

**Memorandum**

**To:** Hardwick Planning Commission  
**From:** Heather Carrington, CCDS  
**Date:** August 3, 2023  
**Re:** Hardwick Bylaw Modernization

**Purpose**

The purpose of this memo is to provide an overview of topics on the agenda for the August 8<sup>th</sup>, 2023 meeting of the Hardwick Planning Commission. The consultant will be in attendance to:

- Facilitate a discussion comparing the Hardwick Zoning Bylaw regulations for the Compact Residential District with the state recommendations contained in the Zoning for Great Neighborhoods publication and the new requirements of the Vermont HOME Act.
- Present requested data regarding “natural breaks” in lot size for the Village Neighborhood district and associated alternatives for changes to the regulations,
- Present an overview of the decision points and alternatives for proposed amendments to the Highway Mixed Use land use regulations, and
- Discuss approach to community engagement meeting #1 to be held in late September.

**Compact Residential 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 compact residential 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. In addition, the new HOME Act statutory requirements are considered. Notes with recommendations and topics for further discussion are included in the final column of the spreadsheet. The consultant will provide an overview of the findings during the discussion.

The following components of the village neighborhood district regulations are opportunities for reform to better align with the Z4GN publication and/or required changes to meet Vermont statute:

***Dimensional Requirements:***

1. *Match minimum lot size to local pattern*

Compact Residential District	
Minimum Lot Size – Class 1	10,000 square feet
Minimum Lot Size – Class 2	20,000 square feet
Minimum Lot Size – Class 3	30,000 square feet

The minimum lot size in the compact residential district varies based on parcel class. Class 1 parcels, which are served by both municipal water and sewer, must be a minimum of 10,000

sf. Class 2 parcels are served by either municipal water or sewer and must be at least 20,000 sf. A 30,000 sf minimum lot size is required for Class 3 parcels, defined as parcels served by neither municipal water nor sewer.

Class 1 – The consultant spoke with the zoning administrator who identified only one parcel as Class 1 in this district: 92 Hastings Lane. This parcel meets the minimum lot size.

Class 2 – East Hardwick parcels qualify as Class 2, as do a portion of the parcels in the compact residential district to the south of Hardwick village. 83 of 182 Class 2 parcels do not meet minimum lot size (46%).

Class 3 – The Bunker Hill section of the district and the area to the north of the village are Class 3. In addition, a number of the parcels south of the village are Class 3. 51 of 185 Class 3 parcels do not meet minimum lot size standards (28%). 24 of these are under 5,000 sf.

There are substantial existing non-conformities to Class 2 and Class 3 minimum lot size in this district. Shifting the minimum lot size to better align with existing conditions may be an option to consider. The HOME Act only applies to districts with both municipal water and sewer services, which does not apply to the Class 2 and 3 parcels in this district. Therefore, a reduction to minimum lot sizes in these classes would not have implications for the allowance of multi-family dwelling units required under state statute. This district does not have density cap requirements.

#### Class 1

Currently meets dimensional standards. The Planning Commission may wish to reduce the minimum lot size proportionately with any proposed changes to the Class 2 and 3 standards.

#### Class 2

Alternatives:

- a. Reduce minimum lot size to 15,000 sf to meet 59% parcel conformity.
- b. Reduce minimum lot size to 10,000 sf to meet 68% parcel conformity.
- c. Reduce minimum lot size to 5,000 sf to meet 75% parcel conformity.
- d. Take no action.

#### Class 3

Alternatives:

- e. Reduce minimum lot size to 20,000 sf to meet 78% parcel conformity.
- f. Reduce minimum lot size to 10,000 sf to meet 86% parcel conformity.
- g. Reduce minimum lot size to 4,000 sf to meet 90% parcel conformity.
- h. Take no action.

## 2. *Building Heights*

As discussed at the July meeting, language to allow for affordable housing developments to exceed maximum height requirements by one floor will need to be added to the bylaw (Section 3.7) as required by the HOME Act.

## 3. *Remove Requirements that Forbid a Second Building on Lot*

The current regulations allow some limited flexibility on second buildings on lots as discussed at the June and July meetings. Class 1 parcels are the only parcels that would fall under the requirements of the HOME Act, and there is only one parcel that falls into Class 1. However, it may be worthwhile to consider changes to Class 2 and/or 3 parcels to allow more flexibility for housing development.

### **Parking:**

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

This is another required change to the bylaw. The HOME Act specifies that, “In any district that is served by municipal sewer and water infrastructure that allows residential uses, a municipality shall not require more than one parking space per dwelling unit.” This only applies to one parcel in the compact residential district, but the planning commission has several alternatives for addressing minimum parking requirements. Per previous planning commission discussions, the guidance has been to set parking requirements to 1 space per dwelling unit on Class 1 parcels. The following alternatives reflect options presented for previous districts with an adjusted option (under c) to address residential parking regardless of parcel class:

### Alternatives:

- a. Remove minimum parking requirements for residential uses.
- b. Set the parking per residential unit requirement at 1 space per dwelling unit on Class 1 parcels in compliance with the new state regulations.
- c. Set the parking per residential unit rate at 1 space per dwelling for all residential units regardless of parcel class to maintain consistency, clarity and ease of permitting.
- d. Establish parking waiver provisions for certain circumstances, such as development of desired housing types or affordable housing.
- e. No action is not an option under the HOME Act.

### **Allowable Uses:**

## 5. *Eliminate unnecessary use restrictions on housing.*

The compact residential district lists multi-family dwellings as conditional uses. Per Vermont statute under the Home Act, “In any district that is served by municipal sewer and water infrastructure that allows residential development, multiunit dwellings with four or fewer units shall be a permitted use.” This only applies to the Class 1 parcels in the district and there only

appears to be one Class 1 parcel. The language should be amended to add multi-family dwellings up to four units as an allowable use on Class 1 parcels. Multi-family dwellings could be added as an allowable use on Class 2 and 3 parcels should the planning commission desire to make more parcels available for more dense housing. The planning commission has the option of specifying multi-family units up to a certain number (e.g. tri-plex, 4-plex) as allowable and making 5 or more units a conditional use, however that would not align with the Z4GN recommendation to eliminate restrictions of this type. The alternatives for consideration under this topic are:

Alternatives:

- a. Eliminate restrictions on residential as an allowable use. The setbacks and limits on building height would be the limiting factor.
- b. Add multi-family dwellings on Class 1 parcels to the list of permitted uses to meet state requirements.
- c. Establish multi-family dwellings as allowable uses on Class 1, 2 and/or Class 3 parcels.
- d. No action is not an option for Class 1 but could be the approach for Class 2 and 3 parcels which comprise the overwhelming majority of parcels in the district.

6. *Do Not Require Unnecessary Subdivision of Land*

We will examine this topic fully during the October planning commission discussion of the development review process as a whole. The Z4GN publication gives the following guidance:

*“Home development can take place with various ownership structures, including detached homes within a condominium association. Municipalities do not need to require that the original tract be subdivided into a separate lot for each home or require PUD approval for development with commonly owned land. Town regulations should ensure that standards that regulate the subdivision of land are not inadvertently applied where they are not relevant or needed.”*

**Street Standards:**

7. *Provide connections where possible.*

Due to the large parcel sizes of the district, it is important to consider future connectivity. Nationally, entire neighborhoods are comprised of a series of PUDs with disconnected cul-de-sac access. This is not reflective of Vermont’s historical settlement patterns and is indicative of sprawl. The Z4GN publication recommends:

*“Development regulations can require new streets to connect to existing streets, or that stubs be constructed to the parcel boundary to allow future connections. Vehicular connectivity is highly desirable, but where impossible, it is still critically important to provide pedestrian or bicycle paths to adjacent neighborhood services and employment where feasible.”*

The consultant has committed to providing draft language requiring road stubs to parcel boundaries for all districts.

8. *Implement complete streets standards.*

While implementing complete streets standards is a desirable goal, it should be approached incrementally in Hardwick. The priority for complete streets standards should be focused on the central business district and E. Hardwick village center first, followed by the village neighborhood district, then compact residential.

**ADUs:**

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

**Development Review Process:**

The development review process for all districts will be discussed at the October planning commission meeting as set forth in the 6-month work plan.

**Zoning Amendment Recommendations: Alternatives for Village Neighborhood Minimum Lot Size**

***Dimensional Standards***

The village neighborhood zoning district was discussed at the July planning commission meeting. The planning commission requested further information about the “natural breaks” in lot sizes to better inform decision making about potential changes to the minimum lot size requirement. A breakdown of the parcels by size follows, with several alternatives for possible amendments and the number of parcels that would be impacted.

1. *Minimum Lot Size Matches Local Pattern:*

454 of 612 parcels conform to the minimum lot requirement of 7,500 sf (74%).

(Discrepancies in percentages are due to rounding)

The 26% of parcels that are non-conforming are distributed as follows:

70 parcels are between 5,000 and 7,499 sf. (11% of total district parcels)

27 parcels are between 3,700 and 4,999 sf. (4% of total district parcels)

61 parcels are under 3,700 sf. (10% of total district parcels)

Alternatives:

- a. Reduce minimum lot size to 6,000 sf to meet 81% parcel conformity. (adds 43 conforming parcels)
- b. Reduce minimum lot size to 5,000 sf to meet 86% parcel conformity. (adds 70 conforming parcels)
- c. Reduce minimum lot size to 3,700 sf to meet 90% parcel conformity. (adds 97 conforming parcels)
- d. Take no action.

The selected alternative has implications for the density caps within the district as well. The planning commission directed the consultant to change the Class 1 zoning district from 1 unit per 3,500 square feet to 1 per 1,000 square feet in the draft version of the Bylaw



Modernization Update. This would accommodate up to four units per parcel for alternatives a and b, but would be insufficient for alternative c. Should alternative c be the selected approach, the planning commission would need to amend the square footage per unit to 925 sf or less.

## **Zoning Amendment Recommendations: Alternatives for Highway Mixed-Use**

### ***Dimensional Standards***

1. *Minimum Lot Size Matches Local Pattern:* There are significant existing non-conforming parcels (under minimum lot size). This number is slightly different than the number you had seen previously which was done by hand and included parcels that are rights-of-way and roads. The current numbers were run in ArcGIS with those parcels removed from consideration. 63 of 134 parcels are non-conforming (47% non-conforming).

#### Alternatives:

- a. Reduce minimum lot size to 10,000 sf to meet 64% parcel conformity. (adds 15 conforming parcels)
- b. Reduce minimum lot size to 7,500 sf to meet 69% parcel conformity. (adds 21 conforming parcels)
- c. Reduce minimum lot size to 5,000 sf to meet 72% parcel conformity. (adds 25 conforming parcels)
- d. Take no action.

Achieving 90% conformity in this district would require changing the minimum lot size to under 700 sf, which is not recommended.

The Class 1 parcel density cap in this district will also require adjustment to meet state statute if the minimum lot size is changed. Currently on Class 1 parcels 5,000 square feet are required per 1 unit. This meets statute if the lot size stays at 20,000 sf, as it would allow up to 4 units on a parcel. However, the large number of non-conforming parcels would not allow 4 units per parcel based on the current requirements.

#### Alternatives:

- a. Set at 1 unit per 2,500 square feet (aligns with alternative a above – minimum lot 10,000 sf)
- b. Set at 1 unit per 1,875 square feet (aligns with alternative b above – minimum lot 7,500 sf)
- c. Set at 1 unit per 1,250 square feet (aligns with alternative c above – minimum lot 5,000 sf)
- d. Set at 1 unit per 1,000 square feet (aligns with previous direction for village neighborhood district which creates consistency and simplifies interpretation of the bylaw)
- e. No action is not an option if the minimum lot size is reduced.

The planning commission may opt to change the density requirement for Class 2 and 3 as well. At present, the bylaw requires 10,000 square feet per unit for Class 2 and 3 parcels. State statute does not require a change, but with a reduction to Class 1 square footage a proportionate change for Classes 2 and 3 may be appropriate.

2. *Consider Setting Maximum Setbacks:* The planning commission expressed that they do not wish to pursue this approach at this time.
3. *Character-Based Frontage Requirements:* The planning commission directed the consultant to draft glazing (window) requirements language as part of the CBD discussion. The Highway Mixed-Use district could also benefit from glazing standards, although they would likely be different from the CBD requirements. The consultant is seeking planning commission direction for this issue.

### **Parking**

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

The planning commission has several alternatives for addressing minimum parking requirements as discussed in the village neighborhood district:

- a. Remove minimum parking requirements for residential uses.
- b. Set the parking per residential unit rate at 1 space per dwelling unit on Class 1 parcels in compliance with the new state regulations.
- c. Set the parking per residential unit rate at 1 space per dwelling for all residential units regardless of parcel class to maintain consistency, clarity and ease of permitting.
- d. Establish parking waiver provisions for certain circumstances, such as development of desired housing types or affordable housing.
- e. No action is not an option under the HOME Act.

### **Allowable Uses**

5. *Eliminate unnecessary use restrictions on housing.*

Alternatives:

- a. Eliminate restrictions on residential as an allowable use. The setbacks and limits on building height would be the limiting factor.
- b. Add multi-family dwellings on Class 1 parcels to the list of permitted uses to meet state requirements.
- c. Establish multi-family dwellings as allowable uses on Class 2 and/or Class 3 parcels.
- d. No action is not an option for Class 1 but could be the approach for Class 2 and 3 parcels.

### **Discuss approach to community engagement meeting #1**

The planning commission and zoning administrator have recommended that the community engagement meetings should be held in fall. The first meeting will be planned for late September and will be coordinated and facilitated by the consultant in partnership with the zoning administrator. Based on the statutory changes resulting from the HOME Act, the consultant recommends that community engagement efforts should be focused on presenting the new

requirements for municipal regulations. Outreach to the community early in the process will help to clarify areas of the bylaw amendment that the Town of Hardwick is required to change under state law. This will also provide an opportunity to inform potential housing developers about the coming changes which may assist them in creating more housing opportunity in Hardwick.