## 5.12 Planned Unit Development (PUD)

**Purpose** – In accordance with the 24 VSA §4417, Planned Unit Developments (PUDs) are authorized within designated zoning districts in order to encourage flexibility of design and the development of land in such a manner as to promote the most appropriate use of land, to facilitate the adequate and economic provision of roads and utilities and to preserve the natural and scenic qualities of the open lands of the Town of Richmond. The modification of the dimensional requirements governing lot area, lot dimension, lot frontage and lot coverage and the dimensional limitations for structures governing front, side and rear yard setback requirements of these Zoning Regulations may be permitted subject to the conditions set forth in this section, simultaneously with the approval of a subdivision plat under the Richmond Subdivision Regulations if a subdivision is proposed.

**5.12.1 Coordination of Review** – Application for 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 shall incorporate all applicable conditions of the PUD approval.

**5.12.2 General Conditions** - All PUD applications shall meet the following conditions:

* + 1. The PUD provision may be used for any sized parcel but shall be *required* for developments of nine or more lots, or ones in which a 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 purposes 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.
    2. 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 unless specified below in Section 5.12.2(e) of these Regulations.

c) The total number of allowable dwelling units in a 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.

d) The DRB may allow for a greater concentration of 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.

e) In the VC, C and I/C Districts, at least 50% of the gross building floor area shall be restricted to commercial use. In the VD District, residential uses shall be restricted to the second floor and above; and in the JC District, in any building with frontage directly onto Bridge Street 20% of the first (ground) floor nearest to Bridge Street shall be restricted to commercial use. In the I/C District, a PUD consisting only of residential uses shall be allowed only on parcels that are occupied and solely occupied by a residence or residences prior to May 28, 2024 and apply only to the following parcels: RG0090, RG0140, RG0226 and RG0300. Residential PUD shall be allowed in the A/R and HDR Districts as well.

f) 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.

g) A PUD is consistent with the Town Plan.

h) The 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.

i) The PUD or Residential PUD shall meet local and state regulations for sewage disposal and the protection of water quality.

**5.12.3**  **Additional Standards** – In addition to the specific standards in the Zoning District and, as applicable, review standards in Section 5.6 *Conditional Use Review,* or subdivision review standards under the Town of Richmond Subdivision Regulations, the following site standards also may be required as a condition of the DRB approval.

1. Greater setback and screening requirements for structures, parking areas and other development features along the perimeter of the property.
2. Adequate pedestrian circulation.
3. Improvements to roads to meet the Public Works Specifications.
4. Restriction of points of access to state or town roads.
5. Demonstration of the ability to properly develop, operate, and maintain development roads, utilities, and other private improvements.

##### 5.12.4 Application Procedures –

1. A Zoning Permit shall not be issued for any building or development in a PUD until the PUD has been approved by the DRB.
2. The DRB shall hold one or more public hearings on the PUD , warned in accordance with Section 8.2.3, as required for conditional use review.
3. The Applicant shall submit one set of site plan maps and supporting data to the Administrative Officer for referral to the DRB, which, in addition to the application requirements for conditional use or subdivision review, shall include the following information:
   1. Name and address of the owners of record of adjoining lands. Name and address of person or firm preparing the map. Scale of map, north point, and date. Name, address, and interest of the Applicant in the subject property.
   2. Survey of the property showing all existing, proposed or potential lot boundaries, and all existing or proposed easements, rights of way and deed restrictions.
   3. Site resource map, at the same scale as the site plan, showing contours, indicating soils suitable for on-site sewage disposal, wetlands, Areas of Special Flood Hazard, bodies of water, slopes of 20% grade or greater, ridge lines, agricultural and forest land, critical wildlife habitat, and identified natural or historic features.
   4. Site plan showing the locations of proposed structures and their use; Road(s) or Highway(s), driveways, traffic circulation, parking, and pedestrian ways; landscaping, including site grading, landscape design, and screening; utility lines; lighting; water supply sources and sewage disposal areas; and land that may be set aside for common lands and/or public use.
   5. A statement setting forth the nature of all proposed modifications, changes, or supplements of these Zoning Regulations and the proposed standards and criteria which the Applicant proposes for the development, including standards for the design, bulk and spacing of buildings and sizes of lots and open spaces.
   6. Construction sequence and time schedule for completion of each phase of buildings, Roads or Highways and parking, landscaping and amenities.
   7. Proposed restrictive covenants for those developments that shall provide common open space, recreation, roads, parking areas, community water and sewer systems, or other facilities owned or maintained in common.

**5.12.5 Common Land** – If the proposal results in lands available for park, recreation, open space, agriculture, forestry or municipal purposes, such common land must meet the following requirements:

1. The location, shape, size and character of the common land is suitable for its intended use and for the development given its size, density and physical features.
2. Common land shall be suitably improved for its intended use, except that common unimproved land, and lands designated for agriculture and forestry, may be so utilized.
3. Prior to the issuance of any Certificate of Occupancy for any Land Development in a PUD, the Applicant shall provide for and establish an organization or trust for the ownership and maintenance of any common facilities or open space: the organization or trust shall not be dissolved or revoked nor shall it dispose of any common facilities or open space, by sale or otherwise, except to an organization or trust conceived and established to own and maintain the common facilities or open space, without first offering to dedicate the same to the Town or other government agency to maintain those common facilities or that open space.

##### 5.12.6 Roads and Other Facilities

All roads, sidewalks, recreation paths, water and sewer lines, stormwater facilities, utilities, and related facilities in a PUD (each a “Facility”) shall remain private until formally accepted by vote of the Town Selectboard. If the Applicant intends to offer any Facility to the Town, then, with the application for FINAL SUBDIVISION approval, the Applicant shall submit the following:

* 1. A draft irrevocable offer of dedication;
  2. A draft warranty deed conveying to the Town:

1. For a road Facility, fee simple title to a 60-foot-wide area of land, 30 feet on either side of the road centerline; and
2. For any other Facility, either fee simple title to an area where the Facility will be located, or an easement for the Facility’s use, maintenance, repair, enlargement, and replacement. The warranty deed shall not be subject to any encumbrances, including but not limited to mortgages and other easements.

Final Subdivision approval shall not constitute acceptance of the facility as a public facility, as acceptance can only occur by vote of the Selectboard. Final approval shall not be deemed to prevent the Town Selectboard from requiring any modifications to the irrevocable offer or any instruments or the deed that the Selectboard deems appropriate prior to acceptance.

##### 5.12.7 PUD Review Process-

* 1. The 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 will be reviewed by the DRB as a Conditional Use but shall utilize the three-step procedure of Sketch Plan, Preliminary Plan, and Final Plan review as outlined in the Subdivision Regulations.
  2. The DRB shall hold a public hearing on the application, warned in accordance with Section 8.2 and shall provide the opportunity for any person wishing to achieve status as an “Interested Person” to demonstrate that they meet the definition of “Interested Person” under 24VSA §4465 and these Zoning Regulations for purposes of appeal.
  3. The DRB will impose any conditions felt to be necessary to ensure that the 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 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 though a permanent easement.
  4. The DRB shall act to approve, approve with conditions, or deny the application and issue a decision as provided in Section 8.2.

5.12.8 PUD Amendment Review Process

a) Subsequent to an approval of a 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 approval shall be submitted. This application will be followed by DRB review for a major amendment, including public hearing(s) as required by Section 5.6 before an amended permit can be issued; or by a Zoning Administrator review and permit for a minor amendment. If a new subdivision is proposed, the subdivision review shall occur concurrently with the Conditional Use amendment review. An application to amend a **Critical Pemit Condition** shall be subject to the ***Hildebrand/Stowe Club Highlands test*** or deemed major enough by the DRB to warrant an entirely new PUD or Residential PUD application.

b) Major amendments

c) Minot amendments