

Memorandum

To: Hardwick Planning Commission
From: Heather Carrington, CCDS
Date: May 4, 2023
Re: Hardwick Bylaw Modernization

Purpose

The purpose of this memo is to provide an overview of topics on the agenda for the May 9th, 2023 meeting of the Hardwick Planning Commission. The consultant will be in attendance to:

- present a proposed work plan for the coming months,
- provide an update on stakeholder interviews thus far, and
- facilitate a discussion comparing the Hardwick Zoning Bylaw regulations for the Central Business District with the state recommendations contained in the Zoning for Great Neighborhoods publication.

Review and Approve/Amend Work Plan

The consultant proposal for services identifies the phases of the overall bylaw modernization work. Currently, we are in the inventory and analysis phase which involves the following tasks:

1. Kick-off Meeting with Town Staff and Planning Commission
2. Site visits: Hardwick Downtown & East Hardwick Village
3. Stakeholder interviews and/or focus groups
4. Review of Existing Planning Documents
5. Review existing unified development bylaws
6. Identify potential gaps in bylaw alignment with Zoning for Great Neighborhoods
7. Hold initial public engagement meetings (2 of the 4 meetings)
8. Present inventory and analysis findings to Selectboard

While some of these activities are presently being completed independently by the consultant, the Planning Commission will play a central role in the review of the existing bylaws and the identification of discrepancies between the Hardwick regulations and the state recommendations contained in the Zoning for Great Neighborhoods publication. The Planning Commission will also be involved in the public engagement meetings. The attached 6-month work plan provides a proposed roadmap for the specific tasks that will be undertaken by the Planning Commission in the coming months.

The scope of this project is targeted to bylaw amendments to increase housing options in designated smart growth areas, which include the Hardwick Designated Downtown and the East Hardwick Village Center. Within these areas, there are four zoning districts. The work plan delineates a schedule for examining the regulations for one district per planning commission meeting over the next four months, with a separate meeting to discuss the Hardwick development review and permitting process. In addition, two public engagement meetings will be planned and held over the course of the summer.

Key Stakeholder Interviews: Update

Key stakeholders were identified and contacted by Kristen Leahy, Hardwick's Zoning Administrator. The consultant has conducted five key stakeholders thus far, with stakeholders ranging from individuals constructing a single ADU to large-scale landlords with many multi-unit properties in Hardwick. The interview results have been remarkably consistent, with similar comments about the barriers to development being required parking minimums and density limits. Stakeholders have universally identified the Zoning Administrator as an excellent resource who makes the process and the zoning requirements very accessible and clear. The Town staff has overall been regarded as exceptionally helpful and a strong ally to housing development, with a "get to yes" attitude in finding ways to make a proposed project work within the regulations.

The stakeholders have been consistent in identifying the state permitting process (Act 250) as a major barrier to desired housing development. While this does not fall under the purview of the Hardwick Planning Commission, there is clear need for further advocacy for exempting designated downtowns in municipalities with zoning bylaws and a professional permitting process from the duplicative Act 250 process. In addition, the stakeholders nearly universally referred to the required parking minimum per housing unit as a barrier. Zoning density restrictions and the requirement for Development Review Board approval for housing as a conditional use were also identified as barriers to housing development.

Key stakeholder interviews will continue in May, with several being held for later in the process to solicit feedback on proposed bylaw amendments.

Central Business District Regulations Comparison with Zoning for Great Neighborhoods (Z4GN)

The Planning Commission packet contains a table comparing the recommended bylaw reforms in the Z4GN document with the existing Hardwick regulations for the Central Business District. Each of the recommendations under the six major topics of reform are compared and areas that are not in alignment with the recommendations are highlighted. Areas that are partially aligned but have room for improvement are not highlighted but will be discussed at the meeting. The consultant will provide an overview of findings during the discussion.

The following components of the Central Business District regulations are opportunities for reform to better align with the Z4GN publication:

Dimensional Requirements:

1. Match minimum lot size to local pattern

"Most Vermont municipalities have applied rural or suburban lot standards onto older neighborhoods that have different characteristics, or where walkability is a goal. This can significantly limit the rights of lot owners to improve or enlarge buildings or to make changes such as adding more housing. Bylaws should be amended to either eliminate minimum lot sizes or to ensure that existing lot sizes in a zoning district become the basis for the minimum lot sizes for that district. This would not require land to be rezoned except where a single zoning district with rural or suburban standards has been applied to land with very different existing characteristics." (Z4GN)

2. *Reexamine non-conforming provisions*

“Municipalities with regulations that do not match the existing built pattern typically adopt “nonconforming” provisions to protect the rights of owners whose lots have been deemed substandard. However, zoning language for non-conformities often adds onerous review processes or makes upgrades and building expansion difficult or impossible. If the nonconformity exists only because the regulations have not yet been synced with the historic pattern, those penalties should not apply. It is a best practice to align the dimensional standards in a zoning district with the historic lot and building patterns.” (Z4GN)

3. *Consider supplementing minimum front setbacks with maximum front setbacks.*

“Dimensional standards generally include minimum setbacks (the distance between a building and the lot line). In downtowns and nearby walkable neighborhoods, adding maximum front setbacks, essentially creating “build-to zones,” can be equally important. For instance, in downtowns, most buildings should be built at or very close to the sidewalk; this relationship could be expressed as setbacks within a range from 0 to 5 feet. In nearby neighborhoods, front setbacks could be expressed within a range from 5 to 25 feet. Ensuring that building facades sit within a minimum distance from the street helps create the feeling of an “outdoor room” in the public realm and provides more room to hide parking and private outdoor spaces behind buildings.” (Z4GN)

4. *Add character-based frontage requirements.*

“When buildings are placed closer to the street and to each other, the way buildings relate to the street becomes more important. Standards can be defined to regulate how buildings should meet the street, including requiring functional sidewalk-facing entries and restricting blank walls on the front of buildings. A desirable further step can be to require a minimum percentage of glazing (transparent glass) on the front of nonresidential buildings.” (Z4GN)

Parking:

5. *Reduce the number of on-site parking spaces required.*

“Minimum parking requirements in bylaws are rarely determined by a study of actual need. For newly constructed buildings, the required number of parking spaces is usually considerably greater than the actual demand. Smaller multi-family dwellings can be nearly impossible to construct affordably when excessive parking is required. Minimum parking requirements for housing should rarely be higher than one on-site space per dwelling. If on-street or other sources of shared parking are available, even less parking can be required. Individual owners can choose to provide additional parking on their lots.” (Z4GN)

6. *Allow on-street parking spaces to count towards parking requirements.*

“Particularly in town and village centers, on-street parking spaces may be available. One way to provide flexibility for infill development and changes of use is to allow property owners to count the adjacent on-street parking spaces towards their on-site parking requirement.” (Z4GN)

7. *Require that new parking spaces be placed behind buildings.*

“Walkable neighborhoods are characterized by highly visible entrances and other active areas of homes. New homes sometimes have large garages that dominate the façade of the house, removing activity from the sidewalk and eyes on the street. To address this concern, bylaws can require that parking areas be located completely behind buildings, or be set back at least 20 feet beyond the front facade.” (Z4GN)

8. *Eliminate parking minimums.*

“In recent years, many towns and cities have begun to accept that parking minimums have not been an effective tool, either in accurately predicting parking need or in successfully producing great places. In most cases, lenders and tenants will demand a minimum number of parking spaces. Municipalities should focus on where that parking is located, not how much parking there should be. To address this, minimum parking requirements can be eliminated entirely, or at least eliminated for smaller parcels.” (Z4GN)

Allowable Uses:

9. *Eliminate unnecessary use restrictions on housing.*

“Expanded housing choices are often inadvertently discouraged or even forbidden by zoning regulations that allow only a single family home on a lot, or that put multiple restrictions on any other housing types, such as allowing them only as discretionary “conditional uses” or by shunting them into complex review processes that were designed for larger development projects. Unnecessary use restrictions are a major impediment to housing affordability and can run afoul of legal restrictions against regulating by type of ownership (rentals vs. condominiums vs. fee-simple ownership) or discriminating by source of income. All zoning regulations should be examined to determine which use restrictions are legal and important to a community and which should be refined or eliminated.” (Z4GN)

Street Standards:

10. *Implement complete streets standards.*

“A safe and comfortable walking and biking environment has the side benefit of increasing affordability for anyone who can reach their jobs and daily needs without a car. Many municipalities have adopted complete street principles to support pedestrians and cyclists, but have yet to follow through with meaningful investments and street management. This step is as important as the regulatory changes recommended above. See the VTrans Complete Streets Guidance.” (Z4GN)

ADUs:

Zoning meets guiding recommendations. There is room for further pro-active improvement if desired.

Development Review Process:

11. Reduce requirements for conditional-use approval and site plan review.

“Expanded housing choices are often inadvertently discouraged by complicated review processes. Excessive requirements often exist for even the smallest increments of new housing, such as conditional-use approval or discretionary site plan reviews, processes that were originally intended to inhibit potentially undesirable projects. More uses should be allowed “by right” (without subjective review processes); examples include additional housing types in walkable neighborhoods and desirable amenities in town centers, such as multi-family housing, restaurants, and shops.” (Z4GN)

12. Simplify application requirements for small-scale development.

“Regulations should eliminate unnecessary application requirements. For instance, an application to add an apartment or accessory dwelling on an existing lot should not require the same detailed engineering drawings as a new commercial building with a paved parking lot.” (Z4GN)

13. Where practical, make staff responsible for site plan review.

“Site plan review is generally a technical matter, resulting in an administrative decision, within the allowances of 24 V.S.A. 4464 (c). If a qualified staff member is available to conduct a site plan review, the review can be completed more quickly and an applicant can get clear direction about how deficiencies can be remedied. Assigning this responsibility to staff reduces the chances that subjective opinions will influence an administrative review process.” (Z4GN)