

Town of Richmond
Planning Commission Meeting
AGENDA

Wednesday September 16th, 2020, 7:00 PM

Due to restrictions in place for COVID-19, and in accordance Bill H.681 **this meeting will be held by login online and conference call only**. You do not need a computer to attend this meeting. You may use the "Join By Phone" number to call from a cell phone or landline. When prompted, enter the meeting ID provided below to join by phone. For additional information and accommodations to improve the accessibility of this meeting, please contact Ravi Venkataraman at 802-434-2430 or at rvenkataraman@richmondvt.gov

Join Zoom Meeting: <https://us02web.zoom.us/j/88441737143>

Join by phone: (929) 205-6099

Meeting ID: 884 4173 7143

1. Welcome and troubleshooting
2. Adjustments to the Agenda
3. Public Comment for non-agenda items
4. Approval of Minutes
 - September 2nd, 2020
5. Public Hearing: Requirements for property owners claiming exemption per 24 V.S.A. §4413
6. Discussion on rezoning the southern portion of the Richmond Village
 - Discussion with Richmond Historical Society
 - Discussion on buildout feasibility, density and lot size
7. Other Business, and Correspondence
8. Adjournment

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5. Public Hearing: Requirements for property owners claiming exemption per 24 V.S.A. §4413

- Page 7: Memorandum on proposed bylaw amendments
- Page 8: Finalized Draft Zoning Amendments – for 9-16-2020 Public Hearing
- Page 10: Municipal Bylaw Change Report
- Page 11: Notice of Public Hearing

6. Discussion on rezoning the southern portion of the Richmond Village

- Page 12: Memorandum on discussion on rezoning the Richmond Village
- Page 14: Village Zoning recap prepared by Virginia Clarke. Also available on Google Docs for comments:
<https://docs.google.com/document/d/1gNdDGFkG8hHFNG4lMU84q5YkHvBFatvF8ON9n887sS0/edit?usp=sharing>
- Page 17: Part of Richmond Zoning Regulations (effective April 1986 to November 1996)
- Page 23: Zoning Revision Checklist
- Page 24: List of Uses in the Current Zoning Regulations
- On separate standalone documents:
 - Richmond State Historic Register Nomination Form, available on Google Drive:
<https://drive.google.com/file/d/14cBi9Nx7m0j7gbJT4Uqau0jmVaUN1jxv/view?usp=sharing>
 - “CurrenMap_VillageCenter.pdf” – Map of center portion of Richmond Village with overlay of zoning districts currently in effect.
 - “CurrentMap_Southern.pdf” - Map of southern portion of Richmond Village with overlay of zoning districts currently in effect
 - “DraftMap_Center.pdf” - Map of center portion of Richmond Village with overlay of draft zoning districts as discussed during the August 5, 2020 meeting
 - “DraftMap_Southern.pdf” - Map of southern portion of Richmond Village with overlay of draft zoning districts as discussed during the August 5, 2020 meeting
 - Table comparing Village Commercial, Commercial, Residential/Commercial, Village Downtown, and High Density Residential Districts. Comparison table available on Google Sheets:
<https://docs.google.com/spreadsheets/d/1g0DVYsd1qI4hqEq0L1tKMMsCzY21HPnSGq3MK89iwSE/edit?usp=sharing>. You may insert comments on this document.

Richmond Planning Commission
REGULAR MEETING MINUTES FOR September 2, 2020

Members Present: Scott Nickerson, Virginia Clarke, Jake Kornfeld, Brian Tellstone, Alison Anand,
Members Absent: Chris Cole, Mark Fausel, Joy Reap, Chris Granda,
Others Present: Ravi Venkataraman (Town Planner/Staff), Marshall Paulsen, Ashley Farr, Cathleen Gent

Virginia Clarke opened the meeting at 7:02 pm.

2. Adjustments to the Agenda

Clarke revised the agenda to switch items 3 and 4.

4. Public Comment for non-agenda items

Clarke asked if the public had any comments. Marshall Paulsen said he had no comment on non-agenda items. Ashley Farr said he had no comment on non-agenda items but may have comments on item #5 based on the content of the discussion.

3. Approval of Minutes

Motion by Jake Kornfeld, seconded by Scott Nickerson to approve the August 19th, 2020 Planning Commission Meeting Minutes. Voting: 6-0. Motion passed.

5. Discussion on rezoning the Richmond Village

Clarke provided an overview of the Planning Commission's tasks of reviewing locations and expanse of the zoning districts. She said that the Planning Commission should compare and contrast the regulations for the Residential/Commercial and Village Commercial Districts in order to determine the need for establishing new districts, and, if so, to define the parameters of the new zoning district.

- a) Identification of the exact locations of the current zoning districts—in particular: the Commercial Zoning District

Clarke and Venkataraman identified the Commercial, and Village Commercial Districts on the current zoning map.

- b) Comparison of purpose, uses, dimensional requirements and limitations, and "other requirements" between the Village Commercial, Commercial and Residential/Commercial Zoning Districts

Clarke pointed out that the purpose statements of the Village Commercial and Commercial Districts are identical. Clarke continued by noting similarities and differences between the Village Commercial and Commercial Districts, and concluding that there aren't many differences between the two districts. Clarke posed questions on how to rezone the Commercial District in the village—or if it's even necessary because the district is already built out. Clarke identified the similarities and differences between the Residential/Commercial and Village Commercial Districts. Clarke said that the key difference between the two districts is the phrasing of how residential or commercial uses are allowed

48 within the respective districts, and therefore she asked if the language serves the same purpose as a
49 compatibility requirement. Clarke said that the Village Downtown and Jolina Court Districts have
50 language on compatibility standards. Venkataraman said that applying language regarding character of
51 the area would not hold up in review in front of the DRB or in court. Venkataraman added that language
52 about the character of the area in a compatibility and a purpose statement serve as a bridge between
53 the Town Plan and the regulations by explaining how the Town Plan is being applied to the ordinance.
54 Clarke said that based on the character of the area standards in the Village Downtown and Jolina Court
55 Districts, the amendments to zoning districts within the Richmond Village will have form-based code
56 components to further define the character of the area. Clarke said that the uses in the
57 Residential/Commercial District focus on residential uses, and that its dimensional requirements are
58 similar to the High Density Residential District. Mark Fausel said that regarding the compatibility
59 language in the Village Commercial and Residential/Commercial Districts, the Residential/Commercial
60 District is oriented towards residents, many structures in the Village Commercial District are not
61 neighborhood-oriented, and that he likes the idea of keeping the notions separate wherever applicable.
62 Alison Anand concurred with Fausel, and said that the homogeneity between the
63 Residential/Commercial and Residential areas should be recognized and kept. Anand added that
64 commercial-oriented buildings should be recognized as well, the Planning Commission should be
65 cognizant to the current scenario of more people working from home, and that the zoning categories
66 could be simplified. Clarke cited the mixture of residential and commercial uses in the Round Church
67 area and along Railroad Street, concluding that many areas of the village are already mixed use areas
68 and have been for a long time. Marshall Paulsen requested that the Planning Commission consider the
69 light and sound impacts of future allowable uses on the neighboring residential areas, as the
70 compressor units on the Richmond Market have an impact on nearby residential areas. Venkataraman
71 said that sound and traffic models may not match the actual sound and traffic levels of a project, and
72 that a solution could be to allow the DRB to review sound and traffic impacts after a project is developed
73 in order to mitigate any sound or traffic issues that were not measured, as a part of Conditional Use or
74 Site Plan Review. Clarke said that sound and light are issues that are in a different part of the
75 regulations. Fausel said that the Richmond Market project received a waiver, and proper enforcement
76 needs to be considered. Clarke said that the overall goal of rezoning is to foster a walkable village,
77 southern portions of the village are at a walkable distance from the village center, and that adding more
78 commercial uses to the southern portion of the village makes sense. Clarke asked Ashley Farr for
79 comments. Farr said that the Planning Commission should consider allowing more commercial uses
80 and more flexibility for his parcel as well as the southern portion of the village. Clarke said that there
81 were discussions on allowing more multifamily housing, similar to the development on the corner of Farr
82 Road and Huntington Road, and that the commission hopes to address the current housing shortage.
83 Anand asked if Farr preferred commercial uses over residential uses. Farr said he was looking to
84 develop a commercial use in the future because it would have less impact on the farm, compared to
85 residential uses. Cathleen Gent asked about the proposal for the draft map. Clarke overviewed that the
86 commission is considering expanding commercial uses to the burgundy areas on the map. Gent said
87 that the Planning Commission should think through the rezoning process as some areas would be
88 better for commercial uses and some areas would be better for residential uses. Gent asked about
89 implementing design standards. Fausel said the commission has had discussions on design standards
90 and need to discuss the details. Clarke said that the commission is committed towards implementing
91 design standards. Clarke asked if Scott Nickerson or Jake Kornfeld had any comments. Nickerson said
92 he had none. Kornfeld asked about the public's experiences with the zoning regulations. Farr said he
93 has not come across major zoning issues, but restrictions are in place, and that flexibility would give him
94 and his family more options for the future. Fausel asked if Farr would like the entire farm to be
95 categorized as Village Commercial, or only portions of the farm. Farr said that he is open to ideas but
96 opening the parcel to more flexibility would be better in the long term, but would not want to lose the
97 ability to run agricultural uses. Anand asked Farr if Thompson Road at one time extended to Huntington
98 Road. Farr said yes, and that the road can be easily found on the property. Anand asked if the road
99 were to be redeveloped, could more residential areas be developed too without much detrimental effect
100 on the farm. Farr said this would be possible as there would be a natural barrier, the grade of this road
101 would be steep, and town water and sewer should be extended to serve these possible developments.

102 Gent said that the Planning Commission should consider what it envisions for the parcel when it is
 103 discussing the rezoning of the parcel. Gent added that for southern portions of the village, topography
 104 and existing lot sizes would constrain the developability of parcels. Clarke asked if Farr considered
 105 development via PUD regulations. Farr said yes, and that the proposals he has received did not seem
 106 to be a proper fit. Clarke said that the performance standards may need to be revised instead of the
 107 uses. Anand asked if the commission has received any particular zoning change requests. Clarke said
 108 no, and that the commission may receive input based on their outreach efforts. Clarke asked if anyone
 109 had additional comments. Venkataraman said that he invited the historical society to speak during the
 110 next Planning Commission meeting.

111

- 112 c) Examination of the current zoning regulations for the High Density Residential Zoning
- 113 District to facilitate a discussion of how a Village Neighborhoods Zoning District might
- 114 differ from the High Density Residential Zoning District

115

116 Clarke overviewed the location and regulations of the High Density Residential District, and asked the
 117 commission about the need for creating a Village Residential District. Nickerson said that the
 118 commission should consider unique regulations for the High Density Residential and Village Residential
 119 Neighborhoods Districts so that the Village Residential Neighborhoods District could retain unique
 120 characteristics separate from the rest of the High Density Residential District, but that dimensional
 121 requirements would remain the same. Clarke said she didn't understand the correlation between density
 122 and the capacity of existing lots to hold density. Fausel suggested that areas north of I-89 could have
 123 more flexibility with allowable uses. Clarke concurred with Nickerson's point on severability. Clarke
 124 identified the extent of the High Density Residential District. Clarke asked about the application of PUD
 125 requirements. Nickerson said he was thinking that PUD requirements would be triggered for multifamily
 126 uses in the proposed Village Residential Neighborhoods District. Clarke asked Nickerson if the intent of
 127 unique regulations is to prevent multifamily dwelling uses in the Village Residential Neighborhoods
 128 District. Nickerson said no, that is not the intent. Venkataraman said that there could be the possibility of
 129 multiple primary structures on a lot in the village depending on which form-based code aspects are
 130 adopted. Clarke said that the commission will consider multifamily dwelling uses to not trigger PUD
 131 requirements and asked Nickerson for any concerns. Nickerson said that such changes would change
 132 the character of the Village Residential Neighborhoods compared to parcels north of I-89. Fausel said
 133 that such amendments would be influential along Jericho Road, and other areas of town that can
 134 accommodate infill development. Venkataraman said that the water/sewer lines end just south of I-89
 135 and expansions of those lines would depend on various factors. Fausel concurred with Clarke that the
 136 areas north of I-89 as High Density Residential are not a major concern, and that the focus should be on
 137 the village. Clarke asked Fausel if residential areas in the village belong in the High Density Residential
 138 District. Fausel said that the High Density Residential District currently is conservative and that he would
 139 like to take portions of West Main Street out of the High Density Residential District and keep the
 140 remainder of the High Density Residential District as is. Nickerson concurred, saying that the
 141 commission should keep the interests of the neighborhood in the background while addressing higher
 142 priorities.

143

144 **6. Other Business, Correspondence, and Adjournment**

145

146 Clarke called attention to the memorandum received from the Town of Jericho on housing regulations,
 147 and said that the Planning Commission should consider the changes in the Town of Jericho zoning
 148 regulations in the Town's rezoning considerations. Venkataraman said that he read through the
 149 memorandum, and saw that it was about expanding senior housing allowances and electric vehicle
 150 charging stations. Clarke said that along with this memorandum, she would like to further discuss the
 151 difference between density and lot size. Clarke told the Planning Commission that the Housing
 152 Committee met for the first time last week. Fausel told the Planning Commission that the Recreation

152 Committee met on Monday. Clarke said that the commission should check in with other boards and
153 commissions on their progress with their Town Plan goals. Fausel said that for future meetings he
154 would like to hear from people from the southern portion of the village and off Cochran Road.
155
156 Motion by Tellstone, seconded by Fausel to adjourn the meeting. Voting: unanimous. Motion carried.
157 The meeting adjourned at 8:55 pm.
158
159 Respectfully submitted by Ravi Venkataraman, Town Planner

TO: Richmond Planning Commission

FROM: Ravi Venkataraman, Town Planner

DATE: September 10, 2020

SUBJECT: Proposed bylaw amendments to clarify permitting and notification requirements for uses and structures regulated under 24 V.S.A §4413.

Enclosed for your consideration are:

- Draft amendments to Sections 1.2, 2.4.5, 5.1, and 5.10.4;
- Its respective Municipal Bylaw Change Report; and
- Its respective notice of hearing

Draft Motions

To recognize the changes as finalized in the record and ready for the Selectboard to review, I have provided the following draft motions to facilitate actions.

I, _____, move to finalize the changes to Town Zoning Regulations Sections 1.2, 2.4.5, 5.1, and 5.10.4 and direct staff to distribute copies of the amendment proposal to the Selectboard.

1.2 Application of Zoning Regulations

A Zoning Permit must be issued prior to the commencement of any land development, unless regulated by 24 VSA §4413 as described in section 5.1.2 of these regulations.

2.4.5 Uses regulated by 24 VSA §4413, including agriculture and silviculture; and 30 VSA §248, public utilities –These uses shall be regulated as per section 5.1.2 of these regulations.

5.1 Applicability

No land development may be commenced in the Town of Richmond without a zoning permit issued by the Administrative Officer, except as regulated by 24 VSA §4413 and 30 VSA §248 as described below. Please note in Section 5.1.1, a review of the proposed development is required even if no zoning permit is needed. In Section 5.1.2, the issuance of a zoning permit shall be in conformance to 24 VSA §4448 and §4449.

5.1.1 Land development regulated by 24 VSA §4413 for which a zoning permit is NOT required:

- a) **Agricultural uses**, including the development of farm structures -- In addition to State Statute 24 VSA §4413, the Vermont Agency of Agriculture, Food and Markets (VAAFMM) regulates these uses and should be consulted. Pursuant to the Act (§4413), applicants proposing to develop a farm structure shall:
 - i) confirm that they qualify as a farm and are operating under Required Agricultural Practices (RAPs),
 - ii) ensure that the proposed structure is at least 50 feet from adjoining surface waters. Additional setbacks may be required for waste storage facilities.(see VAAFMM regulations)
 - iii) ensure that the proposed structure complies with municipal setbacks or a waiver has been granted by VAAFMM.
 - iv) If the proposed farm structure will be constructed in a Flood Hazard Area and/or River corridor, or will disturb one or more acres of land, applicants must obtain a permit from the Agency of Natural Resources prior to construction.
 - v) Submit the “Notice of Intent to Build a Farm Structure” form to the Administrative Officer prior to any land development; and
 - vi) With this form, enclose a sketch of the structure, and setback measurements from the adjoining road rights-of-way, property lines and surface water.

- b) **Forestry uses**, including silviculture and forestry operations – In addition to 24 VSA §4413, these uses are regulated by The Agency of Natural Resources and the Vermont Department of Forests, Parks and Recreation.
 - i) Any forestry use that involves logging, shall adhere to the “Acceptable Management Practices for Maintaining Water Quality on Logging Jobs in Vermont” published by the Department of Forests, Parks and Recreation.
 - ii) For a structure to qualify as a structure associated with silviculture and forestry operations, all timber from said use must be harvested from the property on which the intended structure would be located.
 - iii) If the Administrative Officer determines that the structure qualifies as a structure associated with silviculture and forestry operations, the structure is not required to meet the respective setback requirements.
 - iv) Applicants proposing to develop structures associated with silviculture and other forestry operations shall submit the following prior to any land development:
 - (1) The “Notice of Intent to Build a Silviculture or Forestry Operations Structure” to the Administrative Officer prior to any land development. Notification shall include:
 - (a) A sketch of the structure, and setback measurements from adjoining road rights-of-way, property lines and surface water; and

- (b) Confirmation in writing that all timber in relation to the silviculture or forestry operation is harvested on the subject property on which the structure will be located
- c) **Public Utility** power- generating plants and transmission facilities – In addition to 24 VSA §4413, these uses are regulated by 30 VSA §248.

5.1.2 Land development regulated by 24 VSA §4413 for which a zoning permit IS required.

For the following uses, site plan approval (for uses allowed in a district) or conditional use approval (for uses allowed conditionally in a district) shall be required before a zoning permit can be issued as per Sections 5.5 and 5.6 of these regulations. However, these uses may be regulated only with respect to their location, size, height, building bulk, yards, courts, setbacks, density of buildings, off-road or highway parking, loading facilities, traffic, noise, lighting, landscaping and screening, and only to the extent that such regulations do not have the effect of interfering with the intended functional use.

If any of the following uses, with the exception of (a), is proposed to be located within the Flood Hazard Overlay District of these regulations, the land development shall be regulated by Section 6.8 of these regulations, as long as the regulations do not interfere with the proposed functional use.

- a) State- or community-owned and operated institutions and facilities
- b) Public and private schools and other educational institutions certified by the Agency of Education
- c) Churches and other places of worship, convents and parish houses
- d) Public and private hospitals
- e) Regional solid waste management facilities certified under 10 VSA §159
- f) Hazardous waste management facilities for which a notice of intent to construct has been received under 10 VSA §6606a

Remove Section 5.10.4

**Planning Commission Reporting Form
for Municipal Bylaw Amendments
(Modifications to portions of the zoning regulations to align with 24 V.S.A. §4413)**

This report is in accordance with 24 V.S.A. §4441 (c) which states:

When considering an amendment to a bylaw, the planning commission shall prepare and approve a written report on the proposal. A single report may be prepared so as to satisfy the requirements of this subsection concerning bylaw amendments and subsection 4384 (c) of this title concerning plan amendments...The report shall provide:

(A) Brief explanation of the proposed amendment and...include a statement of purpose as required for notice under §4444 of this title:

This Planning Commission proposal would clarify the permitting and notification requirements for uses and structures regulated under 24 V.S.A §4413.

And shall include findings regarding how the proposal:

1. Conforms with or furthers the goals and policies contained in the municipal plan, including the effect of the proposal on the availability of safe and affordable housing:

The Planning Commission concluded that the proposal conforms and furthers the goals contained in the municipal plan by advancing Smart Growth goals, promoting compliance with state statute, elucidating the regulatory process for renewable energy projects. Specifically, the Planning Commission cited the following objectives from the 2018 Town Plan:

- Continue the fair and equitable application and enforcement of town, state, and federal laws
- Update land use regulations to include permitting steps, development parameters and mitigation requirements specific to renewable energy projects

2. Is compatible with proposed future land uses and densities of the municipal plan:

The Planning Commission concluded that the current amendment proposal would be compatible with the proposed future land uses and densities enumerated in the municipal plan. The 2018 Richmond Town Plan calls for the encouragement of “Smart Growth”. By clarifying the permitting and notification requirements for uses and structures under 24 V.S.A. 4413—uses that include farming, forestry, silviculture, state- and community-owned and operated institutions and facilities, schools, places for religious worship, hospitals, and waste management facilities, as well as farm structures, forestry/silviculture structures, and renewable energy projects—the Planning Commission concluded that its proposal would strengthen agricultural and forest industries, balance growth with the availability of economic and efficient public utilities and services, and prevent the fragmentation of farmland and forestland.

3. Carries out, as applicable, any specific proposals for any planned community facilities:

The proposed amendments does not carry out any specific proposals for any planned community facilities. In addition, the proposed amendment does not conflict with any proposals for planned community facilities.

NOTICE OF PUBLIC HEARING

PURSUANT TO 24 V.S.A. §§4441 (d) AND §4444, THE TOWN OF RICHMOND PLANNING COMMISSION WILL BE HOLDING A PUBLIC HEARING ON WEDNESDAY, SEPTEMBER 16TH, 2020, AT 7:00 PM, **VIA ZOOM, PURSUANT TO ACT 92**, TO RECEIVE COMMENT REGARDING THE PROPOSED ZONING AMENDMENT:

PURPOSE: To clarify the permitting and notification requirements for uses and structures regulated under 24 V.S.A §4413.

GEOGRAPHIC AREA AFFECTED: Town-wide

SECTION HEADINGS: Section 1.2 (Application of Zoning Regulations), Section 2.4.5 (Accepted Agricultural and Silvicultural Practices), Section 5.1 (Applicability), Section 5.10.4 (Public Facilities and Utilities)

MEETING INFORMATION: Join via Zoom: <https://us02web.zoom.us/j/88441737143>. Meeting ID: 884 4173 7143.

THE FULL TEXT AND MAPS OF THE PROPOSED ZONING AMENDMENT ARE AVAILABLE FOR INSPECTION AT THE RICHMOND TOWN CENTER OFFICES PURSUANT TO 24 VSA §4441 AND THE TOWN WEBSITE. FOR MORE INFORMATION, PLEASE CONTACT THE RICHMOND PLANNING/ZONING OFFICE AT 802-434-2430 or rvenkataraman@richmondvt.gov.

POSTED: 08/21/2020

TO: Richmond Planning Commission

FROM: Ravi Venkataraman, Town Planner

DATE: September 11, 2020

SUBJECT: Discussion on rezoning the Richmond Village

Overview

During the September 2, 2020 Planning Commission meeting, the following items were discussed:

- Comparison between Village Commercial, Residential/Commercial, and Commercial Districts
- Rezoning of the southern portions of the village with Ashley Farr
- The need for creating a distinct Village Residential Neighborhoods District

Based on these discussions, I recommend addressing the following items, in order:

- Historic Structures in the Village
- The extent of the proposed Village Mixed District
 - Should a portion of the Farr parcel be considered part of the Village Mixed District?
 - To differentiate between areas more suited for commercial uses and areas more suitable for residential uses, should particular areas of the southern portion of the Village be classified as proposed Village Mixed District and proposed Village Residential Neighborhoods District?
 - Should the Commercial District currently in the village be rezoned?
- The status of the Village Residential Neighborhoods Districts

Materials for Discussion

Including the materials from the last meeting, the following two new items were added for your consideration:

- Richmond State Historic Register Nomination Form, available on Google Drive:
<https://drive.google.com/file/d/14cBi9Nx7m0j7gbJT4Uqau0jmVaUN1jxv/view?usp=sharing>
- Village Zoning recap prepared by Virginia Clarke – Virginia has prepared a summary of items discussed during the previous meeting for your review and comments.
- The Residential-Agricultural District and Commercial District regulations from the April 1986 Richmond Zoning Regulations

Additional notes on the portion from the April 1986 Richmond Zoning Regulations:

- The Residential-Agricultural District at the time included all parcels in the Richmond Village, except for the railroad, the old creamery parcel, upper Bridge Street (the Masonic Block), and portions of the southern part of the village—all of which were in the Commercial District
- The density allowance at the time in both the Residential-Agricultural District and Commercial District was 5,000 square feet per unit for lots containing three or more units. This is equal to about 8.7 units per acre.
- In the Residential-Agricultural District, multifamily dwelling uses with three or more dwelling units required review and approval by the Zoning Board of Adjustment (precursor to DRB).
- In the Commercial District, multifamily dwelling uses with three or more dwelling units could be administratively approved. Single-family dwelling uses and two-family dwelling uses were not allowed in the Commercial District.

- The condos at the corner of Farr and Huntington Roads originally consisted of two parent lots. Based on the rough dimensions of the zoning map at the time, I concluded that these projects were in the Commercial District. One project for eight townhouse units in one building was permitted in 1988 on a 0.92 acre lot. Another project for four townhouse units in one building on a 0.54 acre lot was approved in 1990. Both projects were administratively approved.
- The 1/3 acre per dwelling density requirement came into effect in 1996. Prior to 1996, the density allowance for the entire village was 5,000 square feet per unit for lots with three or more units.

Village Zoning Virg Recap 9.6.20 #2

Here's my take on where we are part way through this process; what we seem to agree on and the questions we have

Currently in R/CZD:

1. Most of north and south sides of E. Main St (minus 2 properties next to Greensea)—
2. Lower Bridge St, east and west sides
3. Farr Rd, south side
 - OK in an R/C or mixed use ZD
 - Should we increase the density to 6U/A or ____ U/A?*
 - Should we change "character of the neighborhood" to specific design standards in a "compatibility" subsection?
 - Should we list as "allowable uses" more commercial uses and multifamily housing (up to 4 units)?
 - Should we get rid of "extraction of earth resources" as a conditional use? Add pharmacy? Add bank?

Currently in Village Commercial:

1. W Main St from the 4 corners, north side – 6 parcels from the Ski shop to Millet St – and 1 parcel on the south side
2. Railroad St – both sides
 - Could these go into the R/CZD? Some "allowable uses" would become "conditional"
 - Some uses would be lost (unless we added them to the R/C):
 - bank (why not also in R/C?)
 - commercial multi-use building (covered by PUD, which is a conditional use?)
 - equipment supply/rental (RHS)
 - garage
 - light manufacturing
 - lumber yard (RHS)
 - research lab
 - rooming house
 - wholesale trade
 - indoor recreation
 - accessory outdoor storage(RHS)
 - tavern
 - If we keep VCZD, should we increase the density to 6U/A or 15 U/A or ____ U/A?*

Currently in Commercial:

1. Farr Rd, north side
 - Why is this not in Village Commercial?
 - Uses lost if becomes VC:
 - Amusement arcade
 - Automobile/marine sales
 - Car wash
 - Automobile service station (different from garage?) (M&M)
 - Distribution center
 - Warehouse use

Extraction of earth resources (????)

Currently in HDR:

1. Pleasant St, Church St, Esplanade, Lemroy Ct, Borden St, Baker St, Tilden Ave, Brown's Ct, Burnett Ct

Maintain HDR standards by keeping in HDR or separate "Village Neighborhoods" ZD?

Keep density at 1.3U/A? Could increase to 3U/A without much** effect --
If separate ZD, could have special village-y sidewalk and infill standards

2. Jericho Rd, east and west sides, north of Main St up to School St – or could just extend up to the cliffs/guardrail (about 6 parcels north from 4 corners)

Add these to R/C or mixed use ZD?

3. Depot St, 4 parcels

Add these to R/C or mixed use ZD? Currently all in housing (multifamily?)

4. W Main St, north side Baker St to cemetery(?)

South side, 4th parcel from 4 corners to entrance sign

Add these to R/C or mixed use ZD?

Currently in Ag Res:

1. Bridge St, west side, south of river to Thompson Rd
2. Kilpeck parcel (next door to RCCC commercial)
3. Thompson Rd, east side, first few parcels (or more?)
4. Thompson Rd, west side, after first few parcels which are already in VCZD?
5. Huntington Rd, north side, from Thompson Rd, 6 parcels
6. Farr parcel
7. Cochran Rd, north and south sides

What to do with these? Leave in A/R? Add some or all to an R/C or village mixed ZD?

Jonesville:

????????

Additional notes:

*at a density of 6 U/A, with rounding rule:

Up to 0.24A = 1 U

0.25A – 0.41A = 2 U

0.42A – 0.58A = 3 U

0.59A – 0.74A = 4 U

0.75A -- 0.91A = 5 U

1.5A = 9 U

1.7 U = 10 U

**At a density of 3 U/A, with rounding rule:

Up to 0.49A = 1 U

0.5A – 0.83A = 2 U

0.84 – 1.16A = 3 U

Section 2.

Permitted Uses of Land and Buildings

General

(a) Application. Except as otherwise provided, no Building Permit shall be issued for a use not specifically mentioned or described in this section.

In the case of an application for a use not specifically mentioned or described in this section, the Zoning Administrator shall request that the Joint Town and Village Planning Commission cause this section to be amended to provide for such a use, as provided in Section 14.

(b) Use Index.

| No. | Use | Zone District | | | Park Reg. |
|-----|-------------------------------|---------------|-------|------|------------|
| | | R-A | Comm. | Ind. | |
| 1 | Animal Husbandry | X | X | X | -- |
| 2 | Banks | P | X | X | 300 N.S.F. |
| 3 | Billiard Rooms | | X | P | 1/2 Table |
| 4 | Bowling Alleys | | X | P | .2 Seats |
| | Church | X | X | | 4 Seats |
| | Community Youth Center | P | X | | 4 Seats |
| 7 | Contractor's Yard | | | X | 2 Emp. |
| 8 | Dairying | X | X | X | 1 Emp. |
| 9 | Drive-In Theater | P | P | X | Stall |
| 10 | Farming | X | X | X | -- |
| 11 | Food Processing | P | P | X | 2 Emp. |
| 12 | Fuel Storage and Distribution | | | X | 2 Emp. |
| 13 | Green Houses | X | X | X | 2 Emp. |
| 14 | Gymnasium | P | X | | 100 N.S.F. |
| 15 | Hotel | | X | P | Guest Rm. |
| 16 | Industrial Use | | | P | 2 Emp. |
| 17 | Junk Yards | | | P | 2 Emp. |
| 18 | Lumber Storage and Processing | | | X | 2 Emp. |
| 19 | Manufacturing, Light | | | P | 2 Emp. |
| 20 | Market Gardens | X | X | X | -- |
| 21 | Motel | | X | P | Guest Rm. |
| 22 | Mobile Homes | | | P | Mobil Home |
| 23 | Museums | X | X | | 300 N.S.F. |
| 24 | Nurseries | X | X | X | 2 Emp. |
| 25 | Orchards | X | X | X | -- |
| 26 | Outdoor Recreation | P | P | P | -- |
| 27 | Parish House | X | X | | 300 N.S.F. |
| | Pasturage | X | X | X | 2 Emp. |
| 29 | Poultry Husbandry | X | X | X | |
| 30 | Professional Office | X | X | | 100 N.S.F. |

Use Index cont.

| <u>Use</u> | <u>R-A</u> | <u>Comm.</u> | <u>Ind.</u> | <u>Park Req.</u> |
|---------------------------------|------------|--------------|-------------|-----------------------|
| Public Libraries | X | X | | 100 N.S.F. |
| Public Utility Lines | P | P | P | - - - |
| Public Utility Office | | X | X | 300 N.S.F. |
| Residence One Family | X | | P | D.U. |
| Residence Three Family and Over | P | X | | D.U. |
| Residence Two Family | X | | P | D.U. |
| Restaurants | | X | X | 2 Seats |
| Sales, Drive-in | | P | | 2 Emp. |
| Sales, Outdoor Display | | X | X | 300 N.S.F. |
| Sales, Retail | | X | P | 200 N.S.F. |
| Sales, Wholesale | | P | X | 300 N.S.F. |
| Schools | X | X | | 4 Seats in Auditorium |
| Skating Rink | | P | X | 100 N.S.F. or 4 Seats |
| Telephone Exchange | X | X | X | 2 Emp. |
| Theater | P | X | | 2 Seats |
| Gas or Service Station | P | P | P | - - - |
| Mobile Homes | | | | |
| Public Facilities | P | P | P | |

X Permit by right

P Permit after application to and review and approval by Board of Adjustment.

D.U. Dwelling Unit

N.S.F. Net Square Feet

Emp. Employee

Section 3

Residential--Agricultural District (RA-1)

- (a) Purpose. The standards of this district (RA-1) are designed to retain and provide areas of low-medium density development characteristically for single and two-family dwellings. In addition, agricultural uses of all types including retail and wholesale commercial purposes are allowed.
- (b) Uses by Right. (See Use Index Section 2-b)
- (c) Uses by Review. (See Use Index Section 2-b)
- (d) Lot Area. ~~No parcel of land shall be less than one (1) acre,~~ nor shall any parcel of land existing in single ownership at the time of passage of this ordinance henceforth be divided for sale in units of less than one (1) acre. The purchase of additional land by the owner of a parcel from an adjacent property owner will be permitted, provided such purchase does not create a non-conforming parcel on the part of the seller. ~~In the case of three or more family units, 5,000 square feet of land per dwelling unit shall be required as a minimum.~~ No land development may be permitted on lots which do not either have frontage on a public road or public waters, or with the approval of the planning commission, access to such a road or waters by a permanent easement or right-of-way at least twenty (20) feet in width.
- (e) Lot Dimensions. No parcel of land shall be less than one hundred (100) feet in width or one hundred (100) feet in depth.
- (f) Lot Coverage. The total ground area covered by all structures on the parcel shall not exceed fifty (50) percent of the total ground area of the parcel.
- (g) Floor Area Ratio. No requirement.
- (h) Building Height. The height of any structure shall not exceed thirty-five (35) feet or two and one-half (2 1/2) stories above the ground level.

Section 4

Commercial District (C-1)

- (a) Purpose. The standards of this district (C-1) are designed to retain and provide areas for the sale at retail or wholesale of those types of goods and services required by the residents of the community.
- (b) Uses by Right. (See Use Index, Section 2-b.)
- (c) Uses by Review. (See Use Index, Section 2-b.)
- (d) Lot Area. ~~No parcel of land shall be smaller than five thousand (5,000)~~ square feet, nor shall any parcel of land existing in single ownership at the time of passage of this ordinance henceforth be divided for sale in units smaller than five thousand (5,000) square feet. The purchase of additional land by the owner of a parcel from an adjacent property owner will be permitted, provided such purchase does not create a non-conforming parcel on the part of the seller. In the case of three or more family units, 5,000 square feet of land per dwelling unit shall be required as a minimum.
- (e) Lot Dimensions. ~~No parcel of land shall be less than fifty (50) feet width or seventy (70) feet in depth.~~ No land development may be permitted on lots which do not either have frontage on a public road or public waters or, with the approval of the planning commission, access to such a road or waters by a permanent easement or right-of-way at least twenty feet in width.
- (f) Lot Coverage. The total ground area covered by all structures shall not exceed fifty (50) percent.
- (g) Floor Area Ratio. No requirement.
- (h) Building Height. The height of any structure shall not exceed thirty-five (35) feet.
- (i) Front Yard Setback. No structure shall be set back less than fifty-five (55) feet from the center line of the street or highway.

- (i) Front Yard Setback. Except as provided in Section 10, all structures shall be set back not less than ~~fifty-five (55)~~ feet from the center line of the street or highway, provided further that no principal structure shall be set back less than thirty (30) feet from the front property line.
- (j) Side Yard Setback. A principal structure shall provide total side yards of not less than ~~twenty (20) feet on each side~~ and except as provided in Section 10-b, an accessory structure shall be set back from the side lot line at least ten (10) feet.
- (k) Rear Yard Setback. A principal structure shall be set back at least twenty ~~(20) feet from a rear lot line~~, and, except as provided in Section 10-b, an accessory structure shall be set back from a rear lot line at least ten (10) feet.
- (l) Parking Space. Parking spaces shall be provided as determined by the Use Index, Section 2-b and Off-Street Parking Standards, Section 7.
- (m) Fences, Walls and Hedges. No limitation except as provided in Section 10-g.
- (n) Signs. Signs shall be regulated as provided in Section 9.

- (j) Side Yard Setback. A principal structure shall provide total side yards of not less than twenty (20) feet and provide not less than five (5) feet on one side; and, except as provided in Section 10-b, an accessory structure shall be set back from the side lot line at least five (5) feet. No side yard shall be required on interior lots not abutting a residential zone district if the side walls are of masonry and contain no openings.
- (k) Rear Yard Setback. A principal structure shall be set back at least fifteen (15) feet from the rear lot line, and, except as provided in Section 10-b, an accessory structure shall be set back from a rear lot at least ten (10) feet.
- (l) Parking Space. Parking space shall be provided as determined by reference to the Use Index, Section 2-b and Off-Street Parking Standards, Section 7.
- (m) Loading Space. Off-street loading shall be as required in Section 8.
- (n) Fences, Walls, and Hedges. No limitation except as provided in Section 10-g.
- (o) Signs. Signs shall be regulated as provided in Section 9.

Checklist – Revising Zoning Districts

1. Is the purpose the same?
 - a. Has the district changed in nature, character, and built environment?
 - b. How does this district align with the Transect (urban-rural continuum)? Therefore, what kind of urban form should we anticipate?
2. What is the district called now? Do we want to keep the same name?
 - a. Does the name match the intent and purpose of the district?
3. Do we want the same allowable and conditional uses?
 - a. What uses detract from the character of the district?
4. Do we want to add any uses, including ones from our “new uses” list?
 - a. What uses would contribute to the purpose of the district?
5. Are current uses compatible with new definitions?
 - a. Do the definitions match statutory requirements, as well as the nature of the use today?
6. Do we want to keep the same residential/commercial density?
 - a. Density measured in number of units per acre, and minimum lot sizes
7. Are the dimensional requirements and limitations still useful?
 - a. Are the standards for setbacks, lot coverage, building coverage (if included), and building footprint limitations still valid?
8. Do we want to keep the same boundaries? Add more area? Divide into 2 or more districts?
 - a. For certain districts, what is the extent of growth we want to promote?
 - b. Are additional requirements for Conditional Use Review and Site Plan Review needed?
9. Do we need design standards in this district?
 - a. This is a larger question of whether to have form-based elements in a district, or a design review district.
10. How can we advance our Town Plan goals in this district for the following?
 - a. More housing of all types, including affordable housing and accessory dwellings
 - b. Less fossil fuel use and more efficient energy usage (Act 174)
 - c. More economic and employment opportunities, including indoor and outdoor recreational businesses
 - d. Protection and expansion of our iconic industries, including farming and forestry through value-added and accessory uses among other methods, and of traditional outdoor recreational activities
 - e. Concentration of growth in the downtown areas
 - f. Exploration of form- and density-based zoning
 - g. Support for historic resources
 - h. Preservation of forest blocks (Act 171)
 - i. Minimization of developmental impacts on land and water
 - j. Support for community building
 - k. Protection of flood hazard area
11. How will PUDs fit into this district?
 - a. Should there be specific PUD and/or PRD standards in order to advance the goals of the Town Plan?
12. Is this district compatible with changes made by JCZD?
13. Have we reviewed the 2012 zoning effort for any new ideas that could be incorporated?
14. Have we considered information we have received through our outreach efforts?
15. Have we consulted Suzanne and the DRB for any red flags of difficulty for them?

List of Uses

List of Uses in Current Zoning Regulations

- Accessory dwelling
- Accessory uses
- Adaptive use
- Agriculture
- Amusement Arcade - An indoor or outdoor area, open to the public, that contains coin-operated games, rides, shows, and similar entertainment facilities and devices.
- Artists/Crafts Studio
- Automobile and/or marine sales
- Automobile Service Station - Any building, land area, or other premises, or portion thereof, used for the retail dispensing or sales of vehicular fuels; servicing and repair of automobiles and light trucks; and including as an accessory use the sale and installation of lubricants, tires, batteries, and similar vehicle accessories. This definition does not include any other uses, such as restaurants, deli's, car washes, etc. which may only be allowed under separate review and approval under these Zoning Regulations.
- Bank
- Bed and Breakfast
- Boarding or Rooming House
- Business Yard - A business which operates out of a yard which may include structures, indoor and outdoor storage of materials, equipment or vehicles. Customary accessory uses for the business are small office space and vehicle and equipment repair. A majority of the business activity shall take place off-site. No assembly is involved or allowed.
- Car Wash
- Catering Services
- Cemetery
- Commercial Multi-Use - Activity involving the sale of goods or services carried out for profit in conjunction with two or more types of commercial activities on the same lot.
- Communication Use - Establishments and structures furnishing point-to-point communication services, whether by wire or radio, either aurally or visually, including radio and television broadcasting stations, satellite relay stations, telephone communications, radar and the exchange or recording of messages.
- Cottage industry - A commercial, manufacturing, or industrial use which is housed in a single-family dwelling or in an accessory structure to a single-family dwelling, on the same lot as the dwelling. A Cottage Industry is not a Home Occupation
- Distribution Center
- Single-Family Dwelling
- Two-Family Dwelling
- Multi-Family Dwelling
- Educational Facility

- Equipment Supply and Rental
- Extraction of Earth Resources
- Food Processing Establishment - An establishment in which food is processed or otherwise prepared for eventual human consumption but not consumed on the premises.
- Funeral Parlor
- Garage, Repair - Any building, premises, and land in which or upon which a business, service, or industry involving the maintenance, servicing, repair, or painting of vehicles is conducted or rendered.
- Group Home
- Home Occupation
- Horticulture
- Hotel/Motel
- Inn or Guest House
- Kennel
- Light Manufacturing
- Lumber Yard
- Mobile Home Park
- Museum
- Business Office - A building where the management affairs of a business, commercial or industrial organization, or firm are conducted. *[To be phased out, as it is synonymous with Professional Office uses]*
- Professional Office - 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
- Personal Services
- Pub
- PUD Residential
- PUD
- Private Club - A building and related facilities owned or operated by a corporation, association, or group of individuals established for the fraternal, social, educational, recreational, or cultural enrichment of its members and not primarily for profit, nor general public and whose members pay dues and meet certain prescribed qualifications for membership.
- Recreation Facility
- Religious Use
- Research Laboratory
- Restaurant
- Fast-Food Restaurant
- Retail
- Retirement Community

- Silviculture
- State and Community Operated Facility
- Indoor Storage - The keeping, in an enclosed area, of any goods, junk, material, merchandise, or vehicles in the same place for more than twenty-four (24) hours.
- Outdoor Storage
- Tavern
- Theater
- Veterinary Clinics
- Warehouse Use - A building used primarily for the storage of goods and materials, which may also be made available to the general public for a fee.
- Wholesale Trade

List of uses introduced with Jolina Court Zoning District regulations that can be added to the uses table:

- Brewery
- Large Family Child Care Home
- Center-based child care facility
- Fitness Facility
- Hospital
- Health Care Services
- Laundromat
- Office, Medical
- Pharmacy