

12.6.23 **Residential uses as part of a PUD in the Industrial/Commercial Zoning District and PUD Revisions** (clean copy)

**Proposed amendments to the Richmond Zoning Regulations**

**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.

### **5.12.3** *(same as current)*

### **5.12.4 Application Procedures**

- a) *(same as current)*
- b) *(same as current)*
- c) *i – vii same as current;*  
*( viii is omitted)*

### **5.12.5** *(same as current)*

### **5.12.6** *(same as current)*

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

- a) The PUD or Residential PUD application will be reviewed simultaneously with Conditional Use Review under the Richmond Zoning Regulations, as well as review of the subdivision plat under the Richmond Subdivision Regulations if a subdivision is proposed. If a subdivision is not proposed, the application shall be reviewed by the DRB as a Conditional Use, but shall utilize the same three-step procedure of Sketch Plan, Preliminary Plan and Final Plan review as outlined in the Subdivision Regulations.
- b) 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.
- c) The DRB will impose any conditions felt to be necessary to ensure that the PUD or Residential PUD will satisfy the PUD purpose statement and standards set forth in Section 5.12, any conditions of the underlying district that are not modified in the approval, and any conditions otherwise felt to be necessary. Certain clearly defined conditions which are essential to the approval will be designated as “**Critical Permit Conditions.**” Examples of such conditions include those that would prohibit further development in an area of the PUD, or conserve land through a permanent easement.
- d) The DRB shall act to approve, approve with conditions, or deny the application and issue a decision as provided in Section 8.2.

e) Subsequent to an approval of a PUD or Residential PUD, but prior to the commencement of any further land development beyond which has been approved and permitted, an application for an amendment to the prior approval shall be submitted. This application will be followed by DRB review, including public hearing(s) as required by Section 5.6, before an amended permit can be issued. If a new subdivision is proposed, the subdivision review shall occur concurrently with the conditional use amendment review. An application to amend a **Critical Permit Condition** shall be subjected to the *Hildebrand/Stowe Club Highlands* test or deemed major enough by the DRB to warrant an entirely new PUD or Residential PUD application.

## **7. Definitions**

**Planned Unit Development (PUD)** – One or more lots to be developed under the provisions of Section 5.12 of these Zoning Regulations. . A PUD may be subdivided or retained as a single lot; may have a creative layout; may be developed with a mix of land uses and building types, and may deviate from bylaw requirements that are otherwise applicable to the area in which it is located with respect to lot size, bulk or type of dwelling or building, use, density, intensity, lot coverage, lot frontage, parking, required common open space, or other standards.

**Planned Unit Development (PUD), Residential** – A type of Planned Unit Development, as defined above, that contains only residential uses, and conforms to the requirements of Section 5.12.

**Critical Permit Condition** – A permit condition imposed in a PUD or Residential PUD that is judged by the DRB to have been essential for approval of the project, and listed as such in the approval document.

### **Proposed amendments to the Richmond Subdivision Regulations**

*(310.2[12] is omitted)*

#### **610 Lot Layout**

610.1 ZONING REGULATIONS: The layout of all LOTS and their setback requirements shall conform to the requirements of the ZONING REGULATIONS and these Subdivision Regulations to achieve the desired settlement pattern for the zoning district, area, and neighborhood in which the SUBDIVISION is located, including associated overlay districts. All LOTS must have the required frontage. If the SUBDIVISION meets the requirements and is approved as a Planned Unit Development or as a Planned Residential Development, the DRB may waive or modify specific requirements of the ZONING REGULATIONS as provided in the PUD or Residential PUD sections of the ZONING REGULATIONS.