

Sec. 3-9-45.1 Planned development (PD) Open Space and Setback Special Requirements.

(a) Intent: The purpose and intent of the section is to provide alternative design criteria for open space and setback within different types of development.

(b) Development within the US 41 Overlay: In order to promote compact and intense development within this overlay, the setback and open space requirements are reduced as follows:

1. Setback: The twenty-five-foot PD setback requirement is not required.

2. Open Space: A minimum of five percent and a maximum of ten percent of the entire site shall be allocated towards open space or recreational uses. Outdoor public gathering places may be considered as open space, such as open-air plazas.

(c) Development with the Burnt Store Overlay District:

1. Open Space: Open Space shall include recreational facilities, parks, sidewalks and trails, natural preserve areas, or other commonly owned or maintained areas of pervious surface. However, commonly-maintained man-made water-bodies may count as ten percent of the total open space requirement.

Development which includes recreational vehicle uses must contain at least three acres of active recreational amenities. Such amenities may be counted towards the required 20 percent minimum open space.

(d) Development within the Compact Growth Mixed Use Future Land Use Map (FLUM) designation: In order to promote compact and intense mixed-use development, the open space requirements are reduced as follows:

1. Open Space: A minimum of five percent and a maximum of ten percent of the entire site shall be allocated towards open space or recreational uses. Outdoor public gathering places may be considered as open space, such as open-air plazas.

(e) Development within the Rural Community Mixed Use FLUM designation or Conservation Subdivision: In order to protect and preserve the rural atmosphere, the setback and open space requirements are increased as follows

1. Setback: The minimum PD setback shall be 50 feet.

2. Open Space:

i. For development within the Rural Community Mixed Use FLUM designation: A minimum of 50 percent of the total site shall be set aside as Rural Residential Open Space. A minimum of 40 percent of the total site shall be set aside as Rural Residential Open Space if the proposal meets the requirements of alternative development set forth in the County's Comprehensive Plan.

ii. For development within Conservation Subdivision: A minimum of 70 percent of the total site shall be set aside as Rural Residential Open Space.

At least 50 percent of such open space shall remain undeveloped. The remaining 50 percent may contain:

a. bike paths,

b. hiking trails,

c. equestrian trails,

d. canoeing and kayaking facilities,

e. fishing facilities such as docks and limited storage for non-motorized boats,

f. agricultural uses including accessory uses,

g. stormwater management systems serving the community provided the stormwater systems are unfenced and are surrounded by, or adjoin, areas that are improved for use by wildlife and accessible to the residents of the development, and

h. any required buffers.

Existing agricultural areas may be maintained in agriculture, natural lands reserved as open space shall not be converted to agricultural uses.

Golf courses shall not qualify as Rural Residential Open Space.