

**Section 4.5 PLANNED UNIT DEVELOPMENTS**

- 4.5.1 **Purpose:** In accordance with the Planning Act, Planned Unit Developments (PUDs) are permitted in designated zoning districts to allow for innovative and flexible design and development that will promote the most appropriate use of land, and help implement the policies of the Town Plan, and specifically achieve one or more of the following objectives: in accordance with the design standards outlined elsewhere in the Zoning Regulations and Subdivision Regulations. In return for greater flexibility and density bonuses, PUD projects are expected to design a master plan for the entire property and set aside substantial greenspace (or suitable community facilities).
- ~~(1) cluster development to accommodate new housing and conserve energy, avoid the fragmentation of productive farmland, forest and wildlife habitat, and maintain Hinesburg's rural, open character;~~
  - ~~(2) facilitate the adequate and economical provision of streets and utilities, and provides one or more other public benefits;~~
  - ~~(3) accommodate new development in a manner that maintains the town's historic settlement patterns and protects significant natural, cultural and scenic features as described in the Hinesburg Town Plan;~~
  - ~~(4) provide opportunities for a diversity of housing types, and promote affordable housing in appropriate locations; and/or~~
  - ~~(5) allow for compact, pedestrian oriented mixed-use development within Hinesburg Village Growth Area and other appropriate areas identified in the Hinesburg Town Plan.~~
- 4.5.2 **Applicability:** To qualify, a PUD project shall:
- (1) be a prescribed use within the district in which it is to be located;
  - (2) meet the purposes of Section 4.5.1 and conform with the standards set forth below; and
  - (3) conform to the definitions herein and to the requirements of the Planning Act (Section 4417).
- 4.5.3 **Review Process:** All PUDs shall be reviewed as ~~major~~ subdivisions in accordance with the Hinesburg Subdivision Regulations.
- 4.5.4 **Coordination with Conditional Use/Site Plan Review:** When applicable (see sections 4.2 & 4.3), conditional use and/or site plan review shall occur simultaneously with the PUD review. The Development Review Board shall grant site plan and/or conditional use approval concurrently with PUD approval.
- 4.5.5 **Application Requirements:** Applications for PUDs shall be submitted in accordance with the requirements for ~~major~~ subdivisions set forth in the Hinesburg Subdivision Regulations. Applications shall also address site plan and/or conditional use review submission requirements, in cases where site plan and/or conditional use approval is necessary. In addition to the application materials specified above, applications for PUDs must include the following:
- (1) A statement setting forth the nature of all proposed modifications or changes of existing land use and development regulations; and
  - (2) A brief summary of the project and how it meets the standards set forth in this section.
  - ~~(2)~~(3) A master plan for the overall parcel(s) including both proposed and likely future development areas, greenspace, access and infrastructure.
- 4.5.6 **General Standards:** To achieve the objectives set forth in this section, the Development

Review Board may modify other sections of the Zoning Regulations. Regardless of such ~~Such~~ modifications, all PUDs shall be made in accordance with the following provisions:

- (1) The project shall be consistent with the Hinesburg Town Plan, and the uses of the site shall not differ from the uses allowed in the district in which the project is located.
- (2) The project shall be an efficient and unified treatment of the development possibilities of the site. The master plan shall anticipate and describe a full build out of the property. ~~and appropriate provisions shall be made for the following:~~
  - (a) ~~roads, culverts, and ditching in accordance with the specifications in the Town of Hinesburg's Road Standards; and~~
  - (b) ~~water supply, sewage and solid waste disposal, drainage, traffic flow and parking, pedestrian access, and the layout of facilities so that public services can be economically and effectively provided; and~~
  - (c) ~~mixed uses shall be so arranged as to be compatible with one another and adjacent uses, and to ensure visual and aural privacy for the residents of the development and for adjacent properties.~~
  - (d) ~~natural and cultural features documented in the Town Plan or otherwise substantiated by scientific research, such as streams and stream banks, steep slopes, wetlands, soil unsuitable for development, forested areas, significant natural communities (e.g., clayplain forest), critical wildlife habitat (e.g., deeryards, core bear habitat, identified wildlife travel corridors, etc.).~~
- (3) Upon approval of the PUD by the Development Review Board, the necessary modifications of the Zoning Regulations shall be noted in the conditions of Subdivision approval and shall be noted on the approved subdivision plat recorded in the Town land records. All other provisions of the Zoning Regulations not specifically modified shall remain in force and be applicable to this project.
- (4) In the Village Growth Area zoning districts, projects are encouraged to build to the maximum allowed density by taking advantage of the substantial density bonuses described in section 2.9 & 5.21. These bonuses are available to both conventional or PUD projects, and no additional PUD-specific density bonuses shall be granted.
- (5) Outside of the Village Growth Area zoning districts, residential density bonuses of up to 25% will be granted if requested by the applicant. ~~may be granted, at the discretion of the DRB, for well designed projects that meet 2 or more of the specific objectives in section 4.5.1.~~ Unless a residential density bonus is granted, the overall density shall not exceed that which could be permitted, in the Board's judgment, if the land were subdivided or developed in conformance with the Subdivision & Zoning Regulations, and giving due consideration to site conditions limiting development.
- (6) Outside of the Village Growth Area, where a district boundary line divides a parcel, the Development Review Board may allow the development of a single PUD with a total density based on the combined allowable density of each district. Development densities within the Village Growth Area shall not be supplemented by nor transferred to portions of the same parcel in a surrounding zoning district. However, the location of ~~open space~~ greenspace and/or community facilities (per section ~~4.5.8~~ 4.5.7) is not restricted.
- (7) Within the Village growth area, ~~2~~ two or more parcels (contiguous or non-contiguous, and regardless of ownership) within the same zoning district may be combined for review as a PUD. The total development density of the parcels may be concentrated on specific parcels or portions thereof in order to promote the most appropriate use of the land. Such PUDs shall include an integrated master plan that includes all

involved parcels.

- (8) Two or more contiguous parcels under the ownership or control of the applicant may be combined for review as a PUD. The permitted density on one parcel may be increased as long as the total density for the combined parcels, not including any density bonus granted by the Development Review Board, does not exceed that which could be permitted, in the Development Review Board's judgment, if the land were subdivided into lots in conformance with the Subdivision & Zoning regulations.
- (9) ~~Roadways should be designed to minimize site disturbance by following existing contours and site features.~~
- (10) ~~(9)~~ Provisions shall be made for the preservation of ~~open space~~ **greenspace** and/or creation of suitable community facilities as prescribed in section 4.5.8 ~~4.5.7~~.
- (11) ~~(10)~~ The minimum setback requirements for the district in which the project is located shall apply to the periphery of the development, with the exception of front yard setback requirements, which may be modified at the discretion of the DRB.

**4.5.7 PUD Design Standards.** The following standards apply to proposed PUDs:

- (1) ~~Lot layouts should provide sufficient space for all uses, particularly in areas with on-site water and sewage disposal. Where residential lots will abut agricultural lands, lot layouts shall be designed to minimize potential conflicts with agricultural operations.~~
- (2) ~~PUDs located within the Agricultural and Rural Residential 1 & 2 Districts shall be designed so that:~~
  - (a) ~~the project maintains the district's rural character and historic working landscape, characterized by wooded hillsides and knolls, open fields, and a visual and functional relationship of structures to the surrounding landscape; and~~
  - (b) ~~residential dwellings are clustered to avoid, to the extent practical, the development (including roads, utilities and structures) and/or fragmentation of productive agricultural or forest land; and~~
  - (c) ~~lots, residential dwellings, and associated infrastructure (including roads, utilities, etc.) are arranged, to the extent practical, to preserve access to productive agricultural or forest land.~~
- (3) ~~PUDs within the mixed use and residential Village Growth Area zoning districts (i.e., VG, VG NW, VG NE, R1, R2) shall be designed so that:~~
  - (a) ~~buildings front upon and are oriented toward roads or common areas; and~~
  - (b) ~~roads and driveways are laid out in a manner that reflects traditional village street design characterized by narrow travel lanes and a well defined streetscape comprised of street trees, sidewalks and a consistent building setback; and~~
  - (c) ~~adequate provision for open space or community facilities to serve as central organizing features within the PUD, such as a green or park; and~~
  - (d) ~~adequate provision for pedestrian access both within the development and to the rest of the Village.~~
- (4) ~~PUDs within industrial and commercial Village Growth Area zoning districts (i.e., I-3, I-4, C) shall be designed so that:~~
  - (a) ~~buildings front upon and are oriented toward roads; and~~
  - (b) ~~roads and driveways are laid out in a manner that reflects traditional village street design characterized by narrow travel lanes and a well defined streetscape comprised of street trees, sidewalks and a consistent building setback; and~~

- ~~(c) adequate provision for roads, sidewalks, paths, and other community facilities to serve as organizing features within the PUD; and~~
- ~~(d) adequate provision for pedestrian access both within the development and to the rest of the Village; and~~
- ~~(e) adequate provision for shared parking and shared access with surrounding uses, to the extent possible.~~

~~4.5.8~~**4.5.7** **Open Space**Greenspace. Provision shall be made for the preservation of ~~open space~~greenspace or the creation of suitable community facilities, unless the Development Review Board determines that the applicant has made other provisions along these lines through alternative mitigation measures. The location, type, size and shape of lands set aside for ~~open space~~greenspace and/or community facilities should be sufficient to meet the intended use, and shall be approved by the Board, in accordance with the following:

- (1) ~~Open space~~Greenspace within the Agricultural, Rural Residential 1, Rural Residential 2, Shoreline, and Industrial 1 Zoning Districts shall reflect the context of the project by preserving agricultural, recreational or natural resources, or by providing pedestrian amenities, recreational or other community facilities. PUD ~~open space~~greenspace in ~~these~~the Agricultural and Rural Residential 2 districts shall constitute no less than ~~25%~~50% of the parcel area, and no less than 25% in the Rural Residential 1, Shoreline, and Industrial 1 districts, unless the Board determines that the creation of suitable community facilities warrants a lesser area. ~~Guidelines for the provision of open space and community facilities are as follows~~Acceptable greenspace and community facility categories are as follows:

- (a) Agricultural Land
- (b) Upland forest, especially large tracts of forest contiguous to other large, undeveloped forest land
- (c) Fragile Features (e.g., wetlands, steep slopes, floodplain, riparian areas)
- (d) Critical wildlife habitat, including deeryards, core bear habitat and identified wildlife travel corridors
- (e) Existing or potential trail corridors
- (f) Gateways; areas defining contrast between the Village Growth Area and surrounding countryside
- (g) Community facilities (e.g., water supply, community buildings, transit shelters)
- (h) Green space & outdoor recreation (greens, playgrounds, parks, playing fields)
- (i) Pathways (paved & unpaved), sidewalks
- (j) Forest areas, including smaller patches of forest, that constitute significant natural communities (e.g., remnant patches of clayplain forest).

- (2) ~~Open space~~Greenspace within the non-industrial Village Growth Area Zoning Districts (i.e., VG, VG NW, VG NE, C, R1, R2) serves more limited purposes due to the Town’s desire to see higher densities and/or specialized uses in these areas. ~~Open space~~Greenspace in these districts shall reflect the context of the project primarily through providing pedestrian and recreational amenities as well as community facilities. PUD ~~open space~~greenspace in these districts shall constitute no less than 10% of the parcel area, unless the Board determines that the creation of suitable community facilities warrants a lesser area. Acceptable greenspace and community facility categories are as follows~~Guidelines for the provision of open space and community facilities are as follows:~~

- (a) Fragile Features (e.g., wetlands, steep slopes, floodplain, riparian areas)

- (b) Gateways; areas defining contrast between the Village Growth Area and surrounding countryside
  - (c) Public facilities (e.g., water supply, community buildings, transit shelters)
  - (d) Green space & outdoor recreation (greens, playgrounds, parks, playing fields)
  - (e) Pathways (paved & unpaved), sidewalks
- (3) Community facilities are favored over ~~open space~~ **greenspace** within the Industrial 2, 3, 4 districts due to the Town's desire to see higher densities and/or specialized uses in these areas. Community facilities in these districts shall reflect the context of the project primarily through providing public access, public roads, pedestrian and recreational amenities, or other community facilities. Appropriate facilities shall be based on the site, the surrounding area, and the development project in question. The number/amount and type of facilities shall be determined by the DRB, and shall be roughly proportional to the scale and cost of the development project - i.e., large, expensive project = greater number/amount of community facilities; small, low cost project = lesser number/amount of community facilities required. **Acceptable greenspace and community facility categories are as follows** ~~Guidelines for the provision of community facilities are as follows:~~
- (a) New public roads and improvements to existing public roads, or private roads proposed to become public.
  - (b) Pathways (paved & unpaved), sidewalks, and other pedestrian infrastructure.
  - (c) Public facilities (e.g., water supply, community buildings, transit shelters, etc.).
  - (d) Green space & outdoor recreation (greens, playgrounds, parks, playing fields).
  - (e) Art installations (e.g., sculpture, fountains, murals, etc.), including those on private property that benefit the public.
- (4) ~~Open Space~~ **Greenspace** may be set aside as common land, as a separate undevelopable lot or as a portion of a single lot, outside of the development envelope, to be held in private ownership, and/or may encompass the contiguous boundaries of a specific feature located on multiple lots. The ownership of the ~~open space~~ **greenspace** should be consistent with the best means of maintaining the resources on the site.
- (5) Areas preserved for agricultural and forestry use should be of a size that allows for continued productive use of the land and retains their eligibility for available tax abatement programs.
- (6) Sewage disposal areas, utility and road rights-of-way or easements, access and parking areas shall not be counted as ~~open space~~ **greenspace** areas, except where the applicant can prove, to the satisfaction of the Development Review Board, that they will in no way disrupt or detract from the values for which the ~~open space~~ **greenspace** is to be protected.
- (7) The Development Review Board may require that protected ~~open space~~ **greenspace** be dedicated, either in fee or through a conservation easement approved by the Board, to the Town of Hinesburg (with Selectboard approval), a community association comprising all of the present and future owners of lots in the subdivision, and/or a non-profit land conservation organization. At a minimum, designated ~~open space~~ **greenspace** shall be indicated with appropriate notation on the final plat.

#### Section 4.6 ADMINISTRATIVE REVIEW

Minor revisions to DRB approvals for site plan and signs may be reviewed and approved by the