

## ARTICLE IX. PLANNED UNIT DEVELOPMENT

### Section 9.1 Purpose

A. For the purposes of these regulations, planned unit developments as authorized under the Act [§4417] include both planned unit developments (PUDs) and planned residential developments (PRDs) as defined in Section 11.2 and these regulations. The purpose of planned unit and planned residential development is to provide for flexibility in the design and layout of lots, structures and infrastructure to promote:

1. Master planning for comprehensive, environmentally-sensitive, integrated subdivision and development.
2. Efficient and economical use of land, resources, facilities, utilities and services.
3. Clustered development that enhances neighborhood character, avoids the fragmentation of and adverse impacts to significant natural resources, and maximizes functional open space for farming, forestry and outdoor recreation.
4. Concentrated, compact, mixed use, pedestrian-scale development that maintains a traditional village character in the Underhill Flats Village Residential District and Underhill Center Village District.
5. Affordable and senior housing development.
6. Energy efficiency and the sustainable use of renewable energy resources.

B. To achieve these objectives, the Development Review Board (DRB) may modify the area, density and dimensional requirements of applicable zoning provisions under these regulations concurrently with the approval of a subdivision plan and plat under Article VII.

### Section 9.2 Applicability

A. Planned unit developments (PUDs) consisting of a mix of development types, are allowed in the Underhill Flats Village, Rural Residential, and Water Conservation Districts. Planned Unit development is prohibited in the Mt Mansfield Scenic Preservation and Soil and Water Conservation Districts.

B. Planned residential developments (PRDs) consisting predominantly of residential development, are allowed in the Underhill Flats Village, Rural Residential, Water Conservation, Mt Mansfield Scenic Preservation, and Soil and Water Conservation Districts.

C. An applicant may apply for PUD or PRD review as allowed by district in association with the submission of an application for subdivision review under Article VII.

D. To encourage integrated master planning, a PRD or PUD may include multiple adjoining properties in common ownership, or in separate ownership if a joint application by all property owners is submitted.

E. PUD or PRD approval shall not exempt subsequent development from site plan or conditional use review under Article V, as applicable under these regulations. Site plan or conditional use review may be conducted concurrently with final subdivision and planned development review.

### Section 9.3 Application Requirements

A. In addition to the application requirements for preliminary subdivision review (see Section 7.5), the application for PUD or PRD review shall also include:

1. A survey of the property to be developed.
2. A master plan for any PUD or PRD that includes four or more lots or that will be developed in phases. At minimum, the master plan shall include subdivision plans and narratives that depict and describe:
  - a. The location and type of existing and proposed structures and uses within the planned development, including the location of existing building footprints and proposed building envelopes (or individual building footprints) designated in accordance with Section 8.2.
  - b. The location, extent and existing and proposed use of open space designated in accordance with Sections 8.3 and 8.4, to include natural and cultural resources to be conserved within the project area.
  - c. The overall intensity (level) of use at build-out, including the projected number of residents or occupants, trip generation rates, and the maximum design capacity of existing and proposed buildings, infrastructure, facilities and services.
  - d. The location of internal and connecting access roads (rights-of-way), parking areas, walkways and paths.
  - e. The location and type of any on-site renewable energy, water, wastewater and waste management systems.
  - f. A development schedule, including a proposed schedule for any phased development.
3. A statement setting forth the nature of all requested modifications, changes or supplementations to the zoning provisions of these regulations including, but not limited to, proposed waivers or modifications of district dimensional standards.
4. A description of the number and types of structures and uses to be included in the PUD or PRD, including building elevations and exterior design specifications.

5. Density calculations used to determine the overall density of development within the PRD or PUD, in accordance with the requirements of Section 9.5.C; and density calculations for that portion of the PRD or PUD to be developed.
6. Management plans for any natural areas or open space to be conserved, and for all common areas, facilities and services within the PRD or PUD, to include a description of ownership, use, and long-term maintenance or management, and associated legal agreements, easements or covenants;
7. For projects that include affordable housing, as defined under Section 11.2, associated management plans and legal agreements that ensure the long-term affordability of such units which, at minimum, shall be for 15 years from the date of construction.
8. For projects that incorporate adjoining parcels in separate ownership, evidence of established and proposed ownership and interests in land, and a final master plan, survey plat, and phasing schedule that depict the manner in which adjoining parcels will be developed over time in a unified, cohesive, integrated and environmentally sensitive manner.

#### Section 9.4 Review Process

- A. Applications for PUD or PRD approval shall be reviewed by the Development Review Board concurrently with an application for subdivision review, in accordance with the review process for major subdivisions under Article VII and the following:
  1. Approved modifications and other conditions of approval shall be specifically identified in the written decision granting subdivision and planned development approval and noted on or appended to the survey plat and recorded in the land records.
  2. If the application of PUD or PRD provisions results in land and/or facilities to be held in common, and/or to be reserved for the preservation of open space, it must meet associated management, legal and recording requirements for such lands and facilities under Sections 8.3, 8.4 and 8.8.
  3. The DRB, in approving modifications to dimensional requirements, may condition the approval as necessary to mitigate the adverse impacts of higher density development on significant natural, cultural and scenic resources (under Section 8.3), transportation facilities (Section 8.6), public facilities and services (under Section 8.7) and neighboring properties. These may include:
    - a. Limits on the density of development allowed on portions of the site to be developed.
    - b. Increases or decreases in lot sizes, setbacks and building heights near adjoining properties.
    - c. Landscaping, screening or buffer areas.

- d. Other mitigation measures as recommended by the applicant, state or town officials, or other interested persons during the hearing process.

4. The DRB, in accordance with Sections 7.6 and 10.7, may also require the applicant to demonstrate the fiscal ability to install and maintain approved improvements, through the provision of a bond or other surety acceptable to the Underhill Selectboard.

## Section 9.5 General Standards

- A. In addition to meeting all applicable subdivision review standards under Article VIII, a proposed PUD or PRD shall meet the following standards:

1. The PUD or PRD shall be consistent with the goals and policies of the Underhill Town Plan currently in effect, the purpose of the zoning district(s) in which it is located, and all applicable regulations not modified through PRD or PUD review and approval;
2. The PUD or PRD shall present an environmentally sensitive, effective and unified treatment of the site(s), that:
  - a. locates and clusters development on the most developable portions of the site(s), and excludes from development areas of very steep slope (>25%); surface waters, wetlands and associated buffer areas in accordance with Section 8.2 and these regulations;
  - b. designates functional open space which meets the requirements of Sections 8.3 and 8.4, and, to the extent physically feasible, is contiguous with such land on adjoining parcels and incorporates significant natural, cultural and scenic resources identified for protection;
  - c. establishes or reinforces planned patterns and densities of development for the zoning district(s) in which it is located, including lot size and layout, a pedestrian-scale and orientation; and connections to existing roads, utility corridors, sidewalks and pedestrian paths;
  - d. integrates vehicular and pedestrian circulation with neighboring properties and public rights-of-way; and
  - e. minimizes site disturbance and infrastructure development costs and, through lot layout, orientation and site design maximizes opportunities for energy efficient design and access to and the sustainable use of renewable energy resources.
3. Development within a PUD or PRD shall be set back, buffered, landscaped and/or screened as required to maintain district character; and to minimize adverse physical or visual impacts to significant natural, cultural and scenic features, and adjoining properties, uses, and public rights-of-way.

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2 B. **Allowed Uses.** PUDs and PRDs may involve the creation of separate building lots and/or  
3 development in which multiple buildings or uses are located on a single parcel in common  
4 ownership, however allowed uses shall be limited as follows:

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6 1. **PUDs.** PUDs shall be designed to accommodate a mix of residential, commercial or  
7 other uses allowed within the zoning district(s) in which it is located. PUDs also may  
8 include, as accessory uses or structures, common areas and facilities for use by  
9 occupants of the PUD and/or the general public.  
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11 2. **PRDs.** PRDs shall be designed for residential use only. Dwelling units may be of varied  
12 types, including single family and accessory dwellings, two-family dwellings, multi-family  
13 dwellings and associated accessory structures and uses, as allowed within the zoning  
14 district(s) in which they are located. PRDs also may include, as accessory structures or  
15 uses, common areas or facilities for use by residents of the PRD.  
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17 3. Within some zoning districts, specified uses may be allowed only within a PRD or PUD,  
18 as specified under Article II.  
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20 C. **Density Calculations.**  
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- 22 1. The maximum number of building units or lots within a PRD or PUD shall not exceed the  
23 number which could be developed on a parcel under applicable zoning regulations.  
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25 2. Calculations of the allowed overall density of development shall be based on total parcel  
26 acreage, excluding existing and proposed road-rights-of-way, and lot size and density  
27 requirements for the zoning district(s) in which the PRD or PUD is located.  
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29 3. For PRDs or PUDs within two or more zoning districts, the allowed overall density of  
30 development shall be sum of the allowed density calculated for each area of the PRD or  
31 PUD within a particular zoning district, using the dimensional standards for that district;  
32 however building lots or units may be transferred from that portion of the parcel within  
33 the lower density zoning district(s) to developable areas of the parcel within the higher  
34 density zoning district(s).  
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36 4. For PRDs or PUDs on two or more adjoining parcels, the allowed overall density shall be  
37 calculated as the sum of the allowed density for each lot, however building lots or units  
38 may be transferred from one parcel to developable areas on another parcel.