

## ARTICLE 11. PLANNED DEVELOPMENT

*Introduction: This Article of the Burlington Comprehensive Development Ordinance provides for greater flexibility in the design and layout of more complex developments in order to encourage and more efficient design, and preserve important natural and cultural features in the City. In exchange for flexibility, and in some cases development incentives, the application must undergo a more rigorous application and review process.*

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### PART 1. – PLANNED UNIT DEVELOPMENT

#### **Sec. 11.1.1 Intent.**

The intent of this Article is to:

- (a) Promote the most appropriate use of land through flexibility of design and development of land;
- (b) Facilitate the adequate and economical provision of streets and utilities;
- (c) Preserve the natural and scenic qualities of open space;
- (d) Provide for a variety of housing types;
- (e) Provide a method of development for existing parcels which because of physical, topographical, or geological conditions could not otherwise be developed; and
- (f) Achieve a high level of design quality and amenities.

#### **Sec. 11.1.2 Authority.**

These regulations are enacted under the provisions of **24 V.S.A. Section 4417**.

#### **Sec. 11.1.3 Major and Minor Planned Unit Development**

A minor Planned Unit Development shall include any development consisting of:

- (a) 5 or more units in a single structure, prompting the requirements of **Article 9**. Inclusionary and Replacement Housing.
- (b) redevelopment of existing carriage houses and other out-buildings meeting density of the underlying zoning district;
- (c) development of accessory units in a detached structure.

Minor PUD’s shall be exempt from the requirements and standards of this article, but shall be subject to the development standards as otherwise required by this ordinance.

All other development consisting of one or more lots, tracts or parcels of land to be developed as a single entity subject to the provisions of **Sec. 11.1.4** below shall be considered a major PUD and shall be subject to the review processes and requirements as defined under this Article.

**Sec. 11.1.4 General Requirements and Applicability.**

A planned unit development may be permitted subject to the provisions of this Article in the following districts:

<b>Districts</b>	<b>Minimum Lot Size</b>
RH, RM, RM-W, Downtown and Neighborhood Mixed Use, Institutional <sup>1</sup>	No minimum lot size.
RL, RL-W <sup>2</sup> , RCO-R/G <sup>1</sup>	2 acres or more

1. Subject to Conditional Use Review pursuant to **Art 3, Part 5**.
2. The two acre minimum may be waived by the DRB for the conversion of an accessory structure existing as of January 1, 2007 to a residential use.

Planned unit developments are not authorized for non-residential uses except as provided for under **Sec. 11.1.7**. A planned unit development must receive a certificate of appropriateness under the design review provisions of **Article 3, Part 4**, the development review standards of **Article 6**, and final subdivision plat approval in accordance with **Article 10**.

**Sec.11.1.5 Modification of Regulations.**

With the approval of the DRB, and subject to the limitations of **Sec. 11.1.6**, the density, frontage and setback regulations may be altered for a planned unit development. More than one principal use and more than one principal structure may be permitted on a single lot. At the discretion of the DRB the dwelling units may be of varied types including single detached, attached, duplex or apartment construction. Any proposed modifications of regulations shall be listed in a statement accompanying the plat submission and such modifications shall be subject to the provisions of **Sec. 11.1.6** and **Sec. 11.1.7**.

**Sec. 11.1.6 Approval Requirements.**

The following requirements shall be met for the DRB to approve a planned unit development:

- (a) Lot coverage requirements of the district shall be met;
- (b) The minimum setbacks required for the district shall apply to the periphery of the project;
- (c) The minimum parcel size shall be met if the project is located in a RL or RL-W districts;
- (d) The project shall be subject to design review and site plan review of **Article 3, Part 4**;
- (e) The project shall meet the requirements of **Article 10** for subdivision review;
- (f) All other dimensional, density, and use requirements of the underlying zoning district shall be met as calculated across the entire project;
- (g) Open space or common land shall be assured and maintained in accordance with the conditions as prescribed by the DRB;
- (h) The development plan shall specify reasonable periods within which development of each phase of the planned unit development may be started and shall be completed. Deviation from the required amount of usable open space per dwelling unit may be allowed provided such deviation shall be provided for in other sections of the planned unit development;
- (i) The intent as defined in **Sec. 11.1.1** is met in a way not detrimental to the city’s interests; and,
- (j) The proposed development shall be consistent with the municipal development plan.

**Sec. 11.1.7 Accessory Facilities.**

- (a) A planned unit development may contain a building or buildings intended for use as a community center, recreation facility, child care center and/or business office if the DRB determines that such use or uses will not contribute to parking problems on site or in the surrounding area.
- (b) A planned unit development may contain a building or buildings intended for use as a community convenience store if approved by the DRB under the following standards:
  - 1. A determination shall be made by the DRB that the community convenience store will not contribute to parking problems on site or in the surrounding area.
  - 2. The maximum size of the store is 1000 square feet.
  - 3. Only one sign is permitted limited to the following:
    - A. The maximum size is 4 square feet.
    - B. The sign shall be a parallel sign.
    - C. The sign shall not be illuminated.
    - D. No window signs, temporary or permanent shall be allowed.

- E. No freestanding signs on the site or within the street ROW are allowed.
- 4. No outside storage or displays or vending machines, except for a telephone and a screened dumpster, is allowed.
- 5. There shall be no exterior service windows or exterior ATM's allowed.
- 6. There shall be no gas pumps allowed.
- 7. The building(s), sign and site for any such store shall be subject to the development review criteria under **Article 6**.
- 8. Parking shall be in back or at the side of the community convenience store building with the building oriented for pedestrian access.