
ARTICLE 5. DEVELOPMENT REVIEW

Section 5.1 Applicability of Development Review Processes

(A) Development review procedures and related standards under this article apply to development that requires, prior to the issuance of a zoning permit under Section 7.2, the approval of the Planning Commission or Board of Adjustment, under one or more of the following review procedures.

- (1) **Site Plan Review.** Site plan review by the Planning Commission under Section 5.4 shall be required for all development designated as a “Permitted Use” in Article 2, excluding single (one) and two family dwellings, agriculture and related farm structures, forestry, and development that is specifically exempted from review and permit requirements under Section 4.3. Site plan review standards and conditions are intended to ensure that building and site design is attractive, safe, functional and consistent with the purpose and character of the district within which it is located.
- (2) **Conditional Use Review.** Conditional use review by the Board of Adjustment under Section 5.5 shall apply only to those uses designated as conditional uses in Article 2 or as otherwise specified in these regulations. Standards and conditions address the impact of proposed land uses on adjacent properties, the neighborhood or district in which the project is located, and the community at large.
- (3) **Flood Hazard Area Review.** Conditional use approval by the Board of Adjustment, including the application of flood hazard area development standards, is required for all conditional uses within the Flood Hazard Area Overlay District, including but not limited to the construction of new buildings, and additions or substantial improvements to existing buildings. If a permitted use in an underlying district is located within the Flood Hazard Area Overlay District, it shall be subject only to review under flood hazard area district standards under Section 5.6, and not other conditional use standards under Section 5.5.
- (4) **Planned Residential Developments (PRDs) and Planned Unit Developments (PUDs).** PRD and PUD standards and procedures may be applied, at the request of the applicant, to the subdivision of any size parcel in all zoning districts.

Section 5.2 Coordination of Conditional Use & Site Plan Review

(A) Where an application requires both site plan review and conditional use review, the Board of Adjustment shall consider the application for conditional use approval pursuant to Section 5.5, act to approve or disapprove it, and provide its written findings and conditions to the Planning Commission for consideration in its deliberations under Section 5.4. The following should be considered with regard to respective review procedures and standards:

- (1) Conditional use review typically requires compliance with standards addressing the impact of proposed land uses on adjacent properties, the neighborhood or district in which the project is located, and the community at large. Standards and conditions emphasize those considerations in which off-site impacts of a proposed project can be identified, avoided and/or mitigated.
- (2) Site plan review typically requires that a project be consistent with the purpose and character of the district within which it is located. Standards and conditions emphasize those considerations related to internal layout of the site, its physical design and appearance as viewed from off-site, and the functional integration of the site with surrounding properties and uses.

(B) Specific uses subject to both flood hazard review and conditional use review shall be reviewed concurrently in accordance with Section 5.5 and 5.6 by the Board of Adjustment.

Section 5.3 Application Requirements [Site Plan & Conditional Use Review]

(A) **Development Plan.** An applicant for site plan review by the Planning Commission or conditional use review by the Board of Adjustment shall submit, in addition to a zoning permit application under Section 4.2, one (1) original and two complete copies of a development plan and supporting information, to include the following information, unless specifically waived by the Planning Commission or Board of Adjustment (whichever body has jurisdiction) under Subsection (B):

- (1) the names and addresses of the property owner(s) of record, the applicant if different from the property owners, and the person(s) or firm preparing the application and plan;
- (2) the names and addresses of all adjoining property owners, as determined from the current Middlesex Grand List, and proof of written notification to all adjoining property owners notifying them of the application, in accordance with Act [4464(a)].
- (3) a project location map showing the location of proposed development in relation to other properties, surface waters, land uses, roads and utilities within the vicinity of the project; and
- (4) a site development plan, drawn to scale, which shows the following unless specifically waived by the Planning Commission or Board of Adjustment:
 - title block, north arrow, scale, and the application date;
 - existing and proposed property boundaries, easements and rights-of-way;
 - designated zoning district boundaries, including overlay districts;
 - site features, including contours, prominent topographic features and areas of steep slope (in excess of 25%); surface waters, wetlands and associated setback distances; designated floodplain areas; land cover, including tree lines ; designated water supply source protection areas; critical habitat areas; and designated archaeological and/or historic sites;
 - the location of existing and proposed structures and facilities, including building footprints and elevations, walls and fence lines, utilities, roads, driveways, parking and loading areas, and pedestrian paths;
 - proposed traffic and pedestrian circulation patterns, including access points to adjoining properties, public roads and public waters;
 - the location of proposed water supply and wastewater disposal systems and design details; and
 - proposed grading, drainage, landscaping, screening, signs, and lighting details.
- (5) a project schedule, including the sequence of construction and a schedule for the completion of each phase of development, including site clearing and preparation, building construction, the installation of roads, driveways, parking areas, utilities, facilities and landscaping, and site reclamation, as applicable to the development; and
- (6) any additional information required by the Planning Commission or Board of Adjustment to determine project conformance with the provisions of these regulations (e.g., erosion control, stormwater management or site reclamation plans; or traffic, fiscal or visual impact analyses).

(B) The application shall not be considered complete until all required forms, information and associated fees have been submitted. The Planning Commission and/or Board of Adjustment may waive one or more application requirements upon determination that the information is unnecessary for the

comprehensive review of the application. Such waiver shall be made at the time the application is accepted and deemed complete.

5.4 Site Plan Review

(A) **Applicability.** Any use or structure requiring site plan approval shall not be issued a zoning permit by the Zoning Administrator until the Planning Commission grants such approval in accordance with the Act [§4416], and the following standards and procedures.

(B) **Review Process.** Upon making the determination that the application as submitted is complete, the Planning Commission shall schedule a public hearing, warned in accordance with the Act [4464(a)]. The Commission shall act to approve, approve with conditions, or deny an application for site plan review within 45 days of adjournment of the final public hearing; and shall issue a written decision. The written decision shall include a statement of the factual bases on which the Commission made its conclusions, a statement of those conclusions, any conditions, and shall specify the period of time within the decision may be appealed to the Environmental Court. Failure to act within the 45 day period shall be deemed approval. The decision shall be mailed, via certified mail, to the applicant within the 45 day period. Copies of the decision shall also be mailed to every person or body appearing and having been heard at the hearing, and a copy of the decision shall be recorded in accordance with subsection 4.8(D).

(C) **General Standards.** The Planning Commission shall consider and may impose appropriate conditions and safeguards with respect to the adequacy of traffic and pedestrian access, on-site circulation, parking, landscaping and screening, and other aspects of site development, in accordance with the following:

- (1) **Site Features.** Site layout and design, to the extent feasible, shall incorporate and/or protect significant site features, including but not limited to: surface waters, wetlands, critical habitat areas and associated buffers; ridgelines, hilltops, areas of steep slope (>25%) areas; primary agricultural and forest soils and existing farm and pasture land; historic sites and structures; and tree lines, walls and fences. Conditions may be imposed as appropriate with regard to the siting of structures and associated improvements, and the establishment of increased setbacks and/or buffers to incorporate and/or protect existing site features.
- (2) **Access.** Provision shall be made for adequate and safe access from the site to maintained public or private roads in accordance with the requirements of Section 3.2. The Commission may require that access be shared between adjoining properties and/or uses, and may require the reduction, consolidation or elimination of noncomplying accesses or curb cuts. Requirements for shared access shall be made either at the time of site plan approval if similar provision has been made on contiguous parcels, or contingent upon future development of neighboring properties.
- (3) **Circulation.** Provision shall be made for adequate and safe on-site vehicular and pedestrian circulation, in relation to the intended use and the location of buildings and parking areas. Clearly marked travel lanes, pedestrian crossings, and pedestrian paths connecting buildings, parking areas, and adjoining properties are encouraged, and may be required as appropriate by the Planning Commission to ensure vehicular and pedestrian safety and convenience.
- (4) **Parking, Loading, Service & Outdoor Storage Areas.** On-site parking, loading and service areas shall be provided. Conditions may be imposed with regard to the extent, siting, landscaping, screening, paving, curbing and/or sharing of parking, loading and service areas as appropriate to ensure site safety, function and attractiveness, and to avoid or minimize adverse off-site impacts.
- (5) **Layout & Site Design.** The location and orientation of structures on the site will be compatible with their proposed setting and context, as determined from zoning district objectives, existing site

conditions and features, adjoining or facing structures in the vicinity, and other applicable provisions of these regulations, including setback and buffering requirements. Conditions may be imposed as appropriate with regard to structure siting, orientation, and setbacks to ensure development is compatible with its setting and context.

- (6) **Landscaping & Screening.** Site plans shall incorporate landscaping and screening which is suited to existing site conditions, enhances development and features unique to the site, integrates the development and site with surrounding properties, and/or serves to buffer or screen incompatible development and/or outdoor storage or service areas from neighboring properties or public rights-of-way.
- (7) **Stormwater Management & Erosion Control.** Stormwater management and erosion control on-site shall be provided.
- (8) **Lighting.** Information regarding the location, type and level of illumination of all outdoor lighting shall be provided. Exterior lighting shall be kept to the minimum required for safety, security and intended use, consistent with the character of the neighborhood in which it is located. .

5.5 Conditional Use Review

(A) **Applicability.** Any use or structure requiring conditional use approval shall not be issued a zoning permit by the Zoning Administrator until the Board of Adjustment grants such approval in accordance with the Act [§4414(3)], and the following standards and procedures.

(B) **Review Process.** Upon making the determination that the application as submitted is complete, the Board of Adjustment shall schedule a public hearing, warned in accordance with the Act [4464(a)]. The Board shall act to approve, approve with conditions, or deny an application for conditional use review within 45 days of adjournment of the final public hearing; and shall issue a written decision. The written decision shall include a statement of the factual bases on which the Board made its conclusions, a statement of those conclusions, any conditions, and shall specify the period of time within the decision may be appealed to the Environmental Court. Failure to act within the 45 day period shall be deemed approval. The decision shall be mailed, via certified mail, to the applicant within the 45 day period. Copies of the decision shall also be mailed to every person or body appearing and having been heard at the hearing, and a copy of the decision shall be recorded in accordance with subsection 4.8(D).

(C) **General Standards.** Conditional use approval shall be granted by the Board of Adjustment upon finding that the proposed development will not result in an undue adverse effect on any of the following:

- (1) **The capacity of existing or planned community facilities and services.** The Board shall consider the demand for community facilities and services that will result from the proposed development. The Board may request information or testimony from appropriate local officials to help evaluate potential project impacts on existing and proposed community facilities and services. Conditions may be imposed regarding the provision of services and facilities, and/or the timing and phasing of development in relation to anticipated municipal capital expenditures or improvements, to minimize any adverse impacts to community facilities and services.
- (2) **Character of the neighborhood or area affected.** The Board shall consider the design, location, scale, and intensity of the proposed development in relation to the character of adjoining and other properties likely to be affected by the proposed use. Conditions may be imposed as appropriate to ensure that the proposed development is compatible with the character of the area or neighborhood, as determined from zoning district purpose statements, the municipal plan, and relevant testimony

presented to the Board. Conditions may be imposed as necessary to eliminate or mitigate adverse impacts, including but not limited to conditions on the design, scale, intensity or operation of the proposed use.

- (3) **Traffic on roads and highways in the vicinity.** The Board shall consider the potential impact of traffic generated by the proposed development on the capacity, safety, efficiency, and maintenance of roads, highways, intersections, and bridges in the vicinity. A traffic impact assessment may be required. Conditions may be imposed as necessary to ensure that a proposed development will not result in unsafe conditions for pedestrians or motorists, including but not limited to physical improvements on or off site, or the use of accepted traffic management strategies.
- (4) **Bylaws in effect.** The Board shall determine whether the proposed development conforms to other municipal bylaws and ordinances currently in effect, including but not limited to the specific policies of the *Middlesex Town Plan*. The Board shall not approve a proposed development that does not meet the requirements of other bylaws and ordinances in effect at the time of application.

(D) **Zoning District Standards.** All conditional uses shall comply with the dimensional, density, siting and associated standards for the district(s) in which the use or development is located, including overlay districts.

5.6 Flood Hazard Area Review

(A) **Applicability.** All development within the Flood Hazard Area Overlay district, with the exception of permitted uses within the district as identified in Table 2.7, shall be subject to conditional use review by the Board of Adjustment under subsection 5.5(B), and the following flood hazard area regulations. Permitted uses within the underlying district, which would otherwise not be subject to conditional use review, are not required to meet conditional use standards under subsection 5.5(C). Conditional uses within the underlying district are subject to both conditional use and flood hazard area requirements.

(B) **Application Requirements.** In addition to a development review application prepared in accordance with Section 5.3, an applicant for conditional use review within the flood hazard area overlay district shall submit the following to the Zoning Administrator:

- (1) the location on the site plan, and elevations of all roads, water supply and wastewater facilities in relation to the channel, floodway, and base flood elevations;
- (2) a completed FEMA "Elevation Certificate" prepared by a registered surveyor, engineer, architect or other state official who is authorized by the state to certify building elevation information;
- (3) where floodproofing is proposed (as allowed for nonresidential buildings), a completed FEMA "floodproofing certificate" prepared by a registered professional engineer or architect who is authorized by the state to certify floodproofing design and construction;
- (4) a hydraulic analysis for development located within the floodway; and
- (5) a description of the extent to which any watercourse will be altered or relocated as a result of the proposed development.

(C) **Additional Notice & Referral Requirements.** In addition to public hearing notice requirements for conditional use review under the Act [4464(a)] the following shall also apply:

- (1) Prior to issuing a permit, a copy of the application shall be submitted to the Flood Plain Management Section of the Vermont Department of Environmental Conservation. A permit may be issued only following the receipt of comments from the Department, or the expiration of 30 days from the date of application, whichever is sooner.
- (2) Adjacent communities and the Vermont Department of Environmental Conservation shall be notified at least 15 days prior to issuing any permit for the alteration or relocation of a watercourse and

copies of such notification shall be submitted to the Administrator of the Federal Insurance Administration.

(D) **Flood Hazard Overlay District Standards.** The Board of Adjustment may impose specific conditions or require project modifications for development within the Flood Hazard Area Overlay District to ensure that development complies with the following standards:

- (1) Development within floodways is prohibited unless a registered professional engineer certifies that the proposed development will not result in any increase in flood levels during the occurrence of the base flood. Junkyards and storage facilities for floatable materials, chemicals, explosives, flammable liquids, or other hazardous or toxic materials, are specifically prohibited within the floodway.
- (2) All development shall be designed to (a) minimize flood damage to the proposed development and to public facilities and utilities; and (b) to provide adequate drainage to reduce exposure to flood hazards.
- (3) Structures shall be (a) designed (or modified) and adequately anchored to prevent flotation, collapse, or lateral movement of the structure during the occurrence of the base flood, (b) be constructed with materials resistant to flood damage, (c) be constructed by methods and practices that minimize flood damage, and (d) be constructed with electrical, heating, ventilation, plumbing and air conditioning equipment and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.
- (4) The flood carrying capacity within any altered or relocated portion of a watercourse shall be maintained.
- (5) New and replacement water supply and sanitary sewage systems shall be designed to minimize or eliminate the infiltration of flood waters into the systems and discharges from the systems into flood waters.
- (6) On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.
- (7) New and replacement manufactured homes shall be elevated on properly compacted fill such that the top of the fill (the pad) under the entire manufactured home is above the base flood elevation.
- (8) The lowest floor, including basement, of all new buildings, except for accessory buildings under subsection (9), shall be at or above the base flood elevation.
- (9) Accessory buildings that represent a minimal investment may be built below the base flood elevation provided that the building (a) shall not be used for human habitation, (b) shall be designed to have low flood damage potential, (c) shall be constructed and placed on the building site so as to offer minimal resistance to the flow of floodwaters, (d) shall be firmly anchored to prevent flotation which may result in damage to other structures, and (e) shall have elevated or floodproofed service facilities such as electrical or heating equipment.
- (10) Existing buildings to be substantially improved for residential purposes shall be modified or elevated to meet the requirements of subsection (8).
- (11) Existing buildings to be substantially improved for nonresidential purposes shall either (a) meet the requirements of subsection (8), or (b) be designed to be watertight below the base flood elevation with walls substantially impermeable and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy. A permit for a building proposed to be floodproofed shall not be issued until a registered professional engineer or architect has reviewed the structural design, specifications, and plans, and has certified that the design and proposed methods of construction are in accordance with accepted standards of practice for meeting the provisions of this subsection.
- (12) All new construction and substantial improvements with fully enclosed areas below the lowest floor that are subject to flooding shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a registered professional engineer or architect or meet or

exceed the following minimum criteria: a minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided.

The bottom of all openings shall be no higher than one foot above grade. Openings may be equipped with screens, louvers, valves or other cover coverings or devices provided that they permit the automatic entry and exit of floodwaters.

- (13) Recreational vehicles shall either (1) be on the site for fewer than 180 consecutive days, (2) be fully licensed and ready for highway use, or (3) meet the standards of subsection (7) for manufactured homes.

(E) **Other permits.** Proposed development within the flood hazard area overlay district shall also be reviewed to assure that all necessary permits have been received from federal or state agencies from which approval is required under federal or state law.

(F) **Variances.** In addition to the standards for granting variances set forth in subsection 4.6(A), requests for variances within the Flood Hazard Area Overlay District must also comply with the standards set forth in subsection 4.6(C).

(G) **Zoning Administrator Duties.** In addition to other permit recording requirements under Section 4.2, the Zoning Administrator shall, in accordance with Section 4.8, also maintain a record of:

- (1) all permits issued for development in areas of special flood hazard,
- (2) the elevation, in relation to mean sea level, of the lowest floor, including basement, of all new or substantially improved buildings,
- (3) the elevation, in relation to mean sea, level, to which buildings have been floodproofed,
- (4) all elevation and floodproofing certifications required under this regulation, and
- (5) all variance actions, including justification for their issuance.

5.7 Planned Residential Developments (PRDs) and Planned Unit Developments (PUDs)

(A) **Purpose.** In accordance with the Act [§4417], the following two categories of Planned Developments are established under these regulations: Planned Residential Developments (PRDs) and Planned Unit Developments (PUDs). PRDs are allowed in all zoning districts excluding the Industrial District. PUDs are permitted in the Village District, Mixed Use District and Industrial District. Both PRDs and PUDs are intended to allow for innovative and flexible design and development that will promote the most appropriate use of land, and specifically achieve one or more of the following objectives:

- (1) increase density, reduce lot size and/or facilitate the adequate and economical provision of streets and utilities to provide housing in a cost effective manner;
- (2) cluster residential development to preserve and maintain open space, including but not limited to important resource or conservation lands;
- (3) protect significant natural, cultural or scenic features as identified in the Middlesex Town Plan, or through site investigation; and/or,
- (4) allow for creative design and layout of development, an efficient use of land, and to provide for the integrated mix of uses.

(B) **Review Procedure.** A PRD or PUD shall be reviewed concurrently with a subdivision review procedures as set forth in Article 6 of these regulations. In addition to the application requirements for subdivisions set forth in Section 6.2, an application for PRD or PUD approval shall include a statement describing any proposed modifications, changes or supplements to existing requirements of these regulations. Any modifications of one or more provisions of these regulations approved by the Planning Commission shall be noted in writing and filed in the Middlesex Land Records. Any provision of this bylaw not specifically modified shall remain in effect and be applicable to the project.

(C) **Coordination with Conditional Use Review.** Approval granted by the Planning Commission under this Section for a PRD or PUD involving the development of one or more uses subject to conditional use review shall not exempt the proposed development from subsequent Board of Adjustment review in accordance with Section 5.5. The Board of Adjustment shall incorporate any applicable conditions of subdivision and PRD or PUD approval, including modifications to one or more provisions of these regulations, in conditional use review.

(D) **General Standards.** The modification of zoning regulations by the Planning Commission may be permitted in accordance with the following standards:

- (1) The PRD or PUD shall meet all applicable standards set forth in Article 6 and shall be consistent with the Middlesex Town Plan and all other applicable municipal regulations and ordinances currently in effect. The PRD shall also meet all local and state regulations for sewage disposal and the protection of water quality.
- (2) The PRD or PUD shall represent an effective and unified treatment of the development site, including provisions as appropriate for the preservation or protection of surface and ground waters; wetlands and floodplains; significant topographic features, including hilltops and ridgelines; areas of steep slope or shallow soil; significant resource lands, including agricultural and forest land; historic or archaeological sites and structures; natural and critical habitat areas; and open spaces, including scenic views and vistas.
- (3) The Planning Commission may allow for a greater concentration or intensity of development within some section(s) of the development than in others, on individual lots which are smaller than the minimum lot size for the district within which the PRD or PUD is located, provided that there is an offset by a lesser concentration in other sections.
- (4) The minimum front, side and rear yard setbacks at the periphery of the PRD or PUD shall be as dictated for the particular district unless otherwise specified by the Planning Commission. The Commission may allow other setback standards, such as zero lot lines, as part of PRD or PUD approval.
- (5) Provision shall be made for the preservation of open space within the Medium Density Residential, Rural Residential and Conservation Districts. Preserved open space shall be dedicated, either in fee or through a conservation easement to the Town, a community association comprising all of the present and future owners of lots or dwellings in the project, or a non-profit land conservation organization. The Planning Commission shall approve such easement. Land held in common shall be subject to appropriate deed restrictions stipulating the permitted and restricted use of such lot, and establishing the person or entity responsible for maintenance and long-term stewardship. The Commission shall approve the location, size and shape of lands set aside to be preserved for open space in accordance with the following:
 - a. Open space land shall provide for the protection of identified resources, including farmland, productive forest, wildlife habitat, natural areas, aquifer protection areas, surface waters, stream banks, historic and archaeological sites, and scenic views and vistas;
 - b. Designated open space may include the portion of a single lot which is characterized by one or more of the above-referenced features, or may encompass the contiguous boundaries of the above referenced feature located on multiple lots;
 - c. The location, shape, size and character of the open space shall be suitable for its intended use. Generally, open space shall be at least 50% of the total area for projects involving a parcel(s) of

- 25 acres or more. For smaller parcels, open space should be in proportion to the size and scope of the project, and its intended use;
- d. Open space shall be suitably improved and/or maintained for its intended use, except for open space containing natural or cultural resources worthy of preservation that may be required to be left unimproved. Provisions shall be made to enable lands designated for agriculture and forestry to be used for these purposes. The Commission as appropriate may require management plans for forests and/or wildlife habitat. Areas preserved for agricultural and/or forestry use should be of a size that retains their eligibility for state and town tax abatement programs;
 - e. Open space land shall be located so as to conform with and extend existing and potential open space lands on adjacent parcels; and
 - f. Sewage disposal areas and utility and road rights-of-way or easements, access and parking areas shall not be counted as open space areas, except where the applicant can prove, to the satisfaction of the Commission, that they will in no way disrupt or detract from the values for which the open space is to be protected.
- (6) Provision for the preservation of open space should also be made within the Village and Mixed Use Districts. In these districts, which are intended to accommodate compact development at higher densities than in more rural residential and conservation districts, open space should be integrated into compact development patterns and be designed as formal green spaces, such as “village greens,” pathways and trails, parkland and playgrounds, intended to serve the proposed development.
- (7) Where a district boundary line divides a parcel, the Planning Commission may allow the development of a single PRD or PUD with a total density based on the combined allowable density of each district.
- (8) Two or more contiguous parcels under the ownership or control of the applicant may be combined for review as a PRD or PUD. The permitted density on one parcel may be increased as long as the overall density for the combined parcels does not exceed that which could be permitted, in the Planning Commission’s judgement, if the land were subdivided into lots in conformance with district regulations.

(E) **Standards Specific to Planned Residential Developments.** In addition to the general standards under subsection (D), PRDs shall also meet the following specific standards:

- (1) The total number of dwelling units shall not exceed that which would be permitted in the Planning Commission’s judgement if the parcel were subdivided into buildable lots in conformance with the district minimum lot area required for single family dwellings. The Planning Commission may, however, grant a density bonus increasing the number of dwelling units allowed in a PRD in accordance with the following:
 - a. The Commission may grant a density increase of up to 25% of the allowable number of units in instances in any district in which a significant portion (75% or greater) of the site is preserved as open space and/or the Commission determines that the PRD reflects an exceptional site design that will result in the preservation of important natural resources and the creation of such amenities as pedestrian paths, parkland and/or playgrounds; or
 - b. The Commission may grant a density increase of up to 50% of the allowable number of units in any district in instances in which not less than 50% of the total number of dwelling units created are affordable housing units, as defined in Appendix 1, Section 2; or
 - c. The Commission may grant a density increase of up to 50% of the allowable number of units in the Conservation District in instances in which not less than 50% of the site is preserved as open space. For the purpose of granting a density bonus within the Conservation District, the 50% density bonus will be applied to the maximum fractional number of dwelling units that may be allowed based upon the maximum density allowed in the district, to be rounded down to the

nearest whole number after the bonus is applied (e.g. a 30 acre parcel may have 1.5 units x 50% bonus = 2.25 units/lots, rounded to 2 units/lots).

- (2) A PRD shall include only residential uses and associated accessory structures and uses allowed within the district in which the PRD is located. The dwelling units permitted may, at the discretion of the Planning Commission, be of varied types, including single-family, two-family, or multi-family construction, and may be attached or detached.

(F) Standards Specific to Planned Unit Developments. In addition to the general standards under subsection (D), PUDs shall also meet the following specific standards:

- (1) The total number of allowable residential units and/or commercial or industrial space within the PUD shall not exceed the number which could be permitted in the Planning Commission's judgement, if the land were subdivided into lots in conformance with the zoning regulation for the district in which the project is located.
- (2) A PUD may include any permitted or conditional uses allowed in the district in which it is located. Multiple principle structures and/or uses on a lot, or multiple ownership of a single structure may be permitted.
- (3) Principal buildings and mixed uses shall be arranged to be compatible, and buffered as appropriate to ensure visual and acoustical privacy for the residents of the development and for adjacent properties.