

Proposed PUD Language for Poultney Unified Bylaws

- Add PUD to Table of Uses as a Conditional (C) Use for College Campus Zoning (Pg. 14)
 - Add PUD to Conditional Use chapter (Pg. ~41)
 - Add to General Powers and Duties of the Board (Pg. 122-123)
 - Add to Definitions (Pg. 104)
 - Augment Site Plan Application section to include all statutory requirements (Pg. 95)
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Article IV: Conditional Uses

Section 4XX: Planned Unit Development

A. Definition and Purpose

1. A Planned Unit Development is a clustering and/or different mixture of principal uses, arrangements of principal buildings and land use densities, than is conventionally provided in the standard subdivision and zoning scheme where each principal building or use is located on an individual lot and setback in a standard fashion from other such buildings and uses.
2. The purpose of this section is:
 - a. To enable and encourage flexibility in development or redevelopment of land to promote a mix of residential and nonresidential uses in Poultney's designated downtown;
 - b. To allow for orderly growth and the reuse of existing structures in a manner that does not unduly impact the capacity of community services and facilities or adversely impact surrounding neighborhoods; and
 - c. To provide for flexibility in use type, site and lot layout, building design, placement and clustering of buildings, use of open areas, provision of circulation facilities—including pedestrian facilities and parking—and related site and design considerations that will best achieve the goals for the area as articulated in the municipal plan within the particular character of the site and its surroundings.

B. Permitted and Prohibited Locations

1. A PUD may only be permitted on a parcel in common ownership, not less than **[five acres]**, located in the College Campus [Green Mountain College Redevelopment] Zoning District, and only after review of Performance Standards for the PUD and Conditional Use Review by the DRB.

C. Application Requirements for Planned Unit Developments

1. All submission requirements by the applicant and public hearing process necessary for Conditional Use Approval (Article IV) and Site Plan Review (Article XII) shall apply.
2. Allowed uses may include but are not limited to educational facilities, lodging, wood and metal shops, art galleries, artist studios, cafés and eateries, music and theatrical performance venues, culinary arts, camps, clubs, breweries or distilleries with accessory retail, food and beverage production and processing facilities with accessory retail, single family, two family and multiple-family dwelling units. Other accessory uses may be allowed whether used in common by residents of the PUD, or individually or by other means. Permitted recreation uses may be made available for public use. The DRB shall first review and approve any such public use to ensure conformance with the PUDs purpose and regulations.
3. All zoning requirements for the underlying district shall be met except that the following may be modified or waived: uses, density, building height, lot area, lot width/depth minimum, lot coverage and setbacks.
4. Where the development may affect the character of the adjacent properties, the DRB may require special landscaping, natural buffer setbacks, and areas which must be kept free of buildings.
5. All designated open space shall be protected from any additional development and shall be preserved according to conditions imposed by the DRB.
6. An approved PUD shall not be further subdivided to create an additional PUD.
7. There shall be a homeowner's association, co-operative, or other entity governed by an agreement with conditions, covenants, and regulations. This agreement shall provide additional legal means to assure continuation and maintenance of all open space.
8. The PUD may be proposed in phases over a reasonable period of time to ensure project conformity with the town plan and orderly development of the PUD, and/or to avoid overburdening municipal facilities and services.
 - a. Each phase of the proposed development must contain the required parking spaces, landscaping, and utility areas necessary for creating and sustaining a desirable and stable environment. These amenities must be installed and completed for each phase prior to the issuance of a zoning permit for the commencement of construction of a subsequent phase, unless otherwise waived by the DRB in writing. If waived, the DRB may require the developer to secure a performance bond, letter of credit, or equivalent surety in an amount sufficient to secure the full completion of such improvements.
9. Subdivision applications involving Conditional Uses or Planned Unit Developments shall be reviewed concurrently with subdivision review.

D. Amendments to Existing Planned Unit Developments

1. No changes, modifications, or revisions shall be made to the PUD unless approved by the DRB with the exception of minor amendments which may be approved by the Zoning Administrator as set forth below. Any changes to an approved PUD plan without review by the DRB or, if appropriate the Zoning Administrator, shall constitute a violation of these Bylaws.

- a. Minor amendments to a PUD may be administratively approved by the Zoning Administrator. Minor amendments are changes which do not alter findings of fact or conclusions of law and preserve the essential character of the PUD with regard to uses, floor space, number of buildings, density, height, lighting, and the physical relationship of the PUD to the site.
 - b. Major amendments are changes which alter findings of fact, conclusions of law, or which alter the essential character of the PUD. Major amendments include but are not limited to:
 - i. An increase greater than 5% in floor area, site coverage or height;
 - ii. Any reduction in open space;
 - iii. Any additional or different uses;
 - iv. Any change in building location;
 - v. Any change in traffic access, circulation, or parking.
 - vi. A determination by the Zoning Administrator that a change, modification or revision requires DRB review shall be conclusive and is not appealable
- E. Performance Standards for Planned Unit Developments
1. All exterior lighting shall be installed in such a manner as to direct light downward and away from adjacent lots and public traveled ways. Exterior lighting shall not create a nuisance to other property owners or tenants, or create a hazard to drivers of motor vehicles and bicycles.
 2. Vehicular parking and site access shall be designed in a way to ensure safety and accommodate all modes of transportation, including pedestrian and bicycle. The DRB may require pedestrian, bicycle and public transit infrastructure be provided by the applicant and may waive requirements of Article VI: Parking and Loading. Whenever a proposed application involves access to a State of Vermont Highway, the application shall include a letter of intent from VTrans confirming that the Agency has reviewed the application and is prepared to issue an access permit under governing statute.
 3. Noise from the proposed development shall not create a nuisance for surrounding property owners and shall conform to any adopted local noise ordinance.
 4. No vibration shall be produced which is transmitted through the ground and is discernible without the aid of instruments at, or at any point beyond the lot line.
 5. Emission of dust, dirt, fly ash, fumes, vapors, or gases which could be injurious to human health, animals, or vegetation; detrimental to the enjoyment of adjoining or nearby properties; or which could soil or stain property, at any point beyond the lot line of the development creating that emission shall be prohibited. In addition, no land use or establishment shall produce harmful, offensive, or noxious odors beyond their lot. The location and vertical height of all exhaust fans, vents, chimneys, or any other sources discharging or emitting smoke, fumes, gases, vapors, or odors shall be shown on the site plan. Any atmospheric emissions of gaseous or particulate matter shall conform to all current provisions of the Air Pollution Control Regulations of the Vermont Agency of Natural Resources.
 6. Landscaping, screening, or protection by natural features may be used to minimize adverse effects on surrounding areas. Landscaped buffers shall be established along

public travel ways and property lines. At street and driveway intersections, trees and shrubs shall be set back a sufficient distance from such intersections so that they do not present a traffic visibility hazard. Large parking areas shall include landscaping within the parking area, not just along the periphery. Open storage areas, exposed machinery, dumpsters, garbage totes, and loading areas shall be visually screened from roads and surrounding properties.

Article XII: Site Plan Approval

Section 1202: Application

The applicant shall submit two (2) sets of site plan maps and supporting data to the Development Review Board which shall include the following information presented in drawn form and accompanied by written text.

1. Name and address of the owner of record of this and adjoining lands; name and address of person or firm preparing the map; description of the property giving location; scale of map, north point, and date.
2. Survey of the property showing existing features, including contours, structures, large trees, streets, utility easements, rights-of-way, land use and deed restrictions, zoning classification, existing surface waters (brooks, ponds, etc.), if any, and the location of proposed structures with distance from lot lines indicated.
3. Location of proposed use(s) and structure(s), ~~locations and~~ land use areas; streets, driveways, traffic circulation, parking and loading spaces and pedestrian walks; utility service lines proposed, including placement of poles; landscaping plans, including site grading, planting design and screening or fencing.
4. Construction sequence and anticipated time schedule for the completion of each phase for buildings, parking spaces and landscaped areas of the entire development.
5. The location and size of proposed signs.
- ~~5-6.~~ The amount, location, and proposed use of open space.
- ~~6-7.~~ Any of the above information can be waived at the discretion of the Development Review Board.

Article XIII: Definitions

Planned unit development. A clustering and/or different mixture of principal uses, arrangements of principal buildings and land use densities, than is conventionally provided in the standard subdivision and zoning scheme where each principal building or use is located on an individual lot and setback in a standard fashion from other such buildings and uses.

Planning Commission Reporting Form for Municipal Bylaw Amendments

This report is in accordance with 24 V.S.A. §4441(c) which states:

“When considering an amendment to a bylaw, the planning commission shall prepare and approve a written report on the proposal. A single report may be prepared so as to satisfy the requirements of this subsection concerning bylaw amendments and subsection 4384(c) of this title concerning plan amendments..... The report shall provide(:)

(A) brief explanation of the proposed bylaw, amendment, or repeal andinclude a statement of purpose as required for notice under §4444 of this title,

The purpose of this bylaw update is to **amend the bylaws to allow for the orderly growth and development of the parcel that formerly housed the campus of Green Mountain College.**

Per 24 V.S.A. §4441, “the bylaw should provide for **planned unit developments** to permit flexibility in the application of land development regulations”. Such a mechanism, if introduced to the Poultney Unified Bylaws as proposed, would accommodate innovative development (including the repurposing of historic buildings) while asserting reasonable standards and a process for public review to ensure no undue adverse effects on the community.

Other minor revisions, such as updated citations, have also been incorporated into the proposed bylaw update.

(A)nd shall include findings regarding how the proposal:

- 1. Conforms with or furthers the goals and policies contained in the municipal plan, including the effect of the proposal on the availability of safe and affordable housing:*

The proposed bylaw update conforms with and furthers various goals and objectives described within the Poultney Town Plan, adopted in 2015:

Future Land Use Goal 1: Maintain the historic character of the Village center while providing opportunities for social, cultural, and economic diversity.

Program 6: Allow the orderly growth and development of college-owned property within the context of the Village center such that expansion of the college does not unduly impact the capacity of community services and facilities. (Pg. 16)

General Economic Development Goal 3: Foster entrepreneurship; promote small business development; support new business formation; and provide basic services and facilities required attracting private investment. (Pg. 23)

DOWNTOWN REVITALIZATION GOAL 1: Downtown revitalization efforts become a major component of Poultney’s economic future—the activities benefit town and village residents & visitors, business owners and employees alike.

Downtown Revitalization Program 3: Support diversity of retail and services in downtown business district. (Pg. 23)

TOURISM INDUSTRY DEVELOPMENT GOAL 1: Poultney strengthens tourist industry by building on its unique historical and cultural assets.

Tourism Industry Development Program 13: Develop new attractions to expand the region's appeal as a four-season recreation area. (Pg. 25)

The proposed bylaw update *may* have the effect of encouraging the availability of safe and affordable housing by providing a mechanism for increased flexibility for mixed-uses.

2. *Is compatible with the proposed future land uses and densities of the municipal plan:*

The proposed bylaw update is compatible with proposed future land uses and densities described within the Poultney Town Plan, adopted in 2015:

4.0 Future Land Use

4.2 Village and Future Utility District

It encompasses a compact regional shopping area associated with Town and village offices and several commercial and industrial establishments arranged mostly on Main Street with Green Mountain College at its westernmost terminus.

...

New development in this district should be characteristic of the existing Village development pattern. It should occur at a similar density and continue the diversity of uses seen in the Village today. Future development should maintain and reinforce the village as town center, while continuing to preserve its distinctive residential, commercial and industrial mix of uses. (Pg. 12)

3. *Carries out, as applicable, any specific proposals for any planned community facilities.*

The proposed bylaw update does not carry out any specific proposals for planned community facilities.

Please Note:

- ❖ The planning commission shall hold at least one public hearing within the municipality after public notice on any proposed bylaw, amendment or repeal and;
- ❖ At least **15** days prior to the first hearing, a copy of the proposed plan or amendment and the written report shall be delivered with proof of the receipt, or mailed by certified mail, return receipt requested, to each of the following:
 1. the chairperson of the planning commission of each abutting municipality, or in the absence of any planning commission in an abutting municipality, to the clerk of that abutting municipality;
 2. the executive director of the regional planning commission of the area in which the municipality is located;
 3. the Department of Economic, Housing and Community Development within the Agency of Commerce and Community Development.
- ❖ The planning commission may make revisions to the proposed bylaw, amendment, or repeal and to the written report, and shall then submit the proposed bylaw, amendment or repeal and the written report to the legislative body of the municipality. If requested by the legislative body or supported by petition the planning commission shall promptly submit the amendment with changes only to correct technical deficiencies, together with any recommendations.
- ❖ Simultaneously, with the submission, the planning commission shall file with the clerk of the municipality a copy of the proposed bylaw, amendment, or repeal, and the written report for public review.