

10.20.23 FINAL Clean copy -- Residential uses as part of a PUD in the Industrial/Commercial Zoning District

### **Proposed amendments to the RZR**

#### **3.7 Industrial/Commercial District (I/C)**

3.7.2 (h) Dwelling unit(s) as part of a PUD as provided in Section 5.12

3.7.2 (o) Planned Unit Development as provided in Section 5.12

#### **5.12 Planned Unit Development (PUD) and Residential PUD**

5.12.1 Coordination of Review – Applications for PUD or Residential PUD approval shall be reviewed by the DRB as a conditional use, subject to conditional use review and approval under Section 5.6, and concurrently with the review of a subdivision plat if a subdivision is proposed. Any subsequent Zoning Permit, site plan or conditional use approval of a proposed development within an approved PUD or Residential PUD shall incorporate all applicable conditions of the PUD or Residential PUD approval.

5.12.2 General Conditions – All PUD and Residential PUD applications shall meet the following conditions:

- a) The PUD or Residential PUD provision may be used for any sized parcel, but shall be *required* for developments of nine or more lots; or ones in which multiple ownership of a building or buildings, or multiple principal structures or uses on a single lot are proposed, except as provided in section 4.5. For the purpose of determining the number of lots, all lots shall be counted if they have been approved for subdivision by the DRB or Administrative Officer within a continuous period of sixty months preceding the date of filing the PUD subdivision application.
- b) A PUD, but not a Residential PUD, shall be allowed in the JC and VD Districts. A PUD or Residential PUD shall be allowed in the V R/C, G R/C, VC, C or I/C Districts. However, in the I/C District, a Residential PUD shall be allowed only on parcels that are occupied and solely occupied by a residence or residences prior to \_\_\_\_\_ (*date of adoption*). A Residential PUD shall be allowed in the A/R and the HDR Districts.
- c) A Residential PUD shall include only dwelling units. The dwelling units may be of varied types including single, two-family and multi-family dwellings. Home occupations, child care homes and group homes shall also be allowed.
- d) The total number of allowable dwelling units in the PUD or the Residential PUD shall not exceed the number that would be permitted if the land were subdivided into lots in conformance with these Zoning Regulations for the Zoning District in which such land is located, and in accordance with Section 2.5 of these Zoning Regulations.
- e) The DRB may allow for a greater concentration of dwelling units than would otherwise be allowed in the underlying district within some section(s) of the development, provided there is an offsetting lesser concentration or an appropriate reservation of open space on the remaining land.
- f) The uses proposed for a PUD shall be only those uses listed as permitted or conditional in the district in which the PUD will be located. Any of these uses shall be allowed.
- g) A PUD may contain only commercial uses or may contain mixed commercial and residential uses. In the V/C, C and I/C Districts, at least 50% of the gross building floor area must be in commercial use. In the VD District, residential uses shall be restricted to the second floor and above; and in the JC District, residential uses shall be restricted to the second floor and above and to the walk-out basement floor as long as all applicable Vermont Fire and Building Safety Codes are met.

- h) The DRB may impose conditions to assure that a PUD or a residential PUD does not place an unreasonable burden on the ability of the Town of Richmond to provide municipal or governmental services.
- i) The PUD or Residential PUD is consistent with the Town Plan.
- j) The PUD or Residential PUD is an effective and unified treatment of the development possibilities of the project site. The development plan shall make appropriate provision for preservation of the following features as feasible or required: streams, stream banks, and water bodies, aquifer recharge areas, slopes greater than 20%, wetlands, soils unsuitable for development, agricultural lands, meadow lands, productive forest lands, historic features, unique natural features as identified in the Town Plan, wildlife habitat, high elevations, ridge tops, and floodplains.
- k) The PUD or Residential PUD shall meet local and state regulations for sewage disposal and the protection of water quality.

#### **5.12.4 Application Procedures**

a) *(same as current)*

b) *(same as current)*

c) *i – vii same as current)*

c) viii. For each and any proposal for further land development in a PUD or a Residential PUD, beyond that which has been approved and permitted, an application for an amendment to the prior approval shall be required, followed by review and approval by the DRB, including public hearing(s) as required by these regulations, before a zoning permit can be issued. If a new subdivision is proposed, the subdivision review shall occur concurrently with the amended PUD or Residential PUD review.

#### **5.12.7 PUD and Residential PUD Review Process**

The PUD or Residential PUD decision will be issued concurrently with the conditional use or final subdivision decision. The DRB shall hold a public hearing on the application, warned in accordance with Section 8.2 and shall provide opportunity for any person wishing to achieve status as an Interested Person to demonstrate that they meet the definition of “Interested Person” under 24 VSA 4465 and these zoning regulations for purposes of appeal. The DRB shall act to approve, approve with conditions, or deny the application and issue a decision as provided in Section 8.2.