

# Application for Neighborhood Development Area (NDA) Designation

Vermont Downtown Development Act

[24 V.S.A. Chapter 76A § 2793e](#)

**Municipality:** Town of Berlin

**Application Preparer:** Brandy Saxton, AICP

**Date:** 10 June 2022

**Staff Review:** Jake Hemmerick

**Downtown Board Meeting:** September 26, 2022

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| ✓   | <b>Application Overview</b> (see <a href="#">Application Guidelines</a> )         |
| ✓   | Cover Letter <b>ATTACHMENT A</b> and Selectboard Resolution <b>ATTACHMENT K</b>   |
| n/a | (Property Owner Application Only) Notification to Municipality of Intent to Apply |
| ✓   | Responses to Application Requirements below                                       |

Please complete the following form, checking the items that are completed and using a different type style or color to respond to the instructions provided in CAPS. Staff findings (the shaded column) are in draft form and will be finalized when reviewing the completed application.

| ✓ | <b>Application/ Designation Requirements &amp; Applicant Responses</b>   | DHCD Staff Findings  |
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| ✓ | <p><b>1. Confirmed planning process.</b> Municipality has 1) a duly adopted and unexpired plan, 2) a planning process that is confirmed in accordance with section <a href="#">4350</a> of this title, and 3) adopted bylaws and regulations in accordance with sections <a href="#">4414</a>, <a href="#">4418</a>, and <a href="#">4442</a> of Title 24 V.S.A.</p> <p><b>ATTACHMENT B.</b> Berlin’s planning process was most recently confirmed by CVRPC on 9 October 2018.</p> | <p>The applicant included a letter from RPC on confirmation status and current regulations are on-file with DHCD.</p>  |
| ✓ | <p><b>2. Preapplication meeting.</b> Applicant met with Department staff to review the program requirements and to discuss possible neighborhood development areas on</p> <p><b>DATE:</b> The applicant met formally with DHCD staff on 11 January 2019.</p>   | <p>A preapplication meeting with DHCD staff took place.</p>  |
| ✓ | <p><b>3. NDA location.</b> The proposed NDA is mapped within a neighborhood <u>planning area</u> or a designated growth center.</p> <p><b>ATTACHMENT C.</b> The proposed NDA is entirely within a neighborhood planning area.</p>  | <p>The proposed NDA and neighborhood planning area are identified on map and the NDA is limited to the <u>neighborhood planning area (growth center) boundary</u>, which extends <u>0.25 miles</u> from the exterior perimeter of the designated New Town or Village Center.</p> |
| ✓ | <p><b>4. Walking distance.</b> The proposed NDA consists of those portions of the neighborhood planning area that are generally within walking distance from the municipality's downtown, village center, or new town center designated under this chapter or from locations within the municipality's growth center designated under this chapter that are planned for higher density development.</p> <p><b>EXPLAIN:</b> 53% of the 105-acre proposed NDA is within the</p>      | <p>The proposed NDA is within a <u>10 minute walk</u> of the <u>designated center</u> and planned for higher density development.</p>  |

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| <p>designated new town center. The remaining land is within ¼ mile or a 5-minute walk of the designated new town center.</p>  |  |
| <p><b>5. Flood hazards.</b> The proposed NDA excludes river corridors, identified flood hazard, and fluvial erosion areas and consists of those portions of the neighborhood planning area that are appropriate for new and infill housing.</p> <p><b>EXPLAIN AND ATTACHMENT D.</b> The mapped hazard area along Airport Brook (west side of the Berlin Mall parcel) has been excluded from the proposed NDA.</p>   | <p>River corridor, flood hazard and fluvial erosion are identified on map and excluded from the NDA.</p>   |
| <p><b>6. Natural resources.</b> The proposed NDA balances local goals for future land use, the availability of land for housing within the neighborhood planning area, and smart growth principals to determine areas most suitable for infill housing by avoiding or minimizing to the extent feasible the inclusion of "important natural resources" as defined in 24 V.S.A. § <a href="#">2791(14)</a>. If an "important natural resource" is included within a proposed NDA, the applicant shall identify the resource, explain why the resource was included, describe any anticipated disturbance to such resource, and describe why the disturbance cannot be avoided or minimized.</p> <p><b>EXPLAIN AND MAP (IF APPLICABLE).</b> Important natural resources as defined in 24 V.S.A. § 2791(14) means headwaters, streams, shorelines, floodways, rare and irreplaceable natural areas, necessary wildlife habitat, wetlands, endangered species, productive forest lands, and primary agricultural soils, all of which are as defined in 10 V.S.A. Chapter 151. The Vermont Agency of Natural Resources has not identified and mapped any rare and irreplaceable natural areas or endangered species within or adjacent to the proposed NDA. Other important natural resources are found within the proposed NDA as described below.</p> <p><b>headwaters</b><br/>The Vermont Agency of Natural Resources has classified the entire watershed of the proposed NDA as a headwaters because it drains an area of 20 square miles or less. A review of recent Act 250 permits for properties within and adjacent to the land proposed for designation shows that the Agency of Natural Resources has not raised any significant concerns about impacts on water quality within the headwaters because projects have met state requirements for erosion control and stormwater management. The town's Land Use and Development Regulations also include erosion control provisions that apply to all development activities that will disturb soil (Section 3209) and stormwater management provisions that apply to all development creating impervious surface (Section 3210).</p> <p><b>streams, shorelines and floodways</b><br/><b>ATTACHMENT D</b> shows the surface water resources, and associated hazard areas, that the Agency of Natural Resources and the Federal Emergency Management Agency have identified and mapped in this area of Berlin. The boundaries of the proposed NDA have been</p> | <p>Important natural resources present in the proposed NDA are identified on map and include: statewide significant agricultural soils (but no prime agricultural soil), minimal steep slopes, minimized wetlands, and some habitat areas (but no known rare, threatened or endangered species) and the NDA boundary feasibly avoids and minimizes disturbance to the resources.</p> |

drawn to avoid those features. Further, the Town of Berlin has adopted flood hazard regulations in accordance with state and federal requirements. The town's Land Use and Development Regulations have established riparian setbacks and vegetated buffers from surface waters, as well as erosion control and stormwater management provisions for new development.

#### **necessary wildlife habitat**

**ATTACHMENT E.** The wooded land within the proposed designation is identified and mapped in the 2011 Vermont Habitat Blocks and Wildlife Corridors Analysis developed for the Vermont Fish and Wildlife Department, which ranks forest and other habitat blocks larger than 20 acres in size for their biological and conservation value. The wooded lands around the Berlin Mall received a low ranking of 2.35 (on scale of 1 to 10) for their ecological value through this analysis.

Beyond that remote sensing analysis, the Vermont Agency of Natural Resources has not identified and mapped any specific areas of necessary wildlife habitat within or adjacent to the proposed NDA based on field assessments. The long history of Act 250 permits for properties within and adjacent to the land proposed for designation shows that the Agency of Natural Resources has not raised any significant concerns about impacts on necessary wildlife habitat in the area (exclusive of wetlands as discussed below).

#### **wetlands**

As shown in **ATTACHMENT F**, there are a series of wetlands within and adjacent to the proposed NDA. The wetlands within the Berlin Town Center have been investigated repeatedly since construction of the Berlin Mall in 1985 as part of ongoing development activity. More than 35 years of accumulated documentation of these wetlands points to the influence of the built environment on the adjacent natural environment. The most recent delineations include:

- 2012 field delineation by VHB of Berlin Mall Outlot E (Kohl's site) that identified two wetlands:
  - Wetland 1 was described as an emergent wetland in a mowed field that appeared to have been unintentionally created as a result of previous site work leaving a broad depression without an outlet that collected runoff from the Berlin Mall Road. Wetland 1 was confirmed as a Class 3 wetland by ANR in 2013. It was directly impacted by construction of the Kohl's.
  - Wetland 2 was located along the property line and measured about an acre in area on the Berlin Mall side but continued to the south and east onto CVMC's adjoining property. This wetland contained a mix of vegetation community types. Wetland 2 was confirmed as a Class 2 wetland by ANR in 2013. It was noted that the wetland was infested with two invasive plant species, purple loosestrife and common

reed.

- 2014 field delineation by Dubois & King of the CVMC parcel on the south side of Fisher Road identified two wetlands. One was a small Class 3 wetland at the intersection of Route 62 and Fisher Road. The other was a Class 2 wetland along the shared property line with Berlin Mall (the continuation of Wetland 2 delineated in 2012 by VHB).
- 2016 field delineation by VHB of the previously mapped wetland between the Berlin Mall Road / mall parking lot and Route 62. This area was previously identified by Arrowwood Environmental in 2002. The edge of the wetland extended considerably further north and east when field delineated in 2016. This is also the wetland identified in testimony from ANR during the original Act 250 review for the mall in the early 1980s and described as a small cedar swamp essentially bounded by the 982' contour. The incremental expansion of this wetland in the intervening years points to the ongoing effects of stormwater runoff from the adjoining highway and developed land. ANR, while it first identified a wetland in this location in the early 1980s, has never included it on subsequent revisions to the Vermont Significant Wetlands Inventory Map.
- 2018 Gilman & Briggs Environmental delineated the extent of the wetland behind the Chestnut Place development site.
- 2018 Rose Environmental completed a field delineation of the Superior Development, LTD property on Paine Turnpike North. The area of study did not fully extend to the shared property line with Berlin Mall at the rear of the property so the presence/extent of any wetland along Airport Brook at that location is not currently verified.
- 2020 Watershed Consulting delineated wetlands on the Berlin Elementary School property and identified an additional wetland along the edge of the Route 62 right-of-way that appears to be associated with stormwater runoff.
- 2020 Milone & MacBroom completed field delineations as needed to fill in the gaps between recent delineations as part of the Berlin Town Center planning process.

The wetlands in the Berlin Town Center are largely located along common property boundaries. The Berlin Town Center initiative, with active participation by all involved property owners, creates a new opportunity for joint management of these resources and of the stormwater runoff that impacts and, in some instances, has created them. The Berlin Town Center partners are developing a coordinated plan for mitigating wetland impacts and managing stormwater. The wetlands map was created as part of that joint effort. Each property owner provided their most current delineation information and supported the effort to conduct additional field work to fill in the gaps between them.

As shown on the wetlands map, there are two prominent drainage

features in the vicinity of the Berlin Town Center. Pond Brook is the outlet of Berlin Pond and a tributary of the Stevens Branch. Airport Brook, which arises across Route 62 in the vicinity of the airport, flows to the west of the Berlin Mall property line and meets Pond Brook near the intersection of Paine Turnpike North and Fisher Road. Many of the mapped wetlands in and around the Berlin Town Center are associated with these two surface water features.

There is another wetland feature located between the Berlin Mall Road and Route 62. As shown on the slope map ([ATTACHMENT G](#)), drainage flows into this low area from the highway and surrounding developed uplands. It is understood that this feature has been significantly altered, if not created in its present form, by substantial changes to the surrounding landscape as a result of highway construction and development of the mall. The permitted filling and grading to create the development pad for the Berlin Mall in the 1980s disconnected this area from the Airport Brook – Pond Brook drainage network. A channel has formed to convey drainage within this area and that water enters the subsurface stormwater collection system for CVMC. CVMC’s collection system discharges to a small stream north of the hospital that flows a short distance and then enters the dewatering system for the extraction business that adjoins the hospital property. Another small stream flows out from the pit and then passes through a series of conveyance systems associated with transportation infrastructure and development in the Route 302 corridor before ultimately being discharged to the Stevens Branch.

The Town of Berlin recognizes the ecological value of the wetlands associated with Pond Brook and Airport Brook, and their potential contribution to protecting and improving water quality in our region. We see an opportunity to further enhance and expand that higher value wetland complex as part of an off-site mitigation approach that would allow for some impacts to the lower value wetland between Berlin Mall Road and Route 62. We anticipate improving the health and function of remaining isolated wetlands within the Berlin Town Center through a cooperative effort between the property owners to improve stormwater treatment and snow storage practices and to remove invasive species.

#### **forest lands and agricultural soils**

As shown in [ATTACHMENT H](#), most of the land within the proposed NDA is mapped and classified by the Natural Resource Conservation Service as either agricultural soils of statewide importance or of statewide importance if drained (b).

The original Act 250 permit for the Berlin Mall (5W0584) found that while a portion of the proposed development would be located on primary agricultural soils, the agricultural potential of those soils would not be significantly reduced because the soils were poorly drained and not readily usable for an agricultural operation. This finding has been carried forward to all subsequent development on

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| <p>that original tract.</p> <p>The proposed NDA would be associated with a New Town Center created after January 1, 2014. Under current statutory provisions, any future development on land not part of the original mall tract that would be subject to Act 250 jurisdiction would still be required to mitigate any loss of primary agricultural soils on-site unless the applicant could meet the standard requirements for mitigation flexibility.</p> <p>None of the land within the proposed NDA has a reasonable potential for commercial forestry. A review of Act 250 permits for properties within and adjacent to the land proposed for designation shows no findings related to impacts on forest lands.</p>  |   |
| <p>✓ <b>7. Complete streets.</b></p> <p>(B) The proposed NDA is served by planned or existing transportation infrastructure that conforms with "complete streets" principles as described under <a href="#">19 V.S.A. § 309d</a> and establishes pedestrian access directly to the downtown, village center, or new town center.</p> <p><b>EXPLAIN:</b> As demonstrated in the Complete Streets Checklist below, the proposed NDA is served by existing or planned transportation infrastructure that conforms with complete streets principles.</p> <p>The Town of Berlin has secured two grants from VTrans to support improved pedestrian access within the Berlin Town Center. One is funding a road diet plan for Fisher Road that is anticipated to include plans for sidewalks and other bike-ped facilities within the corridor. The other grant is funding a scoping for the planned multi-use path connecting Chestnut Place and Fox Run to the Berlin Mall, the Berlin Elementary School, CVMC and other destinations within and around the Berlin Town Center.</p>   | <p>The proposed NDA is served by some existing sidewalks, some planned pedestrian connections (as shown on the official map), and some pedestrian amenities would be required through permitting. <b>No connection is shown as planned between the neighborhood development areas east and west sections and may not be established through development review or capital planning.</b></p> |
| <p>✓ <b>8. Historic resources.</b></p> <p>(C) The proposed NDA is compatible with and will reinforce the character of adjacent National Register Historic Districts, national or State register historic sites, and other significant cultural and natural resources identified by local or State government.</p> <p><b>EXPLAIN AND MAP (IF APPLICABLE).</b> There are no historic structures or sites listed on the State or National Registers of Historic Places located within the proposed NDA. There are no adjacent National Register Historic Districts, national or state register historic sites, and other significant cultural resources that would be affected by the proposed NDA designation. The record shows 50 years of opinions from the Vermont Division for Historic Preservation submitted in conjunction with Act 250 applications that proposed development in this area of Berlin will not impact archaeological or historic resources. The nearest historic districts and sites are located:</p> <ul style="list-style-type: none"> <li>• At Berlin Four Corners (intersection of Paine Turnpike North,</li> </ul> | <p>Historic resources within the proposed NDA are not identified on the application's map because none are known, and the municipal plan includes a statement of policy on the preservation of historic resources.</p>  |

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|   | <p>Comstock Road and Crosstown Road), which is on the opposite side of Route 62 and more than half a mile from the area proposed for designation; and</p> <ul style="list-style-type: none"> <li>At the Knapp State Airport, which is also on the opposite side of Route 62 and about half a mile from the area proposed for designation. The resources within that historic district are under state control as part of the airport facility.</li> </ul>  |   |
| ✓ | <p><b>9. Wastewater system.</b> The proposed NDA is served by municipal sewer infrastructure.<br/> <b>ATTACHMENT I – SEWER ORDINANCE</b></p>   | <p><u>Municipal wastewater infrastructure</u> serves or will serve the proposed NDA, and this standard was removed by Act 182 of 2021-2022.</p>   |
| ✓ | <p><b>10. Residential densities.</b> The municipal bylaws allow minimum net residential densities (densities allowed through the base zoning, not through PUDs or bonuses) within the NDA greater than or equal to four single-family detached dwelling units per acre, exclusive of accessory dwelling units, or no fewer than the average existing density of the surrounding neighborhood, whichever is greater. See the methodology for calculating density on page 10 of the <a href="#">NDA Application Guide</a>. Regulations that adequately regulate the physical form and scale of development may be used to demonstrate compliance with this requirement.</p> <p><b>EXPLAIN AND COMPLETE CHART BELOW FOR ZONING DISTRICTS IN PROPOSED NDA.</b> The proposed NDA is entirely within the Town Center zoning district, which does not impose a maximum residential density.</p> | <p>Residential uses allowed within the NTC include multi-family, congregate, and assisted living (2101B). Although min. lot sizes are larger than a quarter acre, the district does not allow single family dwellings as a permitted use, ensuring a min. density above 10,000 s.f. per unit – unless approved as a conditional use. This a density greater than the adjacent densities.</p>  |
|   | <p><b>NAME ZONING DISTRICT(S) &amp; RESIDENTIAL DENSITY ALLOWED</b></p>  |   |
|   | <p>Town Center</p>   | <p>No maximum density imposed</p>   |
| ✓ | <p><b>11. Energy conservation.</b> Residents hold a right to utilize household energy conserving devices (such as clotheslines).</p> <p><b>EXPLAIN.</b> Berlin complies with 24 V.S.A. § 2291a and does not impose any restrictions on residents’ right to utilize household energy conserving devices.</p>  | <p>Municipality’s regulations do not prohibit energy saving devices.</p>  |
| ✓ | <p><b>12. Design guidelines.</b> Local bylaws, regulations, and policies applicable to the NDA substantially conform to the neighborhood design guidelines developed by the Department. <b>COMPLETE CHECKLIST BELOW AND REPORT ON SCORES</b> (8 of 10 criteria in each category must be met to qualify for NDA):</p> <p>Complete Streets: 10 of 10<br/> Building and Lot Patterns: 10 of 10</p>  | <p>9 of 10 complete street policies and 9 of 10 pattern policies ensure that all investments contribute to a built environment that enhances the existing neighborhood character and supports pedestrian use; ensure sufficient residential density and building heights; minimize the required lot sizes, setbacks, and parking and street widths; and require conformance with "complete streets" principles, street and pedestrian connectivity, and street trees.</p> |

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| ✓ | <p><b>13. Maps.</b> The application includes <b>ATTACHED</b> map or maps that, at a minimum, identify:</p> <p>(A) "important natural resources" as defined in <a href="#">24 V.S.A. § 2791(14)</a>;</p> <p><b>ATTACHMENTS D, E, F and H</b></p> | <p>Maps identifying the proposed NDA boundary and each element are attached.</p>            |
|   | <p>(B) existing slopes of 25 percent or steeper;</p> <p><b>ATTACHMENT G</b></p>   |   |
|   | <p>(C) public facilities, including public buildings, public spaces, sewer or water services, roads, sidewalks, paths, transit, parking areas, parks, and schools;</p> <p><b>ATTACHMENT J</b></p>   |   |
|   | <p>(D) planned public facilities, roads, or private development that is permitted but not built;</p> <p><b>ATTACHMENT J</b></p>   |   |
|   | <p>(E) National Register Historic Districts, national or State register historic sites, and other significant cultural and natural resources identified by local or State government;</p> <p><b>N/A</b></p>                                     |   |
|   | <p>(F) designated downtown, village center, new town center, or growth center boundaries as approved under this chapter and their associated neighborhood planning area in accordance with this section; and</p> <p><b>ATTACHMENT C</b></p>     |   |
|   | <p>(G) delineated areas of land appropriate for residential development and redevelopment under the requirements of this section.</p> <p><b>ATTACHMENT C</b></p>  |   |
| ✓ | <p><b>14. Completeness.</b> The application includes the information and analysis required by the Application Guide.</p>  | <p>The application is complete and includes the information required by the guidelines.</p> |



## Neighborhood Design Checklists

Please fill in the right column with information about the municipal plans, policies and regulations that address the 10 guidelines for promoting good neighborhood design in each of the two required checklists. DHCD will total the number of positive (Y) responses for the score at the bottom of the checklist.

| Complete Streets Guidelines  | Provisions Adopted by the Municipality? |   |
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|  | Y/N                                     | Cite and link to local plan, regulation, or policy. Note how regulations apply (e.g. all development, district-specific, site plan, and/or subdivision).  |
| 1. Require that provisions be made for the extension of the street and pedestrian network into existing streets and adjacent, undeveloped land.  | Y                                       | <p>LUDRs 3203.B(5). Applicant must provide for shared access whenever physically feasible. DRB may require an easement for or construction of common access drives as a condition of approval. [Site plan approval]</p> <p>LUDRs 3203.B(6). Applicant must provide for cross access whenever physically feasible. DRB may require an easement for or construction of common access drives as a condition of approval. [Site plan approval]</p> <p>LUDRs 3505.A(2). New roads must be integrated into the town's existing road network and must be designed with rights-of-way that extend to the parcel boundaries. [Subdivision and PUD approval]</p>  |
| 2. Existing or planned pedestrian facilities (such as sidewalks/paths) service the proposed NDA. Planned facilities are identified in the municipal plan, official map, other planning document or the capital budget and program. | N                                       | Pedestrian facilities exist and are planned in the NDA as shown on the Official Map including sidewalks and a multi-use path.   |
| 3. Require sidewalks or pedestrian facilities for new development, both connecting to buildings on-site and to off-site pedestrian facilities.   | Y                                       | <p>LUDRs 2101.E. New or reconstructed streets in the Town Center zoning district must include sidewalks or a multi-use path. [Zoning district standard]</p> <p>LUDRs 3203.E(1). Sidewalks are required along the road frontage in the Town Center district. [Site plan approval]</p> <p>LUDRs 3203.E(2). Internal pedestrian walkways must connect public sidewalks, transit stops, crosswalks, building entrances, parking areas and community spaces. [Site plan approval]</p> <p>LUDRs 3203.E(3). Parking lots with more than 40 spaces must have designated walkways that separate pedestrian and vehicular traffic. [Site plan approval]</p> <p>LUDRs 3505.B. Sidewalks are required along new roads in the Town Center district. [Subdivision and PUD approval]</p> |
| 4. Have plans or regulations in place that address the need for bike facilities (such as bike paths and lanes or multi-use paths) where appropriate.   | Y                                       | The Official Map includes a planned multi-use path through the Berlin Town Center connecting to the Berlin Elementary School, and crossing Route 62 to travel to Berlin Pond (a popular walking and biking  |

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|   |          | <p>destination). The Town of Berlin is currently undertaking a scoping study to advance plans for the multi-use path.</p> <p>LUDRs 2101.E. Includes a specification for a multi-use path and allows for provision of a multi-use path in place of a sidewalk for some street types. [Zoning district standard]</p> <p>LUDRs 3203.D(1). Bike racks are required within any parking lot with more than 20 vehicular spaces. [Site plan approval]</p> <p>LUDRs 3203.D(2). DRB may require bike lanes or paths. [Site plan approval]</p>   |
| <p>5. Require street trees, lighting and green strips along streets for new developments.</p>   | <p>Y</p> | <p>LUDRs 3204.C. Professionally prepared landscape plan required within the Town Center district for all development subject to major site plan approval.</p> <p>LUDRs 3204.F. Street trees are required within the Town Center district for all development subject to major site plan approval. One large or medium street tree is required per 50 feet of road frontage.</p> <p>LUDRs 3204.G. Front yard landscaping is required within the Town Center district for all development subject to major site plan approval consisting of at least 1 shrub for each 10 feet and 1 medium or small tree for each 50 feet of lot frontage.</p> <p>LUDRs 3505.A(7). Street lights are required on new streets where necessary for safety and security, and encouraged at intersections, crosswalks and high-traffic areas. [Subdivision and PUD approval]</p> |
| <p>6. Require new streets to be as narrow as possible (such as having specifications for travel lanes that are 11 feet wide or narrower).</p> | <p>Y</p> | <p>LUDRs 2101.E. Sets travel lane width at 10-11 feet for new or reconstructed streets in the Town Center zoning district.</p> <p>LUDRs 3203.B. Vehicular access must conform to VTrans B-71 Standards for Residential and Commercial Drives. [Site plan approval]</p> <p>LUDRs 3505.A(5). New roads must be designed and constructed in conformance with the Town of Berlin Roadway Standards. [Subdivision and PUD approval]</p>   |
| <p>7. Regulate and minimize (1,000 feet or less) the length of cul-de-sacs or blocks</p>  | <p>Y</p> | <p>LUDRs 3505.A(3). Cul-de-sacs/dead-end roads are prohibited with exemptions for: (a) street stubs to permit future extension of road to adjacent development; (b) topography or physical constraints; (c) sites abutting limited access highways or existing development where through connections are not possible; and (d) to serve not more than 6 lots or 12 dwelling units. [Subdivision and PUD approval]</p>  |

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| 8. Require utilities to be placed underground in new developments.   | Y    | LUDRs 3204.J(4). Utilities must be placed underground whenever physically feasible. [Site plan approval]<br><br>LUDRs 3204.J(7). Provides standards for designing, locating and screening mechanical equipment and utilities that will be visible from public vantage points. [Site plan approval]   |
| 9. Minimize the required off-street parking spaces. (Requiring two or more off street parking spaces per residential unit is excessive.) | Y    | LUDRs Fig. 3-02. Minimum parking requirements: 1.0 space per dwelling (less for senior housing); and 1 space per 300 to 900 sf of gross floor area for commercial uses depending on level of customer traffic. [applies to all development]<br><br>LUDRs 3202.B(2). DRB may reduce or eliminate off-street parking based on: (a) demand met by shared or off-site parking; (b) availability of on-street parking along the lot frontage; and (c) proximity to public parking or transit. [Site plan approval]<br><br>LUDRs 3202.C. Applicants seeking to build more than twice the minimum parking requirement must submit a professionally prepared parking study demonstrating the additional parking is necessary. [Site plan approval]<br><br>LUDRs 3202.E. DRB may approve shared or off-site parking. [Site plan approval] |
| 10. Allow for on-street parking.   | Y    | LUDRs 2101.E. Allows for on-street parking in the Town Center zoning district and requires it within the designated New Town Center. [zoning district standard]  |
| <b>TOTAL SCORE (Min 8/10)</b>  | 9/10 | Number of YES responses (completed by DHCD staff)  |

| <b>Building and Lot Patterns Guidelines</b>  | <b>Provision Adopted by Municipality?</b> |   |
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|  | Y/N                                       | Cite and link to local plan, regulation, or policy. Note how regulations apply (e.g. all development, district-specific, site plan, and/or subdivision).  |
| 1. Allow for a mix of housing opportunities (multi-family, duplex, and single-family, etc.) throughout the NDA.  | Y   | LUDRs 2101.B. Multi-unit dwellings are a permitted use in the Town Center zoning district. Single- and two- unit dwellings are allowed, but with conditional use approval to ensure that they would be compatible with the planned character of the area. The desired form of development within the Town Center district is mixed-use and multi-unit buildings not single-unit homes. [zoning district standard]                                       |
| 2. Allow for small minimum lot sizes, requiring no more than ¼ acre per lot, or sizes similar to the existing small lot sizes in the area if less than ¼ acre. | N   | LUDRs 2101.D. Establishes the minimum lot size in the Town Center zoning district based on the type of street a lot would front on. The minimum lot size ranges from 6,000 to 20,000 square feet. There are not existing small lots within the Town Center district. Very small lots would not be appropriate within the Town Center district given the envisioned form of development (mixed-use and multi-unit buildings). [zoning district standard] |

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| 3. Allow for the adaptive re-use of single family residential buildings to multi-family units   | Y | There are no single-unit residential buildings within the Town Center zoning district.   |
| 4. Allow for infill development by minimizing dimensional requirements (whether traditional: lot size, frontage, lot coverage, etc. or form based: building form standards, frontage type standards, etc.).   | Y | LUDRs 2101.D. The form-based Town Center district is crafted to accommodate infill development. Dimensional standards range based on street type with minimum lot widths of 30-90 feet and maximum lot coverages of 90-100%. [zoning district standard]  |
| 5. Allow for building heights that enable diverse housing options (at least 3 functional floors).   | Y | LUDRs 2101.D. The form-based Town Center district allows for a maximum building height of 60 feet, which will accommodate buildings in excess of three stories. [zoning district standard]   |
| 6. Require traditional neighborhood design by minimizing building setbacks (conforming to existing building lines if appropriate) or establishing maximum setbacks to prevent new development from being disconnected from the street.                            | Y | <p>LUDRs 2101.D. The form-based Town Center district establishes front setbacks, build-to-lines and primary street facade standards in the Town Center zoning district based on the type of street a lot would front on. Front setbacks range between 0-10 feet, and side/rear setbacks are set at 10 feet. [zoning district standard]</p> <p>There is no existing building line within the Town Center district to follow. The proposed setbacks and build-to lines allow buildings to be brought forward to the street while leaving room for the site elements that contribute to a pleasant pedestrian realm such as wide sidewalks, outdoor seating or display areas, street trees and landscaping. Recognizing that much of the infill development will be residential, shallow front yards can offer privacy for first floor residents and create a more pleasant living environment.</p> |
| 7. Include provisions that ensure vehicles are not the dominant element facing a street, such as garages that are set back from the front wall of houses, multi-car parking or structured parking entrances that are setback or to the side or rear of buildings. | Y | <p>LUDRs 2101.F(3). Requires vehicle and service entrances/areas to be located to the side or rear of the building in the Town Center zoning district. [zoning district standard]</p> <p>LUDRs 3202.F(3). Loading areas and service entrances must be located to the side or rear of the building. [Site plan approval]</p>  |
| 8. Building design and landscaping requirements for building and landscape design that create spaces for pedestrians, such as buildings and trees lining a sidewalk or a green surrounded by buildings.   | Y | See responses in the Complete Streets checklist.   |
| 9. Include provisions that encourage primary building facades to be oriented to the street (such as requiring primary entrances face the street).   | Y | LUDRs 2101.F. Requires new or renovated buildings to be oriented to the street with at least one primary entrance facing and accessible from the street in the Town Center zoning district. [zoning district standard]   |
| 10. Have provisions that minimize curb cuts and reduce their frequency, or other access management provisions that favor pedestrians.   | Y | LUDRs 3203.B(2). Limits lots to one curb cut unless otherwise approved by the DRB to: (a) respond to unique physical conditions on the property; (b) provide adequate emergency access; or (c) provide adequate traffic circulation. [Site plan approval]  |

|                               |      |   |
|-------------------------------|------|---|
|                               |      | <p>LUDRs 3203.B(11). DRB may require retrofit of previously developed site with nonconforming vehicular access to include eliminating uncontrolled access, reducing the width of existing curb cuts, reducing the number of curb cuts, and/or creating cross access. [Site plan approval]</p> <p>LUDRs 3203.E. Curb ramps and crosswalks are required to connect sidewalks across intersections and driveways. [Site plan approval]</p> |
| <b>TOTAL SCORE (Min 8/10)</b> | 9/10 | Number of YES responses (completed by DHCD staff)   |