

3.9 Jolina Court District (JC)

Purpose: The purpose is to support employment, light industry, commercial enterprises, community gathering spaces, dense and affordable housing, and other compatible uses that bring value to the community and maintain Richmond's unique sense of place. It will also support the traditional village mixed use patterns with street level commercial uses and upper floor residential uses. There are 3 primary goals for this district:

Help improve the economic vitality of Richmond by attracting desirable new businesses to the site, creating jobs, and increasing municipal water and wastewater utility use.

Attract residents and visitors to our village center for community and commercial activities.

Increase the housing density, affordability, and diversity in order to support a vibrant and diverse population of Richmond residents.

Any development in this district shall enhance the overall village area and shall be compatible with the surrounding mix of residential, non-residential, and municipal uses. Any development proposal shall fit into the vision for Richmond as described in the Richmond Town Plan.

3.9.1 Allowable Uses Upon Issuance of Zoning Permit and Site Plan Approval

The following uses shall be allowed in the Jolina Court District upon issuance of a Zoning Permit by the Administrative Officer. Site Plan Approval shall be required as in Section 5.5.1. More than one use per lot is allowed in this district.

- a) Artists/Crafts studio
- b) Bank
- c) Bed and Breakfast
- d) Home Occupation as in Section 5.11
- e) Fitness facility
- f) Hotel
- g) Inn or guesthouse
- h) Laundromat
- i) Office, Professional
- j) Office, Medical
- k) Personal Services
- l) Retail business

3.9.2 Allowable Uses Upon Issuance of Conditional Use Approval

The following uses shall be allowed in the Jolina Court District upon issuance of conditional use approval by the DRB. More than one use per lot is allowed in this district.

- a) Accessory structure
- b) Brewery
- c) Catering Service
- d) Center Based Child Care Facility
- e) Commercial Multi-Use
- f) Educational Facility as provided in Section 5.10.4
- g) Food Processing Establishment

- h) Funeral Parlor
- i) Light Manufacturing
- j) Health Care Services
- k) Hospital
- l) Pharmacy
- m) Planned Unit Development
 - i) as provided in Section 5.12, if no subdivision of land is proposed (see Section 5.12.1).
 - ii) Residential Dwelling Units as part of a Mixed Use Planned Unit Development.
- n) Pub
- o) Recreational facility
- p) Research laboratory
- q) Restaurant
- r) Religious use as provided in Section 5.10.4
- s) State- or community-owned and operated institutions and facilities, as provided in Section 5.10.4
- t) Tavern
- u) Theater
- v) Wholesale trade

3.9.3 Residential Density and Requirements

- a) Each residential dwelling unit shall require 1/15 acre of developable land located on the same lot as the unit. This equals a residential density of 15 units per developable acre. Developable land excludes those lands that are outlined in section 2.5.2. The maximum number of units that may be permitted shall be calculated by multiplying the residential density by the total developable acreage of the lot. When this calculation results in a number with a fractional component, the fraction will be rounded according to conventional rounding rules as follows, in which X is a whole number:

X.0 – X.49 units shall be rounded DOWN to X units

X.5 – X.99 units shall be rounded UP to X+1 units

Examples: 15 units/acre x 1.22 developable acres = 18.30 units rounds down to 18 units

15 units/acre x 2.97 developable acres = 44.55 units rounds up to 45 units

- b) Residential dwelling units may only be approved as part of a mixed-use Planned Unit Development. All residential dwelling units are required to meet Vermont Fire and Building Safety Code
- c) **Affordable Housing Units Allowance – Additional residential density may be allowed under the Affordable Housing provisions per Section 6.13.**

Commented [PA1]: Added prior to 4/6/2020

3.9.4 Dimensional Requirement for Lots in the JC District-No Zoning Permit may be issued for Land Development in the J/C District unless the lot proposed for such Land Development meets the following dimensional requirements:

- a) **Lot Area**- No lot shall be less than one-fourth (1/4) or 0.25 acre. The purchase of additional land by the owner of a lot from an adjacent lot owner will be permitted, provided such purchase does not create a lot of less than the minimum area required in the Zoning District on the part of the seller.

- b) Lot Dimensions**-Each lot must contain a point from which a circle with a radius of twenty-five (25) feet can be inscribed within the boundary of the lot.
- c) Lot Frontage**-No lot having frontage on a public or private road shall have less than seventy-five (75) feet of continuous uninterrupted length of said frontage or the lot must have access to a public or private road with approval by the DRB pursuant to Sections 4.2 and 4.3.
- d) Lot Coverage**- The total ground area covered by all structures, parking areas, walkways, driveway and areas covered by impervious materials shall not exceed eighty percent (80%) of the total ground area of the lot.

3.9.5 Dimensional Limitations for Structures on Lots in the JC District

- a) Height of Buildings and Structures** -- shall be as in Section 4.12 of these regulations.
- b) Setbacks for the Periphery of the Zoning District** – Refer to Appendix D for the map and text of the setback requirements for periphery of the zoning district. If a lot line demarcating the periphery of the zoning district conflicts or overlaps with any lot lines created after [insert date regulations are adopted], principal and accessory structures must follow the setback requirements for the periphery of the zoning district with respect to the lot line that also serves as a boundary line for the Jolina Court Zoning District.
- c) Setbacks within the Zoning District** – The following regulations apply to structures with respect to lot lines created after (date regulations are adopted) and are wholly within the zoning district:
 - Front-yard setback** – A principal structure shall be set back at least ten (10) feet from the front lot line. An accessory structure shall be set back at least five (5) feet from the front lot line.
 - Side-yard setback** – A principal structure shall be set back at least ten (10) feet from each side lot line. An accessory structure shall be set back at least five (5) feet from each side lot line
 - Rear-yard setback** - A principal structure shall be set back at least ten (10) feet from the rear lot line. An accessory structure shall be set back at least five (5) feet from the rear lot line.

For Planned Unit Developments, the setback requirements for lot lines within the PUD may be waived by the DRB if the design and layout of the PUD conforms with the Town Plan.

d) Parking Setbacks – Parking spaces on all properties in the Jolina Court Zoning District shall meet the setback standards for the Jolina Court Zoning District, except for properties bordering the Village Commercial Zoning District. On such properties, the setback for parking spaces from property lines that separate the Jolina Court Zoning District from Village Commercial Zoning District is zero (0) feet. However, for all other property lines that do not serve as boundary lines for the Jolina Court Zoning District on properties bordering the Village Commercial Zoning District, parking spaces must meet the setback standards for the Jolina Court Zoning District.

e) Footprints of Principal Structures- No principal structure shall have a footprint area that exceeds 10,000 square feet.

3.9.6 Other Requirements Applicable to Lots in the JC District- No Zoning Permit may be issued for Land Development in the J/C District unless the Land Development meets the following requirements:

a) Parking Requirements- Parking Supply-In this district, the residential parking requirement shall be based on the number of bedrooms per dwelling unit. The spaces required shall only serve to calculate overall supply and shall not be assigned to specific dwellings.

Bedrooms	Efficiency (0)	1 Bedroom	2 Bedroom	3 Bedroom	4 Bedroom
Spaces Required	1	1.5	2	2.5	3

Spaces shall increase by 0.5 spaces per additional bedroom.

All other parking supply requirements shall follow the requirements as set forth in section 6.1.

Bicycle parking racks shall be required within the parking areas, and lots shall be required to provide safe and convenient bicycle access as per section 6.1.6

b) Loading Space Requirements – Off-Road or Highway loading requirements shall be regulated as provided in Section 6.1.

c) Signs – Signs shall be regulated as provided in Section 5.7.

d) Traffic Impact – The purpose of this requirement is to foster the general welfare of the public through the minimization of traffic congestion, air pollution, and the risk of motor vehicle and pedestrian accidents.

- a) A transportation impact study shall be required for uses which generate more than 70 vehicle trip ends on adjacent roads during the P.M. peak hour for the first 40,000 square feet of land development area or fraction thereof, plus 1 vehicle trip end for each additional 1,000 square feet of land development area. In making the determination of traffic impact, the Administrative Officer or DRB shall utilize "Trip generation – Tenth Edition", Institute of Traffic Engineers (ITE), or its equivalent, or any subsequent and most recent publication thereof, and may use estimates from other sources, including local traffic counts, if the above publication does not contain data for a specific use or if a use contains unique characteristics that cause it to differ from national traffic estimates.
- b) For establishments that generate more than 70 vehicle trip ends during the P.M. peak hour, the Development Review Board shall review the level of service of adjacent roads. Based on its review as well as consultation with the Road Foreman, the DRB may put forth permit conditions to mitigate adverse traffic impacts. Permit conditions may include:
 - i. Site improvements to improve access management, such as the creation of secondary access points, the reduction of the width of curb cuts, or the like;
 - ii. Improvements to internal circulation, including the creation of narrower roadway widths, pedestrian pathways, and the like;
 - iii. Improvements with connections with adjacent properties, such as, but not limited to, the creation of additional vehicle or pedestrian access points, the installation of signage and

traffic lights, and adjustments to intersections to reduce pedestrian crossing distances and to slow traffic.

e) Access – Access shall be regulated as provided in Sections 4.1 through 4.4.

f) Sidewalks- Sidewalks that connect all buildings on Jolina Court with the sidewalks and pedestrian crossings on Bridge Street shall be required. They may be connected individually or in series. The purpose of this is to ensure walkability of any new development and ensure connection to the downtown area.

g) Compatibility- The purpose of this requirement is to allow the Development Review Board to review and approve the visual aspects of new construction, or new or remodeled exteriors. This ensures public ability to review the visual rendering and provide input. A visual rendering of any new construction or remodeled exterior shall be required as part of a site plan and/or conditional use application. Any changes to the façade, size, or scale of new construction or a remodeled exterior shall require a new visual rendering that portrays the proposed changes and shall require an amendment to the Development Review Board’s original site plan and/or conditional use approval which contains the most recent iteration of the visual rendering. Publicly displayed visual renderings must be in accordance with section 5.3.3 (b). The following shall be considered when reviewing the application:

- a) Compatibility of size, scale, color, materials, and character of the district, and construction utilizing materials similar or the same to the existing buildings of the district, shall be required for all new construction and all new or remodeled exterior facades. Applicants shall be required to demonstrate compatibility through examples, research, architectural consultation, or other means. This compatibility requirement shall not prohibit artistic expression, ability to landscape, commercial viability, creativity, or individuality.
- b) Design features that provide all structures with an attractive and human-scale appearance when viewed from a public or private road or by neighboring properties shall be required. These features shall include the following:
 - i. Building façades of 50 feet or more shall be broken down into a series of smaller facades that incorporate changes in color, texture or materials; architectural projections or recesses; varying setbacks or roof treatments, or other structural or decorative variations.
 - ii. Primary building facades of any length shall include windows and doors.
 - iii. All sides of buildings must have windows
 - iv. Accessory structures shall also satisfy compatibility criteria as described above.
- c) Landscaping, screening and green space shall be required to achieve the following goals:
 - ~~i. Provide for open space to protect environmental quality and existing natural features.~~
 - ~~ii. Provide for stormwater infiltration and management and to protect water quality and limit soil erosion.~~
 - ~~iii. Prevent further encroachment into existing floodplains and sensitive wetlands to protect water quality and existing wildlife.~~

- iv. To provide screening of development to increase privacy, reduce noise and glare, contribute to the attractiveness and scenic qualities of ~~travel corridors the property~~, and to otherwise lessen the visual impact of the development ~~to on~~ neighboring properties.
- ~~v. Provide for preserving existing vegetation of statewide interest or critical wildlife habitats.~~
- vi. To provide green space amenities for the occupants of the development
- vii. Provisions shall be made for the care and maintenance of plantings, including the removal and replacement of dead or diseased shrubs or trees.

Commented [PA2]: Modified on 4/12/2020 by Katie Mather and Virginia Clarke

h) Fire Protection- Any building using engineered lumber shall have the appropriate placard as deemed necessary by ISO standards. This placard shall be placed at the primary ingress/egress of the main floor of said building.

i) Environmental Concerns – The development should prioritize the protection of wetlands, riparian areas and surface waters to maintain the health and function of those areas and their ecosystem services. These ecosystem services include, but are not limited to, protection of water quality; stormwater management; floodwater storage; limitation of soil erosion; stream channel stabilization; preservation of existing plant and animal communities, including identified rare and sensitive specie; preservation of habitat connectivity, and the maintenance of Richmond's rural character and scenic beauty. For specific standards regarding land development within the Floodway and the Special Flood Hazard Area, see Section 6.8.

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i j) Additional Possible Conditions - The following site standards also may be required as a condition of Development Review Board approval

- Greater setback or screening requirements along the perimeter of the property
- Adequate pedestrian facilities
- Demonstration of the ability to properly develop, operate, and maintain development roads, utilities, driveways, parking, sidewalks, landscaping, and other conditions or standards imposed

Additional Amendments to the existing Richmond Zoning Ordinance:

Under Definitions 7.1:

- o **New Definitions:**
 - o Basement [**replace current**]: the level, floor or portion of a building that is wholly or partially below ground level. Special types of basement include:
 - Walkout Basement: a basement that incorporates one or more walls with windows and a door that opens at grade so that a person may “walk out”
 - Daylight Basement: a basement with windows above grade but no door to the outside
 - o Bedroom [**add**]: A room within a dwelling unit used for the primary purpose of sleeping. To qualify as a bedroom, all applicable fire safety codes specific to bedrooms must be met.
 - o Brewery [**add**]: a place where fermented or distilled beverages are manufactured, stored, bottled, and sold wholesale or retail in sealed containers for consumption off premises. This establishment may include a tap room, a tasting room, or a retail area as an accessory use

- Child Care Facility **[add]**: an establishment whose function is the care of children on a regular basis outside the child(ren)s own home for less than 24 hours per day by a person or persons other than the child or children’s own parents or guardians. All regulations from the Vermont Agency of Human Services “Child Care Licensing Regulations” shall be followed.
 - Family child care home – A child care facility in which fewer than 11 children are cared for in the caregiver’s own residence, per 24 V.S.A. §4412(5). Family child care homes shall be regulated as in Section 5.11.2 of these regulations.
 - Large Family child care home – a child care facility in which 11 or more children are cared for in the caregivers’ residence. This facility shall be state-registered or licensed, and shall be regulated under Section 5.11.2 of these regulations.
 - Center-based child care facility – Any child-care facility establishment operated as a business or service not in the caregiver’s own residence. Also referred to as a “Day Care Center”.
- **[Remove “Day Care Center”, and all references to “Day Care Home”]**
- Dwelling unit **[replace current]**: a room or group of rooms within a building containing cooking, bathing and sleeping facilities that functions as the living space for a single set of family members or roommates. A building or structure may be occupied by one, two or multiple dwelling units. The term “dwelling” is also used to refer to a dwelling unit in these regulations. *(this definition replaces both “dwelling” and “dwelling unit” in the RZR)*
- Efficiency (or Efficiency Apartment) **[add]**: a type of dwelling unit in which the functions of the living room, kitchen and bedroom exist in a single room.
- Establishment **[add]**: a business, organization, institution or household
- Funeral Parlor **[amend]**: an establishment used for the preparation of the deceased for burial and the display of the deceased and rituals connected therewith before burial or cremation
- Group Home **[amend]** (put “24 V.S.A.” before the statute section 4412)
- Fitness Facility **[add]**: an establishment less than 5,000 square feet in size that provides exercise facilities, including but not limited to exercise equipment, game courts, swimming facilities, saunas, and massage rooms, as well as fitness instruction and classes in disciplines including but not limited to yoga and pilates.
- Height **[replace existing]**
- Height, of a building **[add]**: the vertical distance measured from the average elevation of the finished grade of the ground to the highest point of the roof.
- Height of a structure **[add]**: the vertical distance from the average finished grade or the base of the structure, whichever is lower, to the highest point of the structure.
- Hospital **[add]**: A licensed institution providing primary health care services and medical or surgical care to persons, primarily inpatients, suffering from illness, disease, injury, deformity, and other physical or mental conditions requiring medical treatment, and including as an integral part of the institution related facilities such as laboratories, outpatient facilities, and training facilities. Hospitals customarily include the retail sale of pharmaceuticals and medical supplies as an accessory use.
- Health Care Services **[add]**: an establishment providing support to medical professionals and their patients, such as medical and dental laboratories, blood banks, oxygen, miscellaneous types of medical supplies and devices, and record and document storage
- Laundromat **[add]**: an establishment providing apparel laundering services or machines on the premises for the general public, but does not provide dry-cleaning on or off premises
- Main Floor **[add]**: the floor of primary ingress and egress into a building or structure that is not a basement of any type. May also be referred to as the “street level” or “ground floor”.

- Office, Professional **[amend]**: an establishment used for conducting the affairs of a business, profession, service, industry, or like activity. Such office uses have limited contact with the general public. It also does not involve manufacturing, repairing, processing, and retail sales of articles and goods
- Office, Medical **[add]** - Any establishment where human patients are examined and treated by doctors, dentists or other medical professionals but not hospitalized overnight. Medical office may include as an ancillary use the assembly, fitting, testing and sale of products directly related to the medical service provided in the same establishment.
- Personal Service(s) **[amend]** - Services such as hairdressing, barbering, shoe repair, massage, tanning salon
- Pharmacy **[add]**: an establishment where prescription and over-the-counter medications are sold
- Planned Unit Development (PUD) **[amend]** - One or more lots to be developed as a single entity according to a Master Development Plan. If authorized under Section 5.12, a Master Development Plan may have a creative layout, a mix of land uses, and may deviate from bylaw requirements that are otherwise applicable to the area in which it is located with respect to lot size, bulk, or type of dwelling or building, use, density, intensity, lot coverage, parking, required common open space, or other standards
- Recreation Facility **[amend]** - A establishment greater than 5,000 square feet in size designed and equipped for the conduct of sports and leisure-time activities. Recreation facilities can be indoor or outdoor, as well as a facility or a park.
- Residential Use **[add]**: residential use includes dwelling units and those uses that are associated with dwelling units such as owner or tenant storage, parking, laundry, common space or common land owned or used by tenants or owners for private use of said tenants or owners.
- Required Agricultural Practice **[amend]** – any farming activity as defined by the “Required Agricultural Practices Rule” developed by the Vermont Agency of Agriculture, Food and Markets pursuant to Act 64.
- Acceptable Management Practices for Silviculture **[amend]** – any forestry activity as defined the Commissioner of Forests, Parks and Recreation including those regulated by the “Acceptable Management Practices for Maintaining Water Quality on Logging Jobs Rule.”

Under Section 5.11.2:

5.11.2 Child Care Homes – As per 24 VSA §4412(5), Family Child Care Homes which serve six or fewer children shall be permitted as a home occupation subject to Section 5.11.1. A Family Child Care Home serving more than six children and less than 11 children shall require Site Plan Review and also be permitted as a home occupation subject to Section 5.11.1. Large Family Child Care Homes and Center-based Child Care Facilities shall be regulated by the zoning district in which it is located. Adequate off-Road or Highway parking shall be provided for all applications for Child Care Homes. Applications for any Child Care Home shall include detailed information and accurate measurements regarding location drop-off, parking, square footage in home for use, etc. The Administrative Officer may require additional information from the Applicant or may conduct a site visit to gather additional information.

Under PUD Section 5.12.2:

- 5.12.2 (a) **[amend]** A PUD may be permitted in the JC and VD Districts. A PUD or Residential PUD may be permitted in the R/C, G, V/C, or I/C Districts. A Residential PUD may be permitted in the A/R and HDR Districts.

The PUD provision may be used for any sized parcel, but is *required* for developments of nine or more lots, or ones in which multiple ownership of buildings, or multiple principal structures on a single lot are proposed. For the purpose of determining the number of lots, all lots shall be counted if they have been approved for subdivision by the DRB or Administrative Officer within a continuous period of sixty months preceding the date of filing the PUD subdivision application.

- 5.12.2 (f) **[amend]** The total number of allowable dwelling units in the PUD or the Residential PUD shall not exceed the number that would be permitted if the land were subdivided into lots in conformance with these Zoning Regulations for the Zoning District in which such land is located, and in accordance with Section 2.5 of these Zoning Regulations. The DRB may authorize multiple uses within PUDs in the JC, VD, V/C and R/C Districts. Multiple uses may be allowed on all lots within PUDs in these districts (including pre-existing, nonconforming lots) provided that adding multiple uses shall comply with the PUD standards and other specific criteria of these Zoning Regulations and state law. In any PUD in the R/C District, at least 50% of the gross floor area shall be in residential use. In the V/C District, at least 50% of the gross floor area must be in commercial use. In the JC and VD Districts, any or all floors may be in commercial use. However, in the VD District, residential uses shall be restricted to the second floor and above; and in the JC District, residential uses shall be restricted to the second floor and above and to the walk-out basement floor as long as all applicable Vermont Fire and Building Safety Codes are met.

Under Section 4.10.1 – add reference to JCZD

Under Section 4.11.3(c) -- add reference to JCZD in 2nd column

Under Section 5 -- Permits and Approvals

- 5.3.3 Misrepresentations
 - a) Any zoning permit issued based upon material inaccuracies or misrepresentations in an application or in any supporting documents to an application shall be null and void and shall not be construed as waiving any provision of these zoning regulations.
 - b) Any visual rendering of a permitted project that is displayed publicly shall be the same visual rendering that has been presented to and approved by the DRB or the Administrative Officer.

Under Section 5.7 – Signs

- 5.7.4 add reference to Jolina Court District

Under Section 6.1.6:

Setbacks - All parking spaces shall meet the setback standards for the District in which it is located except parking in driveways in the Agricultural / Residential District for single-family residential uses, parking in the Jolina Court Zoning District, and the Village Commercial District. Refer to Section 3.9 for specific requirements regarding parking and setbacks in the Jolina Court Zoning District, and Section 3.5.4 for specific requirements regarding parking and setbacks in the Village Commercial District.

Section 2.4.5 – amend to read: Required Agricultural Practices and Acceptable Management Practices for Silviculture

-- In accordance with 24 VSA §4413, required agricultural practices as defined in the “Required Agricultural Practices Rule” from the Secretary of Agriculture, Food and Markets, and accepted silvicultural practices, as regulated by the “Acceptable Management Practices for Maintaining Water Quality on Logging Jobs in Vermont” from the Commissioner of Forests, Parks and Recreation, shall not be regulated by these Zoning regulations. However, a person shall notify the Administrative Officer in writing of the intent to build a Farm Structure and shall abide by all setback requirements approved by the Secretary of Agriculture

Section 3.0 – Use Index Table –delete

Appendix D – Enclosed map

3.5.4 Dimensional Limitations for Structures on Lots in the V/C District - No Zoning Permit may be issued for a structure in the V/C District unless the structure proposed for the lot meets the following dimensional requirements:

- a) **Building Height** - The height of any structure shall not exceed thirty-five (35) feet, except as provided in Section 6.6.
- b) **Front Yard Setback** - All structures shall be set back at least twenty (20) feet from the front lot line.
- c) **Side Yard Setback** - A principal structure shall be set back at least ten (10) feet from each side lot line. An accessory structure shall be set back at least five (5) feet from the side lot line.
- d) **Rear Yard Setback** - A principal structure shall be set back at least fifteen (15) feet from the rear lot line. An accessory structure shall be set back at least ten (10) feet from the rear lot.
- e) **Parking Setbacks** – Parking spaces on all properties in the V/C District shall meet the setback standards for the V/C District, except for properties bordering the Jolina Court Zoning District. On such properties, the setback for parking spaces from property lines that separate the Jolina Court Zoning District from Village Commercial Zoning District is zero (0) feet. However, for all other property lines that do not serve as boundary lines for the Jolina Court Zoning District on properties bordering the Jolina Court Zoning District, parking spaces must meet the setback standards for the V/C District.

5.11.1 Home Occupations

A home occupation shall be permitted in any dwelling upon issuance of a Zoning Permit by the Administrative Officer, providing the following conditions are met:

- a) 1/3 or less of the floor area of the dwelling is to be used for the occupation. This condition does not apply to Family Child Care Homes, in which any or all of the floor area may be used.
- b) The occupation does not have an undue effect on the character of the neighborhood.
- c) The occupation is to be carried out by one or more full-time residents of the dwelling unit.
- d) A maximum of two other non-residential employees or fellow entrepreneurs shall be allowed.
- e) Adequate parking and traffic flow shall be provided.
- f) The use shall be conducted entirely within the dwelling. This condition does not apply to Family Child Care Homes for which an outside play area is permitted.
- g) With the exception of Family Child Care Homes, there shall be not more than one accessory structure devoted to the occupation, and that structure shall not exceed 1200 sq. ft in footprint area. For Family Child Care Homes, more than one accessory structure is allowed, but the total footprint area of the accessory structures shall not exceed 1200 square feet.

- h) There shall be no outside storage of materials beyond that which is customarily associated with residential use, and at a scale consistent with residential use.
- i) There shall be no storage of hazardous waste or fuels.
- j) There shall be no unreasonable noise, smoke, vibrations, dust, odors, heat, glare, unsightliness or other nuisance.
- k) There shall be no traffic generated beyond that which is usual and customary in the neighborhood.

An amendment to the original permit shall be required before any changes are made in the scope of the home occupation. Such changes might include, but are not limited to; new activities, increases in the number or non-resident employees or parking spaces, changes in the square footage, or new accessory structures.

Section 4 - Regulations Applying to All Lots

4.12 [add] Height of Buildings and Structures

4.12.1 The height of a building shall not exceed 35 feet. In buildings with steeply pitched roofs in which there is no occupancy above 35 feet, the building height may not exceed 45 feet.

4.12.2 Structures on the roof of a building such as spires, chimneys, cupolas, rooftop solar collectors, domes and belfries may extend up to 45 feet from the average finished grade. Rooftop antennae may extend to 47 feet. [24 V.S.A. §4412 (6 and 8A)]

4.12.3 All buildings which do not require a construction permit from the Vermont Division of Fire Safety must include an egress window with a lower sill or threshold that does not exceed 32 feet from adjacent finished grade, and meet all applicable municipal and state fire safety codes.

4.12.4 All buildings which do not require a construction permit from the Vermont Division of Fire Safety shall have at least one point where the threshold of the roof is no higher than 32 feet from the adjacent finished grade to allow for ladder access to the roof by fire and rescue personnel.

4.12.3 Farm accessory buildings are exempt from the 35-foot height restriction, providing there is no habitation above 35 feet.

4.12.4 The height of wireless telecommunication facilities other than rooftop antennae shall be governed by section 6.12 of these regulations and 24 VSA S. 4412 (8B and C).

[the new section 4.12 will be referenced to replace all mentions of height in "Dimensional Limitations for Structures" in all the specific zoning districts including the pending JCZD]

6.13 Affordable Housing Density Bonus

6.13.1 Purpose – Pursuant to one of the Town Plan goals, the objective of this section is to increase the supply the affordable housing in the Town, and housing opportunities for a variety of income groups. The following provisions are to ensure a supply of standard housing available at below-market rate purchase prices or rents by providing an incentive bonus to applicants who choose to provide affordable housing dwelling units in their respective development.

6.13.2 Applicability – Affordable Housing Density Bonuses may only be granted to Planned Unit Developments and Residential Planned Unit Developments in the following districts: JC

6.13.3 Administration and Compliance

a) Application Requirements. In addition to other applicable submission requirements to proposed projects as specified within the Richmond Zoning Regulations, applications under Section 6.13 shall include the following:

- 1) An Affordable Housing Density Bonus application;
- 2) A site plan which identifies the number, locations, types, and sizes of affordable housing dwelling units in relation to market-rate dwelling units;
- 3) Documentation supporting the allocation of affordable and market-rate units, including affordable housing dwelling unit allocation calculations;
- 4) Descriptions of each unit's type, floor area, number of bedrooms, estimated housing costs, and other data necessary to determine unit affordability;
- 5) Floor plans of the all the housing units (both affordable housing and market-rate dwelling units) in the development;
- 6) Information regarding the long-term management of affordable housing dwelling units, including the responsible party or parties, as required to ensure continued affordability;
- 7) Draft legal documents required under this section to ensure continued affordability;
- 8) Construction timeline for the entire development, and/or phasing plan;
- 9) Other information as requested by the Zoning Administrator to determine project compliance with Section 6.13

b) Affordability Determinations. Affordable Housing Dwelling Units under this section shall be affordable and marketed to income-eligible eligible households as follows:

- 1) Housing costs for affordable housing dwelling units shall not exceed 30% of annual household income, adjusted for household size. Housing costs used to calculate the affordability of affordable housing dwelling units shall include:
 - i) For rental units – rent (inclusive of any condominium or homeowners' association fees) and utilities (water, electricity and heating costs).
 - ii) For sale units – mortgage principal and interest, annual property taxes, homeowner's insurance, and condominium or homeowners' association fees.

2) Income eligibility shall be determined based on income guidelines, as adjusted for household size, published annually by the U.S. Department of Housing and Urban Development (HUD) for the Burlington-South Burlington Metropolitan Statistical Area (MSA), or on program-based income eligibility requirements established by a partnering housing organization. The AMI shall be determined using the most recent income guidelines available at the time a unit is available for occupancy.

3) The maximum rent or sale price of an affordable housing dwelling unit shall be calculated based on unit size (i.e. number of bedrooms) and the HUD formula of 1.5 persons per bedroom, which are used to establish the "Household Size Equivalent":

Table 6.13-1 HUD Formula for Determining Maximum Rents and Purchase Prices	
Unit Size	Household Size Equivalent
<u>Efficiency/Studio</u>	<u>1</u>
<u>One-Bedroom Unit</u>	<u>1.5</u>
<u>Two-Bedroom Unit</u>	<u>3</u>
<u>Three-Bedroom Unit</u>	<u>4</u>
<u>Four-Bedroom Unit</u>	<u>5</u>

4) With respect to affordable housing dwelling units offered for sale, sale prices shall be calculated based on an available fixed rate, 30-year mortgage, consistent with a blended rate for banks or other lending institutions offering mortgages in Richmond, or a lower Vermont Housing Finance Agency (VHFA) rate if the developer can guarantee the availability of VHFA mortgages at this rate for all required affordable housing dwelling units. The calculated price shall assume a down payment of no more than 5% of the purchase price.

c) Continued Affordability. An affordable housing dwelling unit shall remain affordable in perpetuity commencing from the date of initial occupancy, through a deed restriction, restrictive covenant, or through purchase by or a contractual agreement with a local, state or federal housing authority or nonprofit housing agency, to be reviewed by the Town Attorney and approved by the Administrative Officer prior to the recording in the Town of Richmond Land Records and the issuance of any zoning permits associated with the respective unit. Any deed restriction, covenant, or other instrument or agreement ensuring the continued affordability of affordable housing dwelling units shall include:

1) Resale Restrictions. Provisions to ensure the affordability of units offered for sale shall include a formula for limiting the resale price to whatever is the higher of the purchase price the seller paid plus 2% for each year of ownership (non-compounding), or what is affordable to a household at 80% AMI at the time of resale;

2) Rent Changes. Provisions to ensure the affordability of affordable housing dwelling units as rental units shall require that annual rent changes not exceed the percentage change in the median household income within the Burlington-South Burlington MSA, when the change is an increase; and that annual rent changes match the percentage change in the median household income within the Burlington-South Burlington MSA, when the change is a decrease. An exception to the limit on increases or required decreases is permitted to the extent that further increases or delayed decreases are made necessary by documented hardship or other unusual conditions. Such exceptions may not take effect until approved in writing by the Town Manager or their designee

3) Sublet Restrictions. Provisions for affordable housing dwelling units shall prohibit the subletting of units at rental rates that exceed affordability limits established pursuant to this section.

d) Administration. The Selectboard, or its designee shall be responsible for the on-going administration of the affordable housing dwelling units as well as for the promulgation of such rules and regulations as may be necessary to implement this program. The Selectboard or its designee will determine and implement eligibility priorities, continuing eligibility standards and enforcement, and rental and sales procedures.

e) Density Increase. The Development Review Board may grant an increase in residential density over the base zoning density in order to create affordable housing dwelling units. The density increases shall be approved on the following criteria and standards:

- 1) The Development Review Board may grant a density increase of no more than 20 percent of the total number of dwelling units allowed under the base zoning density. All of the units gained as a result of a density increase shall be affordable housing dwelling units. Refer to Figure 6.13-2 for additional information.

Figure 6.13-2. Example calculation of affordable housing dwelling units

	<u>PUDs with both market rate and affordable housing dwelling units</u>
<u>Acreage</u>	<u>3</u>
<u>Base Density</u>	<u>15 units per acre</u>
<u>Base Units</u>	<u>45 units</u>
<u>Bonus Units</u>	<u>9 units</u>
<u>Total Units</u>	<u>54 units</u>
<u>Net Density</u>	<u>18 units per acre</u>
<u>Affordable Units</u>	<u>9 units</u>
<u>Market Rate Units</u>	<u>45 units</u>

2) Distribution. The affordable housing dwelling units shall be physically integrated into the design of the development, and shall be distributed among the housing types in the proposed housing development in the same proportion as all other units in the development, unless a different proportion is approved by the Development Review Board as being better related to the current or projected housing needs of the Town.

3) Minimum Floor Area. The minimum gross floor area per affordable dwelling unit shall not be less than comparable market-rate units in the PUD

4) Housing Types. At the discretion of the Development Review Board, the dwelling units may be of varied types including one-family, two-family, or multi-family dwelling uses, as well as efficiency, one-bedroom, two-bedroom, three-bedroom, and four-bedroom dwelling units within multi-family dwelling uses.

6.13.4 Housing Replacement Requirement

a) If at any point in time an affordable housing dwelling unit is to be removed, demolished, or converted into a different use, including market-rate residential uses, the parties responsible for changing the status of the affordable housing dwelling unit must establish a replacement affordable housing dwelling unit.

b) Requirements for Replacement Affordable Housing. All replacement affordable housing dwelling units must meet the following requirements:

1) Each replacement affordable housing dwelling unit shall have at least the same number of bedrooms as the dwelling unit being replaced;

2) Each replacement affordable housing dwelling unit must be located within the Town of Richmond;

3) Each affordable housing dwelling unit replacement must be established pursuant to Section 6.13.3.

c) Exemptions. This section shall not be applicable to:

1) Any dwelling unit ordered demolished or declared unfit for habitation because of damage caused by natural disaster, fire, flood, or other causes beyond the owner's control;

2) The removal of accessory dwelling units.

Section 7 – Definitions

Affordable Housing Dwelling Unit [add] – This shall mean either of the following:

- A dwelling unit that is owned by its inhabitants, whose gross annual household income does not exceed eighty percent (80%) of the median income for the Burlington-South Burlington Metropolitan Statistical Area (MSA), as defined by the United States Department of Housing and Urban Development, and the total annual cost of the housing, including principal, interest, taxes and insurance, is not more than thirty percent (30%) of the household's gross annual income; or
- A dwelling unit that is rented by its inhabitants whose gross annual household income does not exceed eighty percent (80%) of the median income for the Burlington-South Burlington Metropolitan Statistical Area (MSA), as defined by the United States Department of Housing and Urban Development, and the total annual cost of the housing, including rent, utilities, and condominium association fees, is not more than thirty percent (30%) of the household's gross annual income

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