Town of Arundel Maine
Cluster Development/Planned Unit Development Ordinance

Note: Cluster/Planned Unit Development is a Conditional Use in Arundel

9.3.12 CLUSTER DEVELOPMENT/PLANNED UNIT DEVELOPMENT

1. Purpose

The purpose of these provisions is to allow for flexibility in design and layout of housing developments, provided that the net residential density shall be no greater than is permitted in the district in which the development is proposed and to promote the conservation of dedicated common open space. All layout, dimensional, and area requirements contained in this ordinance or the town's subdivision review standards may be altered by the Planning Board, except height limitations.
(Amended June 11, 2008)

2. Basic Requirements: Cluster/planned unit developments shall meet all the following criteria:

a. Dimensional Exemptions: All developments shall meet the Arundel Subdivision Regulations but are exempt from this ordinance's requirements relating to minimum lot size, property line setbacks and street frontage. The total area of reduction on lot sizes below the required minimums shall be at least equal to the amount of dedicated common open space and in developments located in the Rural Zones the dedicated common open space shall be equal to or exceed 50% of the total acreage in the development. (Amended June 11, 2008)

b. Minimum Acreage: The minimum area of land in a cluster/planned unit development shall be 6 acres.

c. Master Plan Required: The site plan shall identify the location of all proposed roads, structures, parking areas, footpaths, common open space, and private yard space related to individual dwelling units. Only developments having a total site master plan will be considered.

d. Net Density Calculations: To determine the maximum number of dwelling units permitted on a tract of land, the total acreage allowed to be included in net density calculations less the land needed for road rights of way, shall be divided by the minimum lot size normally required in the district.

e. Preservation of Natural Resources: On any parcel encompassing 5 or more acres of important natural resources, noted as existing farmland soils, open fields or pasture, or registered tree growth woodland, the dwelling unit layout shall be clustered on such land to the most practical extent, so that at least 90% of the important natural resources remain as undeveloped.

f. Multi-Family Unit Limitations: No single group of dwellings which are attached either horizontally or vertically shall contain more than four (4) dwelling units. Residential structures, including mobile homes, shall not be located closer than 30 feet to each other.

g. Soil Survey: The extent of soil types shall be delineated by a Registered Soil Scientist, licensed in the State of Maine, on a soil survey map.

h. Very Poorly Drained Soils: No dwelling unit shall be constructed on soil classified as being "very-poorly" drained.

i. Shoreline Access: Where a cluster/planned unit development abuts a watercourse or waterbody, a portion of the shoreline, as well as reasonable access to it, shall be a part of the common land.

i. Water Supply: Dwelling units in a cluster/planned unit development may have individual water supplies or may be connected to a common water supply and distribution system, either public or private, at no expense to the municipality. Applicants shall provide an analysis that is satisfactory to the Town Planner, Staff Review Committee or the Planning Board as appropriate, that the water supply / supplies will be:

1) protected from contamination, and

2) able to provide adequate supply.

j. Common Septic System: All structures with plumbing in a cluster/planned unit development shall be connected to a public sanitary sewer system, if available, or to a central collection and treatment system in accordance with Section 5.15 Sanitary Provisions of this Ordinance. The Planning Board may allow individual wastewater disposal systems based on the submission of a hydrogeologic assessment and feasibility analysis which indicates that the individual systems will not adversely impact the groundwater quality.

k. Landscape Buffers: The development shall be designed with a continuous landscaped area not less than fifty feet in width which shall contain no structures. The first twenty-five (25) feet of the buffer strip, as measured from the exterior boundaries of the development shall contain evergreen shrub, trees, fences, walls or any combination which forms an effective visual barrier to be located on all exterior lot lines of the development, except that streets or driveways shall be kept open to provide visibility for vehicles entering and leaving the development.

3. Dedication and Maintenance of Common Open Space

a. Covenant Restrictions: The common open space land shall be jointly owned in common by the owners of the dwelling units/lots invested in an association. Covenants for mandatory membership in the association, setting forth the owner's rights and interests, shall be included in the deed for each lot or dwelling.

b. Use of Common Land: The common land shall be restricted to recreation, conservation or agricultural purposes. Structures accessory to non-commercial recreational, conservation or agricultural uses may be erected on the common land.

c. Restrictions of Common Open Space: The common open space(s) shall be shown on the development plan and with appropriate notion on the face thereof to indicate that:

1) Further subdivision of common land is prohibited and it shall not be used for future residential building lots; and that,

2) A part of or all of the common open space may be dedicated for acceptance by the Town for operation as a municipal recreation facility.

d. Bylaws: The by-laws of the proposed neighborhood association shall specify maintenance responsibilities for the common lands.

e. Maintenance Fees: The association shall levy annual charges against all dwelling owners to defray the expenses connected with the maintenance of open space, neighborhood recreational facilities and other assessments.

f. Developer Responsibility for Common Land Maintenance: The developer or subdivider shall maintain control of such open space(s) and be responsible for their maintenance until at least 50% but not more than 75% of the lots/units are sold.