



Statutory Authorization: 24 V.S.A., §4417 / **Type:** REGULATORY

Related Topic Areas: Capital Improvement Program; Growth Centers; Housing Regulations; Impact Fees; Land Use & Development Regulations; Open Space & Resource Protection Regulations; Public Transportation; Subdivision Regulations; Transfer of Development Rights; Zoning Regulations

Planned Unit Development

Overview

Planned Unit Development (PUD) is a tool municipalities use to encourage or require flexibility, creativity, and innovation in the planning and design of development to achieve a variety of objectives. The PUD concept emerged in the 1960s as a means to accommodate the planning and development of “new communities” that included a variety of uses, densities, and building styles. Zoning at the time typically featured single uses at uniform densities, and subdivision regulations resulted in the creation of large numbers of identical lots. The variety and interest envisioned for new, planned communities did not fit well within conventional zoning and subdivision regulations.

Under the PUD concept, a municipality can provide for planned development that incorporates a variety of uses, including a mix of housing types, such as garden apartments, townhouses, and single-family homes, as well as other uses that might not



PUDs can be crafted to encourage creative design for compact, mixed-use neighborhoods, where private homes and public amenities are part of a single master plan. Flexible standards and density bonuses are typically used to reward developers for providing public benefits.

otherwise be allowed under zoning. PUDs can also be used to encourage or require clustered development and are increasingly used in more rural settings to protect farmland and open space.

Application

Chapter 117 (§4417) encourages the adoption and use of PUD provisions under local zoning and subdivision regulations for a variety of purposes, for example to promote:

- compact, pedestrian-oriented, mixed-use development, especially in downtowns, villages, and new town centers;
- affordable housing;
- open space preservation and project compatibility with surrounding rural lands;

- flexibility in lot layout and site design, including the placement and design of buildings, parking and circulation, open areas, and related design considerations that will “best achieve the goals of the area as articulated in the municipal plan and bylaws” for a particular site and its surroundings;
- the efficient use of public facilities and infrastructure; and
- energy-efficient forms of development.

PUD regulations must conform to the municipal plan, and individual PUD projects must promote policies and objectives set forth in the municipal plan.

Given their broad application, the use of PUDs and associated standards vary by municipality and often

New Communities

In the mid-twentieth century, some very large developments, with thousands of individual dwellings, were constructed in the United States. It soon became apparent that such developments required a variety of support services, including schools, public facilities, parks, commercial centers, and places of employment. The PUD concept emerged as a means of accommodating well-planned mixed-use development, without simply allowing all uses everywhere. Early PUDs were primarily residential, but the concept has matured and is now used for a wide range of development types.

for different areas within a single community. For instance, a PUD in a rural district may focus on clustered design, open space protection, and an overall low density of residential development, while a PUD in a village district may emphasize a mix of uses, a variety of housing types, pedestrian amenities, and moderate to high densities of development.

Generally speaking, there are three types of PUDs:

Residential PUDs. Planned residential developments, or PRDs, are no longer separately authorized under Chapter 117 but are still allowed as a type of PUD that includes primarily residential uses. In rural districts, PRDs are often used to encourage or require limited, clustered, low-density residential development, while emphasizing the protection of important natural features and resource lands identified in the municipal plan. (See topic paper, *Open Space & Resource Regulations*.) In more urban or village settings, residential PUD standards may allow a mix of housing types and promote a more pedestrian-oriented neighborhood design that incorporates moderate to high densities of development, street trees, sidewalks, and parks.

Nonresidential PUDs. Similarly, a municipality may identify certain limited areas or situations for PUDs that include only nonresidential uses, for example, regional commercial centers or industrial parks. In the former, PUD provisions may empha-

size compact layout and design, a pedestrian scale of development, urban streetscapes with pedestrian amenities, high-quality landscaping, and shared, unobtrusive parking areas. In the latter, PUD standards could be used to promote a more “campus” style of development with consistent design elements, landscaping, dispersed parking and loading facilities, public transit facilities, employee amenities such as recreational and day-care facilities, and buffering and screening to minimize physical and visual impacts to neighboring properties and uses.

Mixed-use PUDs. Perhaps the most common use of PUDs is to promote, or require, an integrated mix of residential and nonresidential uses at moderate to higher densities of development, as are found in traditional town and village centers, new town centers, and other designated growth centers.

Depending on the vision set forth in the municipal plan, the standards for mixed-use PUDs may emphasize the appropriate mix of uses, such as the siting, orientation, and design of buildings to ensure some privacy for residential uses and to create well-defined streetscapes and public spaces that incorporate pedestrian amenities, public transit facilities, and on- and off-street parking.

In some cases, municipalities have created or used PUD provisions for very specific purposes, such as Shelburne’s “Rural Mixed Use PUD,” which accommodates the unique requirements of Shelburne Farms, Stowe’s “Resort PUD” provisions for ski areas and other large resorts, and Middlebury’s use of PUD standards to manage the development of Middlebury College holdings.

Under Chapter 117, PUD regulations *must* include the following:

- *A statement of purpose*, in conformance with the purposes of the municipal plan and regulations.
- *Review process(es)*, to be used in reviewing the planned unit development, which may include

Importance of PUD Review Standards

Many Vermont municipalities have included PUD (and/or PRD) provisions in their zoning bylaws, often with few associated standards or requirements. This leads to uncertainty on the part of developers and encourages conflict during the review process. Chapter 117 now requires clear standards that are consistent with municipal plan policies and recommendations.

conditional use review, subdivision review, or both, as specified in the regulations. The timing and sequence of applicable reviews also must be specified in the regulations.

- *Application Requirements*, including design specifications as included or referenced in the regulations.
- *Standards* for the review of proposed planned unit developments, which may vary the intensity or density of development under the regulations with respect to site location and physical characteristics; the proposed type, design, and use of lots and structures; and the amount, location, and proposed use of open space. Standards must also cover required public and nonpublic improvements and incorporate adopted impact fee ordinances by reference. The phasing of development also may be required in accordance with municipal plan policies and an adopted capital budget and program. (See related topic papers.)

PUD regulations may also include the following:

- *Modifications*, including the authorization of uses, densities, and intensities of development that are not otherwise allowed under the regulations—as long as the municipal plan includes policies that encourage mixed-use development, or development at higher overall densities than would normally be allowed, or both.
- *Open Space Standards*, including standards for the reservation or dedication of common land or other open

PUD Options to Consider

24 V.S.A., §4417(b)

Local bylaws may include PUD provisions that:

- apply to single or multiple properties, having one or more owners;
- are limited to parcels that have a minimum area, or minimum size or number of units;
- require PUDs for all new development within specified zoning districts, or for projects of a specified type or magnitude.

space for the use or benefit of residents of the proposed development. These standards must include provisions for determining the amount and location of common land or open space and for its improvement and long-term maintenance. Open space standards may allow for the dedication and municipal acceptance of land or interests in land for public use and maintenance; or require that the applicant provide for or establish an organization or trust for the long-term maintenance of common land and open space.

One of the important features of the PUD enabling provision is that it authorizes municipalities to modify or waive zoning uses, densities, and intensities that would otherwise apply to a proposed development. Chapter 117, however, also requires PUD language to include clear standards for

PUD review. It's important that local regulations be very clear about the type and limits of modifications that can be approved; the reviewing body has discretion only within the boundaries established in the regulations, which must, in turn, be based on the municipal plan.

Considerations

Statutory Provisions. PUD provisions can be used to encourage—or require—certain types of development, based on goals and objectives in the municipal plan. These can range from affordable housing to certain forms of development such as transit-oriented or traditional neighborhood design. The regulations must clearly spell out standards regarding these objectives.

As noted above, Chapter 117

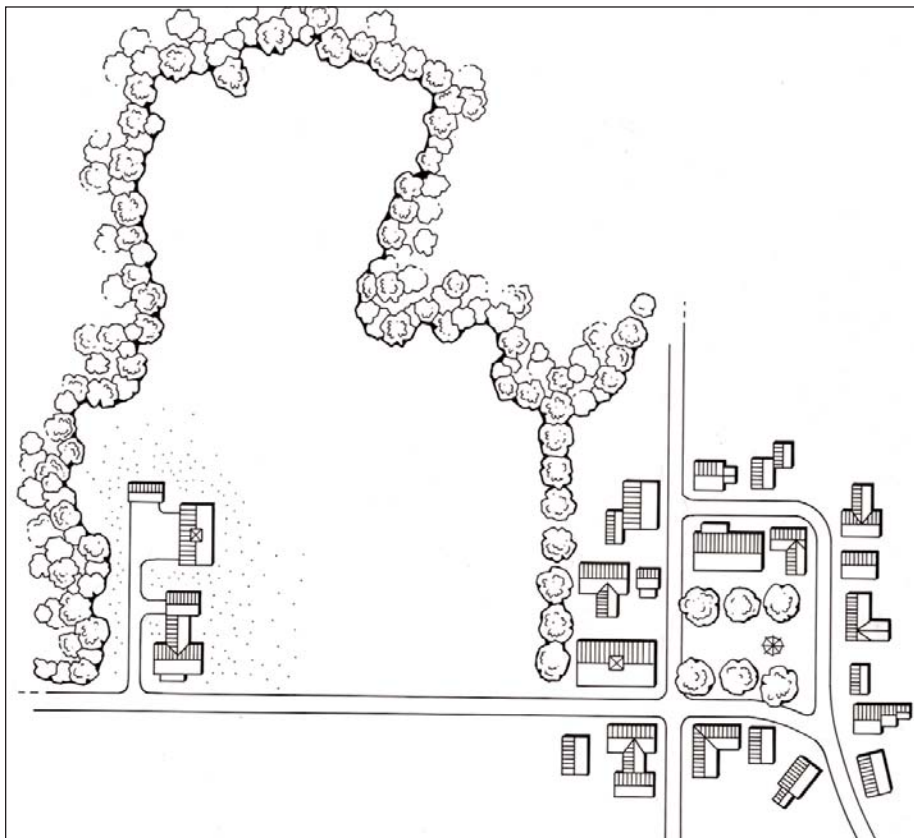
(§4417) includes a number of optional provisions that municipalities can incorporate in their PUD provisions. For instance, PUDs may be required for developments of certain size or in specified zoning districts. In addition, municipalities may craft their bylaws to allow PUDs made up of multiple properties (which may or may not be contiguous) that are held by multiple owners. South Burlington and Charlotte have used the ability to include noncontiguous properties to facilitate the transfer of development rights from a remote parcel to a more developable parcel as a part of the PUD approval process.

Incentives. PUD provisions are often intended to convey benefits to developers in the form of higher densities, lower development costs, and reduced infrastructure costs.

However, those benefits must be balanced by some public benefit that achieves goals or objectives set forth in the municipal plan. The regulations should make it very clear what must be provided to qualify as a PUD before benefits can be realized.

The use of density bonuses is a common feature of PUDs and can be effective in achieving affordable housing objectives; Chapter 117 once set a cap of 50 percent on affordable housing density bonuses, but under recent amendments, this statutory limit no longer applies. The regulations, however, must clarify what types of housing qualify and the connections between the amount of affordable housing provided and the amount of density bonuses to be granted. (See topic paper, *Housing Regulations*.) Density bonuses can also be used as incentives to encourage the dedication of open space or public facilities such as parks or recreation trails.

Impacts. PUDs often, by their nature, are larger than other developments in a community and may generate substantial demands on public facilities such as roads, schools, libraries, water and sewer systems, public safety facilities, and parks. It's



The town of Warren adopted use and design standards for “Crossroad Hamlet” PRDs that apply to residential subdivisions in rural residential districts and are intended to maintain traditional rural settlement patterns. This illustration of a crossroad hamlet is used in the bylaw to show how development can be concentrated around a crossroads and conserve important resource lands. See topic paper, *Open Space & Resource Protection Regulations* for more information. Illustration from the *Warren Land Use and Development Regulations*

therefore important for local PUD review to include determinations that increased demand can be satisfied by existing or planned facilities, for example, as scheduled in the community's capital improvement program. Municipalities may also include provisions to phase or limit the rate of build-out of PUDs to ensure that the capacity to provide municipal services is available when the development is occupied (see related topic papers).

Larger PUDs, particularly commercial and mixed-use PUDs, may also have substantial impacts on surrounding areas. Where PUDs are expected in or near community centers, it's important for the PUD regulations to include a brief vision or description of the type and density of development anticipated. This can then be translated into specific standards to be used by the reviewing body when approving proposed PUDs.

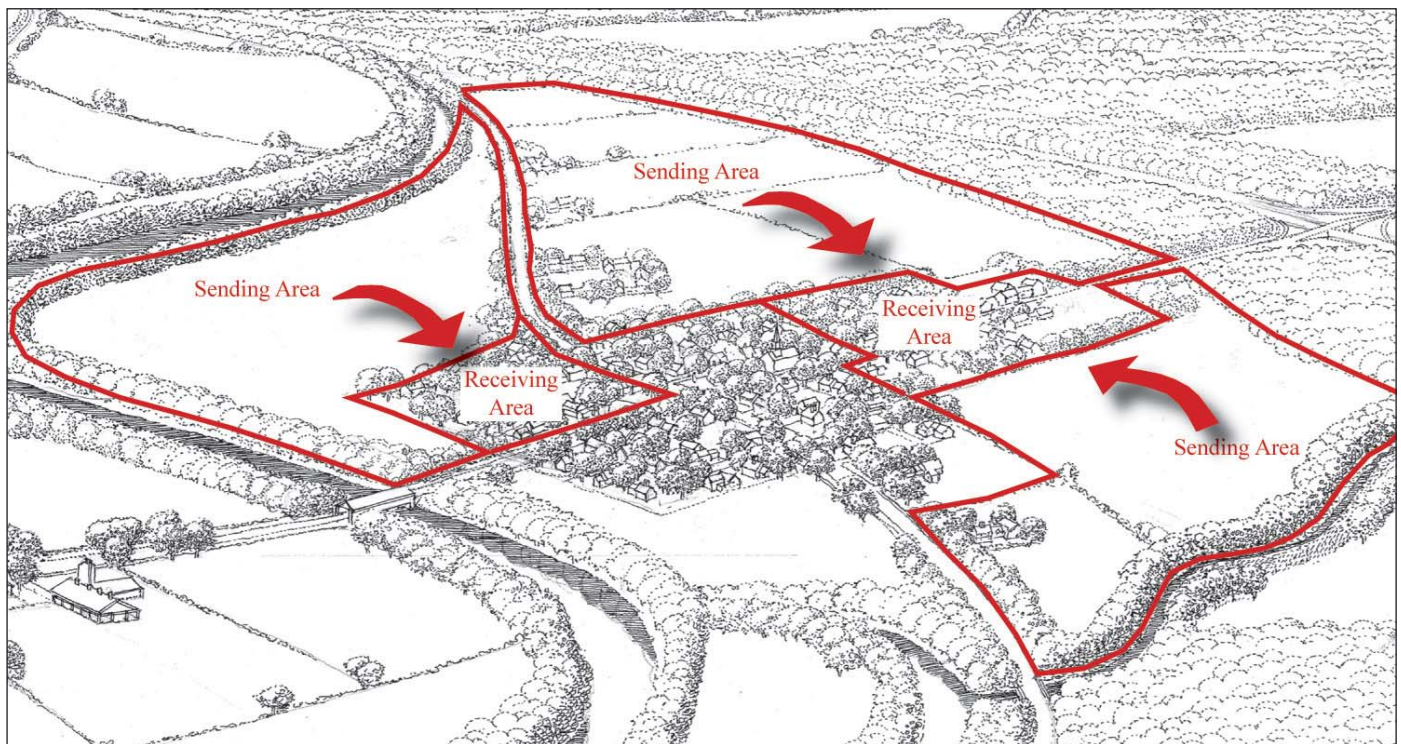
Coordination of Review. PUDs are often relatively complex developments that require more than one local approval. Under Chapter, 117 PUD regulations can be applied in association with subdivision or conditional use review, but depending on the types of use or location, site plan approval or even a variance may be required. As noted, under Chapter 117 (§4417), municipalities must specify in their regulations just how multiple reviews will be consolidated or sequenced to streamline the review process.

Typically, PUD review is incorporated within or conducted concurrently with subdivision review—or with conditional use review if no subdivision review is required under local regulations. Conditional use, site plan, or variance review also can be combined under final subdivision review—given similar public notice and hearing requirements—for uses

that require these approvals. If site plan, conditional use, or variance approvals cannot be granted simultaneously with PUD approval, it may make sense to require such approvals before getting too far into the details of development under advanced stages of PUD review.

Vermont communities have the ability to further a wide range of development objectives through the use of PUD regulations. PUD regulations that are carefully crafted and applied can have many benefits for both the community and local landowners and developers. The challenge is to capture this potential.

There are many examples of local PUD regulations available online. Access to municipal websites and local bylaws can be found through www.vpic.info, or contact your regional planning commission for assistance.



PUDs are normally used to shift the permitted density from one portion of a property to a smaller area to enable more efficient and concentrated development on a single parcel of land. In Vermont, PUDs can also be used to transfer density from one property to another. Such provisions, if specified in the bylaw, would allow the transfer of development rights from land the community hopes to conserve (sending areas) to land in growth centers (receiving areas), where higher-density development can be used to achieve multiple community goals.