

As a subsection of Section 6: Special Zoning Regulations

6.13 Density Bonus Overlay District

6.13.1 Statement of Purpose

The purpose of the density bonus overlay district is to provide flexibility of development in Richmond Village. As the market demand for commercial versus residential space fluctuates, we want to allow our community to fluctuate with it. Our goal is to avoid vacant buildings and promote vibrancy and growth while also achieving our housing goals as a community. Richmond's housing stock needs increased diversity to allow for more people to be able to live here and contribute to our economy and community. An increase in density will create more types of housing stock, concentrated development, justify the need for complete streets, and help achieve our energy goals of reduced transportation emissions. Many properties within this district already maintain a higher density that has been grandfathered prior to the creation of this district.

6.13.2 Supporting Statutes and Plans

The Richmond Town Plan and the Chittenden County ECOS Plan both include supporting language for increased density in growth centers and traditional Vermont villages. One major driver of this is limiting or slowing sprawl and forest fragmentation in the outlying rural areas. Another major driver is the need for diversity of housing stock. Vermont has traditionally maintained higher levels of single-family homes, and changing demographic needs are increasing the demand for smaller, more affordable, and more efficient homes.

6.13.3 Lands to Which These Regulations Apply

This density bonus district overlay functions in addition to underlying district regulations. Lands eligible to apply for density bonus conditional use review under this regulation are identified within each zoning district regulation. Please see the district regulation for the level of bonus the parcel is eligible for. Pre-existing residential use and new, additional, or altered residential use is eligible for this bonus, including pre-existing development that is 100% residential.

6.13.4 Required Approvals and Permits

All development utilizing the provisions of this regulation must apply for Conditional Use and Site Plan review through the Development Review Board and follow the regulations and conditions that apply to said application and decision including acquiring a zoning permit and following associated regulations with that process.

6.13.5 Exemptions and Exclusions

These regulations shall not apply to any lands other than those stated above. These regulations shall not apply to accessory dwellings. In the case of developments with pre-existing non-conforming density that exceeds the base density as well as the maximum density bonus, those developments shall not qualify for additional residential units. However, these may be utilized to bring a property into conformance that previously was considered non-conforming. These regulations are considered optional, and are not required for development that falls within base zoning and density regulations for the underlying districts.

6.13.6 Prohibited Development

Land with existing environmental constraints (see land capability) or within the flood hazard overlay district may not be used to calculate base density or density bonuses.

6.13.8 Nonconforming Uses and Structures

Nonconforming uses and structures may utilize these regulations in order to become more conforming in use or structure. They may not use these regulations to increase their degree of nonconformity for either the use or the structure.

6.13.9 Development Standards

The following categories outline the criteria that must be met for a parcel to be eligible for a bonus dwelling unit. All bonus dwelling units are required to be 1 bedroom or 0-bedroom efficiency apartments (see definitions).

1. Affordability

- a. The property is eligible for 1 bonus unit for every 1 affordable base unit up to the maximum number of allowed bonus units. The bonus unit(s) are also required to be affordable.
- b. The affordable nature of the base and bonus units must be perpetual by contract with the town recorded in the town land records
- c. The maximum rent allowed for each affordable unit will be calculated and monitored by the Town, annually. Below is an example of said calculation:

Household Size	80% AMI	Monthly Income	Max Rent
1	\$50,350	\$4195	\$1258
2	\$57,550	\$4795	\$1438
3	\$64,750	\$5395	\$1618

2. Elderly and ADA Accessible

- a. The property is eligible for 1 bonus unit for every 2 street-or-ground level base units that are simultaneously elderly and ADA accessible, up to the maximum number of allowed bonus units. The bonus unit(s) are not required to be elderly/ADA accessible and can be on another floor.
- b. The base units being utilized for the bonus must be on the street or ground level floor and cannot require an elevator to access
- c. The base units being utilized for the bonus must be perpetually ADA accessible

3. Public Parking

- a. The property is eligible for 1 bonus unit for every 4 perpetually public parking spaces constructed, up to the maximum number of allowed bonus units.
- b. A public parking sign at the public right of way of the property is required, furnished by the property owner, and installed by the Richmond Highway Department
- c. The public parking spaces do not need to be contiguous, but are required to be as close to the public right of way as possible

- d. These public parking spaces must contain at least one public handicap space, and then one additional handicap space for every 8 additional public spaces constructed after the initial 4.
- e. These public parking spaces shall be maintained by the property owner
- f. These public parking spaces would be required in addition to required base parking spaces

4. Energy

- a. The property is eligible for 1 bonus unit for every 25 kW increment of generation size of any onsite renewable energy generation facility. For example, a property with a 50 kW generation facility would be eligible for two bonus units.
- b. Bonus units allowed through this energy criteria must meet the Vermont Energy Stretch Code when constructed or renovated and the certificate for such must be recorded in the town land records.

These density bonuses cannot be applied to the same base units. If a base unit meets more than one criteria, you have to choose one. I.e. your affordable base unit cannot be the same unit as your ADA first floor base unit.

6.13.10 Administration

Density bonus units shall be calculated by the zoning administrator, but shall require DRB conditional use approval.

6.13.10.a Calculation of Density Bonus

Density bonuses shall be calculated individually for one property or parcel and shall be based on the base density for said property or parcel. The table below shows how to calculate the number of bonus units an owner or applicant could be eligible for. Base units are governed by the district regulation.

Level of Bonus	Bonus Unit Calculation	Maximum Allowable Units
25%	Base units x 0.25=# of Bonus units	Base Units+Bonus Units
50%	Base units x 0.5=# of Bonus units	Base Units+Bonus Units
75%	Base units x 0.75=# of Bonus units	Base Units+Bonus Units
100%	Base units x 1=# of Bonus units	Base Units+Bonus Units
Example:	12 base units x 75% bonus=9 bonus units	Max=12base +9bonus=21 units total allowed for the property

6.13.11 Certificate of Occupancy

All conditions and criteria set forth by the DRB, Zoning Administrator, District Regulations, and Density Bonus regulations must be met prior to receiving a Certificate of Occupancy.

6.13.12 Enforcement and Penalties

The perpetual nature of the above criteria will be monitored annually for compliance. Properties found to be out of compliance shall be issued a Notice of Violation. Consequences of non-compliance include fines, and could include revoking the certificate of occupancy for the property until compliance is restored. Enforcement and Penalties shall be governed by section 8.3 of these regulations.

6.13.13 Definitions

Unit- Unit refers to a dwelling unit.

Bedroom-A bedroom is a room within a dwelling unit that includes 1 window to the exterior of the building and one closet.

Efficiency Apartment- A small dwelling unit without the interior walls required to separate a singular bedroom, but is habitable with the inclusion of a kitchen, bathroom, and living space.

One Bedroom Apartment-A small dwelling unit containing no more than one bedroom, and is habitable with the inclusion of a kitchen, bathroom, and living space.

Bonus Unit- dwelling units allowed in addition to base units

Base Unit- a dwelling unit allowed by the base residential density of a zoning district

Level of Bonus- the percentage of the number of base units allowed to be utilized in the calculation of the density bonus.

Affordable- An affordable housing unit is a housing unit where the monthly rent, based on household size, does not exceed 30% of the monthly income of a household making 80% of the Area Median Income.

Vermont Energy Stretch Code- an energy code set by the State of Vermont that is more stringent than the state mandated Residential and Commercial Building Energy Standards

AMI-Area median income, based on Richmond median income, when not available, Chittenden County median income