

Rural Area Regulation Revisions

Objective #3 – Defining Development Density

Planning Commission Proposal

PC public hearing on 9/12/2012; PC vote to forward to Selectboard on 12/12/2012

Note: words in italics are for clarification and are not for inclusion in the regulations

Rural Area Development Density & Maximum Build Out

NEW, Zoning Regulations, Add to section 2.4 to dovetail with similar sections on village growth area development density.

All land is not equally suited for development. Each parcel has unique challenges and opportunities, and flexible zoning (particularly small lot sizes and clustering) provides landowners with many more options to respectfully integrate development into the landscape. Allowing smaller lot sizes and dealing with development density as a separate issue is critical.

Purpose:

The rural area development density options below serve two mutually compatible goals:

1. Protect and enhance Hinesburg's natural features, cultural features (e.g., working landscape, dirt roads, trails, rural recreation, etc.), ecological functions and its rural, small-town character.
2. Provide landowners with flexibility and multiple options in the creation of new lots.

The very first goal & objective of the Town Plan (section 1.5) is to “guide development into locations that reinforce the rural pattern of compact settlements surrounded by open lands.” ~~In the face of development pressure as part of the greater Burlington metropolitan area, the standards below are intended to clarify what development densities are consistent with the community’s goals and objectives. This should increase predictability for all parties and focus the review process on the best possible design for the development. To assure the protection of resources there will be flexibility to design a subdivision or PUD that fits the landscape. When creating new lots, landowners must have the flexibility to design a subdivision or PUD that fits the landscape in question. A variety of lot sizes, clustering of development and mixed residential, agricultural and forestry uses will be allowed to assure the protection of important resources and to reduce the initial and long term costs of new infrastructure (roads, utility lines, etc). and will be dependent on the parcel, the intended use and the site and context resources. Frequently this means clustering development on small lots to minimize impact on important resources and to reduce the cost of new infrastructure (roads, utility lines, etc.). However, a variety of lot sizes, including large lots with mixed residential and agricultural or forestry uses, can also be appropriate depending on the parcel, the intended use, and the resource areas in question.~~ Combined with rural area design standards (covered elsewhere in the Zoning and Subdivision Regulations), these provisions will guide the landowner and DRB in help- ~~landowners interested in doing low density development while~~ protecting Hinesburg’s rural character.

Minimum Lot Size:

The minimum lot size for the Agricultural (AG) and Rural Residential 2 (RR2) Districts shall be 0.5 acres. Change to be reflected in Table 1 of Zoning Regulations: minimum lot size reduced to 0.5 acres, minimum lot frontage reduced to 200 feet, minimum lot depth reduced to 100 feet.

Determination of Allowable Density:

Within the AG and RR2 Districts, the maximum allowable development density shall be based upon the type and condition of the road providing access to the parcel as outlined below. Densities may be further increased, and area and dimensional standards reduced, by the Development Review Board only for Planned Unit Developments in accordance with Section 4.5 of the zoning regulations.

1. The maximum allowable development density shall be determined based upon the public highway that provides direct access to the driveway or private road serving the subdivision, as outlined below. This shall be based on the road classification as of **xxxx, xxxx (date of adoption of this regulation)** – i.e., future road reclassification shall require a change to these regulations before affecting allowed development density. For subdivisions served by public highways with different density allowances, the allowed density shall be based on the proposed access layout. For example, a 100-acre lot with frontage on both a class 2 and class 3 road, would have a build out of 10 lots/units if all lots accessed the class 2 road, and 8 lots/units if all lots accessed the class 3 road. This same parcel would have a build out of 9 lots/units if four lots accessed the class 3 road with the other five lots utilizing the class 2 road.
 - a. Access to VT Route 116 or class 2 Town highway, excluding Silver Street: One dwelling unit per 10 acres of lot area.
 - b. Access to class 3 Town highway, or Silver Street: One dwelling unit per 12 acres of lot area.
 - c. Access to class 4 Town highway: One dwelling unit per 15 acres of lot area.
2. The number of purely non-residential lots shall be limited in subdivisions. Non-residential lots in subdivisions shall be limited to the greater of one lot or 34% of the maximum allowable development density.
3. Subdivision decisions by the Development Review Board shall keep track of development potential of the resulting parcels such that the total development potential does not exceed the potential of the parcel prior to the subdivision. It is acknowledged that future development potential calculations may vary slightly given shifts in location or extent of primary resource areas (e.g., stream channel adjustment, flood hazard area changes, wetland delineation revisions, etc.).

Pre-existing lot density exemption:

As an exception to the density allocation allowance described above, any parcel in existence prior to **xxxx, xxxx (date of adoption of this regulation)** with a minimum of 12 acres of total area may be subdivided to create one new lot, provided such subdivision meets the standards and requirements of all applicable Town Regulations (e.g., Zoning Regulations, Subdivision Regulations, road standards, etc.). This density exemption does not grant an absolute right for additional lots. Subdivision review is still necessary with consideration of site conditions, development suitability of the parcel, the project's conformance with the planned character of the surrounding neighborhood and zoning district, and the potential impact of proposed development on natural and cultural resources.

Planned Unit Development Revisions

REVISIONS to section 4.5 of the Zoning Regulations. These changes will apply to PUDs town-wide, not solely in the rural areas. The intent is to retain our two existing “tracks” for subdivisions – e.g., conventional and PUD. Conventional subdivision will remain the preferred option for landowners seeking to do incremental subdivision. PUD subdivision remains better suited for projects with a comprehensive vision for the full build out of the property. Both tracks will utilize the same design standards (either village or rural area standards) to help ensure development is properly placed – whether it’s one new building lot or a full build out with 8 building lots. Given these design standards, several special standards in the existing PUD language have been deleted. The intent is to have a single set of standards for all projects, and to make the PUD option just as objective and straightforward as conventional subdivision. PUD projects will benefit by having access to a 25% density bonus and by being able to get waivers of zoning standards if needed. In return, PUD projects are required to provide a master plan for the overall property, and set aside a certain amount of land for functional green space with a defined purpose.

See separate PUD section “track changes” document, which shows the actual changes proposed. What follows is a brief summary.

Section 4.5 and multiple related references throughout the regulation – Replace the term “open space” with “greenspace”:

Simple word change paired with adding a definition of greenspace to Article 10 (Definitions) to add clarity, and for consistency with the Greenspace Plan being developed by the Conservation Commission.

Section 4.5.1 (Purpose) – Simplify language:

Delete portion that requires that PUD projects achieve, “one or more of the following objectives”. Conventional subdivisions aren’t held to such a litmus test. PUDs shouldn’t be held to a different standard, especially with the clarity gained from the revised rural area design standards, a reference to which has been added to this section.

Section 4.5.5 (PUD Application Requirements) – Add the following submission requirement:

- (3) A master plan for the overall parcel including both proposed and likely future development areas, open space, access and infrastructure.

Section 4.5.6 #2 – Simplify language:

Delete special PUD design standards. Both PUDs and conventional subdivisions will now be held to the same design standards.

Section 4.5.6 #5 - Simplify PUD Density Bonus – i.e., by right instead by negotiation:

Improve consistency and simplify by making PUD density bonuses outside the village growth area “by right” instead of by negotiation. In the village growth area, bonuses are granted based on providing certain public good elements. Elsewhere in town, PUD projects provide a public good through master planning and via the requirement to set aside functional green space. Taken together with the rural area design standards, rural area PUDs shouldn’t have additional litmus tests to have the density bonus available.

Comment [1]:

how can we make sure that the master plan is followed? whose job is it to track the plan if it is implemented incrementally and parcels are sold to various parties. What is required of the applicant to be sure the buck doesn’t get passed?

Section 4.5.7 – Simplify language:

Delete special PUD design standards. Both PUDs and conventional subdivisions will now be held to the same design standards.

Section 4.5.8 – Revise #1, 2nd sentence to require more greenspace:

Boost requirement from 25% to 50% of parcel area in the rural areas. If we're serious about preserving rural character, we should ensure that more of the land in a PUD remains as productive greenspace (e.g., agricultural fields, forest lands for wood products and recreation, wetlands, stream areas, etc.). The current 25% minimum is too low and isn't consistent with surrounding communities or with the actual PRD/PUD proposals (those that represent full build out) we've seen here in Hinesburg. This is especially important in the most rural zoning districts – i.e., AG & RR2. Remember that the regulations (section 4.5.9 #3) provide complete flexibility as to the ownership of the open space and how it is delineated, as long as it is consistent with the intended use and best means of maintaining the resources on the site.

Section 4.5.8 – Add #1j, add another greenspace category option:

Add “Forest areas, including smaller patches of forest, that constitute significant natural communities (e.g., remnant patches of clayplain forest).”

Zoning Definitions Revisions - ADDITIONS/REVISIONS, Zoning Regulations, Article 10

Greenspace: Areas valued for their natural resources, ecosystem services, agricultural or forest production, recreational opportunities, scenic views, or other public benefits. Greenspace lands are typically undeveloped and have no building structures in current service, with the notable exception of recreational lands and farmlands (active or not), maple sugaring operations, or other similar enterprises directly related to traditional farming practices. Spatial context and land use are key considerations in classifying greenspace. The size of an area may also be important. Greenspace lands may be actively managed or left in their natural state. They can be publicly or privately owned and may or may not be legally protected. Regardless of size, ownership status, management, or landscape context, greenspace serves to protect sensitive ecosystems, air and water resources, wildlife habitat, scenic landscapes, and other important features of the natural environment. Examples of greenspace include (but are not limited to) agricultural lands, forest lands, shrub lands, ridgelines, wetlands, undeveloped shorelines, lakes, ponds, scenic views, public parks, and preserves.