

## MEMORANDUM

TO: Richmond Selectboard

CC: Josh Arneson, Chris Cole

FROM: Ravi Venkataraman

DATE: February 10, 2020

SUBJECT: Proposed Bylaw Changes to the Jolina Court Zoning District and Relevant Zoning Regulations

### Overview

During the Planning Commission's February 5, 2020 meeting, the commissioners voted to finalize their draft changes to the zoning regulations pertaining to the Jolina Court Zoning District and forward this draft to the Selectboard for its review. For your consideration, enclosed are said draft zoning regulations, titled "New JCZD Finalized Draft", and the draft regulations the Selectboard reviewed during the August 5, 2019 public hearing.

The purpose of this memo is to point out all the proposed changes the Richmond Planning Commission has made to the zoning regulations pertaining to the Jolina Court Zoning District. Do feel free to contact me for additional questions or clarifications on the proposed changes to the Jolina Court Zoning District and on procedural matters.

### Background

Since September 2019, the Planning Commission has made the following changes to the Jolina Court Zoning District draft regulations:

- List of uses
- Residential Density Requirements
- Dimensional Requirements
- Dimensional Limitations
- Traffic Impact Review
- Compatibility Review

In addition, since September 2019, the following substantive changes have been made to other parts of the zoning regulations to advance the objectives of the Jolina Court Zoning District:

- Definitions of uses
- Regulations for Child Care Homes
- Regulations for PUDs
- Regulations to the administration and enforcement of the zoning regulations
- Parking setback regulations
- Dimensional Limitations in the Village Commercial Zoning District
- Removal of Use Index Table
- Regulations on Required Agricultural Practices and Acceptable Management Practices for Silviculture
- Height of buildings and structures

The minor addition of references to the Jolina Court Zoning District were also made to other parts of the zoning regulations, including the sections on signs and performance standards.

The remainder of this memorandum details the major changes made and provides recommendations for procedures going forward. Please note that in this memorandum, the draft regulations provided to the Selectboard on August 5, 2019 are referred to as the “original draft regulations”, and the draft regulations enclosed in this memorandum, provided to you on February 18, 2020, are referred to as the “new draft regulations”.

## Modifications to the Jolina Court Zoning District Regulations

### *Listing of Uses*

Upon its review, the Planning Commission found a discrepancy in the listing of uses on the original draft regulations. Uses that were listed as approvable in the original document conflicted with regulations for Site Plan Review under Richmond Zoning Regulations Section 5.5.1. The new draft regulations addresses this conflict, and clarifies the requirements.

The following new uses were also added to the list of uses in the new draft regulations: Center Based Child-Care Facility, Fitness facility, Health Care Services, Hospital, and Religious use.

The following uses listed in the original draft have been removed but incorporated into other new and existing use classifications: Cooperative Work space, Health or Fitness Club or Gym, and Training Facility.

The following uses have been removed entirely: Agriculture, silviculture, and horticulture.

As an aside regarding uses and PUDs, PUD approvals are for entire master plans—meaning that PUD approvals include the approval for all the uses that will be included in the master plan. When the DRB reviews a PUD, it is concurrently reviewing and granting subdivision approval (PUDs are subdivisions), site plan review approval for the entire master plan, and (specifically for the Jolina Court Zoning District, regardless of uses) Conditional Use Review approval. Any changes of use of a unit to a use not listed in a PUD approval would require an amendment to the PUD approval. However, any changes of use of a unit to a use listed in a PUD approval could be approved administratively through a building permit application and, if needed, a minor site plan amendment, depending on the regulations and permit conditions triggered.

### *Residential Density Requirements*

The new draft regulations regarding residential density in the Jolina Court Zoning District (Section 3.9.3) allows 15 dwelling units per developable acre. The rounding calculation formula for the number of allowable dwelling units is the same one included in the Village Downtown Zoning District.

### *Dimensional Requirements*

The new draft regulations under Section 3.9.4 do not include the exceptions regarding lots with more than 15 dwelling units. This was removed with the addition of the residential density requirements and the allowance for up to 15 dwelling units per acre.

### *Dimensional Limitations*

Regarding the regulations on building height, refer to the “Height of Buildings and Structures” section.

With setbacks, after much discussion, the Planning Commission concluded that it would draw from the regulations put forth during Interim Zoning. Appendix D (enclosed) identifies the setbacks and regulations per lot line along the periphery of the zoning district. The setbacks along the periphery of the zoning district in the

new draft regulations (Section 3.9.5b) are the same as the setbacks in the Interim Zoning for the Jolina Court Zoning District.

In the new draft regulations, setbacks within the zoning district (Section 3.9.5c) are for all lot lines that are wholly within the zoning district. These regulations would primarily affect any hypothetical new lot lines that lie entirely within the Jolina Court Zoning District.

The parking setbacks regulations in the new draft regulations (Section 3.9.5d) are to address the approval of parking within the setback of the Buttermilk PUD master plan and across lot lines. The language in the new draft regulations creates an exception for parking that is already approved across the northerly boundary line of the Jolina Court Zoning District. Modifications to Sections 3.5.4 and 6.1.6 are included to eliminate possible inconsistencies with this draft regulation.

#### *Traffic Impact Review*

This section (Section 3.9.6d) now includes suggested permit conditions for the DRB to mitigate any adverse traffic impacts any land development may potentially cause.

#### *Compatibility Review*

The compatibility review section (Section 3.9.6g) was added to the new draft regulations for the Town and the public to review building and layout aesthetics. This section stresses the compatibility all new buildings with the character of the district and all existing buildings in the district. The section now includes design standards and landscaping goals.

#### Modifications to Other Parts of the Zoning Regulations

##### *Definitions of uses*

Draft additions to Section 7.1 are attached. To note are modifications and additions to:

- Child Care Facility (further explicated in the “Regulations for Child Care Homes” section)
- Dwelling unit
- Height, of a building (further explicated in the “Height of buildings and structures” section)
- Height, of a structure (further explicated in the “Height of buildings and structures” section)

##### *Regulations for Child Care Homes*

During its review and discussion of uses in the Jolina Court Zoning District, the Planning Commission discussed the viability of family child care homes in the district. This brought on larger discussions on regulating family child care homes in the Town and how the current zoning regulations align with statutory requirements. The new draft regulations in Section 5.11.2 open up the potential for family child care homes in various dwelling uses across Town while also moving the overall regulations towards compliance with state statute.

To obviate any inconsistencies in the zoning regulations, changes to the regulations on home occupations (Section 5.11.1) are enclosed. The changes to the home occupations are to exempt restrictions on family child care home uses.

### Regulations for PUDs

The main changes to the PUD regulations (Section 5.12.2) clarify the limits on dwelling units per PUD, floor area use limitations, and use limitations depending on the floor of the building. Pertaining to the Jolina Court Zoning District and prior discussions about the district, the PUD regulations specify the following:

- The number of allowable dwelling units cannot exceed the number that would be permitted if the land were to be subdivided into conforming lots;
- Multiple uses are allowed within PUDs in the Jolina Court Zoning District;
- Any and all floors of a building may be in commercial use in the Jolina Court Zoning District;
- In the Jolina Court Zoning District, residential uses shall be restricted to the second floor and above, and to the walk-out basement floor.

A minor change to the definition of PUD was made to reflect the changes in Section 5.12.2.

### Regulations to the Administration and Enforcement of the Zoning Regulations

Language regarding material inaccuracies and visual renderings were added to the Misrepresentations section of the zoning regulations (Section 5.3.3).

### Parking setback regulations and Dimensional Limitations in the Village Commercial Zoning District

To add to the changes made to the Dimensional Limitations section of the Jolina Court Zoning District regulations, modifications were made to the Village Commercial Zoning District (Section 3.5.4) Regulations and Parking Setbacks section of zoning regulations (Section 6.1.6). These changes were made to reduce inconsistencies within the zoning regulations.

### Removal of Use Index Table

The use index table in the current zoning regulations (Section 3) do not reflect the actual permitted and conditional uses per district. To prevent any confusion and to make the zoning regulations more consistent, the Planning Commission recommends the removal of the use index table. The commission intends to draft an accurate use index table once the uses per district are finalized.

### Regulations on Required Agricultural Practices

Minor changes were made to the section regarding Required Agricultural Practices and Acceptable Management Practices for Silviculture. In conjunction, changes to the definitions of “Required Agricultural Practices” and “Acceptable Management Practices for Silviculture” were also made. These changes were made to align the language of the zoning regulations with the statutory language.

### Height of buildings and structures

After much research and deliberation, the Planning Commission crafted new draft regulations on building height (Sections 4 and 7) with the interests of the Town and the community in mind. The primary changes are to:

- The definitions of height of a building, and height of a structure
- Egress and fire access requirements for buildings that do not require a construction permit from the Vermont Division of Fire Safety

In these changes, the commission took into consideration the role of the Vermont Division of Fire Safety in administering the fire and building safety code, and the capacity of the Richmond Fire Department. The new draft regulations addresses gaps in fire safety coverage for all buildings in Town.

Selectboard Procedure on the New Draft Regulations

Per 24 V.S.A. §4442(b), if the Selectboard makes substantial changes to the proposed bylaw or amendment, it must warn a new public hearing. Therefore, the Selectboard should:

1. Receive the proposal through a motion; and then,
2. Agree by motion to conduct a public hearing on each proposal, with the date of the hearing be at least 15 days after the publication of a legal notice.

When the Selectboard chooses to take action, having reviewed the enclosed documents and any amendments, and either adopts or rejects the proposal, changes shall be effective 21 days after adoption.