

Approved by Planning Commission August 24, 2010
Deleted language shown ~~crossed out~~
New language shown *in italics*

Zoning Bylaws

7.6. Open Space Subdivision

7.6.0. Purpose. The purpose of an open space subdivision is to promote compact development within those areas most suitable for residential use while preserving surrounding or adjacent open space. Open space subdivisions enable and encourage flexibility in the of design and development of tracts of land, so as to promote the most appropriate use of land, to facilitate the economical provision of streets and utilities, and to enhance the environmental quality of the area through maximum preservation of open land.

7.6.1. Permissible Sites. Open space subdivision shall be permitted in Rural Residential or Village Residential Districts, in accordance with the provisions of this subsection, provided that:

~~7.6.1.1. Where community water, or sewer, or both, are to be utilized, the tract of land to be developed shall be at least ten acres in size.~~

~~7.6.1.2. Where such public utilities are not available, the tract of land to be developed shall be at least twenty acres in size, and the wastewater disposal and water supply system shall comply with the applicable provisions of the municipal subdivision regulations.~~ *regulations of the Vermont Agency of Natural Resources.*

7.6.1.3. ~~At least 30% of the gross land area of the subdivision, and at least 20% of the "usable" land area of the subdivision shall be designated as open space as defined in Section 7.6.5. or 7.6.6. Usable land shall include land lying outside of easements or rights of way; lying outside of a wetland and/or wetland buffer; lying beyond the limits of a pond, lake or stream; with slopes of less than 25%; free of surface ledge and lying outside a flood plain.~~

7.6.2. Permitted Permissible Uses in Open Space Cluster Subdivisions

7.6.2.1. One family dwelling and two family dwellings. *multifamily dwellings*

7.6.2.2. ~~Mobile home parks and campgrounds.~~

7.6.2.3. Places of worship and parish houses.

7.6.2.4. Community centers, parks, and playgrounds.

7.6.2.5. Any other uses permitted in the District in which the open space subdivision is located. The lot occupied by such use shall be separately shown on the Site Plan and the area shall not be included as any part of the Open Space Subdivision for purposes of determining the number of dwelling units in such subdivision.

7.6.2.6. Any conditional use permitted in the District in which the Open Space Subdivision is located may also be permitted as a conditional use in the Open Space Subdivision. The lot occupied by such conditional use shall be separately shown on the Site Plan and the area shall not be included as any part of the Open Space Subdivision for purposes of determining the number of dwelling units in such subdivision.

7.6.2.7. Accessory uses and signs, in compliance with the requirements of the District in which the subdivision is located.

~~7.6.3. Density of Dwellings. In Open Space Subdivisions, the total number of dwelling units shall not exceed the number that could be permitted if the tract were subdivided into~~

lots conforming to the provisions applicable to the district in which such tract is situated and comply with State and local water supply and wastewater regulations.

7.6.3.1. Density Bonuses. A plan for development which incorporates open space design and includes at least 20% of the gross usable land area of the subdivision as dedicated open land shall be eligible for a density bonus. The permitted number of units shall be calculated by dividing developable lot area (i.e. total lot area minus area in wetlands or flood plain, area of land exhibiting slopes in excess of 25%, area of land located in the forest and recreation zoning district, and/or areas of land encumbered by rights-of-way, easements, or buffer zones) by the required area per dwelling unit for that district, and then increasing that number by 15% 20%.

7.6.4. Lot Dimensional Requirements for entire subdivision parcel.

7.6.4.1. Individual lots in an Open Space Subdivision may be reduced in required area, width, and yard dimensions, to not less than the following:

District in which Located	VR	RR 40	RR 80	RR 200
Minimum Lot Area		20,000	30,000	40,000
Minimum Lot Width		75 feet	100 feet	150 feet
Min. Lot Area/Family Unit		20,000 square feet	30,000 square feet	40,000 square feet
Minimum Front Yard	15 feet	20 feet	25 feet	30 feet
Minimum Side Yard, Each	10 feet	10 feet	15 feet	20 feet
Minimum Rear Yard	10 feet	10 feet	20 feet	30 feet
Minimum Road Frontage	50 feet	75 feet	100 feet	150 feet

7.6.5. Public/Commonly Owned Open Land

7.6.5.1. The DRB may require that the plat show one or more designated areas of character, size, shape, and location suitable to be used as community open land or park; such open land shall be at least 20 percent of the total area of the subdivision.

7.6.5.2. Such land shall be offered for dedication to the Town for park or conservation purposes or shall be dedicated to a community association or other entity, as herein provided. As a condition of approval of a plan of development which includes community open land, the applicant shall provide for a non-profit community association or cooperative, organized under the laws of the State of Vermont, composed of all present and future owners of lots in such subdivision or project. Each dwelling unit shall be entitled to one vote, to be cast by the owner thereof, and membership shall be mandatory for all owners of dwelling units. Each owner shall be liable for his proportionate share of assessments for maintenance, upkeep, and other cost of operations, on the basis of their

respective assessed valuations in the grand list of the Town. The open land and other properties and facilities of such association or cooperative shall be held for the benefit of the occupants of all dwellings therein. The charter of such association or cooperative shall be subject to the approval of the DRB.

7.6.5.3. Open land dedicated to the Town shall abut a public street or have direct access to a public street through a right-of-way dedicated to public use. Open land owned by a community association shall be freely accessible to all lot owners within the subdivision. Required rights-of-way shall not be included in any playground area, shall be at least 20 feet wide, and shall be constructed and maintained in a manner suitable for pedestrian or vehicular traffic, with maximum grade of 10 percent. When a property line of a subdivision abuts existing open land, the DRB may require the new public open land to form a continuation of the existing area to provide a single unified area.

7.6.6. Designated Open Land Privately Owned

7.6.6.1. Instead of requiring that designated open land be dedicated to the town or a community association, the DRB may approve an open space design that includes designated open land located on one or more individual privately owned lots. Such open land must be clearly depicted on the plat, include at least 20 percent of the total area of the subdivision, be of a *useable* character, size, and location consistent with the objectives of this section, and be approved by the DRB. Consideration shall be given to the creation of contiguous blocks of open space within the subject property and with open space on adjacent parcels.

7.6.6.2. To ensure that designated open land remains undeveloped, each lot shown on the plat as containing any portion of the designated open land shall include a building envelope. All primary and accessory structures shall be located within the building envelope and no portion of the building envelope shall lie within the designated open land.

7.6.6.3. An easement, deed restriction, or other appropriate legal vehicle in a form approved by the DRB, shall be applied to the designated open land on each lot containing said open land. Such easement or restriction shall provide for land conservation, agricultural use, recreational access, or other purpose deemed appropriate by the DRB.

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7.6.6.4. The DRB ~~may~~ *shall* require that provision be made to ensure that designated open land be accessible to all lot owners within the subdivision. The DRB also may require, when a property line of the subdivision abuts existing open land, that the newly designated open land be contiguous to the existing open land.