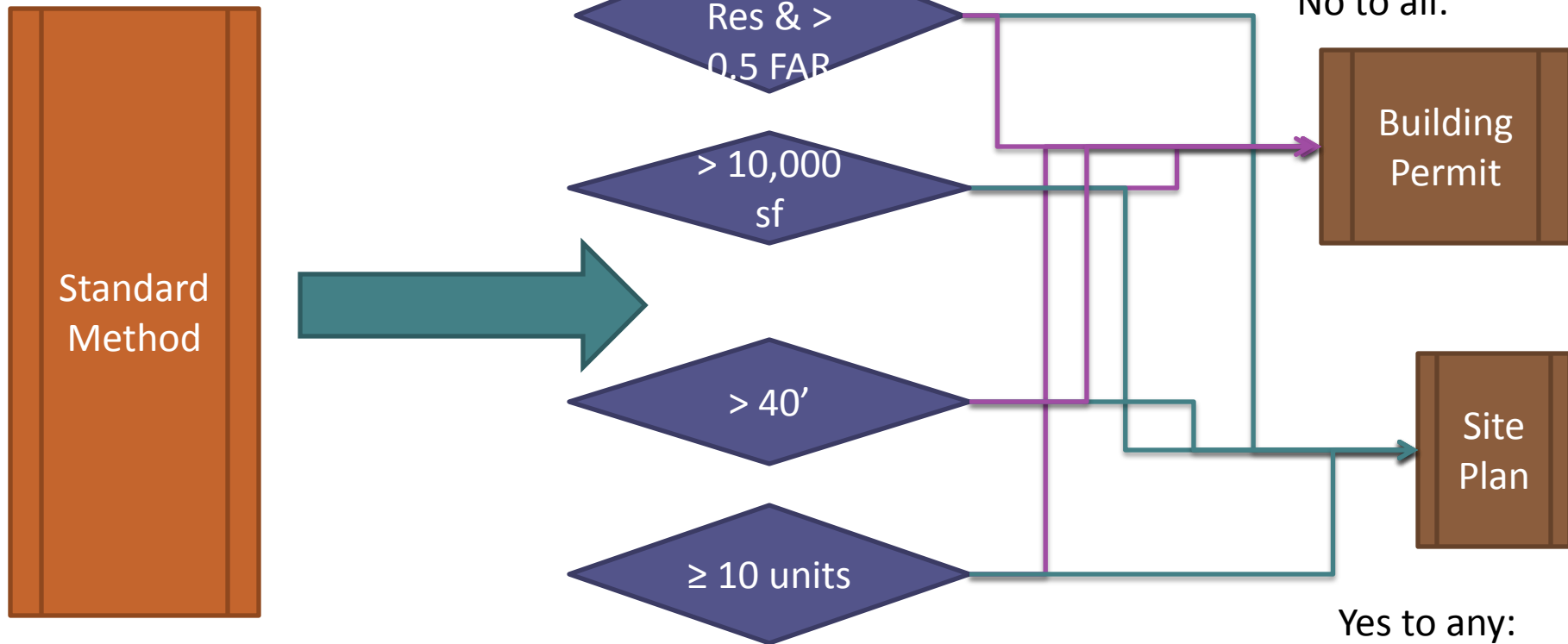


# Continued Discussion Items

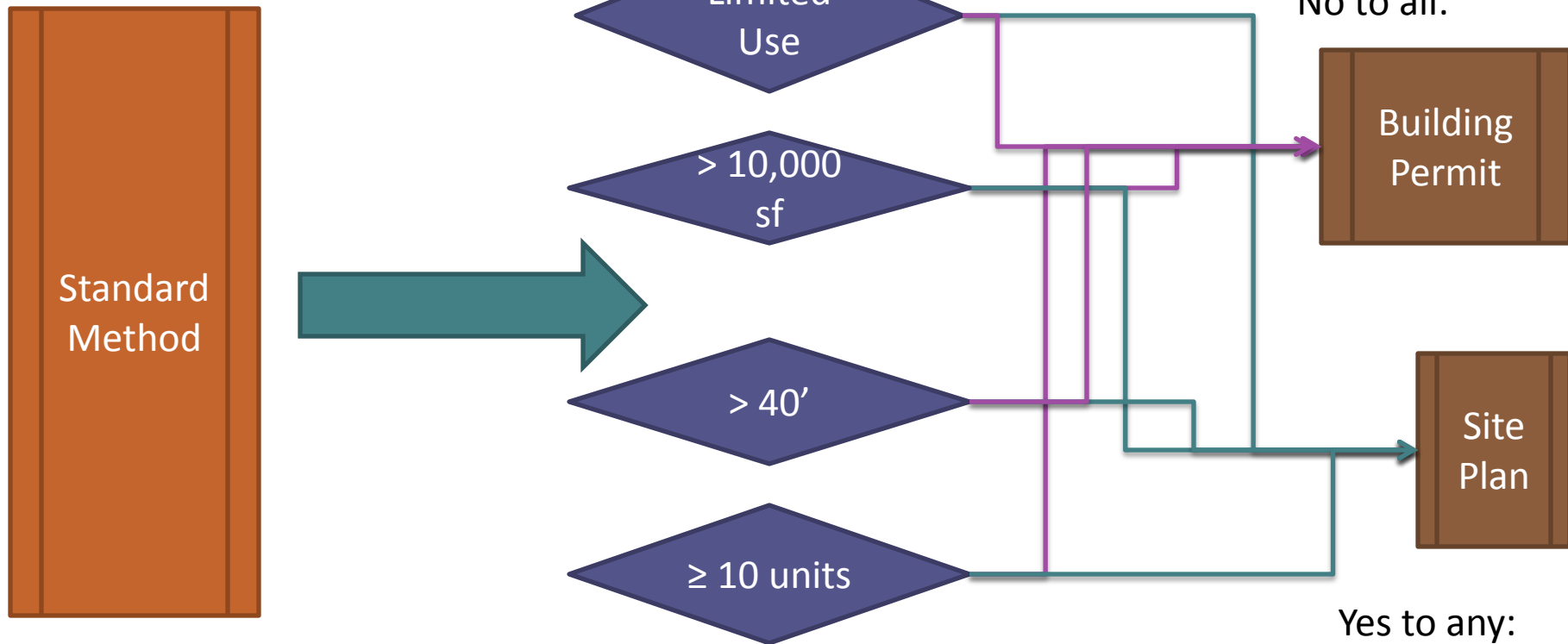
Modifications to Board-Reviewed Sections

59-C-15.511, 15.512, 15.41, & 15.43

# 59-C-15.4. Methods of Development and Approval Procedures: Board Reviewed



# 59-C-15.4. Methods of Development and Approval Procedures: Staff Recommendation



# 59-C-15.511.

## 59 -C-15.51. Limited Uses.

59-C-15.511. Applicability. Uses designated by an “L” in the land use table must comply with the requirements of this Section if they are on properties that are:

- (a) Located adjacent to a property in an applicable residential or agricultural zone; or
- (b) Separated from such a property only by the right-of-way of a primary, secondary, or tertiary residential street.

Where these circumstances do not apply, the use is considered a permitted use and Section 59-C-15.42(d)(1) does not apply.

# 59-C-15.512. (a) & (b)

## **59-C-15.512. Restrictions and requirements of limited uses.**

- (a) No structures, parking spaces, or driveway entrances associated with a limited use may be located within 100 feet of the adjacent agriculturally- or residentially-zoned property line or, when separated by an applicable right-of-way, within 100 feet of the confronting property line.
- (b) When adjacent to an agriculturally- or residentially zoned property and not separated by an applicable right-of way:
- (1) The required 100-foot setback must contain at least an 8-foot evergreen hedge or a 6-foot solid wall or fence, and 1 deciduous tree planted at a minimum of every 30 feet; and
  - (2) Illumination levels may not exceed 0.1 footcandles at the subject property line.
  - (3) For the 100-foot setback area, these requirements replace any applicable surface parking landscaping requirements in Section 59-C-15.645.

# 59-C-15.512. (c)

## **59-C-15.12. Restrictions and requirements of limited uses.**

[(c) If the required distance between a driveway entrance for a limited use and an adjacent or confronting agriculturally- or residentially-zoned property precludes access to the property, the driveway may be built closer than 100 feet subject to reasonable mitigating requirements above the minimum standards imposed through site plan approval by the Planning Board, such as additional visual or noise buffering.]

(c) If the required setback cannot be met, the structure, parking spaces, or driveway entrances associated with a limited use may be built closer than 100 feet subject to reasonable mitigating requirements above the minimum standards imposed through site plan approval by they Planning Board, such as additional visual or noise buffering.

# 59-C-15.41.(c) & (d)

(d) A site plan approval under Division 59-D-3 is required for a standard method development only if the application proposes~~[project only if]~~:

(1)~~[(a)]~~ A limited use under Section 59-C-15.5;

(2) A ~~the~~ gross floor area exceedings 10,000 square feet;

(3) A building height exceeding 40 feet; or

(4)~~[(b) any building or group of buildings contains]~~ 10 or more dwelling units.

## 59-C-15.43(d)(3).

- (d) During site plan review, the Planning Board may approve modifications to the binding elements or conditions of an approved sketch plan.
  - (1) If changes to a sketch plan are requested by the applicant, notice of the site plan application must identify those changes requested. The applicant has the burden of persuading the Planning Board that such changes should be approved.
  - (2) Other changes may be requested by Planning Board staff, the Planning Board, or another interested party. If changes are recommended after the application is made but before posting of Planning Board staff's recommendation, notice of the site plan hearing must identify changes requested.
  - (3) The applicant is not required to change any binding element approved under this Section unless the Planning Board finds, upon detailed site plan review, that the binding element does not satisfy the applicable findings.
  - (4)~~(3)~~ In acting to approve a sketch plan modification as part of site plan review, the Planning Board must make the findings required under Section 59-C-15.43(c) in addition to those findings required under Section 59-D-3.