

Vermont Statutes & Planned Unit Development

Title 24 Chapter 117

§ 4417. Planned unit development

(a) Any municipality adopting a bylaw should provide for planned unit developments to permit flexibility in the application of land development regulations for the purposes of section 4302 of this title and in conformance with the municipal plan. The following may be purposes for planned unit development bylaws:

(1) To encourage compact, pedestrian-oriented development and redevelopment, and to promote a mix of residential uses or nonresidential uses, or both, especially in downtowns, village centers, new town centers, and associated neighborhoods.

(2) To implement the policies of the municipal plan, such as the provision of affordable housing.

(3) To encourage any development in the countryside to be compatible with the use and character of surrounding rural lands.

(4) To provide for flexibility in 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 and bylaws within the particular character of the site and its surroundings.

(5) To provide for the conservation of open space features recognized as worthy of conservation in the municipal plan and bylaws, such as the preservation of agricultural land, forest land, trails, and other recreational resources, critical and sensitive natural areas, scenic resources, and protection from natural hazards.

(6) To provide for efficient use of public facilities and infrastructure.

(7) To encourage and preserve opportunities for energy-efficient development and redevelopment.

(b) The application of planned unit development bylaws to a proposed development may:

(1) Involve single or multiple properties and one owner or multiple owners. Procedures for application and review of multiple owners or properties under a common application, if allowed, shall be specified in the bylaws.

(2) Be limited to parcels that have a minimum area specified in the bylaws or a minimum size or number of units.

(3) Be mandatory for land located in specified zoning districts or for projects of a specified type or magnitude as provided in the bylaws.

(c) Planned unit development bylaws adopted pursuant to this section at a minimum shall include the following provisions:

(1) A statement of purpose in conformance with the purposes of the municipal plan and bylaws.

(2) The development review process to be used for review of planned unit developments to include conditional use or subdivision review procedures, or both, as specified in the bylaws.

(3) Specifications, or reference to specifications, for all application documents and plan drawings.

(4) Standards for the review of proposed planned unit developments, which may vary the density or intensity of land use otherwise applicable under the provisions of the bylaws in consideration of and with respect to any of the following:

(A) The location and physical characteristics of the proposed planned unit development.

(B) The location, design, type, and use of the lots and structures proposed.

(C) The amount, location, and proposed use of open space.

(5) Standards requiring related public improvements or nonpublic improvements, or both; and the payment of impact fees, incorporating by reference any development impact fee ordinance adopted pursuant to chapter 131 of this title.

(6) Provisions for the proposed planned unit development to be completed in reasonable phases, in accordance with the municipal plan and any capital budget and program.

(7) Provisions for coordinating the planned unit development review with other applicable zoning or subdivision review processes, specifying the sequence in which the various review standards will be considered.

(8) Reviews that are conducted in accordance with the procedures in subchapter 10 of this chapter.

(d) Planned unit development bylaws may provide for, as part of the standards described in subdivisions (c)(4) and (c)(5) of this section, the authorization of uses, densities, and intensities that do not correspond with or are not otherwise expressly permitted by the bylaws for the area in which a planned unit development is located, provided that the municipal plan contains a policy that encourages mixed use development, development at higher overall densities or intensities, or both.

(e) Standards for the reservation or dedication of common land or other open space for the use or benefit of the residents of the proposed planned unit development shall include provisions for determining the amount and location of that common land or open space, and for ensuring its improvement and maintenance.

(1) The bylaws may provide that the municipality may, at any time, accept the dedication of land or any interest in land for public use and maintenance.

(2) The bylaws may require that the applicant or landowner provide for and establish an organization or trust for the ownership and maintenance of any common facilities or open space, and that this organization or trust shall not be dissolved or revoked nor shall it dispose of any common open space, by sale or otherwise, except to an organization or trust conceived and established to own and maintain the common open space, without first offering to dedicate the same to the municipality or other governmental agency to maintain those common facilities or that open space.

(f) The approval of a proposed planned unit development shall be based on findings by the appropriate municipal panel that the proposed planned unit development is in conformance with the municipal plan and satisfies other requirements of the bylaws.

(g) The appropriate municipal panel may prescribe, from time to time, rules and regulations to supplement the standards and conditions set forth in the zoning bylaws, provided the rules and regulations are not inconsistent with any municipal bylaw. The panel shall hold a public hearing after public notice, as required by section 4464 of this title, prior to the enactment of any supplementary rules and regulations. (Added 2003, No. 115 (Adj. Sess.), § 95.)

Proposed PUD Language for Poultney Unified Bylaws

- Add to Table of Uses as a Conditional Use for Zone CC (to be renamed GMCRD) (Pg. 14)
- Add to Conditional Use chapter
- 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)

Article IV: Conditional Uses

Section 4XX: Planned Unit Development

The purpose of a Planned Unit Development (PUD) is to

- (1) Enable and encourage flexibility in development or redevelopment of land to promote a mix of residential and nonresidential uses in Poultney's Designated Downtown.
- (2) 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.
- (3) 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.

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

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/wineries/meaderies/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 are permitted 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.

All zoning requirements for the underlying district shall be met except that the following may be modified or waived: uses, density of dwellings, building height, lot area, lot width/depth minimum, lot coverage and setbacks.

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. The overall density of dwellings may exceed the density for the district in which it is located. All designated open space shall be protected from any additional residential development and shall be preserved according to conditions imposed by the DRB. An approved PUD shall not be further subdivided to create an additional PUD.

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.

PERFORMANCE STANDARDS FOR PLANNED UNIT DEVELOPMENTS

The following performance standards are applicable to all development for Planned Unit Developments and will be reviewed by the DRB during Site Plan and Conditional Use Review.

Lighting

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.

Parking and Access

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 VTTrans confirming that the Agency has reviewed the application and is prepared to issue an access permit under governing statute.

Noise

Noise from the proposed development shall not create a nuisance for surrounding property owners and shall conform to any adopted local noise ordinance.

Vibration

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.

Dust, Fumes, Vapors, Gases, and Odors

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.

Screening and Landscaping

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. One or more lots, tracts, or parcels of land to be developed as a single entity, the plan for which may propose any authorized combination of density or intensity transfers or increases, as well as the mixing of land uses.

Other Items to work in:

Coordination with other Review Processes. Subdivision applications involving Conditional Uses or Planned Unit Developments shall be reviewed concurrently with subdivision review.

Phased Development. 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. 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.

Revisions to an Approved Development Plan. 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. 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. 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:

1. An increase greater than 5% in floor area, site coverage or height;
2. Any reduction in open space;
3. Any additional or different uses;
4. Any change in building location;
5. Any change in traffic access, circulation, or parking.
6. A determination by the Zoning Administrator that a change, modification or revision requires DRB review shall be conclusive and is not appealable.

Planned Unit Developments (PUDs) in Castleton, Vermont

Castleton, Vermont Zoning Ordinance (2021)

- **Table of Uses as a Conditional Use for zones R40, RR-2A, RR-5A, RC, VC (Pg. 14)**
- **Special Conditional Use Review provided in Conditions chapter (Pg. 29-32)**
- **Added to General Powers and Duties of the Board (Pg. 77)**

SECTION 417: Planned Unit Development

The purpose of the Planned Unit Development (PUD) is to enable and encourage flexibility and development of land in such a manner as to promote the most efficient and appropriate use of the site while preserving the rural character of the town and avoiding fragmentation of important resources such as farmland, wildlife habitat, wetlands and other natural features.

This is accomplished by allowing creative site design, building placement, street layout, architecture, and provision of streets and utilities, which otherwise may not conform to the Bylaws.

A PUD may only be permitted on a parcel of not less than five acres in the R-40, RR-2A, RR-5A, RC, and the VC Zoning Districts and after review of Performance Standards for the PUD and Conditional Use Review by the DRB. All submission requirements by the applicant and public hearing process necessary for PUD shall apply.

Allowed uses include single family, two family and multiple-family dwelling units. Other accessory uses are permitted whether used in common by residents of the PUD, or individually or by other means. This may include shared garages, community buildings, natural or man-made water features, tennis courts, golf, or other similar facilities. 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.

All zoning requirements for the district shall be met except that the following may be modified or waived: density of dwellings, building height, lot area, lot width/depth minimum, lot coverage and setbacks.

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. The overall density of dwellings may exceed the density for the district in which it is located. All designated open space shall be protected from any additional residential development and shall be preserved according to conditions imposed by the DRB. An approved PUD shall not be further subdivided to create an additional PUD.

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.

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Noise

Noise from the proposed development shall not create a nuisance for surrounding property owners and shall conform to any adopted local noise ordinance.

Vibration

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.

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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.

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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.

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Poultney Town Plan 2021 Draft (09-29-21)

Discussion of the former Green Mountain College Campus

The Land // Future Land Use

Discussion, Page 15

Green Mountain College Redevelopment District

The campus lands formerly home to Green Mountain College include multiple structures (many historic), athletic fields, barns and farmlands, and natural resources.

Given its close proximity to Poultney Village and connections to municipal water and Sewer, there is ample opportunity to redevelop this parcel with uses appropriate to the area and surrounding neighborhoods.

While this land has primarily been used as an educational facility, various complementary, accessory uses have occurred here over the decades, including: lodging, wood and metal shops, art galleries, artist studios, cafés and eateries, music and theatrical performance venues, culinary arts, camps, clubs, and many more.

Goals & Action Items, Page 18

2. Allow the orderly growth and re-development of the former Green Mountain College property within the context of the Village such that expansion of the property's uses does not unduly impact the capacity of community services and facilities or adversely impact surrounding neighborhoods.

The Resources // Economy

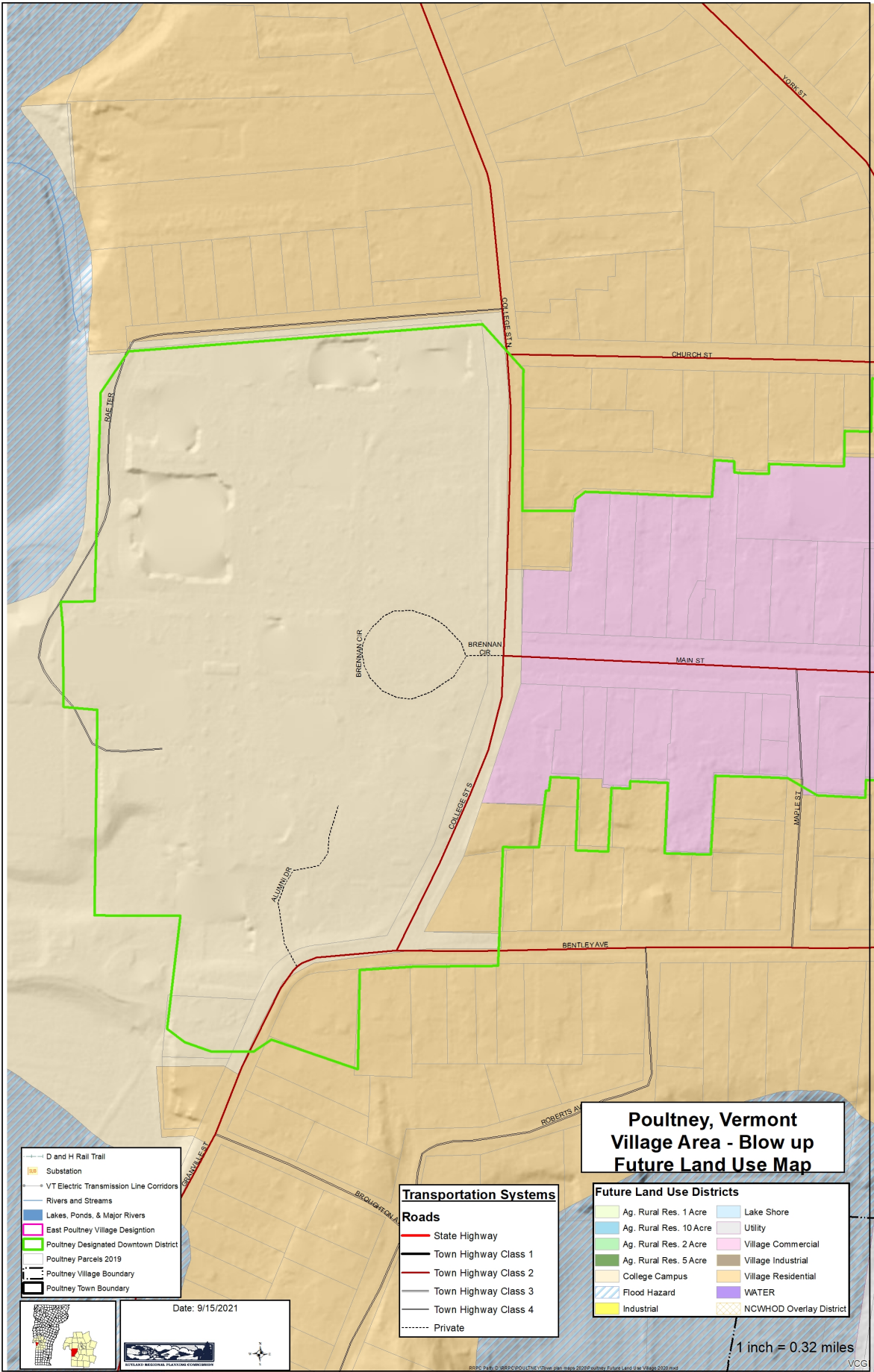
Goals, Page 25

7. Support the repurposing of the former Green Mountain College campus to provide jobs and increase the economic vitality of the region.

The Community // Facilities & Utilities

Goals, Page 33

2. Partner with current owner(s) of the Green Mountain College campus and other interested adjacent towns to assess demand and maximize the base of potential users of broadband, fiber optic and increased cell phone coverage.
 - a. Work with potential providers to assess demand and identify possible ways of increasing coverage.
3. Partner with new owner of the Green Mountain College campus to advance the town's economic and educational goals.



Poulney, Vermont Village Area - Blow up Future Land Use Map

- D and H Rail Trail
- Substation
- VT Electric Transmission Line Corridor
- Rivers and Streams
- Lakes, Ponds, & Major Rivers
- East Poulney Village Designation
- Poulney Designated Downtown District
- Poulney Parcels 2019
- Poulney Village Boundary
- Poulney Town Boundary

Date: 9/15/2021

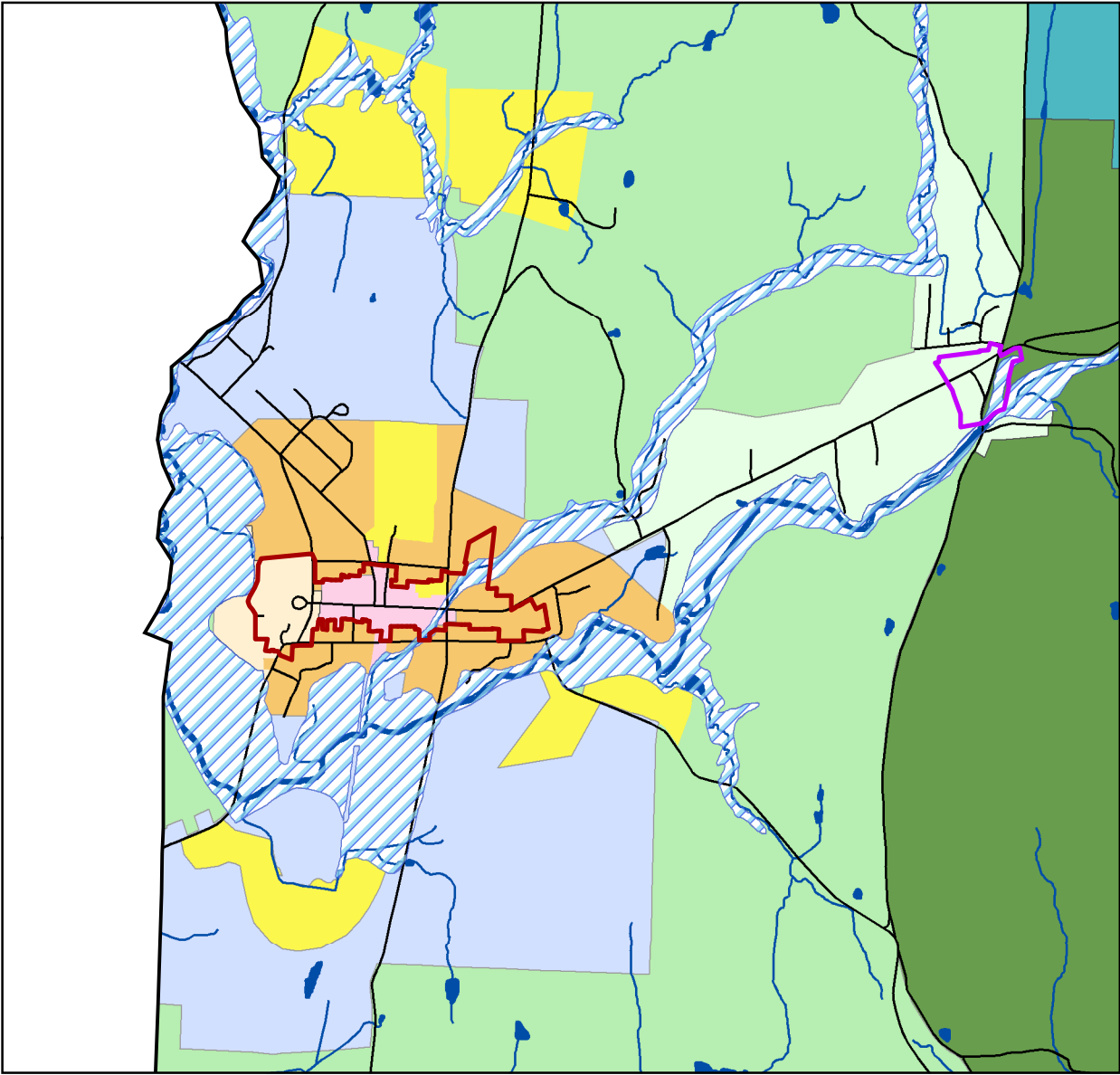
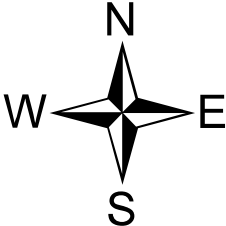
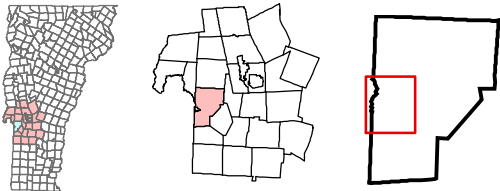
- ### Transportation Systems
- #### Roads
- State Highway
 - Town Highway Class 1
 - Town Highway Class 2
 - Town Highway Class 3
 - Town Highway Class 4
 - Private

- ### Future Land Use Districts
- | | |
|------------------------|-------------------------|
| Ag. Rural Res. 1 Acre | Lake Shore |
| Ag. Rural Res. 10 Acre | Utility |
| Ag. Rural Res. 2 Acre | Village Commercial |
| Ag. Rural Res. 5 Acre | Village Industrial |
| College Campus | Village Residential |
| Flood Hazard | WATER |
| Industrial | NCWHOD Overlay District |















1 inch = 0.32 miles

POULTNEY, VERMONT

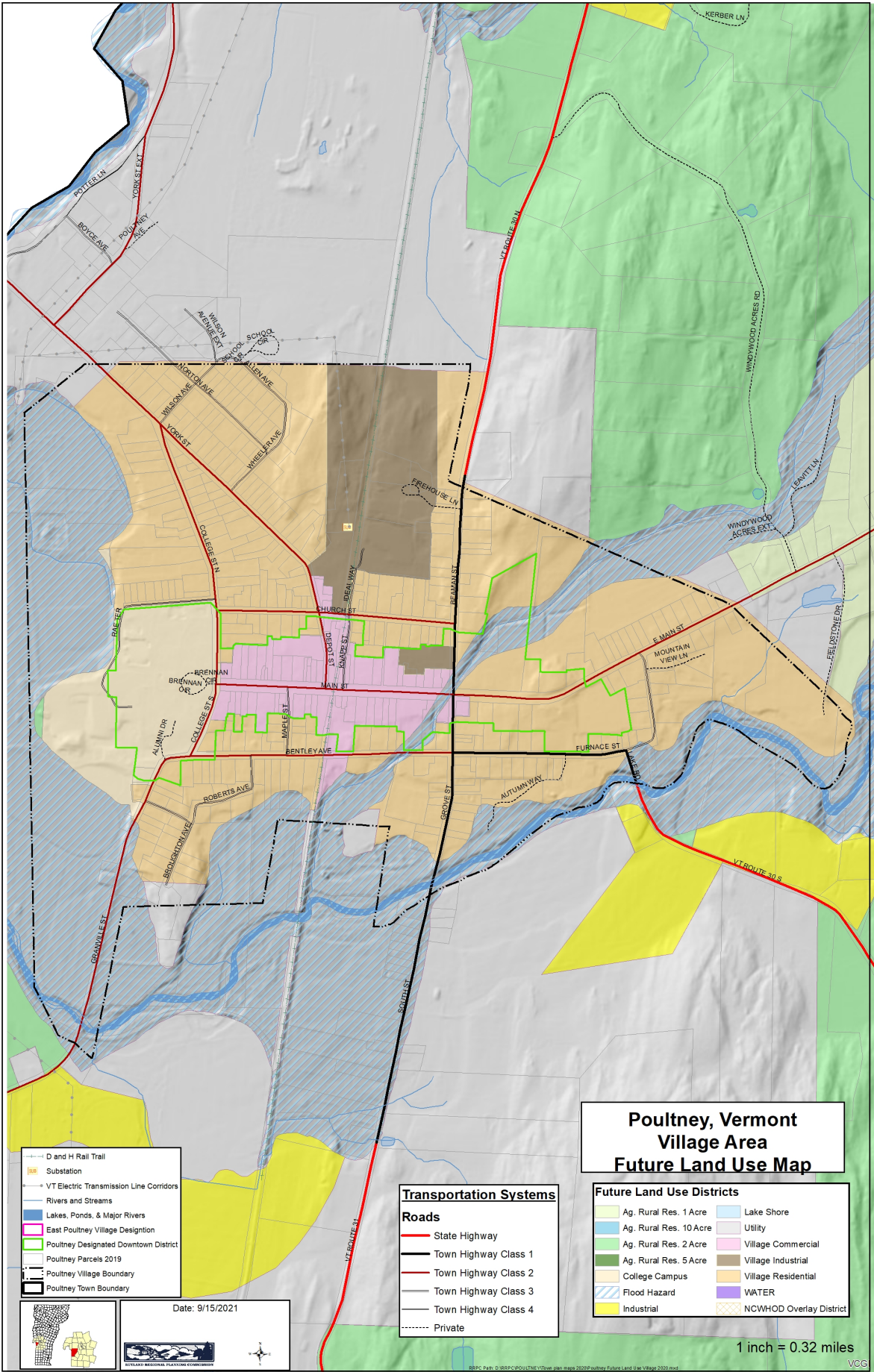
Future Land Use Map Inset, 7/20/2015



Future Land Use

-  Downtown Boundary
-  East Poultney Village Boundary
-  NCWHOD (Conservation)
-  Ag. Rural Res. 1 Acre
-  Ag. Rural Res. 2 Acre
-  Ag. Rural Res. 5 Acre
-  Ag. Rural Res. 10 Acre
-  College Campus
-  Flood Hazard
-  Industrial
-  Lake Shore
-  Utility District
-  Village Commercial
-  Village Res.

Vermont Coordinate System
 Transverse Mercator, NAD 83
 For Planning Purposes Only



Poultney, Vermont Village Area Future Land Use Map

- D and H Rail Trail
- Substation
- VT Electric Transmission Line Corridors
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- Poultney Town Boundary

- ### Transportation Systems
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- State Highway
 - Town Highway Class 1
 - Town Highway Class 2
 - Town Highway Class 3
 - Town Highway Class 4
 - Private

- ### Future Land Use Districts
- Ag. Rural Res. 1 Acre
 - Ag. Rural Res. 10 Acre
 - Ag. Rural Res. 2 Acre
 - Ag. Rural Res. 5 Acre
 - College Campus
 - Flood Hazard
 - Industrial
 - Lake Shore
 - Utility
 - Village Commercial
 - Village Industrial
 - Village Residential
 - WATER
 - NCWHOD Overlay District



Date: 9/15/2021

1 inch = 0.32 miles

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