

## Memorandum

**To:** Hardwick Planning Commission  
**From:** Heather Carrington, CCDS  
**Date:** October 5, 2023  
**Re:** Hardwick Bylaw Modernization

### Purpose

The purpose of this memo is to provide an overview of topics on the agenda for the October 10<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 development review process with the state recommendations contained in the Zoning for Great Neighborhoods publication and the new requirements of the Vermont HOME Act.
- Present data regarding lot frontage requirements alignment with existing development for all four previously discussed districts and associated alternatives for changes to the regulations, and
- Provide an update on community engagement meeting #1 which was held September 28th.
- Set a date for community engagement meeting #2 and discuss approach to the meeting.

### Development Review Process 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 development review process. The spreadsheet differs from the previously utilized approach because the evaluation covers only one of the six topics of reform. Each of the recommendations under the development review process topic is 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 development review process are opportunities for reform to better align with the Z4GN publication and/or required changes to meet Vermont statute:

#### ***Development Review Process:***

***1. Reduce Requirements for Conditional-Use Approval and Site Plan Review***

The planning commission has greatly reduced the need for conditional use approval by increasing the list of housing types that are classified as allowable uses in the districts under consideration. The intended reductions in non-conformities within the districts will also reduce the need for conditional use approvals by the Development Review Board.

The application requirements for conditional use approval and site plan review are reasonable and align with standard approaches used in many municipalities. There is also a waiver process available for applicants who request it.

**Action Needed:** None

2. *Simplify Application Requirements for Small-Scale Development*

The consultant could work with the Town Zoning Administrator to develop a simplified application for small-scale development if the planning commission wishes to pursue this approach. For the purposes of this meeting, the consultant is seeking guidance on whether this is something that the commission wishes to pursue and what would be defined as “small-scale”.

**Action Needed:** guidance from PC on interest in developing a simplified application for small-scale development and definition of “small-scale”.

3. *Consider Limited Deviations from Certain Standards*

The bylaw currently allows for limited deviations from certain standards. There is a variance process in place, and the ZA has administrative authority to allow for limited deviations from some standards.

**Action Needed:** None

4. *Avoid Overly Complicated PUD Approval Process*

The PUD process does not appear to be overly complicated. A simpler conditional use review is an option for PUDs that do not require subdivision. The consultant seeks feedback from the planning commission and zoning administrator regarding any requirements of the PUD approval process that have repeatedly created barriers to new PUD development.

**Action Needed:** Identify any areas of process serving as barriers to development.

5. *Where Practical Use Administrative Approval Process*

The establishment of a wider range of by-right uses and changes reducing non-conforming properties will allow this for most housing development. The planning commission may wish to explore form-based code utilizing administrative approval for some districts in the future.

**Action Needed:** None at this time but considering development of form-based code utilizing administrative approval is recommended for some districts in the future.

***Additional Issues to Address:***

**Section 3.6 (A)** Existing Small Lots - minimum of 1/8 acre required for development - this is a 5,445 sf requirement while several districts are being amended to minimum lot size of 5,000 sf. This should be adjusted to align.

**Section 3.7 (A)** Building Height - add bonus story for affordable housing exemption.

**Section 4.13 (A) (3)** The bylaw requires 6,000 sf of lot area per mobile home, while the minimum lot size for parcels in several districts is 5,000 sf. This would violate fair housing regulations by setting a higher standard for mobile homes than is required of other housing types and should be amended to align with changes.

**Section 4.13 (A) (4)** Requiring a 25' landscape buffer around entire perimeter of mobile home park is a higher standard required for a single and specific type of housing. This may be considered a fair housing violation and should be discussed.

**Section 4.13 (A) (8)** "A minimum of 100 square feet of indoor storage space (e.g., storage shed, or a central storage building) shall be provided for each mobile home located within the park." Again, this is a higher standard required for a single specific type of housing and should be discussed.

**Section 4. 15** Protected Public Uses - add Temporary Shelter language aligned with HOME Act.

### **Zoning Amendment Recommendations: Dimensional Standards - Frontage Minimum Requirements**

There are significant non-conformities in parcels meeting the minimum requirements for lot frontage across the districts under consideration. This has recently been a barrier to new development and was re-surfaced as an issue by the Town Zoning Administrator. In order to ensure that the dimensional standards match the existing settlement pattern it is essential to examine the frontage requirements. An analysis of existing lot frontage non-conformities has been conducted by the consultant with alternatives by district for potential actions and their relative impacts.

#### 1. *Minimum Lot Size Matches Local Pattern:*

##### Central Business District

Presently 26% of parcels are non-conforming to the 50 ft. frontage minimum requirement in the Central Business District

Alternatives:

- a. Reduce minimum frontage requirement to 40 feet to meet 81% parcel conformity.
- b. Reduce minimum frontage requirement to 35 feet to meet 85% parcel conformity.
- c. Reduce minimum frontage requirement to 25 feet to meet 89% parcel conformity (note: this is very close to the state minimum of 20 feet width required for a road access easement).
- d. Take no action to remain at 74% parcel conformity.

##### Highway Mixed-Use District

20% of parcels are non-conforming to 100 ft. minimum frontage requirement in the Highway Mixed-Use District.

Alternatives:

- a. Reduce minimum frontage requirement to 80 feet to meet 87% parcel conformity
- b. Reduce minimum frontage requirement to 75 feet to meet 88% parcel conformity.
- c. Reduce minimum frontage requirement to 65 feet to meet 90% parcel conformity.
- d. Take no action to remain at 80% parcel conformity.

### Village Neighborhood District

23% of parcels in the Village Neighborhood district do not meet the minimum 70 ft. frontage required by the bylaws.

Alternatives:

- a. Reduce minimum frontage requirement to 65 feet to meet 80% parcel conformity
- b. Reduce minimum frontage requirement to 60 feet to meet 83% parcel conformity.
- c. Reduce minimum frontage requirement to 50 feet to meet 90% parcel conformity.
- d. Take no action to remain at 77% parcel conformity.

### Compact Residential District

The minimum frontage standards differ by the class of parcel within the Compact Residential District. Class 1 parcels are required to have at least 70 feet of frontage and 100% are conforming parcels. Class 2 parcels are required to have a minimum of 100 feet of frontage. 91% of Class 2 parcels conform with this requirement. No action is necessary for these classes.

Class 3 parcels are required to have at least 150 feet of frontage. Within this class, 24% of parcels are non-conforming. The following alternative approaches could be utilized:

Class 3 Alternatives:

- a. Reduce minimum frontage requirement to 125 feet to meet 78% parcel conformity
- b. Reduce minimum frontage requirement to 100 feet to meet 86% parcel conformity.
- c. Reduce minimum frontage requirement to 50 feet to meet 90% parcel conformity.
- d. Take no action to remain at 76% parcel conformity.

### **Update on community engagement meeting #1**

The consultant will provide an update on the first community engagement meeting and informational session about the bylaw modernization project which was held on September 28<sup>th</sup> at the Town House.

### **Set date and discuss approach to community engagement meeting #2**

The planning commission and zoning administrator have recommended that the community engagement meetings should be held in fall. The second meeting will be planned for late fall and will be coordinated and facilitated by the consultant in partnership with the zoning administrator. As discussed prior to the first meeting, 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 bylaws 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 opportunities in Hardwick.