

2.21.24 meeting memo from the Chair

5. VRNs

Proposed definitions:

“On-ground improvement” – a manmade, on-ground impervious surface such as a driveway, parking area, sidewalk, walkway, or patio.

“Lot coverage” - that portion of the ground area of a lot that is covered by structures and on-ground improvements that are impervious surfaces such as driveways, parking areas, sidewalks, walkways and impervious patios.

“Setback” – the distance from a lot line, if applicable, or from the center line of a road or highway right-of-way to the outside dimension of a building or structure at ground level on the lot, or of any portion of the building including a deck, porch, steps or cantilevered area. The setback provisions of these regulations do not apply to fences of 6 ft or less in height or walls 3 feet or less in height.

“Structure” – an assembly of materials for occupancy or use that is principally or exclusively above ground level, including but not limited to a principal or accessory building, mobile home or trailer, sign, walls or fences, or storage tank for liquid, gas, oil, propane or other fuel. The term structure does not include tanks that are fully underground, septic system components, or on-ground improvements such as driveways, parking areas, sidewalks, walkways and impervious patios. The term structure shall apply to both above-ground and in-ground swimming pools.

“Impervious Surface” – A surface from which precipitation runs off rather than permeates into the ground including, but not limited to, a roof, a paved or unpaved road, driveway, sidewalk, walkway or parking area.

With these definitions:

- Lot coverage INCLUDES parking areas and driveway,
- Setbacks relate ONLY to buildings or structures (not to parking areas or driveways or any other on-ground improvements,
- Note that this doesn't deal with the issue of trails, which have been problematic (we could further define trails if we wanted to try to clear up that issue).

Numbers for setbacks, frontage, lot coverage in the VRNs:

Some numbers that have been suggested and seem reasonable and simple to use:

Front setbacks all structures:

- 10 ft OR 15 ft (same or different for the 2 VRNs)

Side and rear setbacks:

- 5 ft setback for all non-habitable (“non-conditioned”) structures such as sheds
- 10 ft setback for all habitable structures such as primary structures and accessory dwellings

Emergency shelter vs Supported housing

1. Question: Do we want to continue to have “emergency shelter” as part of “supported housing” or do we want to establish a separate “emergency shelter” use category? (*this would affect all districts, including the VRNs*)

“Supported housing” definition from the RZR appears to include emergency shelters:

“A residential facility that provides housing and may also provide assistance, care, supervision or services such as medical, educational, training, personal services, meals or life management to the residents. This housing may be temporary (as in a rehabilitation facility, substance abuse treatment facility, or temporary housing for persons at risk of houselessness) or permanent (such as a nursing home or assisted living facility per 33VSA 7102)”

We definitely need to add at a minimum “emergency shelters” to Section 5.1.2 as [g] to meet Act 47.

Act 47 amends 24 VSA 4413[a][1][G] to restrict the regulation of this use to only the parameters set forth in 4413[a][1] to the extent that the intended functional use is not interfered with (Question: what does “location” mean in this context? By district?). They can be regulated for compliance with flood hazard regulations.

If we wish to include emergency shelter in supported housing, then we could:

add to Section 7:

“Emergency shelter - A facility, **which is a type of supported housing**, the primary purpose of which is to provide a temporary shelter for the homeless in general or for specific populations of the homeless and that does not require occupants to sign leases or occupancy agreements. “ (“Emergency shelter” definition from Act 47 (24 VSA 4303)). *This just reiterates the connection between emergency shelter and supported housing.*

If instead we wish to have a narrow category of “emergency shelter”, then we should:

Specifically remove “emergency shelter” from the definition of supported housing and add definition of emergency shelter .

“Supported housing”: - “A residential facility that provides housing and may also provide assistance, care, supervision or services such as medical, educational, training, personal services, meals or life management to the residents. This housing may be temporary (**including, but not limited to**, a rehabilitation facility **or** substance abuse treatment facility, or permanent (**including, but not limited to**, a nursing home or assisted living facility per 33VSA 7102)” **Supported housing does not include “emergency shelter.”**

“Emergency shelter “ - A facility, the primary purpose of which is to provide a temporary shelter for the homeless in general or for specific populations of the homeless and that does not require occupants to sign leases or occupancy agreements. “ (this is the “Emergency shelter” definition from Act 47 (24 VSA 4303)).

Then we need to decide: what do we want for the VRNs?

Sidewalks and Design Standards

Preliminary conversations, the variety of possible situations, and the lack of data suggest that we don't want to set any requirements for future sidewalks. Exception might be to large PUDs (?) adjacent to stubs of existing or planned sidewalks (likely this would just be Farr's). Rest of the standards should just be reviewed.