

# 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 General Requirements and Applicability.**

With the exception of development subject to the requirements of Art 14, any development involving multiple lots, tracts or parcels of land to be developed as a single entity, or

seeking to place multiple structures and/or uses on a single lot where not otherwise permitted, may be permitted as a PUD subject to the provisions of this Article.

A planned unit development may be permitted subject to minimum project size as follows in the following districts:

Districts	Minimum Project Size
RH, RM, Downtown Waterfront – Public Trust District and Neighborhood Mixed Use, Institutional, E-LM	No minimum project size.
RL, RCO-R/G	2 acres or more

**Sec.11.1.4 Modification of Regulations.**

With the approval of the DRB after a public hearing, the following modifications of the requirements of the underlying zoning may be altered within a planned unit development:

- minimum lot size, frontage, lot coverage, and setback requirements may be met as calculated across the entire project rather than on an individual lot-by-lot basis;
- required setbacks may apply only to the periphery of the project rather than on an individual lot-by-lot basis;
- more than one principal use and more than one principal structure may be permitted on a single lot;
- one or more residential uses not otherwise permitted may be permitted; and,
- buildings 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 application submission and such modifications shall be subject to the provisions of **Sec. 11.1.5** and **Sec. 11.1.6**.

**Sec. 11.1.5 Approval Requirements.**

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

- (a) The minimum project size requirements of Sec. 11.1.3 shall be met;
- (b) The minimum setbacks required for the district have been met at the periphery of the project;
- (c) The project shall be subject to design review and site plan review of **Article 3, Part 4**;
- (d) The project shall meet the requirements of **Article 10** for subdivision review where applicable;
- (e) Density, frontage, and lot coverage requirements of the underlying zoning district have been met as calculated across the entire project;

- (f) All other requirements of the underlying zoning district have been 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.
- (k) Any proposed accessory uses and facilities shall meet the requirements of Sec. 11.1.6 below.

**Sec. 11.1.6 Non-Residential 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 are compatible with the intended principle residential use and 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 non-residential uses such as but not limited to 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.