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TO: Planning Commission

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DATE: November 12, 2022

SUBJECT: Items to address after the Public Hearing process, and Next Steps

Items to Address

As an outcome of the October 19, 2022 and November 2, 2022 Planning Commission public hearings for the Gateway Residential/Commercial District and the Village Residential/Commercial District, the commission must address the following items that were brought forward by the public:

1. Residential uses and structures on a lot, specifically:
 - Allowances for multiple structures hosting residential uses on a lot, such as allowing two single-family dwellings on one lot
 - The following municipalities allow for multiple principal structures on a lot: Georgia, South Burlington, Fairfield, Enosburg Falls, South Hero, Bakersfield, Milton, Westford, Hinesburg, Burlington, Essex, Bethel, and Hyde Park.
 - Draft possible regulations on these allowances are enclosed.
2. Regulations for formula retail stores and pharmacies
 - Recommended strategies for restricting formula retail stores are to define “formula retail stores”, to limit the locations for formula retail stores (which we have by not including them in particular districts), to limit the dispersal of formula retail stores, to encourage types of retail uses the town is interested in promoting (such as, reducing parking requirements for grocery stores, or incentivize stores that have 15 percent of shelf space for fresh produce), and/or requiring DRB review for certain types of retail uses.
 - Draft possible regulations for “Formula Businesses” are enclosed
3. Allowances for Hotel or Motel uses in the Gateway Residential/Commercial District
4. Allowances for Powered Vehicle and/or Machinery Services uses in the Village Residential/Commercial District
5. Comparison of new housing units built within and outside of the Village
 - Permit data between 2011 and the end of 2021 indicate:
 - 112 units were built
 - Of those, 75 units were built outside of the Village.

- Most development were single-family houses on vacant land. Larger projects included the Sylvan Ridge subdivision and Sadlar Meadow subdivision.
 - 37 units were built in the Village
 - 14 of these units were part of the Creamery project. The second-largest project was the Big Spruce redevelopment with 4 units.
 - In 2021:
 - 7 units were built
 - Of those, 4 units were in the Village, 3 of which were from the Peaceable Kingdom project. The Peaceable Kingdom project proposed 6 units, and 4 of the units have been completed.
 - In 2022:
 - 11 units were built.
 - Of those, 10 units were outside the village. Notable projects that have started buildout is Sylvan Ridge phase 2 (subdivision proposing 7 units next to Sylvan Ridge). 5 of the 7 proposed units have been built.
6. Universal design
- Having reviewed universal design requirements (VHFA has universal design requirements for tax credit eligibility: [Universal Design Policy \(vhfa.org\)](https://vhfa.org)), this does not belong in zoning regulations.
 - Under [24 V.S.A. §4411](#): “Zoning bylaws may permit, prohibit, restrict, regulate, and determine land development, including the following:
 - (1) specific uses of land and shoreland facilities;
 - (2) dimensions, location, erection, construction, repair, maintenance, alteration, razing, removal, and use of structures;
 - (3) areas and dimensions of land to be occupied by uses and structures, as well as areas, courts, yards, and other open spaces and distances to be left unoccupied by uses and structures;
 - (4) timing or sequence of growth, density of population, and intensity of use;
 - (5) uses within a river corridor and buffer, as those terms are defined in 10 V.S.A. §§ 1422 and 1427.”
 - In summation, zoning regulations regulate land use as well as the location, dimensions, and exteriors of structures.
 - Under [24 V.S.A. §3101](#): “The mayor and board of aldermen of a city, the selectboard of a town, or the trustees of an incorporated village, may, in accordance with this chapter, establish codes and regulations for the construction, maintenance, repair, and alteration of buildings and other structures within the municipality. Such codes and regulations may include provisions relating to building materials, structural design, passageways, stairways and exits, heating systems, fire protection procedures, and such other matters as may be reasonably necessary for the health, safety, and welfare of the public, but excluding electrical installations subject to regulation under 26 V.S.A. chapter 15.”
 - In summary, building code regulates the interior of structures.
 - Universal design calls for elements to be installed on the interior of structures. Therefore, it is in the jurisdiction of building codes

Next Steps

After closing the public hearings, the commission may revise the regulations accordingly and forward the proposed changes to the Selectboard at any time.