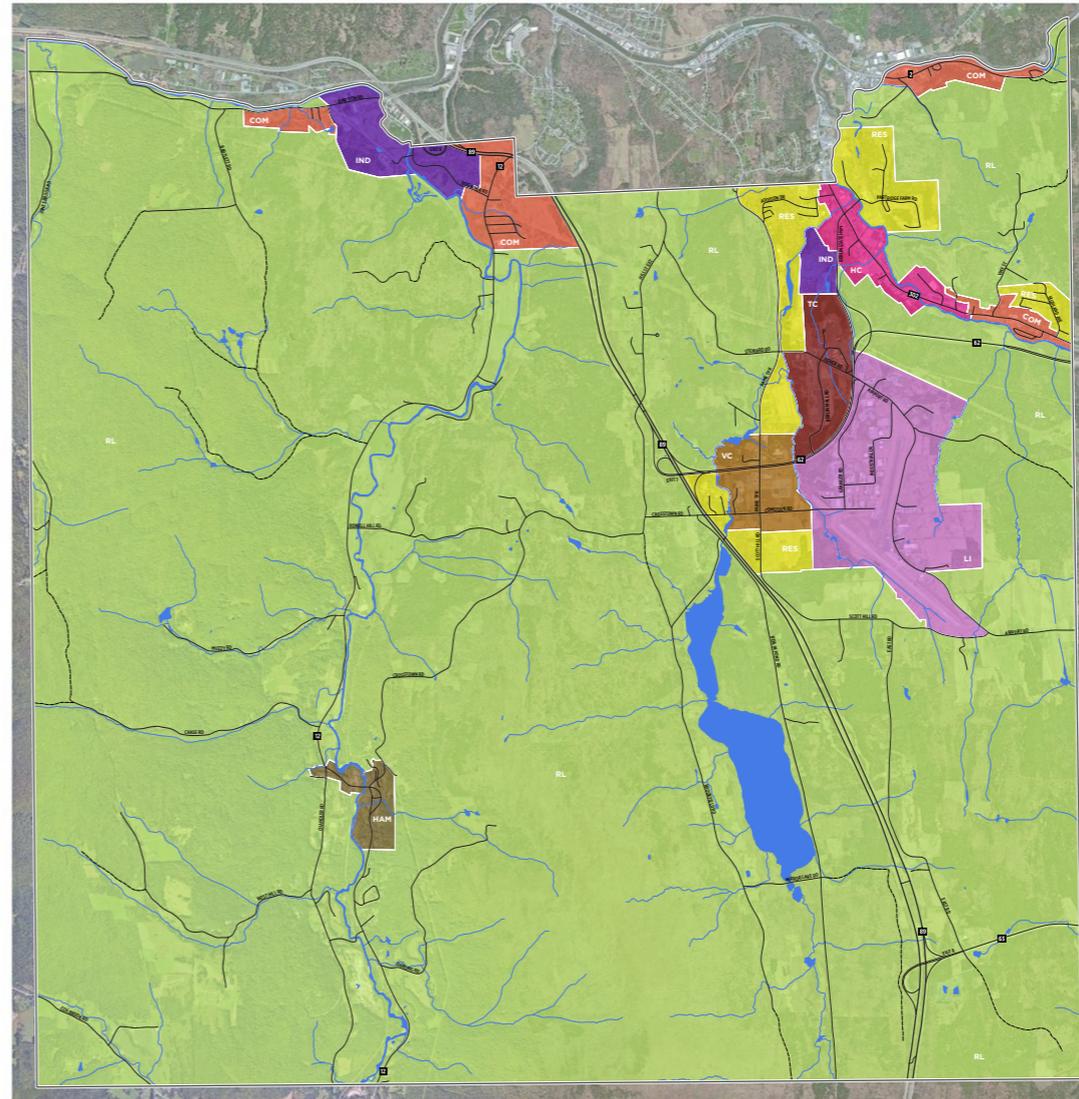
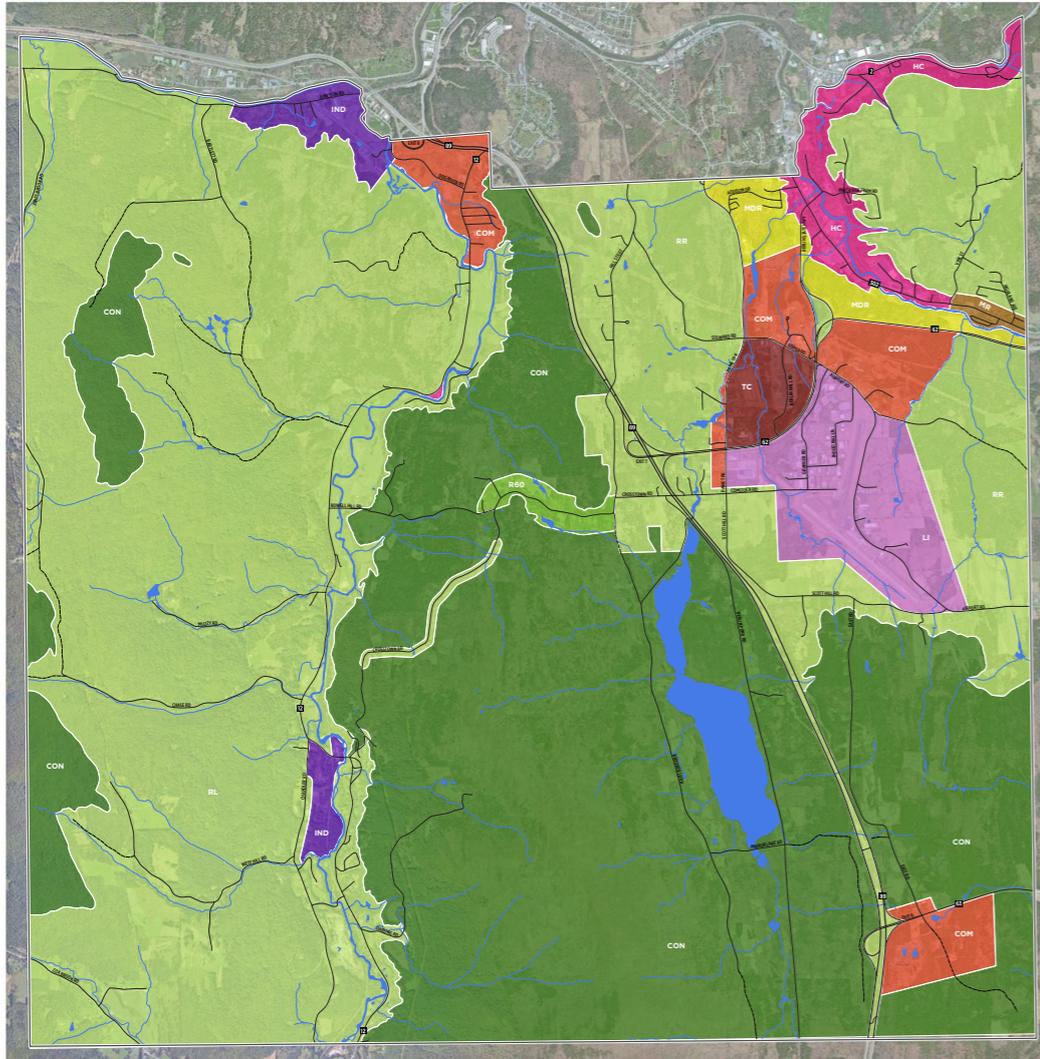


reZONING

Creating 21st century land use regulations for Berlin.

Community Meeting

11 Nov 2015



reZONING

Creating 21st century land use regulations for Berlin.

AGENDA

What is the re-zoning project?

Why is the re-zoning project necessary?

What is the process for re-zoning?

What is the current status of the project?

What changes are being proposed?

How do I find more information?

How do I submit comments?

What is the re-zoning project?

- 1. Comprehensive revision of Berlin's zoning & subdivision regulations**
- 2. Unification of the zoning & subdivision regulations**
- 3. Implementation of town planning goals**

Why is re-zoning necessary?

- 1.** Berlin's town plan recommends changes to the regulations
- 2.** Development Review Board and Zoning Administrator have identified problems when reviewing development applications
- 3.** Regulations are out-dated and out-of-step with federal, state and case law
- 4.** Changes in planning practices and technical standards

Berlin Town Plan Goals

Land use regulations implement the goals of the town plan.

- Revitalize the Route 302 corridor
- Develop a strong commercial/industrial center in the NE quadrant
- Recognize the historic district near the Four Corners
- Enhance and expand the town center area
- Maintain the commercial and industrial areas near the mouth of the Dog River
- Consider a hamlet district for Riverton
- Maintain the rural qualities of the remainder of town
- Continue to protect Berlin Pond

What is the process?

- Consultant completed a technical review of the town plan and regulations
- PC hosted a community workshop to kick-off the project in May
- PC began work on first draft in June
- **PC has released a first draft of Parts 1, 2 and 4 of the revised regulations**
- **PC is hosting a public meeting to present revised zoning districts and map**
- PC will complete work on Parts 3 & 5 by end of year
- PC will host another community meeting early next year
- PC will revise first draft based on public feedback
- Goal is to have a complete draft ready for adoption process next spring

What is the process?

- 1. PC drafts revised regulations, asking for public feedback during the process**
- 2. PC holds a public hearing on the draft regulations**
- 3. PC recommends draft regulations to the Selectboard**
- 4. SB holds a public hearing on the draft regulations**
- 5. SB places draft regulations on a town meeting ballot**
- 6. Regulations must ultimately be adopted by the voters**

Part 1

- Legal framework
- Exemptions
- Vested rights and nonconformities

PART 1. GENERAL

Chapter 100. Legal Framework

① *The purpose of this chapter is to establish a legal foundation for these regulations.*

Section 1001. Title¹

1001.A These are the Town of Berlin's *Land Use and Development Regulations* and constitute the town's zoning and subdivision regulations.

Section 1002. Authority²

1002.A The Town of Berlin has adopted these regulations in accordance with and as authorized by the *Vermont Planning and Development Act*, 24 VSA Chapter 117.

Section 1003. Purpose³

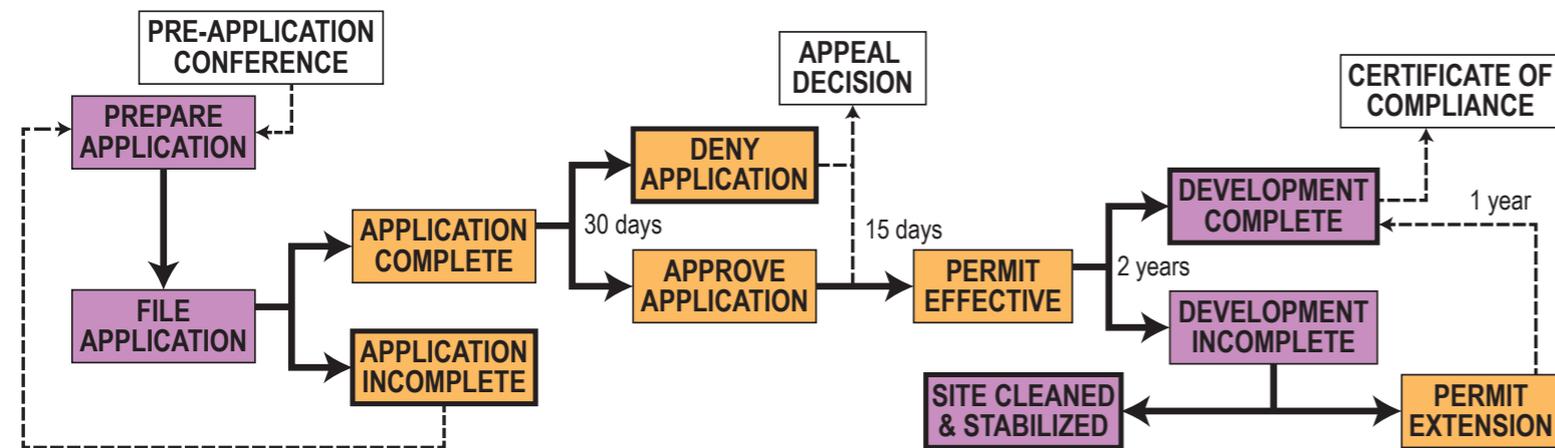
1003.A These regulations implement the goals and policies of the *Berlin Town Plan* and the *Vermont Planning and Development Act*. They are intended to:

- (1) Provide for orderly community growth;
- (2) Protect public health, safety and welfare;
- (3) Allow for balanced housing and economic development that meets the needs of the community and region;
- (4) Protect environmental quality and conserve natural, agricultural, scenic and historic resources;
- (5) Promote approaches to land use and development that are consistent with smart growth principles.

Section 1004. Equal Treatment of Housing⁴

1004.A These regulations are intended to allow the development of housing in accordance with statutory requirements. They:

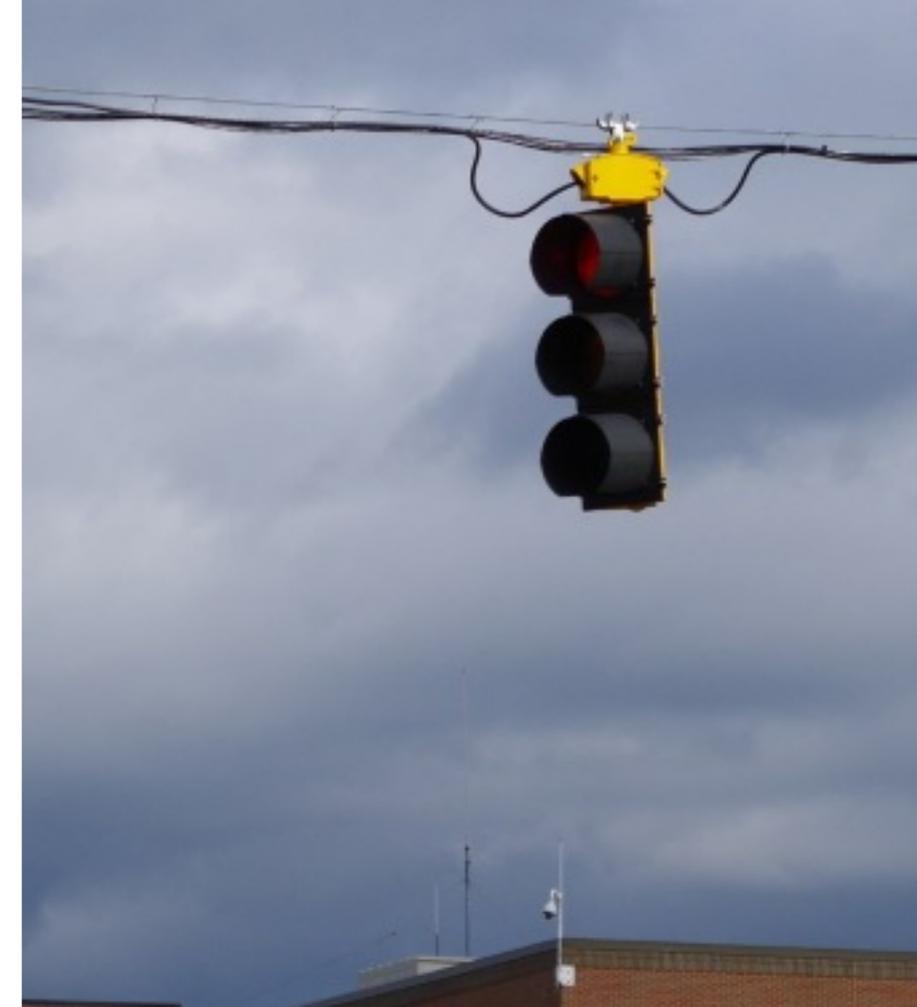
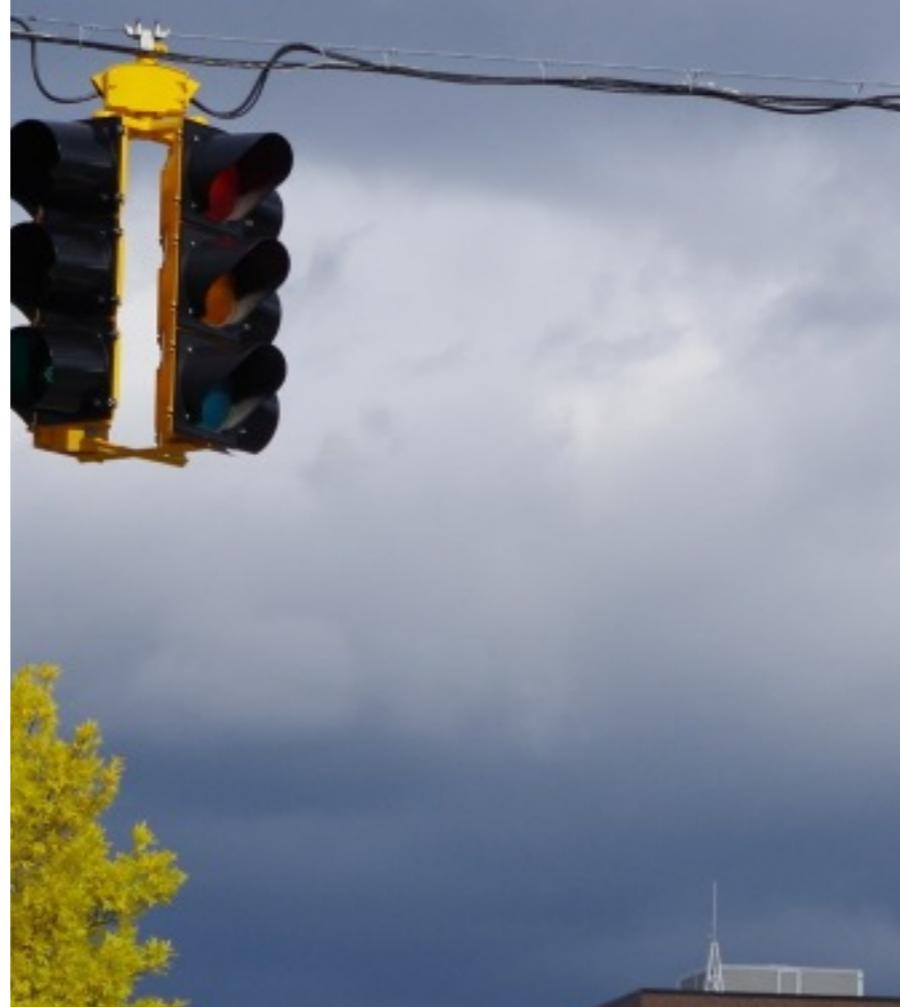
- (1) Allow mobile homes, modular homes and prefabricated homes to the same extent as conventional homes.
- (2) Allow mobile home parks to the same extent as other residential subdivisions or developments.
- (3) Permit accessory dwelling units in all zoning districts that allow single-family homes and as an accessory use to any pre-existing single-family home in accordance with *.



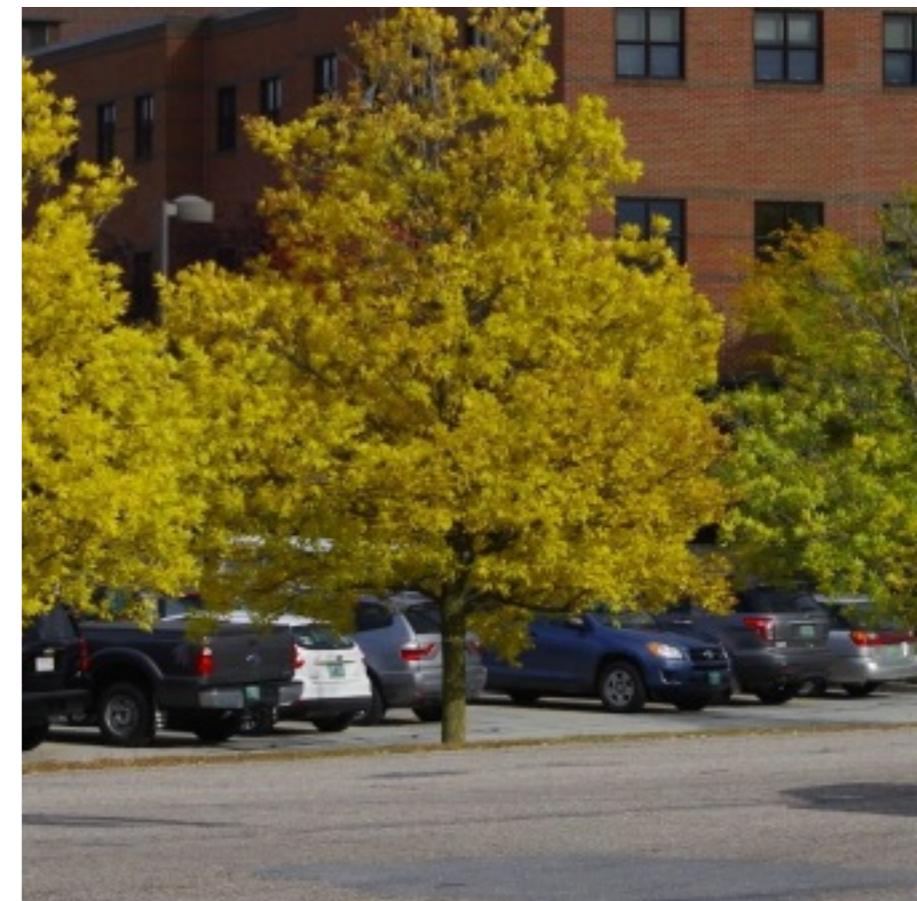
Part 4

- Zoning permit procedures
- Site plan and conditional use review procedures
- Subdivision and planned unit development review procedures
- Appeal procedures
- Enforcement procedures

Site Plan



- ⦿ **Development other than single- or two-family homes**
- ⦿ **DRB hearing process for major projects:**
 - ⦿ New conditional use
 - ⦿ New principal building or major renovation
 - ⦿ New curb cut
 - ⦿ 2,000 sf of new impervious surface
- ⦿ **Administrative approval for minor projects (everything else)**



Part 2

Proposed Changes to the Zoning Districts and Map

- Creating several new zoning districts
- Consolidating some existing zoning districts
- Reshaping the boundaries of some existing districts
- Adding overlay districts around the airport and the town's wells
- Modifying what would be allowed in flood hazard areas in some parts of town
- Considering adding river corridors to flood hazard overlay
- Adjusting dimensional standards within districts
- Changing what uses are allowed in districts
- Adding specific development standards in some districts

Table 1. Proposed Changes to Berlin’s Zoning District Standards (11 Nov 2015)

	Village Center	Town Center	Commercial	Highway Commercial	Light Industrial	Industrial	Residential	Hamlet	Rural
Min Lot Size	10,000 sf	20,000 sf	30,000 sf	30,000 sf	40,000 sf	80,000 sf	12,000 sf	16,000 sf	0.5 ac (residential) 5.0 ac (nonresidential)
	<i>25,000 sf</i>	<i>10,000 sf</i>	<i>25,000 sf</i>	<i>25,000 sf</i>	<i>40,000 sf</i>	<i>40,000 sf</i>	<i>20,000 sf^c</i>	<i>40,000 sf</i>	<i>1.0, 2.0 or 5.0 ac</i>
Min Lot Frontage	60 ft	90 ft	120 ft	120 ft	150 ft	180 ft	60 ft	90 ft	120 ft
	<i>120 ft</i>	<i>50 ft</i>	<i>120 ft</i>	<i>120 ft</i>	<i>150 ft</i>	<i>100 ft</i>	<i>100 ft</i>	<i>120 ft</i>	<i>120, 150 or 300 ft</i>
Max Lot Coverage	60%	70%	50%	60%	50%	40%	40%	80%	20%
<i>Max Building Coverage</i>	-	75%	-	-	-	-	20%	15%	5 or 15% ft
Min Front Setback	10 ft	10 ft	20 ft	20 ft	50 ft	50 ft	30 ft	10 ft	40 ft
	<i>50 ft</i>	<i>15 ft</i>	<i>50 ft</i>	<i>50 ft</i>	<i>50 ft</i>	<i>50 ft</i>	<i>50 ft</i>	<i>50 ft</i>	<i>50 ft</i>
Max Front Setback	50 ft	80 ft	100 ft	100 ft	-	-	-	50 ft	-
Min Side Setback	10 ft / 25 ft ^A	10 ft / 25 ft ^A	25 ft / 50 ft ^A	25 ft / 50 ft ^A	25 ft / 100 ft ^A	25 ft / 50 ft ^A	15 ft	10 ft	20 ft
	<i>25 ft / 50 ft^A</i>	<i>10 ft</i>	<i>25 ft / 50 ft^A</i>	<i>25 ft / 50 ft^A</i>	<i>25 ft / 100 ft^A</i>	<i>25 ft / 50 ft^A</i>	<i>25 ft</i>	<i>25 ft</i>	<i>25 ft</i>
Min Rear Setback	20 ft / 50 ft ^A	10 ft / 50 ft ^A	25 ft / 100 ft ^A	25 ft / 100 ft ^A	25 ft / 100 ft ^A	25 ft / 100 ft ^A	30 ft	20 ft	20 ft
	<i>25 ft / 100 ft^A</i>	<i>10 ft</i>	<i>25 ft / 100 ft^A</i>	<i>25 ft</i>	<i>25 ft</i>	<i>25 or 75 ft</i>			
Min Riparian Setback	20 ft	20 ft	30 ft	30 ft	40 ft	50 ft	30 ft	20 ft	50 ft
Max Residential Density	1 du / 5,000 sf	1 du / 2,000 sf	1 du / 10,000 sf	1 du / 6,000 sf	-	-	1 du / 6,000 sf	1 du / 8,000 sf	See Note B
Max Floor Area Ratio	2.0	3.0	1.5	1.0	1.0	0.5	0.3	1.0	0.5 (lot < 1 ac) 0.2 (lot 1 - <5 ac) 0.1 (5+ ac)
Max Building Footprint	12,000 sf	-	-	-	-	-	6,000 sf	6,000 sf	-
Min Building Height	25 ft	25 ft	-	-	-	-	-	-	-
Max Building Height	45 ft	60 ft	35 ft	45 ft	40 ft	35 ft	35 ft	35 ft	35 ft
	<i>60 ft</i>	<i>45 ft</i>	<i>60 ft</i>	<i>45 ft</i>	<i>40 ft</i>	<i>50 ft</i>	<i>35 ft</i>	<i>35 ft</i>	<i>35 ft</i>

Note A: If abutting the Residential or Rural district.

Note B: 1 du / 1 ac of buildable land if accessed from Class 2 road or state highway. 1 du / 3 ac of buildable land if accessed from a Class 3 or equivalent private road. 1 du / 5 ac of buildable land if not accessed from a Class 3 road or better. Buildable land excludes slopes 25% or greater, wetlands and buffers, and floodplains.

Note C: 36,000 sf for two-family and 12,000 sf per dwelling unit for multi-family.

KEY: Figures in gray boxes are the dimensional standards in current zoning. DU = dwelling unit. AC = acre. SF = square feet. FT = feet.

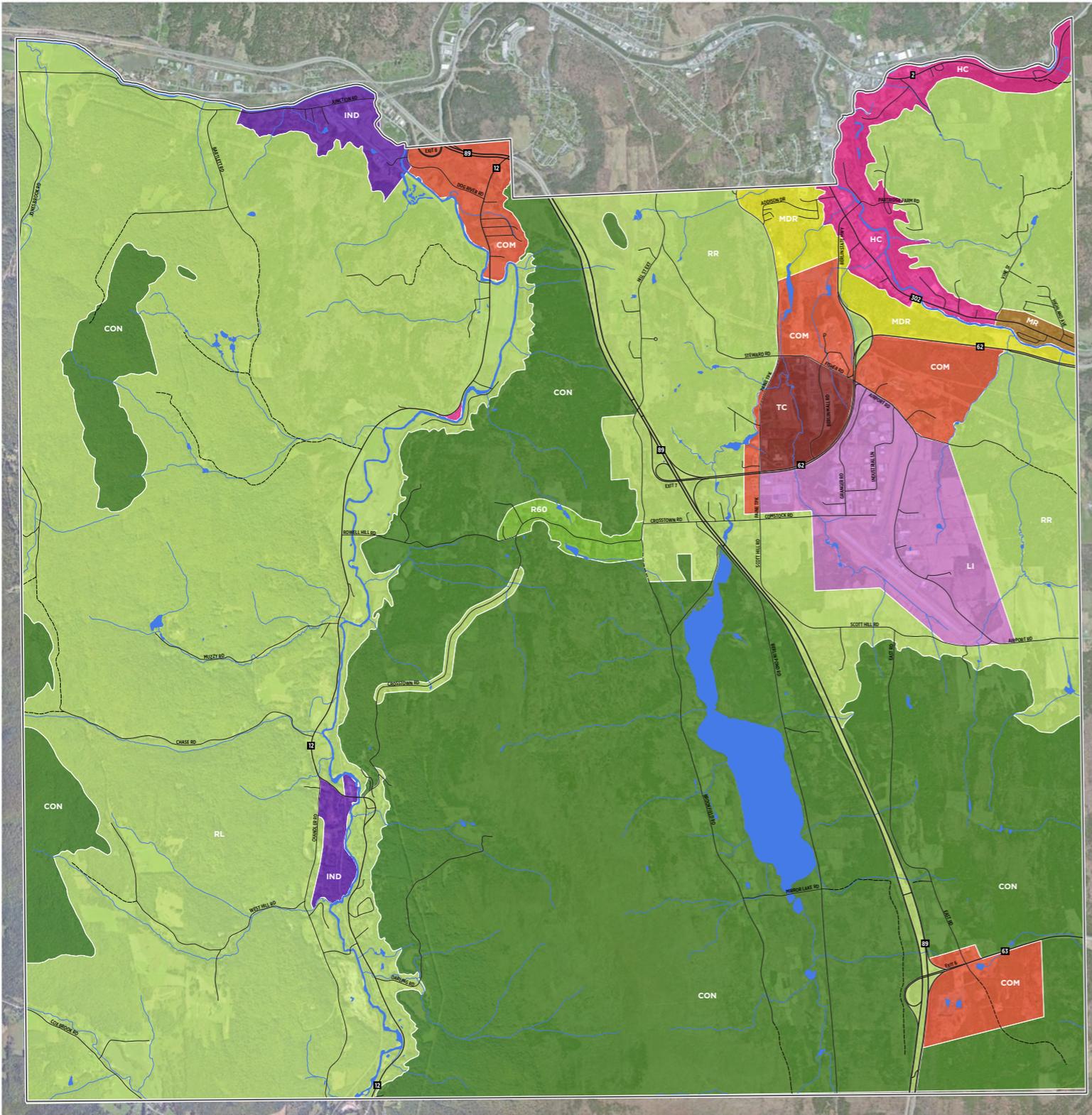
Table 2. Proposed Changes to Uses Allowed in Berlin’s Zoning District Standards (11 Nov 2015)

	VC	TC	COM	HC	LI	IN	RES	HAM	RL
Single-family dwelling	P	C	C	-	-	-	P	P	P
Two-family dwelling	P	C	C	-	-	-	P	P	P
Multi-family dwelling	P	P	C	C	-	-	P	C	C
Accessory dwelling	P	P	P	P	P	P	P	P	P
Home occupation	P	P	P	P	P	P	P	P	P
Home business	P	P	P	P	P	P	P	P	C
Family childcare home	P	P	P	P	P	P	P	P	P
Congregate living	C	P	C	-	-	-	C	C	-
Assisted living	C	P	C	-	-	-	C	C	-
Skilled-nursing services	C	P	C	-	-	-	C	-	-
Bed and breakfast or inn	P	P	P	P	-	-	P	P	P
Rooming or boarding house	P	P	P	P	-	-	P	C	C
Hotel or motel	C	P	P	P	C	-	-	-	-
Shop or store	P	P	P	P	C	-	-	P	-
Open market	P	P	P	P	-	-	-	C	-
Lawn, garden, farm supply sales	C	P	P	P	C	C	-	P	C
Lumberyard, bldg materials	-	P	P	P	C	C	-	C	C
Sales lot	C	P	P	P	C	-	-	-	-
Fueling station	C	C	P	P	-	-	-	C	-
Repair and service	C	C	P	P	C	C	-	C	-
Rental and leasing	C	P	P	P	C	C	-	-	-
Office or service businesses	P	P	P	P	P	C	-	P	-
Restaurant	P	P	P	P	C	-	-	P	-
Tavern	P	P	P	P	-	-	-	P	-
Contractor's yard	-	-	C	C	C	P	-	-	C
Light industry	-	C	C	P	P	P	-	C	-
Heavy industry	-	-	-	-	C	P	-	-	-
Warehouse or storage	-	C	P	P	P	P	-	C	C
Laboratory, R&D	-	C	P	P	P	P	-	C	-
Media broadcast studio	P	P	P	P	P	P	-	P	C
Data center, info services	P	P	P	P	P	P	-	P	-

	VC	TC	COM	HC	LI	IN	RES	HAM	RL
Wholesale trade	C	C	P	P	P	P	-	C	C
Salvage yard, recycling center	-	-	-	-	C	P	-	-	-
Composting facility	-	-	-	-	C	P	-	-	C
Indoor recreation	P	P	P	P	-	-	-	P	-
Outdoor recreation	P	P	P	P	-	-	C	P	P
Religious facility	P	P	P	C	C	-	P	P	P
Healthcare facility	P	P	P	P	C	-	-	P	-
Education facility	P	P	P	C	-	-	C	P	C
Government facility	P	P	P	C	C	C	C	P	C
Cultural facility	P	P	P	C	-	-	C	P	C
Cemetery	-	C	P	-	-	-	P	P	P
Funeral home or crematory	P	P	P	C	C	P	C	P	-
Supervision, rehab services	C	P	C	-	-	-	-	C	-
Daycare facility	P	P	P	P	P	C	C	P	C
Parking	C	C	P	P	P	P	-	-	-
Transit facility	P	P	P	P	P	P	C	-	-
Air transportation facility	-	-	-	-	P	-	-	-	C
Rail transportation facility	-	-	P	P	P	P	-	-	-
Truck transportation facility	-	-	-	P	P	P	-	-	-
Essential services	P	P	P	P	P	P	P	P	P
Communication antenna	P	P	P	P	P	P	P	P	P
Communication tower	-	C	C	P	P	P	-	-	C
Agriculture or forestry	P	P	P	P	P	P	P	P	P
Stable or equine facility	-	-	P	-	-	-	-	C	P
Kenel	-	-	P	P	-	-	-	-	C
Game, fishing, wildlife reserves	-	-	-	-	-	-	-	-	P
Extracting, quarrying	-	-	C	C	C	P	-	C	C
Rural enterprise	-	-	C	P	P	P	C	C	C

KEY: P = Permitted Use | C = Conditional Use | Gray = No change from current zoning | Green = Use becoming possible or easier | Red = Use becoming prohibited or harder | White = Use not listed in current zoning

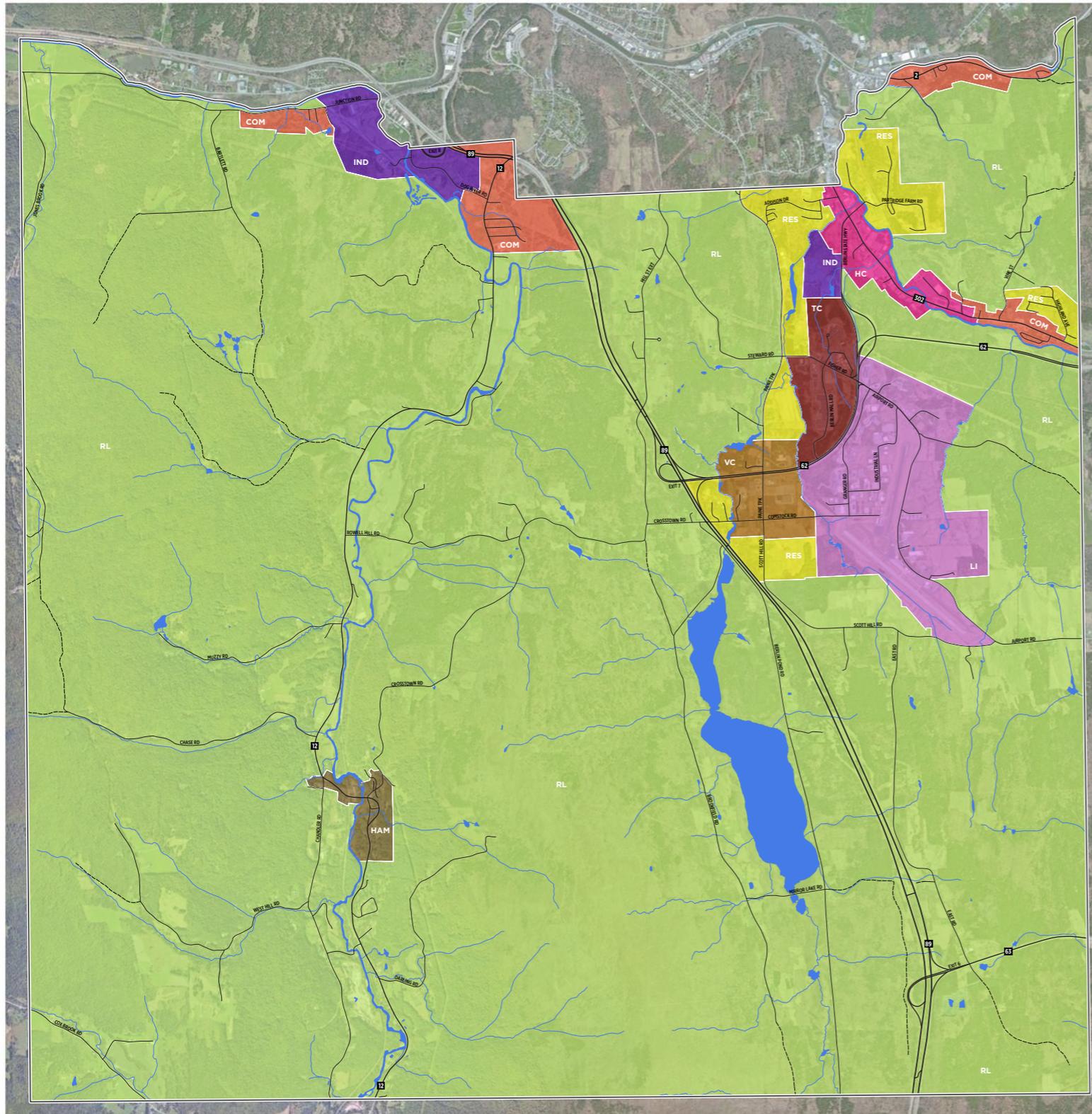
 TOWN CENTER (TC)	 MODIFIED RESIDENTIAL (MR)
 COMMERCIAL (COM)	 MEDIUM DENSITY RESIDENTIAL (MDR)
 HIGHWAY COMMERCIAL (HC)	 RURAL RESIDENTIAL (RR)
 LIGHT INDUSTRIAL (LI)	 RURAL RESIDENTIAL 60 (R60)
 INDUSTRIAL (IND)	 HIGHLAND CONSERVATION (CON)



Adopted Zoning Map

- ⦿ Elevation based boundaries
- ⦿ Spot zones
- ⦿ Multiple rural districts

 VILLAGE CENTER (VC)	 INDUSTRIAL (IND)
 TOWN CENTER (TC)	 RESIDENTIAL (RES)
 COMMERCIAL (COM)	 HAMLET (HAM)
 HIGHWAY COMMERCIAL (HC)	 RURAL (RL)
 LIGHT INDUSTRIAL (LI)	



Draft Zoning Map

- ⦿ Rationalize boundaries
- ⦿ Simplify rural zoning
- ⦿ Eliminate spot zoning
- ⦿ Establish a village center
- ⦿ Recognize Riverton as a historic settlement

Village Center

- Transform Paine Turnpike into a pedestrian-friendly “main street”
- Encourage smaller-scale, community-serving businesses & higher density housing
- Reduce front setbacks and bring buildings closer to road with less parking in front
- Establish landscaped greenspace along the road and within sites for improved aesthetics and stormwater management



Village Center

- 10,000 sf lots
- Buildings 25 to 45 feet tall
- Buildings not more than 12,000 sf footprint
- Buildings set back 10 to 50 ft from street



Village Center

- Residential, lodging, retail, office, service uses would be allowed
- Multi-family with >6 units, >6,000 sf new commercial space, and drive-throughs would require conditional use approval
- Major projects would have to build sidewalks and meet basic architectural standards





Hinesburg Village





Shelburne Village



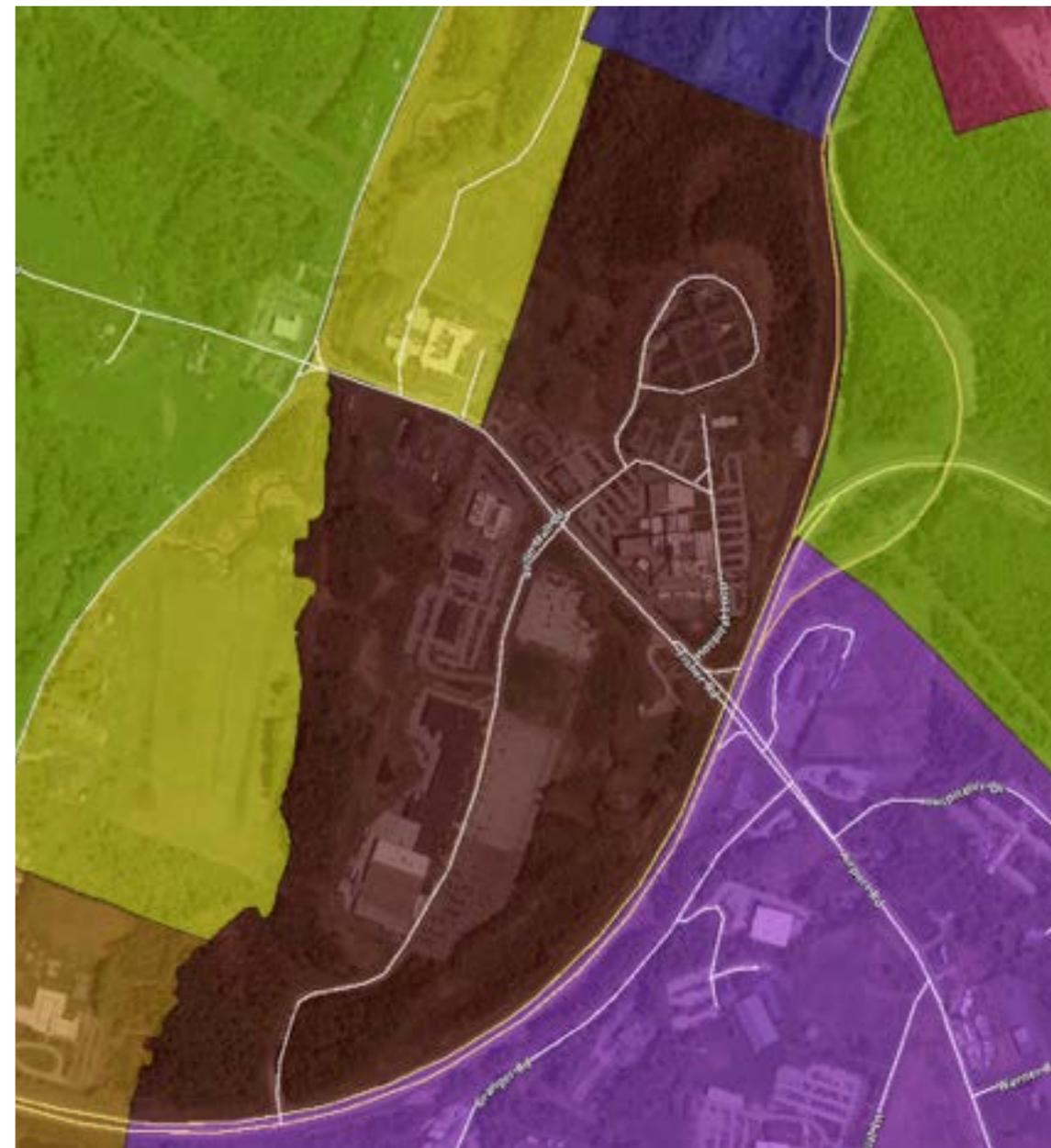
Village Center

- Should district extend further south along Scott Hill Road?
- How do residents feel about allowing businesses in this entire area, given the proposed standards?



Town Center

- Encourage higher-density infill development and redevelopment
- Reduce surface parking footprint
- Smaller footprint buildings, multi-story buildings, multi-family housing
- Improve walkability



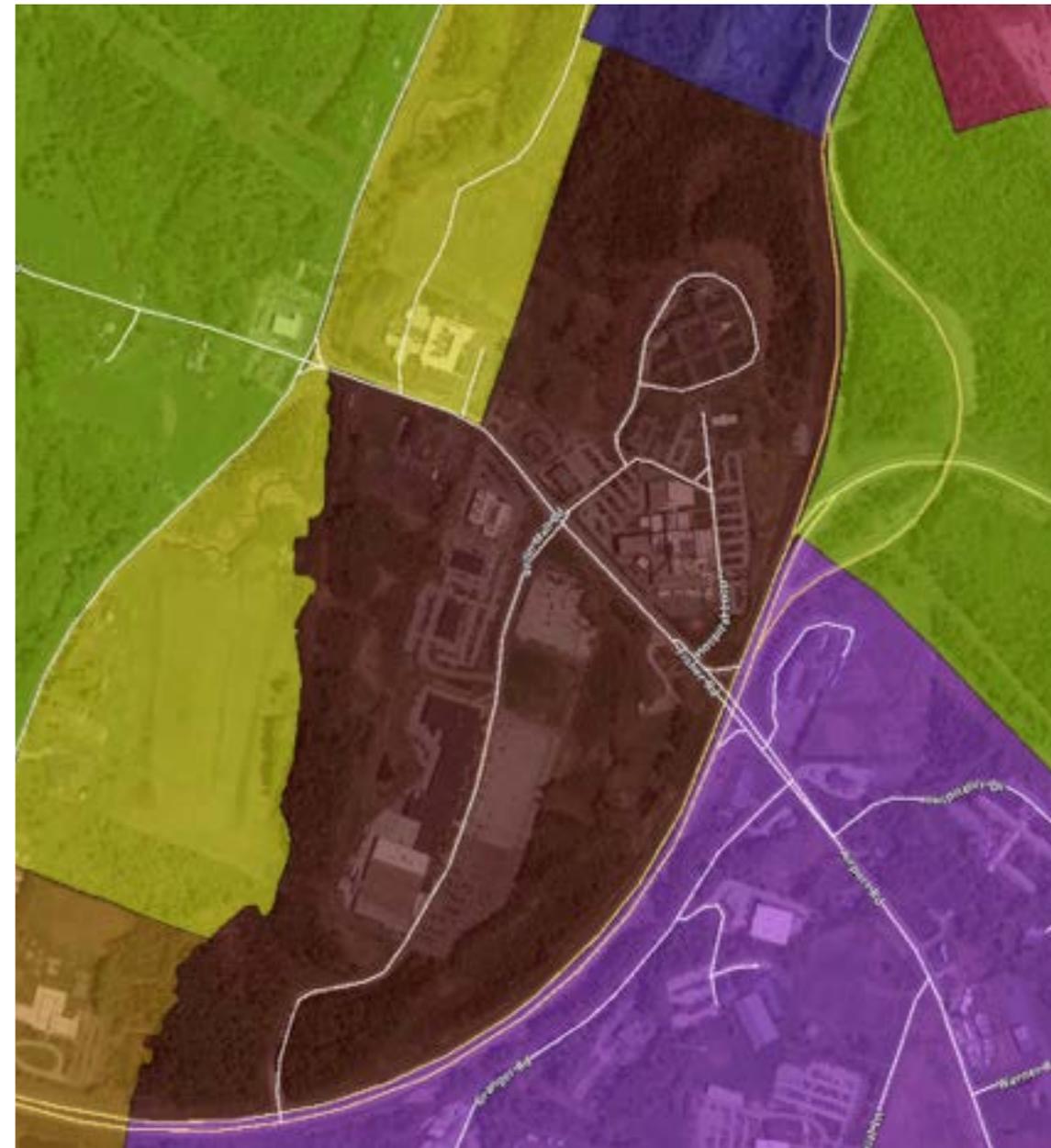


Town Center Infill



Town Center

- 20,000 sf lots
- Buildings 25 to 60 feet tall
- Buildings set back 10 to 80 ft from street



Town Center

- Residential, lodging, retail, office, service, light industrial uses would be allowed
- Multi-family with >16 units, >16,000 sf new commercial space, and drive-throughs would require conditional use approval
- Major projects would have to build sidewalks and meet basic architectural standards



Town Center

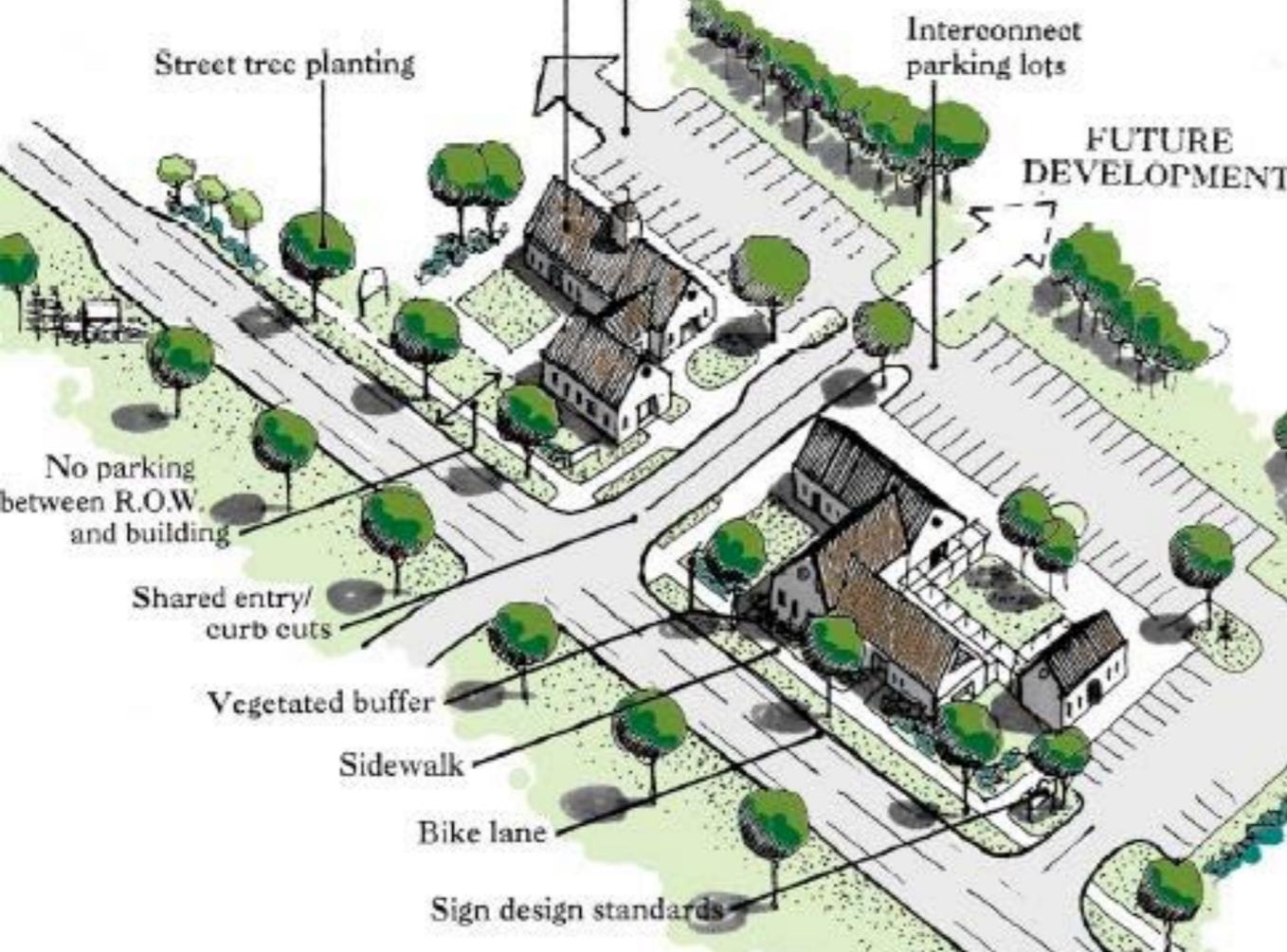
- Should district extend further west to Paine Turnpike?





Commercial





Commercial



- Encourage mixed-use and integrated land use patterns and discourage strip development
- Quality site and building design
- Allow for higher-density housing



Commercial

- ① 30,000 sf lots
- ① Buildings up to 35 feet tall
- ① Buildings set back 20 to 100 ft from street



Commercial

- Residential, lodging, retail, office, service, light industrial uses would be allowed
- >12,000 sf new commercial space, and drive-throughs would require conditional use approval
- Major projects would have to make access management improvements as needed and meet basic architectural standards

Highway Commercial

- Reinforce the Route 302 as a regional commercial corridor
- Encourage mixed-use and integrated land use patterns and discourage strip development
- Quality site and building design





Site and Building Design



Highway Commercial

- 30,000 sf lots
- Buildings up to 45 feet tall
- Buildings set back 20 to 100 ft from street



Highway Commercial

- Multi-family residential, lodging, retail, office, service, light industrial uses would be allowed
- Major projects would have to make access management improvements as needed



Light Industrial

- Provide a location for light industrial and service businesses near the airport and major transportation corridors



Light Industrial

- 40,000 sf lots
- Buildings up to 40 feet tall
- Buildings set back at least 50 ft from street



Light Industrial

- Light industrial uses including manufacturing, warehousing, distribution, laboratories, etc. allowed
- Lodging, retail and heavier industrial uses allowed with conditional use approval
- Residential uses prohibited
- Major projects would have to make access management improvements as needed





Industrial



- Provide suitable sites for heavier, more intensive or more land consumptive uses



Industrial



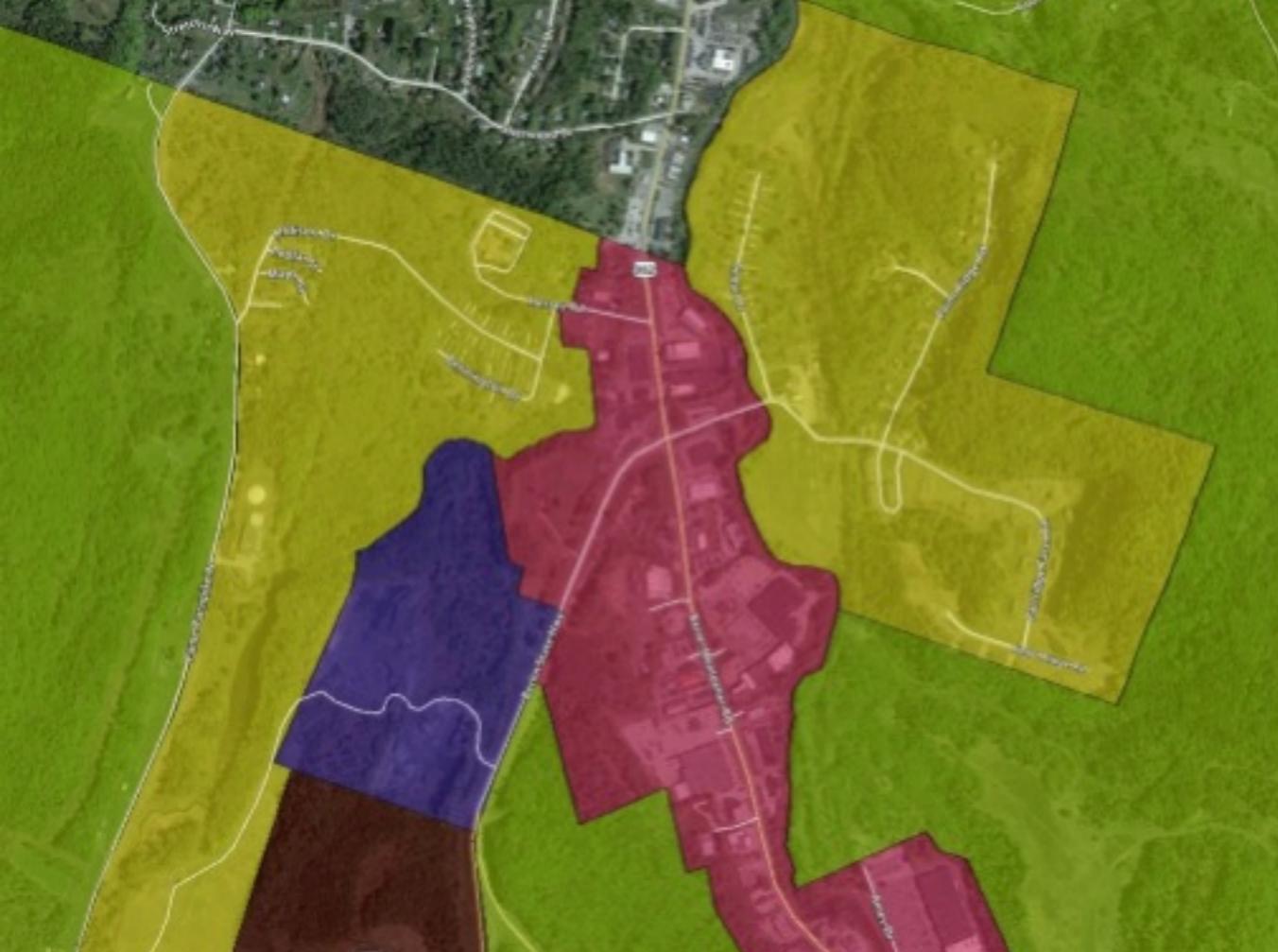
- ⦿ 80,000 sf lots
- ⦿ Buildings up to 35 feet tall
- ⦿ Buildings set back at least 50 ft from street



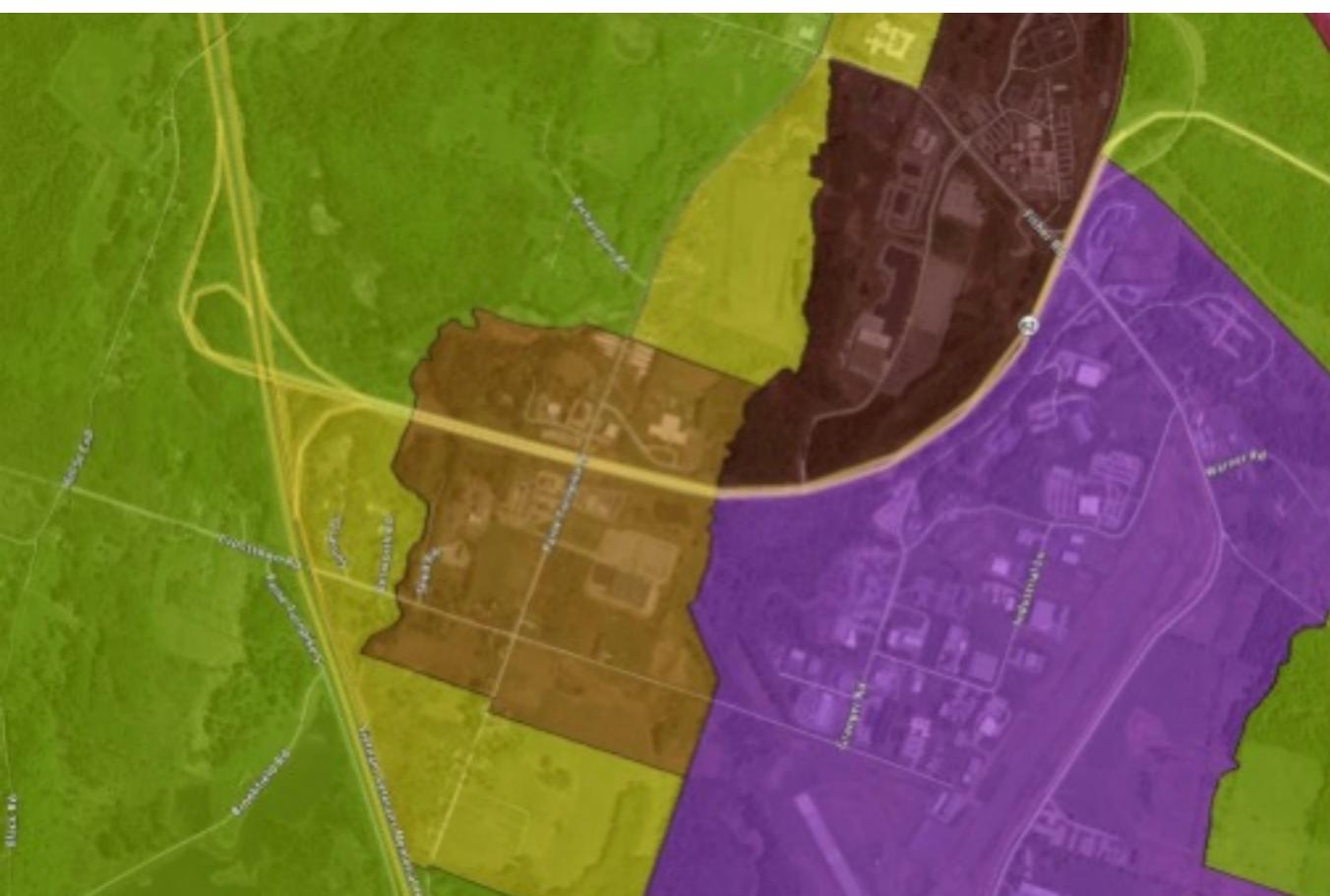
Industrial



- ⦿ All types of industrial uses allowed
- ⦿ Retail and service uses allowed with conditional use approval
- ⦿ Residential uses prohibited
- ⦿ Major projects would have to make access management improvements as needed



Residential



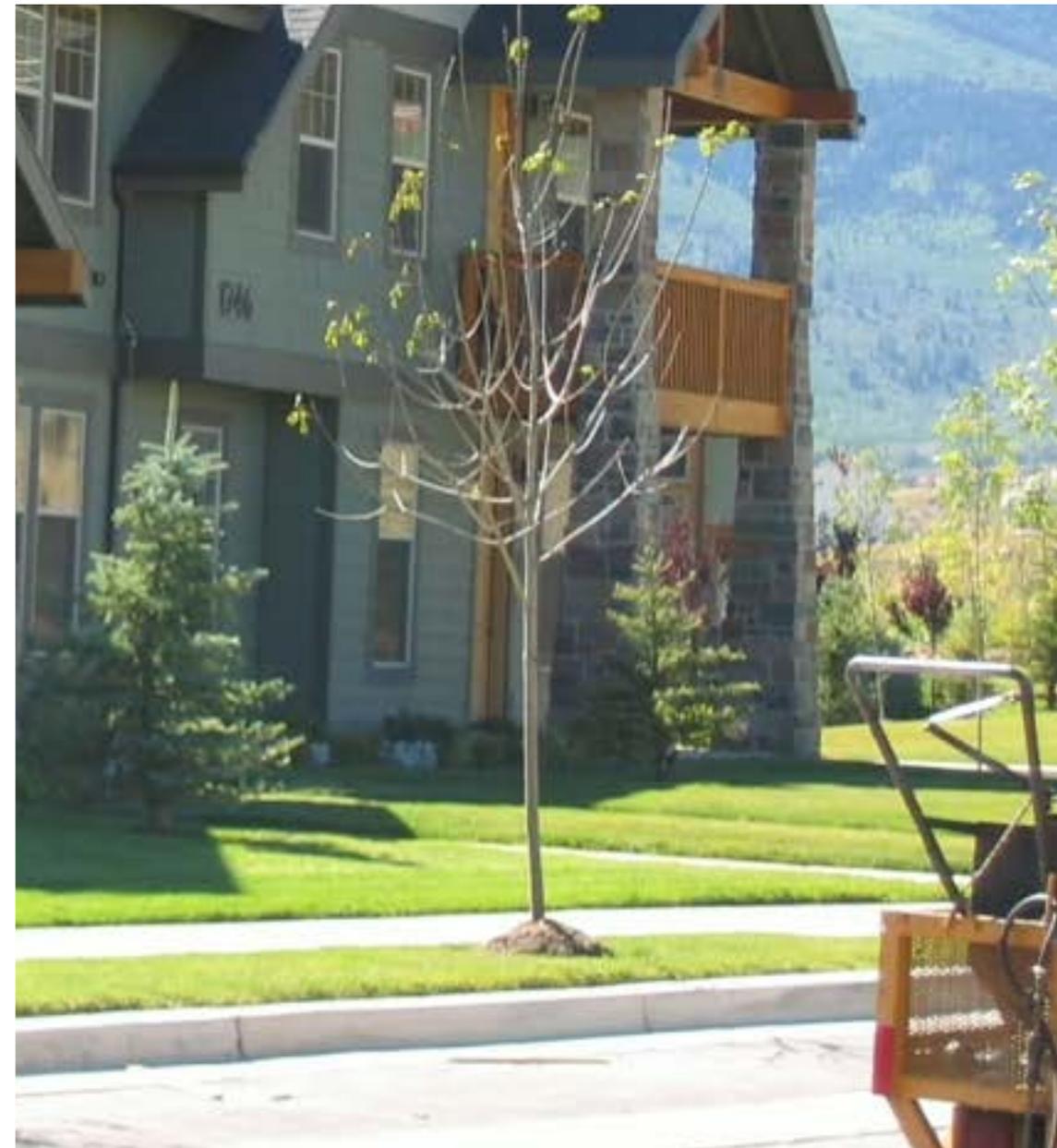
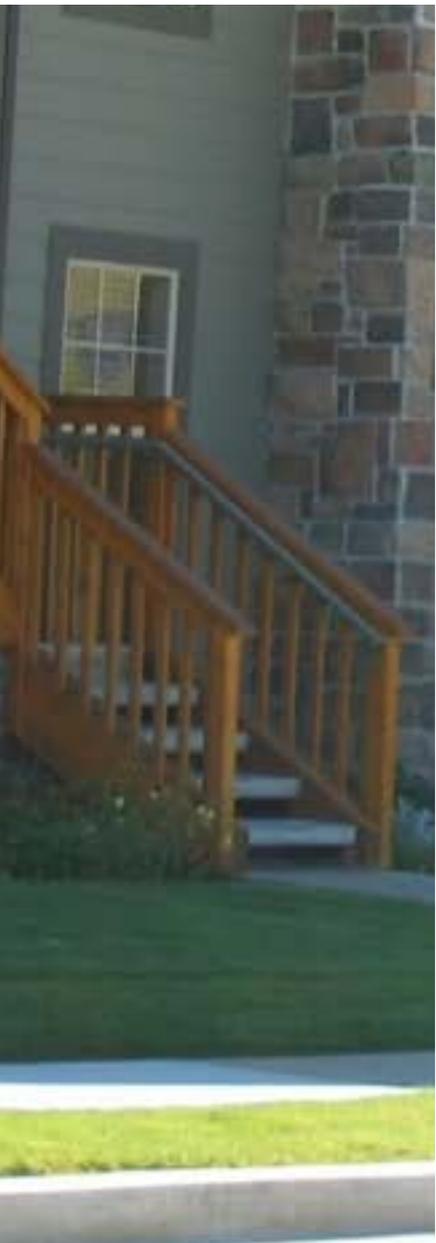
Residential

- Promote compact and efficient residential neighborhoods in proximity to major transportation corridors and services



Residential

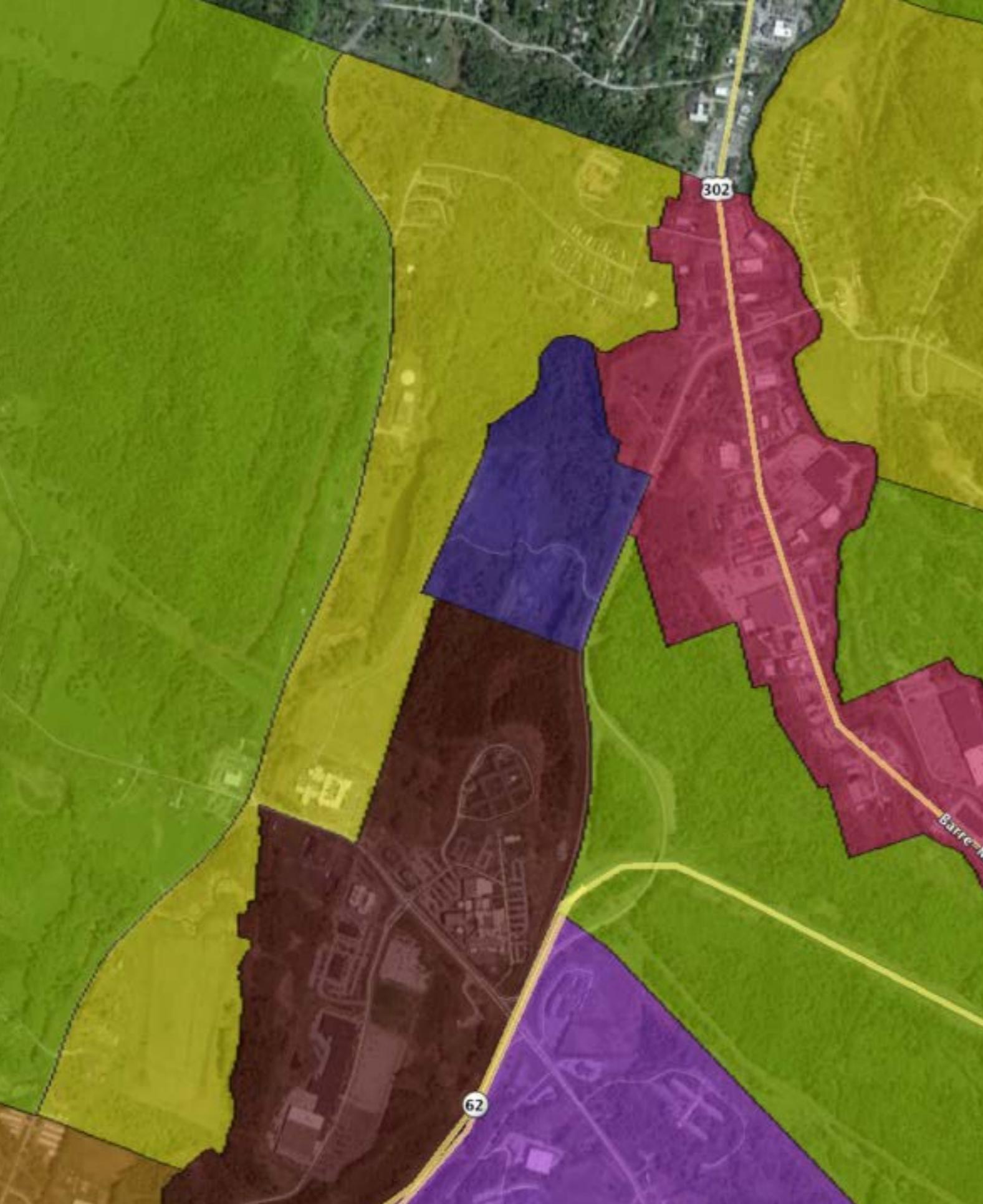
- ① 12,000 sf lots
- ① Buildings up to 35 feet tall
- ① Buildings set back at least 30 ft from street
- ① 1 dwelling unit per 6,000 square feet of lot area



Residential



- ⦿ All types of residential uses allowed
- ⦿ Limited opportunity for nonresidential uses



Residential

- Should land west of Paine Turnpike be zoned Residential?
- Should land east of Paine Turnpike be zoned Residential or Town Center?

Hamlet

- Recognize the historic rural hamlet of Riverton
- Match the traditional settlement pattern
- Allow for a mix of uses



Hamlet

- 16,000 sf lots
- Buildings up to 35 feet tall
- Buildings set back 10 to 50 ft from street



Hamlet

- Residential, retail, office, service, light industrial uses would be allowed
- >3,000 sf new commercial space would require conditional use approval
- Drive-throughs prohibited
- Major projects would have to meet basic architectural standards



Rural

- ⦿ Consolidate three existing zoning districts
- ⦿ Base density on the suitability of land for development
- ⦿ Allow for creation of small house lots
- ⦿ Allow for rural enterprises and compatible small businesses



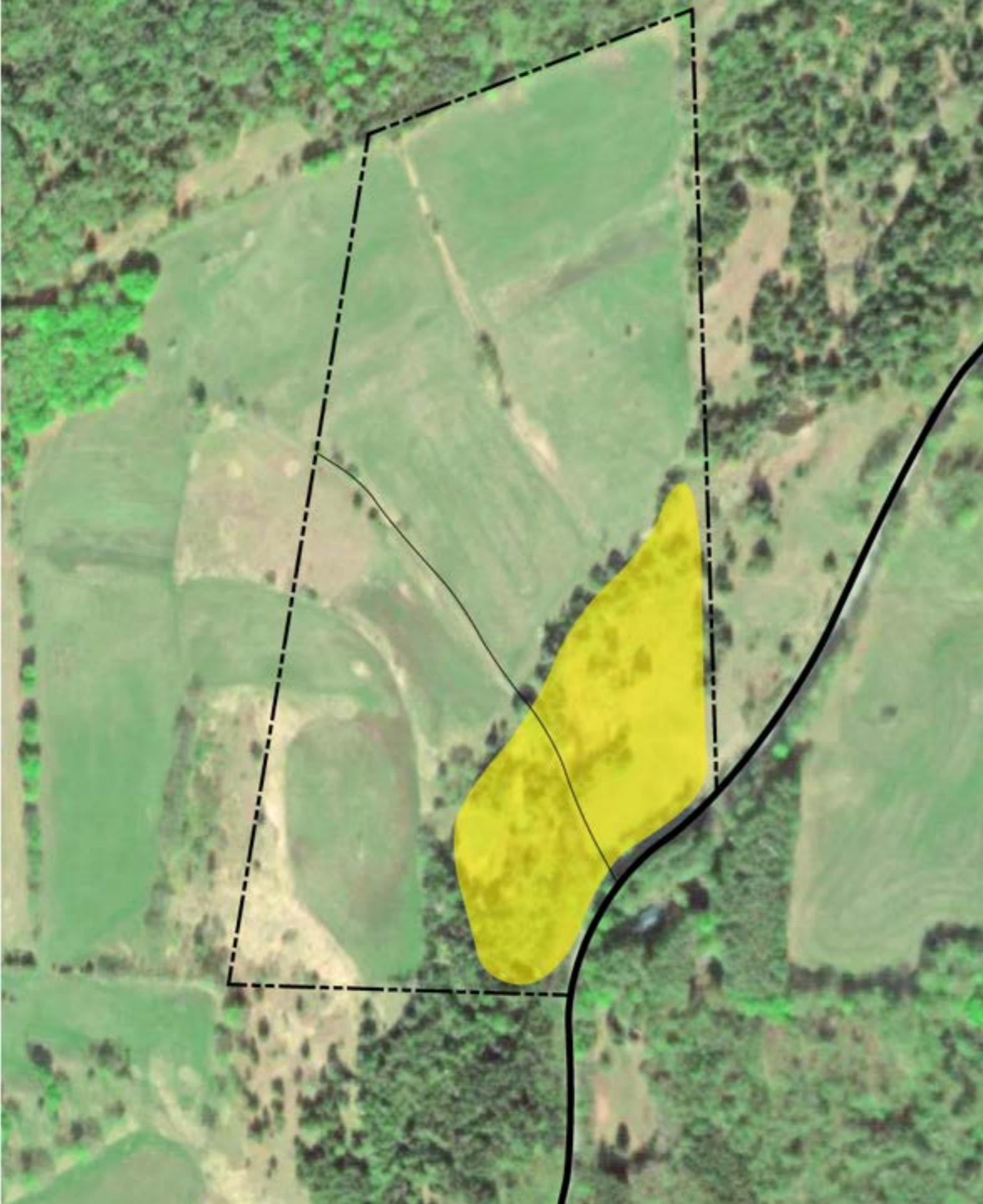
Rural Subdivision Example

- ④ 40-acre rural parcel



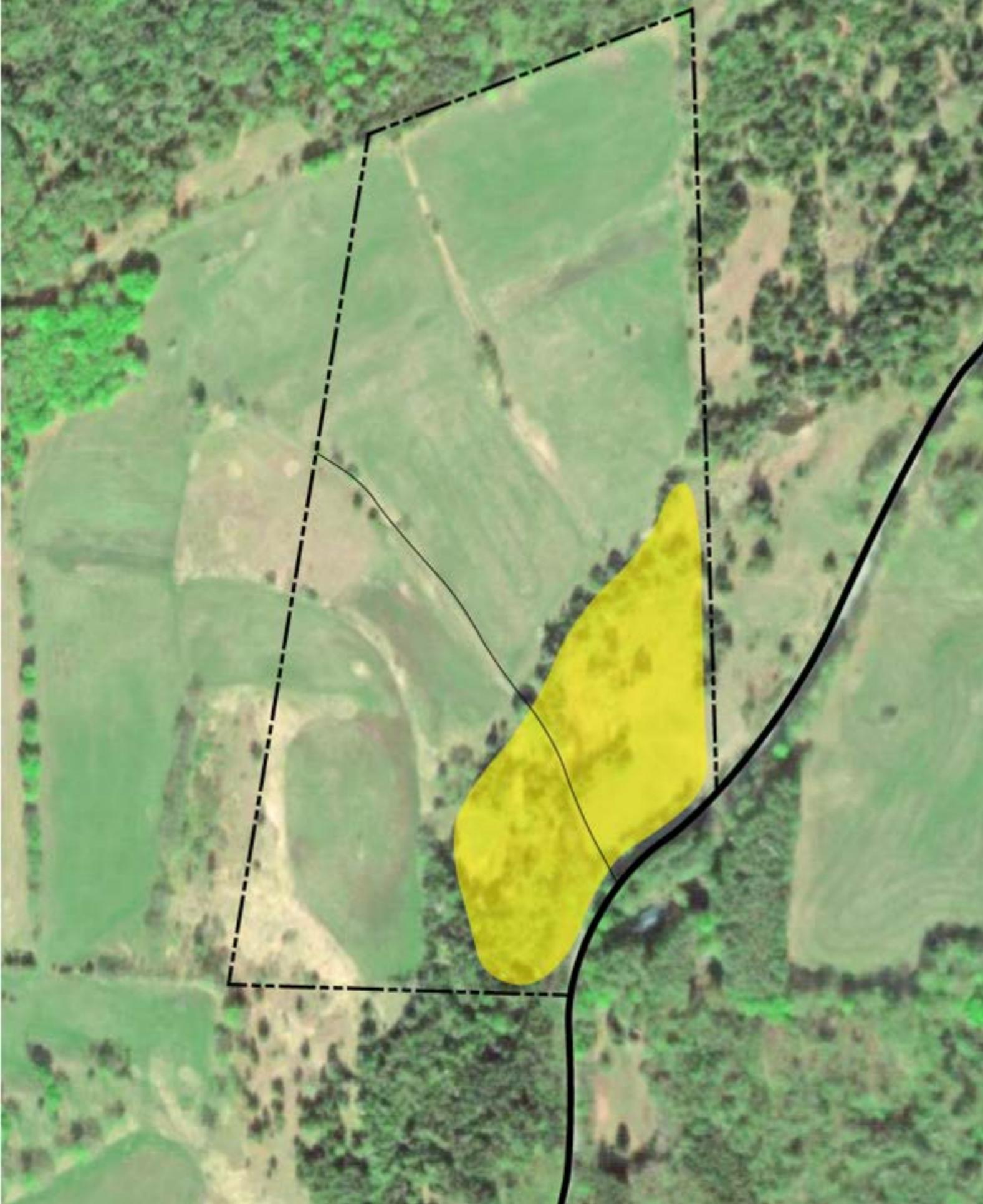
Rural Subdivision Example

- ④ 40-acre rural parcel
- ④ 7 acres of unbuildable land (steep slopes, wetlands, floodplains)



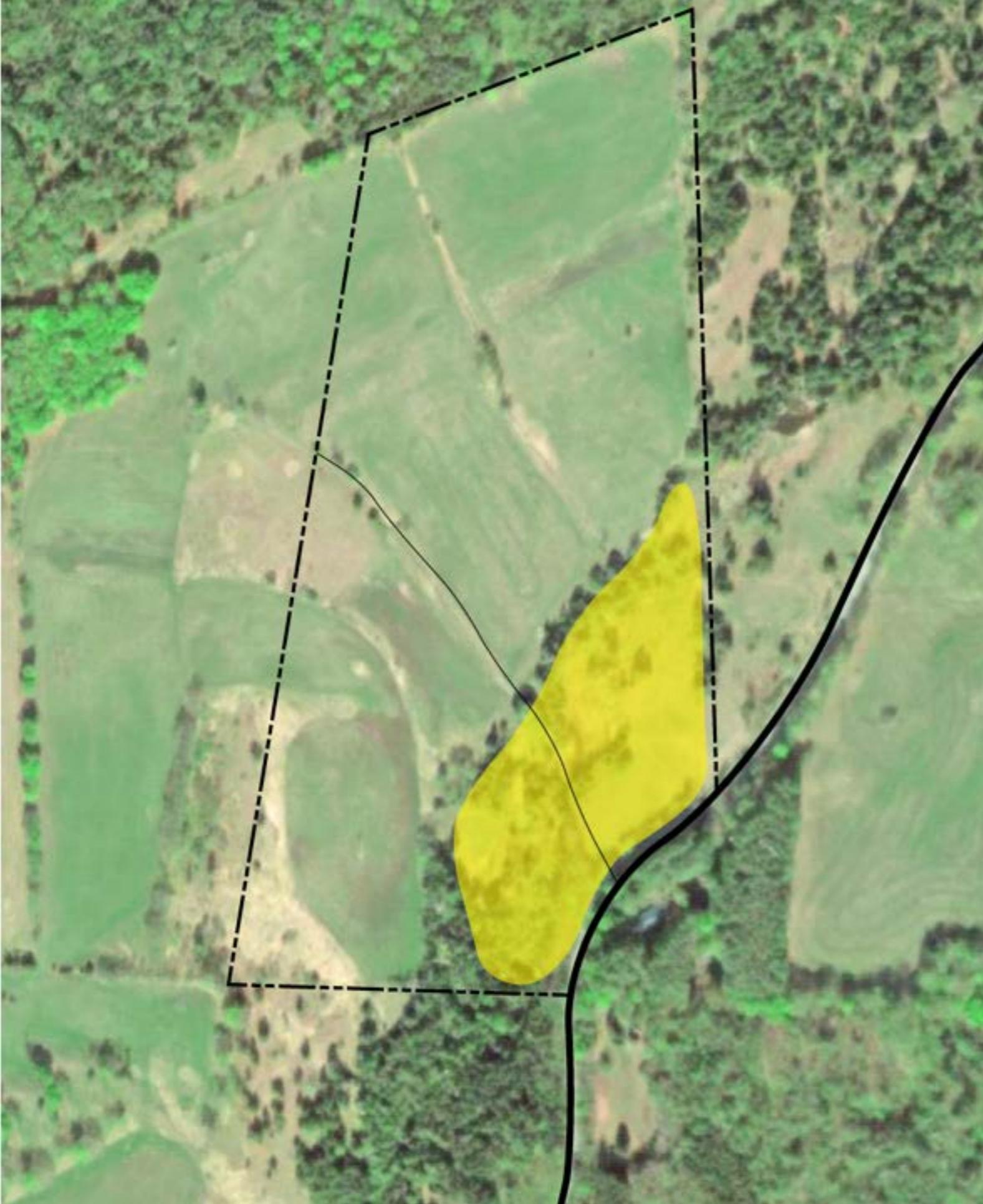
Rural Subdivision Example

- 40-acre rural parcel
- 7 acres of unbuildable land (steep slopes, wetlands, floodplains)
- 33 acres of buildable land



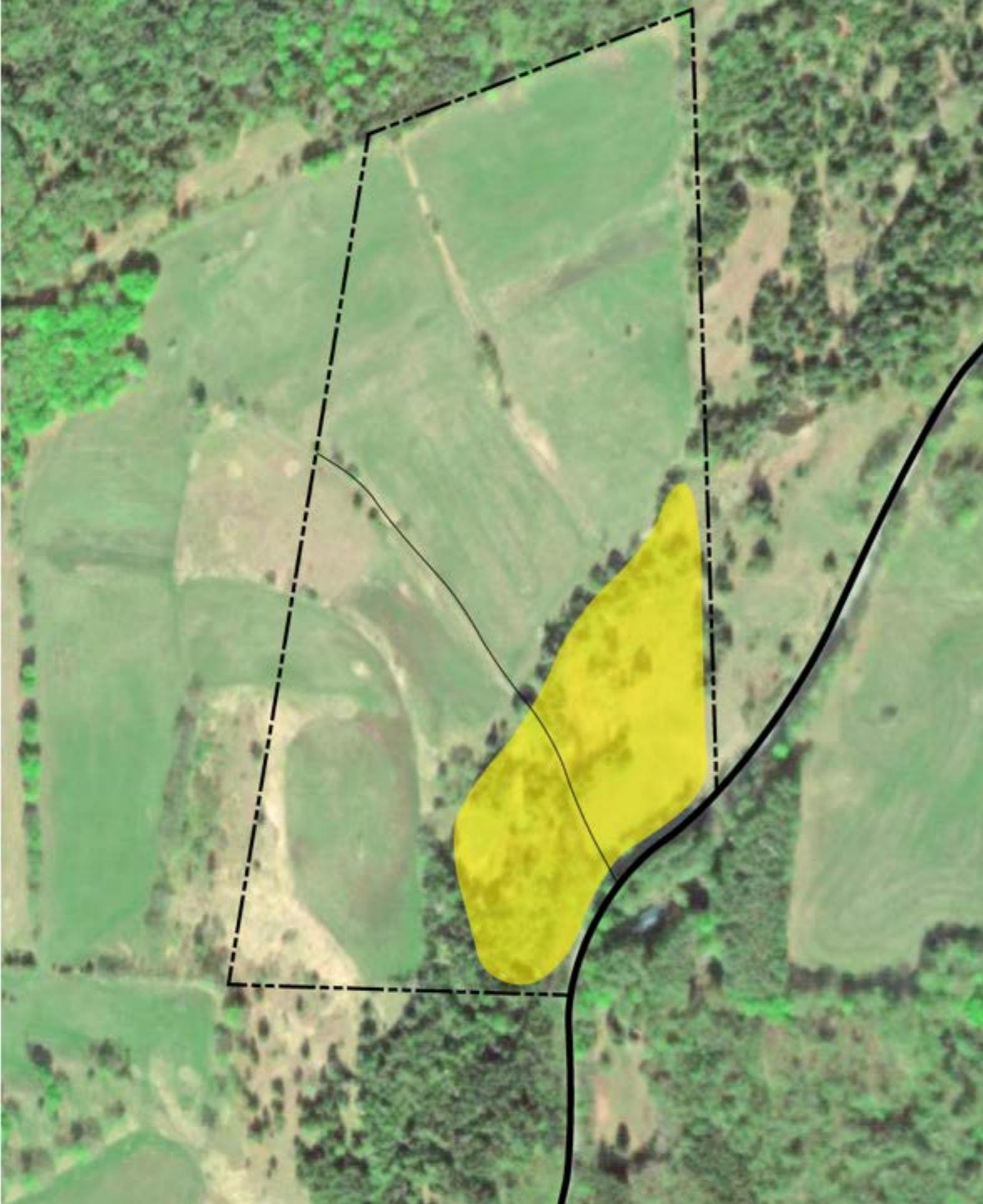
Rural Subdivision Example

- 40-acre rural parcel
- 7 acres of unbuildable land (steep slopes, wetlands, floodplains)
- 33 acres of buildable land
- Lots will be accessed from Class 3 town road



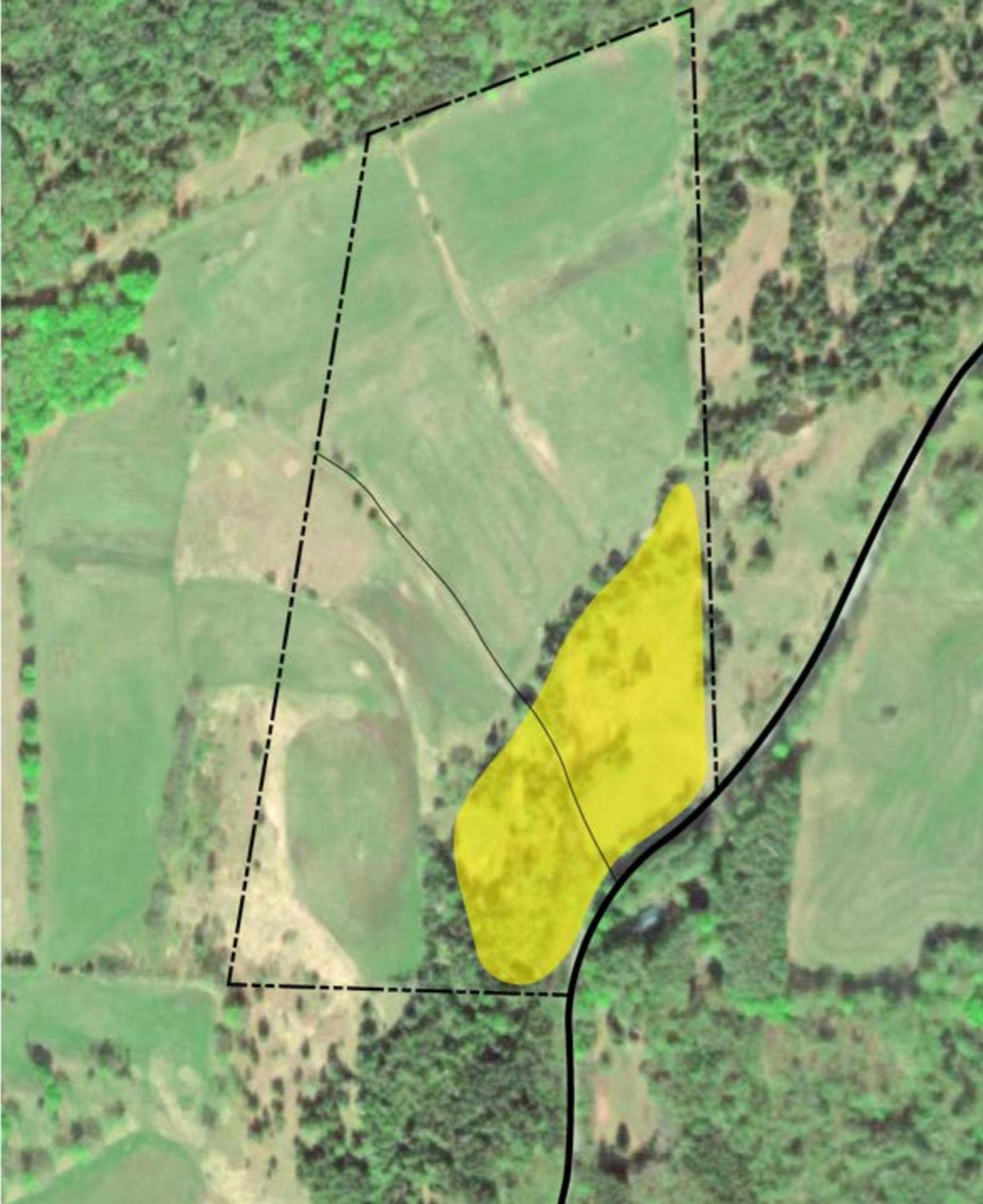
Rural Subdivision Example

- 40-acre rural parcel
- 7 acres of unbuildable land (steep slopes, wetlands, floodplains)
- 33 acres of buildable land
- Lots will be accessed from Class 3 town road
- Divide buildable land by 3



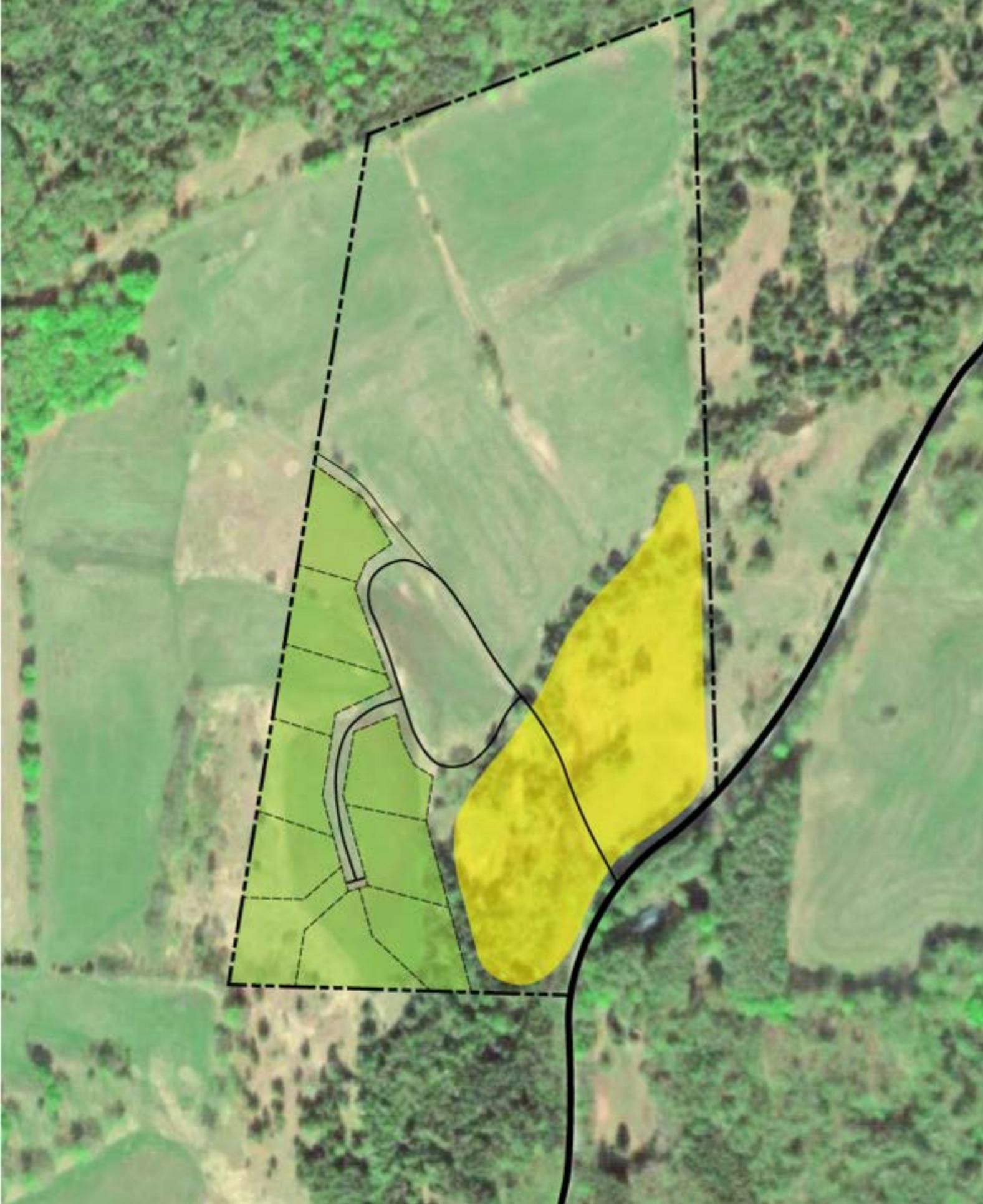
Rural Subdivision Example

- 40-acre rural parcel
- 7 acres of unbuildable land (steep slopes, wetlands, floodplains)
- 33 acres of buildable land
- Lots will be accessed from Class 3 town road
- Divide buildable land by 3
- 11 potential lots



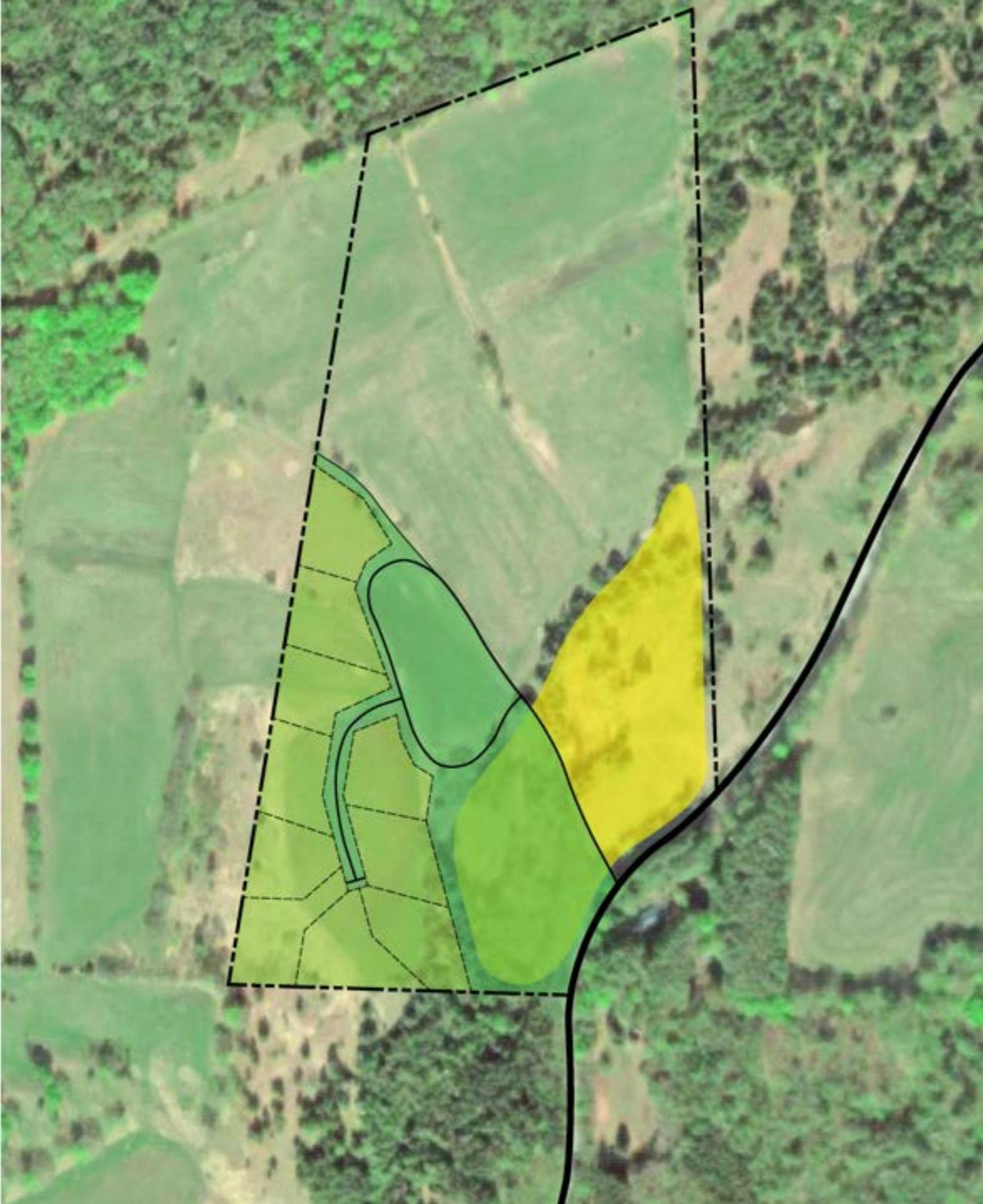
Rural Subdivision Example

- ④ 40-acre rural parcel
- ④ Subdivide ten 2/3-acre lots (lots can be as small as 1/2 acre)



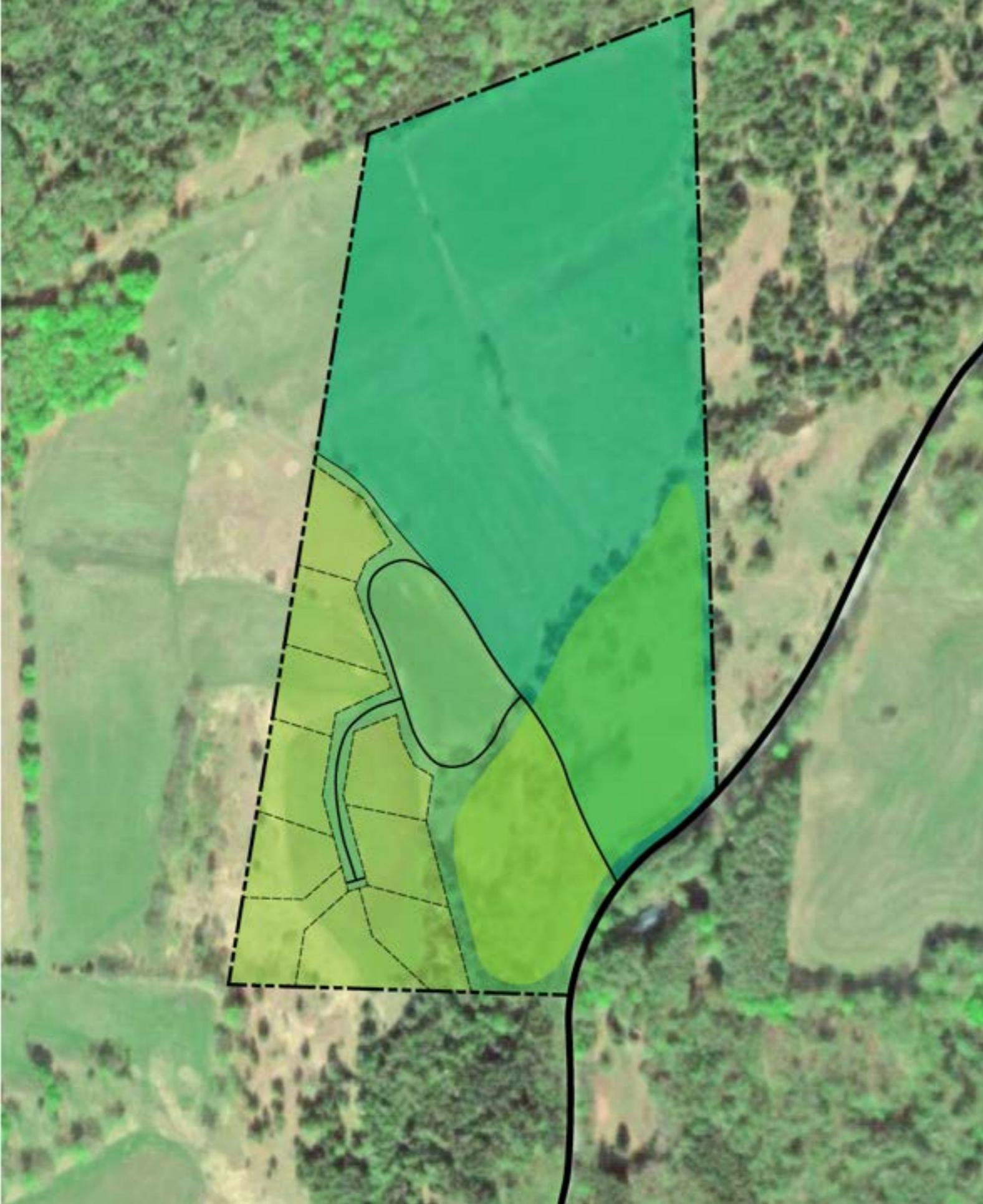
Rural Subdivision Example

- 40-acre rural parcel
- Subdivide ten 2/3-acre lots (lots can be as small as 1/2 acre)
- Set aside 6.5 acres of common land for the 10 lots



Rural Subdivision Example

- 40-acre rural parcel
- Subdivide ten 2/3-acre lots (lots can be as small as 1/2 acre)
- Set aside 6.5 acres of common land for the 10 lots
- Leave a 27-acre parcel that can be developed with 1 house and be used for farming or forestry



Questions and Comments

For more information about the re-zoning project go to:
www.placesense.com/berlin