Incremental Code Reform: Enabling Better Places

Virtual training with Mallory Baches and Susan Henderson
<table>
<thead>
<tr>
<th>Chapter</th>
<th>Title</th>
</tr>
</thead>
<tbody>
<tr>
<td>Chapter 1</td>
<td>Introduction to Zoning for Great Neighborhoods</td>
</tr>
<tr>
<td>Chapter 2</td>
<td>Introduction to this Training Course</td>
</tr>
<tr>
<td>Chapter 3</td>
<td>What are the Biggest Coding Issues to Housing Affordability?</td>
</tr>
<tr>
<td>Chapter 4</td>
<td>The Incremental Code Reform Methodology</td>
</tr>
<tr>
<td>Chapter 5</td>
<td>The Audience for Incremental Code Reform</td>
</tr>
<tr>
<td>Chapter 6</td>
<td>Introduction to Place</td>
</tr>
<tr>
<td>Chapter 7</td>
<td>Introduction to Topics of Reform</td>
</tr>
<tr>
<td>Chapter 8</td>
<td>Housing Types</td>
</tr>
<tr>
<td>Chapter 9</td>
<td>Using the Guide and Where to Start</td>
</tr>
</tbody>
</table>

CNU
Incremental Code Reform:

Enabling Better Places

Virtual training with Mallory Baches and Susan Henderson
Chapter 1:
Zoning for Great Neighborhoods
Incremental Code Reform:

Enabling Better Places

Virtual training with Mallory Baches and Susan Henderson
Chapter 2:
Introduction to this Training Course
Incremental Code Reform:

Enabling Better Places

Virtual training with Mallory Baches and Susan Henderson
Chapter 3: What are the Biggest Coding Issues to Housing Affordability?
Walkable urbanism are places people love

Photo by Richard Amore, State of Vermont Department of Housing and Community Development
Walkable urbanism has an active public realm
Walkable urbanism connects place with people
Common Challenges
Common Challenges
Vermont Context

Estimated housing units by year structure built

Source:
U.S. Census Bureau: American Community Survey 5-year estimates (Table B23004, B23006), 2013-2017

Montpelier, VT: Photo by Susan Henderson

CNU
Vermont Context

Waterbury, VT: Photo by Susan Henderson

Estimated households by number of people

- Number of people in household: Vermont
  - All
  - 2017

- % of total households:
  - 1: 76,569
  - 2: 101,987
  - 3: 33,741
  - 4: 23,541
  - 5: 9,762
  - 6: 3,175
  - 7+: 1,970

CNU
Vermont Context
Incremental Code Reform:

Enabling Better Places

Virtual training with Mallory Baches and Susan Henderson
Chapter 4: The Incremental Code Reform Methodology
Partnerships

Funded by:

Supported by:

Developed by:

Vermont

AARP

CVRPC

Two Rivers-Ottawaquechee Regional Commission

Rutland Regional Planning Commission

CNU

Congress for the New Urbanism

Vermont Association of Realtors®

Lamoille County Planning Commission

Windham Regional Commission

Vermont Housing & Conservation Board

Chittenden County RPC

Addison County

Southern Windsor County Regional Planning Commission

CNU
# Research and Analysis

## State of Vermont Project for Code Reform: Regulation Assessment Framework

<table>
<thead>
<tr>
<th>Due Date: August 23, 2019</th>
<th>Example:</th>
<th>Regulating Authority Key:</th>
<th>Example:</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Maximum size of ADU is based on size of principle structure, effectively eliminating possibility of an ADU on lots with very small houses.</td>
<td>[ ] Federal Requirement</td>
<td>(Cite reg)</td>
</tr>
<tr>
<td></td>
<td></td>
<td>[ ] State Legislation</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>[ ] Local Ordinance</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>[ ] Other</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Item #</th>
<th>Regulatory Condition that may be impacting Housing Development and/or Walkable Urbanism</th>
<th>Obstacle(s) Created (if applicable)</th>
<th>Regulating Authority</th>
</tr>
</thead>
</table>

## A) Parking

<table>
<thead>
<tr>
<th>A1</th>
<th>Are there parking minimums?</th>
</tr>
</thead>
<tbody>
<tr>
<td>A1.1</td>
<td>Have parking maximums been enabled instead?</td>
</tr>
<tr>
<td>A2</td>
<td>Can on-street or off-site parking count toward parking requirements, or is only on-site allowed?</td>
</tr>
<tr>
<td>A3</td>
<td>Is shared parking permitted?</td>
</tr>
<tr>
<td>A4</td>
<td>Are there on-site parking location requirements, e.g. is parking required to be located behind buildings?</td>
</tr>
</tbody>
</table>

## B) Stormwater Regulations (post-construction)

<table>
<thead>
<tr>
<th>B1</th>
<th>Are there municipal stormwater regulations?</th>
</tr>
</thead>
<tbody>
<tr>
<td>B1.1</td>
<td>Have any municipal stormwater regulations proven to inhibit development and/or prevent housing units from being created?</td>
</tr>
<tr>
<td>B2</td>
<td>Other?</td>
</tr>
<tr>
<td>B2.1</td>
<td></td>
</tr>
</tbody>
</table>
Recommendation and Documentation

TOPICS OF REFORM

Parking

Parking spaces are essential to build and maintain. Recent urban design principles and neighborhood designs underscore the need for quality public space and access. Efficient parking requirements in the use of land and buildings can provide immediate benefits to communities.

Stage 1: Short-term fixes

1. Reduce the number of on-site parking spaces required for specific uses.

- Minimum parking requirements in recent years have been reduced by a study of actual need for newly constructed buildings, the number of parking spaces is usually considerably less than the actual demand. In this study, the total number of parking spaces is determined by the actual demand. For instance, in a building, the demand for parking spaces is 10 percent of the total number of parking spaces.

2. Allow on-street parking to comply with existing requirements.

- Particularly in lower-density residential and mixed-use development, on-street parking spaces may be provided. This may provide flexibility for added development and change to use is not as severely limited as the adjacent on-street parking requirements.

3. Require that new parking spaces be placed behind buildings.

- Neighborhoods are characterized by highly visible lines and other units. In this study, the total number of parking spaces is determined by visibility. For instance, in a building, the demand for parking spaces is 10 percent of the total number of parking spaces.

Stage 2: Mid-term fixes

1. Eliminate parking minimums.

- In recent years, many towns and cities have begun to accept that parking requirements have been effective and a tool to encourage providing parking used in an accessible manner. In most cases, buildings and roads will be reduced in size to accommodate parking. This can be achieved by removing parking spaces from the total number of parking spaces. In recent years, many towns and cities have begun to accept that parking requirements have been effective and a tool to encourage providing parking used in an accessible manner. In most cases, buildings and roads will be reduced in size to accommodate parking. This can be achieved by removing parking spaces from the total number of parking spaces.

Advice on parking in certain areas.

- On-street parking spaces are often eliminated from many municipalities based on the visibility and public use of the parking space. In recent years, many towns and cities have begun to accept that parking requirements have been effective and a tool to encourage providing parking used in an accessible manner. In most cases, buildings and roads will be reduced in size to accommodate parking. This can be achieved by removing parking spaces from the total number of parking spaces.

Stage 3: Long-term fixes

1. Encourage parking minimums.

- In recent years, many towns and cities have begun to accept that parking requirements have been effective and a tool to encourage providing parking used in an accessible manner. In most cases, buildings and roads will be reduced in size to accommodate parking. This can be achieved by removing parking spaces from the total number of parking spaces.

2. Allow on-street parking in certain areas.

- On-street parking spaces are often eliminated from many municipalities based on the visibility and public use of the parking space. In recent years, many towns and cities have begun to accept that parking requirements have been effective and a tool to encourage providing parking used in an accessible manner. In most cases, buildings and roads will be reduced in size to accommodate parking. This can be achieved by removing parking spaces from the total number of parking spaces.

Allowable Uses

- Houses determine exactly which types of housing and other uses of land can be provided in specific locations. Permits and other regulatory requirements may be required by local governments. Permits and other regulatory requirements may be required by local governments.

Stage 1: Short-term fixes

1. Eliminate unnecessary use restrictions on allowable housing types.

- Expanded housing choices are often unreasonably restricted on the basis of permit applications that allow only single-family homes on one lot. This can be achieved by removing parking spaces from the total number of parking spaces.

2. Avoid artificial determinations of acceptable family compositions.

- Zoning regulations sometimes establish artificial limits on family compositions, including the number of persons who can live in a single-family home. This can be achieved by removing parking spaces from the total number of parking spaces.
Ground Truthing and Review

Brunswick, GA: Photo by Congress for the New Urbanism
Louisville, KY: Photo by Susan Henderson
Training and Education

Photo by Hazel Borys
Incremental Code Reform:

Enabling Better Places

Virtual training with Mallory Baches and Susan Henderson
Chapter 5: The Audience for Incremental Code Reform
If you do nothing else, do this...
ARC OF ENGAGEMENT

STEP 1: approve small changes in parking, frontages, uses, form, signs and the public realm

STEP 2: test additional changes in urban standards

STEP 3: adopt new zoning district

SINGLE USE ZONING

PROVING

MAPPING

NEW CITY-WIDE CODE
Audience

- Council Members
- Planning Directors
- Community Members
- State Agencies
- NGOs
- Trade Associations
Do the biggest little thing...

...to reflect the scale and form of the community

Photo by Richard Amore, State of Vermont Department of Housing and Community Development
“We are not talking about radically changing any community...but what are the few things you could change that would make a little more room and you could get comfortable?”

Chris Cochran
Director of Community Planning & Revitalization
Vermont Department of Housing and Community Development
Chapter 6: Introduction to Place
Chapter 6

Introduction to Place
Types of Places

Downtowns

Village Centers

CNU
Types of Places

Context | Urban

Neighborhoods

CNU
Neighborhoods
This Not This

* CNU
Neighborhood Affordability Issues

- Non-conforming lots
- Non-conforming uses
- Non-conforming densities
- Parking requirements
Village Centers
Village Center Affordability Issues

- Non-conforming uses
- Non-conforming densities
- Parking requirements
- Parking location
Downtowns
Downtown Affordability Issues

- Parking requirements
- Residential uses not permitted
- Height restrictions
- Nonconforming lots
- Nonconforming setbacks
Chapter 7: Topics of Reform
Dimensional Requirements
Building heights, setbacks, and lot coverage regulations are often similar between towns, in spite of differences in character. These dimensional requirements should be carefully crafted to reflect the existing built patterns and local goals, and should avoid needlessly restricting desirable housing options.

Parking Standards
The effects of excessive parking requirements on housing availability are often underestimated. Especially in areas that have transit and are walkable to school, jobs, and other daily needs, the cost of each unneeded parking space inflates the cost of housing. (The average cost of a parking space is estimated at about $4,000.) High parking requirements can block new housing options that fit seamlessly into existing neighborhoods, such as ADUs, small infill buildings, and conversions of large houses into more than one residence.

Allowable Uses
Restrictions on the use of property is a central purpose of zoning, but many Vermont towns and villages severely restrict housing other than a single-family home by requiring complex review processes and/or applying onerous restrictions. Small buildings containing two, three, or four dwellings have historically provided housing variety with minimal neighborhood impacts. These buildings can be enabled again through minor changes to local regulations.

Street Standards
Streets should be designed according to the intensity of activity through which the street passes. The capital and maintenance costs of overly wide streets can increase the cost of delivering housing as well creating a long-term drain on municipal budgets. Disconnected street networks hinder walking, biking, and transit, increasing individual household transportation costs.

Accessory Dwelling Unit (ADU)
Vermont has progressive ADU provisions that are applied through regulations of individual towns. Local regulations could be improved to encourage creation of more ADUs through minor changes to parking standards and to size and ownership restrictions.

Development Review Process
Layers of regulatory review can aid environmental stewardship and protect local character, but they also add time and cost to the production of housing. Strategic streamlining can retain the important functions of the development review process while eliminating unnecessary barriers to locally desired housing.
Short-Term – Mid-Term – Long-Term
Dimensional Requirements

- Nonconforming lot sizes
- Lot coverage requirements
- Mismatched density requirements
- Match dimensional requirements to existing conditions
- Permit secondary principal buildings
- Remove unnecessary architectural requirements

CNU
Dimensional Requirements

- Nonconforming lot sizes
- Lot coverage requirements
- Mismatched density requirements
- Match dimensional requirements to existing conditions
- Permit secondary principal buildings
- Remove unnecessary architectural requirements

CNU
Parking Standards

- Reduce minimum on site requirements
- Allow on-street parking to count toward minimums
- Require on-site parking to be located behind the building
Parking Standards

- Reduce minimum on site requirements
- Allow on-street parking to count toward minimums
- Require on-site parking to be located behind the building
Allowable Uses

- Expand housing choice
- Avoid artificial determination of family composition
- Permit residential uses in village centers and downtowns
Allowable Uses

- Expand housing choice
- Avoid artificial determination of family composition
- Permit residential uses in village centers and downtowns

Historic Method to Achieve Exclusion
Street Standards

- Allow on-street parking to count toward parking requirements
Street Standards

- Allow on-street parking to count toward parking requirements

If you do nothing else, do this
Accessory Dwelling Units [ADUs]

- Allow the owner to occupy the ADU
- Increase permissible area of ADU
Accessory Dwelling Units [ADUs]

- Allow the owner to occupy the ADU
- Increase permissible area of ADU
Development Review Process

- Reduce conditional use and discretionary site plan approval requirements
- Simplify small scale development application requirements
- Define and permit limited deviations for specific reasons
Chapter 8: Missing Middle Housing
Chapter 8

Missing Middle Housing
Missing Middle Historic Residential Typology

- Accessory Dwellings

CNU
Missing Middle Historic Residential Typology

- Duplex

CNU
Missing Middle Historic Residential Typology

- Triplex
Missing Middle Historic Residential Typology

- Townhouse

Bennington, VT: c1909, Lewis Hine

CNU
Missing Middle Historic Residential Typology

- Cottage Court
Missing Middle Historic Residential Typology

- Multiunit
Chapter 9: Where to Start
Chapter 9

Where to Start

1. Understand Your Needs
Consider the housing market dynamics of your community. Examine whether your town plan recognizes the need to reform bylaws. An updated Municipal Plan and/or Housing Needs Assessment may be necessary.

2. Determine the Place Type
Determine the Place Type where changes should be targeted. See "Place Types" on page 14 for explanation. This Guide provides tools for downtowns, village centers, and neighborhoods.

3. Gauge Support and Capacity
Determine the municipality’s appetite for bylaw reform, level of political support, and staff capacity. "Building Support" on page 10 describes building capacity amongst all stakeholders.

4. Calibrate for Local Conditions
Use the incremental fixes detailed in the Primary Recommendations Section to make small improvements to your existing code. Add new fixes over time and as you build more capacity and support, graduate from Stage 1 to Stage 2 Fixes.

Select the model bylaw language from the Resources Section of this Guide and edit them for local use. Explanations are provided in the blue side bar next to the relevant model bylaw language.
1. Understand Your Needs

Consider the housing market dynamics of your community. Examine whether your town plan recognizes the need to reform bylaws. An updated Municipal Plan and/or Housing Needs Assessment may be necessary.
2. Determine the Place Type

Determine the Place Type where changes should be targeted. See “Place Types” on page 14 for explanation. This Guide provides tools for downtowns, village centers, and neighborhoods.
3. Gauge Support and Capacity

Determine the municipality’s appetite for bylaw reform, level of political support, and staff capacity. “Building Support” on page 10 describes building capacity amongst all stakeholders.
Staff Capacity

Who is at the desk?
How many champions exist among the elected?
4. Calibrate for Local Conditions

Use the incremental fixes detailed in the Primary Recommendations Section to make small improvements to your existing code. Add new fixes over time and as you build more capacity and support, graduate from Stage 1 to Stage 2 Fixes.

Select the model bylaw language from the Resources Section of this Guide and edit them for local use. Explanations are provided in the blue side bar next to the relevant model bylaw language.
If you do nothing else, do this:

- Reduce parking requirements.
- Increase ADU area maximums.
- Permit residential in downtowns and centers by right.