

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. Two options to consider.

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.

The most common way to acknowledge variable development potential is to require that truly unbuildable areas, and sometimes important conservation areas, be taken out of the overall lot area before calculating the number of allowed dwelling units. This approach is reflected in Option 1. On the other hand, the ability of land to support development could instead be based directly on the opportunities that exist rather than indirectly judged by the amount of “constrained” acreage. In other words, a 50-acre parcel with 30 acres of non-buildable land (e.g., wetland, flood hazard area, etc.) may have just as much development potential as a 50-acre parcel with no resource constraints. Option 2 reflects this opportunity-based approach that establishes a simple sliding scale density formula.

Sensitive natural features are factored into actual subdivision design the same way in both options – per “Conservation Subdivision” design standards. Other revisions common to both options include: density purpose statement, new 0.5 acre minimum lot size, PUD revisions to allow more attractive bonuses and ensure greater open space and master planning; improved zoning district purpose statements.

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.) 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.” Unlike the village growth area, working agricultural and forest lands, as well as natural areas, are the focus for the rural portions of Hinesburg - particularly the Agricultural & Rural Residential 2 zoning districts. This open land or green space helps define Hinesburg’s predominant rural character together with the low density of residential development, which contrasts with that of the village growth area and portions of the Rural Residential 1 and Shoreline districts (see Town Plan section 3.4). Since Hinesburg first adopted zoning in 1972, lower development density in the rural areas has been acknowledged but not clearly defined. Together with antiquated minimum lot size provisions, this has led to misconceptions and uncertainty about how the development potential of any given parcel is determined. In the face of rising development pressure as the greater Burlington area continues to grow, 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.

In the past, zoning defined minimum lot sizes, with smaller lots allowed in growth centers and larger lots required in more rural areas. This traditional zoning scheme has been counterproductive because it enforces a relatively large "cookie cutter" lot size that fragments rural land. The result is the conversion of far more land area than necessary into purely residential use (see Town Plan, section 3.1) – i.e., residential lots that often include significant fallow land – too much for a homeowner to use/maintain and too little for active agricultural, forestry, and other traditional uses (e.g., wildlife habitat, hunting, hiking, etc.). The typical area (home, driveway, maintained yard space, etc.) utilized by a homeowner is a fraction of the traditional minimum lot sizes required in rural areas. Furthermore, every parcel of land is unique – each providing different development opportunities, natural resource considerations, land use objectives, and site constraints. When creating new lots, landowners must have the flexibility to design a subdivision or PUD that fits the landscape in question. 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. The key is to give landowners the necessary design flexibility by dealing separately with development density and appropriate lot sizes. Combined with the "Conservation Subdivision" principles (*see below for minor addition to Subdivision Regulations*) and planning & design standards of the Subdivision Regulations, these provisions will 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.*

DENSITY OPTION 1 – TAKE OUT MODEL**Determination of Allowable Density:**

Within the AG and RR2 Districts, the maximum allowable development density shall be based upon the total "developable area" of the pre-subdivision parcel (the total area excluding identified fragile features) and 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. Developable area shall be based on the parcel's total acreage, excluding land characterized as:
 - a. surface waters (e.g., lakes, ponds, streams) and setback areas outlined in section 2.5.1 of the Zoning Regulations.
 - b. wetlands and any wetland buffer areas required by State wetland regulations;

- c. flood hazard areas; and
- d. slopes 25% or greater.
- e. 50% of the area indicated as prime or statewide agricultural soils* (USDA NRSC soil data "PRIME" classification system)

* Does NOT include prime or statewide soils with a conditional designation – i.e.,

- Statewide "a" – steep slope limitations (1.6% of all soils in Hinesburg)
- Prime & Statewide "b" – severe wetness limitations during growing season (14.6% of all soils in Hinesburg)
- Prime "f" – flooding limitations (0.1% of all soils in Hinesburg)

The total area characterized by such features shall not be included in the calculation of developable area. A determination of developable area shall be provided by the Town using Geographic Information System (GIS) data or, at the discretion of the applicant, shall be determined by a developable area assessment prepared at the applicant's expense by a Vermont licensed engineer and/or a qualified wetlands biologist in the case of wetlands.

2. The maximum allowable development density for residential units shall be determined based upon the public highway that provides direct access to the driveway or private road serving the subdivision, in accordance with the following:
 - a. Access to VT Route 116 or class 2 Town highway, excluding Silver Street: One dwelling unit per 4 acres of developable area.
 - b. Access to class 3 Town highway, or Silver Street: One dwelling unit per 8 acres of developable area.
 - c. Access to class 4 Town highway: One dwelling unit per 15 acres of developable area.

Small lot density exemption:

Notwithstanding this section, any parcel in existence prior to xxxxxx, 2009 (*date of adoption*) with a minimum of eight 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 the absolute right for additional lots. Subdivision review is still necessary with consideration of prevailing 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.

DENSITY OPTION 2 – SLIDING SCALE MODEL

Determination of Allowable Density:

Within the AG and RR2 Districts, the maximum allowable development density shall be based upon the total area of the pre-subdivision parcel and the sliding scale table 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.

<u>Lot Area¹ (acres)</u>	<u># of Dwellings² (existing & new)</u>
0 - 4	1
4+ - 12	2
12+ - 24	3
24+ - 40	4
40+ - 60	5
60+ - 80	6
80+ - 100	7
100+ - 120	8
120+ - 140	9
140+ - 160	10

...etc. in 20 acre increments

¹ – Lot area excludes existing rights of way or easements for roads and/or driveways (see lot area definition). Lot area does not exclude proposed rights of way or easements.

² – Number of dwellings excludes accessory apartments (existing or proposed).

Planned Unit Development Revisions

REVISIONS to section 4.5 of the Zoning Regulations. The intent is to retain our 2 existing “tracks” for subdivisions – e.g., conventional and PUD. Conventional subdivisions will continue to be the quicker and easier option, especially for landowners interested creating lots a little at a time over the years. PUD projects will continue to provide landowners more flexibility (e.g., setbacks, frontage, access requirements, etc.), as well as the ability to do more lots/density, if they are ready to present a full master plan, with substantial and functional green space. PUDs will also be more predictable in the AG & RR2 districts thanks with defined rural area densities.

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 #5 & Section 4.5.7 #2 – Add a provision as follows:

In the AG and RR2 zoning districts, the following density bonuses are available, by right (at the discretion of the applicant), based on lot area. These bonuses are designed to be an incentive for larger land owners to pursue the PUD option in Hinesburg’s most rural areas with resulting benefits for the landowner and Hinesburg community – e.g., master plan for entire parcel, greater design flexibility, creation of dedicated open space, less fragmentation of large lots, etc.

<u>Lot Area¹ (acres)</u>	<u>Density Bonus²</u>
0 - 24	0
24+ - 60	25%
60+	50%

¹ – Lot area excludes existing rights of way or easements for roads and/or driveways (see lot area definition). Lot area does not exclude proposed rights of way or easements.

² – Bonus represents the percentage increase beyond the maximum allowable development density outlined in section 2.4. Accessory apartments (existing or proposed) are entirely excluded from this calculation.

Section 4.5.8 – Revise #1, 2nd sentence to require more open or green space:

If we're serious about preserving rural character, we should ensure that the bulk of the land in a PUD remain 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 nor 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.

4.5.8 Open Space. Provision shall be made for the preservation of open space or the creation of suitable community facilities, unless the Development Review Board determines that the applicant has made other provisions along these lines through alternative mitigation measures. The location, type, size and shape of lands set aside for open space and/or community facilities should be sufficient to meet the intended use, and shall be approved by the Board, in accordance with the following:

- (1) Open space within the Agricultural, Rural Residential 1, Rural Residential 2, Shoreline, and Industrial 1 Zoning Districts shall reflect the context of the project by preserving agricultural, recreational or natural resources, or by providing pedestrian amenities, recreational or other community facilities. PUD open space in ~~these~~ the Agricultural and Rural Residential 2 districts shall constitute no less than 75% ~~25%~~ of the parcel area, and no less than 50% in the Rural Residential 1, Shoreline, and Industrial 1 districts, unless the Board determines that the creation of suitable community facilities warrants a lesser area....

Zoning District Purpose Statement Revisions

REVISIONS to sections 3.1 (AG district purpose) and 3.3 (RR2 district purpose). More descriptive, more substance, a more complete explanation of what the community's intent is. This will help guide development proposals regardless of which track (conventional or PUD) they follow. The current RR2 district purpose statement is sorely in need of revision. Currently it recognizes low

density residential development (as the district's name implies), but makes no mention of the primary forest-based land uses and functions.

Agricultural Zoning District Purpose:

Purpose: To promote agricultural uses on land so suited, and other green/open space uses on lands less suitable for agriculture. Farms and interspersed woodlands dominate this district, and help define a critical aspect of Hinesburg's rural character. The working landscape shall continue to be the focus of this district, with a priority on agricultural land uses – both existing and potential. Innovative land uses listed below that serve to perpetuate the form and function of this working landscape are anticipated and encouraged.

Development densities will remain low relative to the rest of the town. The pattern and density of residential development varies across this district; however, the overall district is characterized by the lowest residential development density in Hinesburg. Low density, rural residential development shall be allowed primarily on land less suitable for green/open space and agricultural uses. Clustering of residences in new developments is acceptable, and may be encouraged to reduce impact on important natural resources, as long as overall density remains low. Patterns of residential development shall serve to conserve important agricultural and other natural and cultural resource lands. Conflicts between residences and these resource areas shall be minimized to retain the primary focus and function of this district.

Rural Residential 2 Zoning District Purpose:

Purpose: To promote forest-based land uses (e.g., timber & fuel wood production, recreation, sugaring, wildlife habitat/management, etc.) on land so suited, and allow for low density rural residential development that preserves important natural and cultural resources. Forests, dynamic topography, and large blocks of conserved public land (e.g., Town Forest, Fred Johnson Wildlife Management Area) dominate this district, and help define a critical aspect of Hinesburg's rural character. The working forest shall continue to be the focus of this district, with a priority on forest-based land uses – both existing and potential. Innovative land uses listed below that serve to perpetuate the form and function of this working landscape are anticipated and encouraged.

Development densities will remain low relative to the rest of the town. Existing residential development is strongly associated with the 4 major hill roads (Sherman Hollow Rd, Texas Hill Rd, Hayden Hill Rd, Lincoln Hill Rd) plus Hollow Road to the south. When the residential density along these roads is averaged with the large areas of undeveloped core forest, the overall district has one of the lowest residential development densities in Hinesburg. Clustering of residences in new developments is acceptable, and may be encouraged to reduce impact on important natural resources, as long as overall density remains low. Patterns of residential development shall serve to retain access to large blocks of undeveloped forest land, and work in concert with the natural topography and site limitations. Conflicts between residences and important forest resource areas shall be minimized to retain the primary focus and function of this district.

Conservation Subdivision – Clarification to Rural Design Standards

REVISION, Subdivision Regulations, revision to section 6.10.8 (Rural Area design standards).

The language below would go at the beginning of section 6.10.8 of the Subdivision Regulations. This new language is meant to improve the process by which subdivisions are laid out. The actual concepts are already part of the Subdivision Regulations; however, the application of these concepts sometimes gets diluted when the Applicant or the DRB focuses first on where to layout development sites and roads. Instead, the Conservation Subdivision design process allows the best development sites to “rise to the top” based on the analysis of the important resources. We will also revise or consolidate the existing language in section 6.10.8... waiting on feedback first.

Conservation Subdivision Design:

The Conservation Subdivision design process outlined below shall be followed for rural area subdivision and PUD proposals. This process is designed so that important resource areas are identified and considered first, with potential development areas located second so as to protect important resources while taking advantage of natural landscape features, green spaces, and views to create well planned and desirable home sites. Both the Applicant and the DRB shall follow these 4 steps (in order) when designing and evaluating projects:

1. **Identify primary and secondary resource areas.** Primary resource areas are extremely sensitive or generally unbuildable areas, including: class 1&2 wetlands and associated buffers required by State wetland regulations; flood hazard areas; steep slopes of 25% or greater; surface waters and setback area; rare, threatened & endangered species locations and significant natural communities identified by VT Fish and Wildlife. Secondary resource areas include: prime and statewide agricultural soils (including conditional classes), class 3 wetlands, critical wildlife habitat, large blocks of undeveloped forest, significant scenic views from public roads, important cultural features (e.g., historic structures, stone walls).
2. **Locate potential house sites & determine maximum development density.** House sites and related development areas (e.g., roads, driveway, lawn, etc.) shall avoid primary resource areas and minimize impact on secondary resource areas. House sites should be located to enjoy views of, and where appropriate direct access to, resource areas and protected green/open spaces. Siting house sites this way will enhance marketability and value by respecting the natural elements unique to each parcel and by providing the green infrastructure characteristic of rural Hinesburg. Maximum development density will be a function of the allowed density from the Zoning Regulations, with adjustments if a suitable number of house sites cannot be found or if basic wastewater disposal and/or water supply needs cannot be met.
3. **Locate necessary vehicular and pedestrian access to the house sites** – e.g., roads, driveways, paths, trails.

4. **Draw appropriate lot lines and building envelopes (if necessary) around each house site.** Lot sizes will vary based on the type of development as well as the nature and proposed use of the resource areas.