3.5.25 Section 6.15 Residential Density Bonus Program

6.15.1 Purpose: The objective of this section is to encourage more housing, specifically of the types which enable greater diversity and affordability of Richmond's housing stock. This goal is elaborated in the Richmond Town Plan and the Chittenden County Regional Planning Commission's ECOS Plan. This section is authorized by 24 VSA 4414 (7)(C). Density bonus units may also be awarded in order to meet other community goals, such as additional parking spaces where they are needed.

6.15.2 Applicability: Residential density bonuses consist of dwelling units that may be developed in excess of the stated base residential density in specified zoning districts if certain criteria are met. These bonuses will be available only in the zoning districts that state that they are allowed in the subsection of that district entitled "Residential Density," and only as part of a residential or mixed-use PUD.

6.15.3 General requirements

a) Density bonus units shall adhere to all other requirements of the district where they are to be developed.
b) All verifications and certifications will be the responsibility of the developer and will be submitted to the Richmond Planning and Zoning Department, or to the Housing Committee if designated, on the appropriate forms (see Section 6.15.7) at the appropriate times or intervals.
~~c)~~ Any reference to "AMI" shall refer to the current VHFA chart entitled "Maximum rent and purchase price affordability thresholds by income and household size," and shall reference the "Chittenden, Franklin, Grand Isle" line. "AMI" refers to the column titled "Income level."
d) Applicants may apply for any number or combination of density bonus units described in section 6.15, provided that the total number of developed units does not exceed the Total Maximum Residential Density of the district in which the project is located.
e) Projects qualifying under Section 6.16 and 24 VSA 4303(2) "Affordable Housing Development" shall not be eligible for additional density bonus units under this section.

6.15.4 Types of Density Bonus Units Available

a) Accessible/Adaptable housing: Development of two units of accessible/adaptable housing as described in Subsection 6.15. 5 shall allow for one additional market-rate unit to be developed in addition to the two qualifying

accessible/adaptable units, providing that the Total Maximum Density of the zoning district in which the project is located is not exceeded by the total number of units developed. Accessible/adaptable dwelling units are those designed and constructed for those living with or able to be visited by those with physical limitations, having features as listed in Subsection 6.15.5 below. They may be marketed as "adaptable" units and rented or sold at market rates. There is, however, no requirement that they be occupied by physically-limited residents. All accessible/adaptable features shall be visually confirmed at on-site inspection prior to the CO being issued, including those required by 20 VSA 2907 (see subsection 6.15.5.4).

b) True, income-sensitive affordable housing (rent limited and income sensitive): Development of one unit of affordable housing, as described in Subsection 6.15.6 below, shall allow for four additional market-rate units to be developed in addition to the qualifying true affordable unit, providing that the Total Maximum Density of the zoning district in which the project is located is not exceeded by the total number of units developed.

c) Public parking: The provision of two public parking spaces in an area where there is documented or anecdotal evidence that public parking is needed, as described in Subsection 6.15.7 below, shall allow for one market-rate dwelling unit to be developed, provided that the Total Maximum Density of the district in which the project is located is not exceeded

6.15.5 Requirements for Accessible/adaptable dwelling units

6.15.5.1 Accessible/ adaptable dwelling units are based upon the standards established by the **Uniform Federal Accessibility Standards (UFAS)** and the **Vermont Access Board** to comfortably and safely house those with physical limitations, and to allow those with physical disabilities to visit a dwelling unit. In order for dwelling units to be considered **accessible/adaptable under** this section of the Richmond Zoning Regulations, the dwelling unit shall have a minimum of 400 sf of floor area, and certain features of these units shall be "accessible" meaning able to be navigated by a wheelchair-bound individual, and other features may be "adaptable," meaning relatively easy to convert to fully accessible if need be. For features that are adaptable, consumer information must be provided and documented prior to the Certificate of Occupancy, so prospective tenants are aware that these features may be made accessible. The adaptable

features are based on the "Universal Design Policy" of the Vermont Housing Finance Agency and the Vermont Access Rules for Adaptable and Visitable Dwelling Units.

6.15.5.2 Required features of the dwelling unit site

a) Accessible to designated accessible parking space, and to nearest road or sidewalk network by means of a paved sidewalk or other safe route

b) Adequate outdoor lighting

6.15.5.3 Required features of the building containing the dwelling unit

a) At least one entrance to the building must be accessible

b) Elevator if dwelling unit is above the first floor

c) Memory-promoting wayfinding cues to building or unit (for example, different paint color for unit or other indicators)

6.15.5.4 Required features of the dwelling unit

All new residential dwelling units shall comply with 20 VSA 2907. These features shall be visually inspected for compliance prior to the issuance of a Certificate of Occupancy.

In addition to these requirements, density bonus adaptable/accessible units available in these Zoning Regulations shall have the following features which will be visually inspected prior to a Certificate of Occupancy being issued. Many of these required features and other features that are encouraged can be found in the VHFA (Vermont Housing and Finance Agency)'s "Universal Design Policy."

f) Minimum total floor area in dwelling unit of 400 square feet

g) Bathroom with minimum turning radius of 60 inches or with a T-shaped turnaround with a total area of at least 60 inches by 60 inches with adequate clearance for door and appliances

h) ADA (Americans with Disabilities Act) compliant walk-in bathtub

i) ADA (Americans with Disabilities Act) compliant grab bars installed in shower/ bathtub and near toilet

j) adjustable, hand-held shower head

k) A minimum of one wired-in light fixture per room

l) System of adjustable kitchen counters and cabinet bases that allow height adjustment and provision of knee-space if needed

m) System of removeable under-sink cabinets in bathroom, with under-sink plumbing that can provide knee- space if needed

m) Loop or lever door handles throughout

6.15.6 Requirements for true, income-sensitive affordable dwelling units

6.15.6.1 A "true affordable housing unit" is one that meets the definition of "affordable housing" as defined in 24 VSA 4303(1) and summarized below.

6.15.6.2 "Affordable housing," for this section, means housing, as specified on the most current Vermont Housing Finance Agency (VHFA) chart entitled "Maximum rent and purchase price affordability thresholds by income and household size" for Chittenden County, that meets one of the following standards:

(1) Owner-occupied housing for which the total annual cost of ownership, including mortgage principal, interest, taxes, insurance, and condominium association fees, does not exceed 30 percent of the gross annual income of a household at 120 percent AMI (average median income); or

(2) Rental housing for which the total annual cost of renting, including rent, utilities, and/or condominium association fees, does not exceed 30 percent of the gross annual income of a household at 80 percent AMI.

6.15.6.3 The following criteria shall be met for both rental and saleable affordable housing units :

a) All costs associated with the rental or sale must meet the average median income (AMI) standards for the size of the unit and % (80 or 120) of income on the current VHFA chart; and

b) the income of the renter or purchaser must be ascertained at the time of initial rental or sale, and at the time of rental of each new tenant; and

c) for rental units, there shall be a maximum rent increase of 3% per year; and

d) the requirements for affordability shall be maintained for a minimum of 15 years for both rental and saleable dwelling units developed under this program

6.15.6.4 The units and all verifications will be examined prior to the CO being issued.

6.15.6.5. The number of qualifying affordable units may not equal or exceed 20% of the total project units under this program. If 20% or more of the project's units are affordable, the applicant may be eligible for Section 6.16 of these regulations, statutorily-designated "**Affordable housing development,"** which provides an alternative pathway for exceeding base residential density. Any project qualifying under Section 6.16 will not be eligible for density bonus units under Section 6.15, but will be eligible for the density bonus allowances described in Section 6.16.

6.15.7 Requirements for public parking density bonus dwelling units

6.15.7.1 These spaces shall be owned, managed and maintained entirely by the applicant, but shall be provided as "public parking" to the Town of Richmond for a minimum of 15

years. The spaces shall be in a location where parking is in demand, based upon the assessment of the Richmond Selectboard in consultation with the Richmond Highway Department and Parking Advisory Committee.

6.15.7.2 The management of the spaces shall be entirely the responsibility of the applicant. Maintenance shall include filling potholes, snow plowing, providing adequate access, maintaining legible signage, and any other activities necessary for the spaces to remain functional. An agreement establishing these parameters shall be signed by the applicant and the Selectboard and provided to the DRB.

6.15.7.3 The spaces may be leased to specific entities by the applicant, or metered with revenues accruing to the applicant

6.15.7.4 The public parking spaces shall be clearly identified, signposted and operational prior to the CO being issued. A system of distinguishing between residents' cars and public (non-resident) cars shall be developed by the applicant and reviewed by the Town Highway Department.

6.15.8 Application, DRB Review and Verification, Monitoring Requirements

6.15.8.1 The Richmond Planning and Zoning Department shall be responsible for all aspects of administering the Residential Density Bonus Program as well as for promulgating such further rules, regulations and forms as may be necessary to implement this program. The Planning and Zoning Department will determine initial eligibility, rental and sale procedures, and will monitor for continued adherence to the standards for the agreed-upon life of the program.

6.15.8.2 Application requirements:
In addition to other applicable submission requirements to proposed projects as specified in Section 5.12 and any other applicable sections of the Richmond Zoning Regulations, applications under Section 6.15 shall include the following:

a) A housing density bonus application, including identification of which density bonus category or categories are being requested; how many of the qualifying units and/or parking spaces are proposed, and the number of bonus market-rate units that are expected from the program;
b) A site plan which identifies the location, type and size of the accessible/adaptable or affordable units proposed, and the location of public parking spaces proposed; and the location of the bonus market-rate units expected;
c) Data necessary to determine affordability if affordable units are requested, including floor area, number of bedrooms and total estimated housing costs and any other information deemed necessary;

d) Information regarding the long-term management of the affordable units, including the responsible party or parties, in order to ensure affordability in perpetuity;
e) Draft legal documents to ensure continued affordability, including but not limited to, deed restriction, restrictive covenant or contractual agreement with the Town. Such documents shall be approved by the Town Attorney, and shall include:
    i. Resale restrictions that limit the resale price to whichever is the higher of whatever is affordable for eligible household with combined income of no greater than 120% AMI, or the purchase price the seller paid plus 2% (non-compounding) for each year of ownership;
    ii. Rent change for rental units limited to 3% annually, or to the % change in the AMI on the annual VHFA chart.
    iii. Restrictions that prohibit subletting of units to households at rents exceeding the affordability criteria that have been established for the unit.
f) Documents explaining the adaptable features of the accessible/adaptable units will be provided with the application, if accessible/adaptable units are requested. These documents shall be provided to the new tenant or owner.
g) A signage and maintenance plan for the public parking spaces shall be provided if parking space density bonus units are requested. This plan shall be approved by the Richmond Highway Department.
f) Construction timeline and phasing plan for the proposed project, including all density bonus and market-rate units, and public parking spaces to be provided
g) Any other information requested by the Zoning Administrator to determine project compliance with Section 6.15.

6.15.8.3 Development Review Board (DRB) shall determine that the following requirements for approval are met by a development incorporating density bonus units:

a) Accessible/adaptable and affordable dwelling units shall be physically integrated among the market-rate units in the design of the project; and
b) The maximum residential density for the District in which the project is located is not exceeded; and
c) The varied types of accessible/adaptable and/or affordable dwelling units shall be approved at the discretion of the DRB; and
d) The documents that the applicant has submitted to ensure the on-going affordability of affordable units shall be reviewed and approved by the DRB after review by the Town Attorney for legality; and
e) The documents that the applicant has submitted explaining the adaptable features of the accessible/adaptable units, to be given to an incoming tenant or new owner at the time of rental or sale, shall be reviewed and approved by the DRB; and
f) The agreements for the location and management of public parking spaces that has been approved by the Richmond Selectboard and Highway Department shall be reviewed and approved by the DRB.

6.15.8.4 Long-term Monitoring requirements

a) Annually, the applicant or subsequent owner of a project that has received affordable housing density bonus dwelling units for rental shall submit a report to the Planning and Zoning Department that lists the gross rents charge for affordable housing units and household incomes at move-in or sublet, based on documentation provided by the current tenant for owner's completion of a form provided by the Town, to certify that rent and household income maximums have been maintained as required.

b) The owner of an affordable for-sale housing project that has been developed under Section 6.15, shall be required to notify the Richmond Planning and Zoning Department if the property is to be offered for sale or rental, and shall abide by the affordability requirements for the life of the initial agreement.

c) Every 5 years, the public parking arrangements and agreement with the Town of Richmond Highway Department shall be reviewed and updated by the Planning and Zoning Department if necessary to meet evolving needs.

6.15.8.5 Alteration of status of an affordable dwelling unit used to obtain density-bonus market-rate units under this program shall adhere to the following requirements:

a) If at any point in time an affordable dwelling unit is to be removed, demolished or converted to a different use – including a market-rate residential use – or a non-use (i.e. a vacant lot), the parties responsible for changing the status of the affordable dwelling unit must establish a replacement affordable dwelling unit within the Town of Richmond. This unit shall be reviewed and approved by the Richmond Planning and Zoning Department.

b) An affordable replacement unit shall have either the same number of bedrooms or the same floor area as the dwelling unit being replaced.

c) A replacement affordable dwelling unit shall conform to all applicable regulations of Section 6.15.

d) For replacement of an affordable ownership dwelling unit, the replacement unit shall be offered for sale at or below the fair-market value of the unit to be replaced as determined either by an appraisal provided by the applicant or by the Town's latest assessed value of the unit to be replaced and its premises.

e) This section shall not be applicable to an affordable dwelling unit that was ordered demolished or declared unfit for habitation because of damage caused by natural disaster, fire, flood, or other causes beyond the owner's control.