



LAND USE REGULATIONS FOR HOUSING

PRESENTED BY:

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May 12th, 2021; 12:00 – 1:30 PM



Purpose of this Training

- **Project highlights**
- **Tools and resources to help update municipal regulations**
- **Review of common, easy fixes**
- **Where to find more information**
- **Answer your questions**



<https://accd.vermont.gov/content/zoning-for-great-neighborhoods>

For more information from recent statewide efforts:

- VT: Zoning for Great Neighborhoods (see above)
- CNU Project for Code Reform in NH

Introduction to the Keys to the Valley

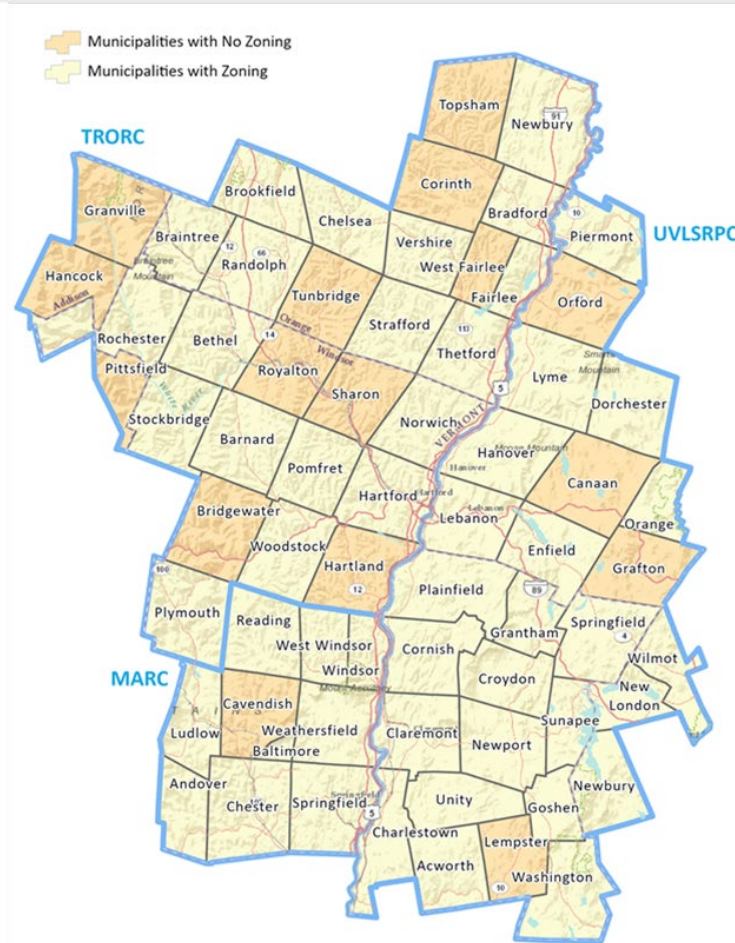
Keys to the Valley Initiative

- Needs analysis
- Bi-state, 67-town area
- Collaborative
- Implementation focused

<https://www.keystothevalley.com/>



Municipalities With Or Without Zoning



Description: Municipalities with and without zoning in the greater Upper Valley region as of March 2021.

Source: Regional Planning Commissions. Find out more at www.keystothevalley.com

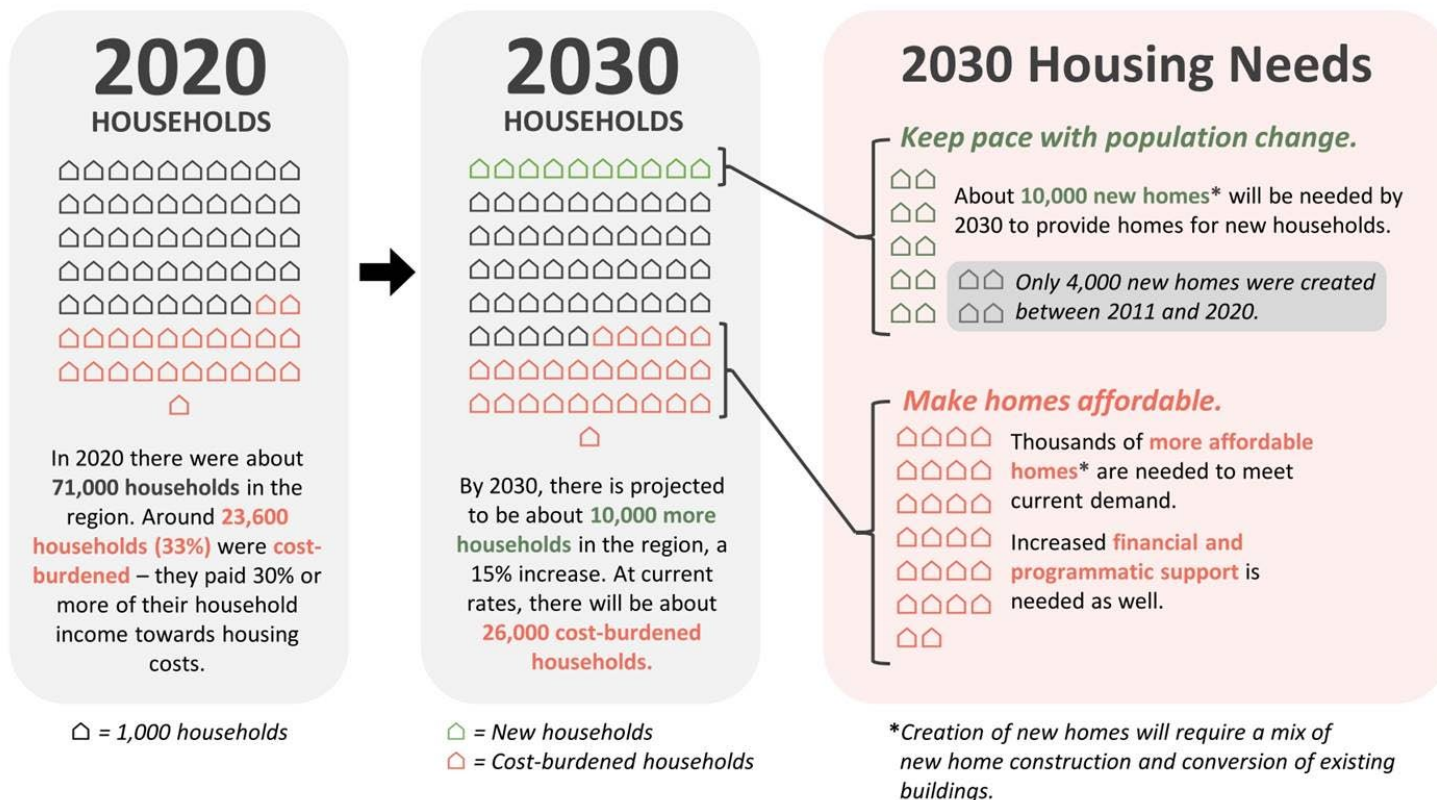
The Problem

We have a housing crisis

- Projected 10,000 new homes needed by 2030
- About 1/3 households are cost burdened
- Made worse by pandemic influences
- “The Missing Middle”



REGIONAL HOUSING NEEDS PROJECTIONS



Description: To maintain the Region’s current level of housing supply and start to address affordability challenges, more new homes need to be built or converted from existing in the next decade than the last decade.

Source: Keys to the Valley 2021 Regional Housing Projections, Vital Communities New Homes Count, 2017 ACS 5-year estimates of owner and renter households. Find out more at www.keystothevalley.com

Types of Homes





Regulatory Reform

Regulations contribute to the problem

- Often makes it harder for lower cost homes
- Need to modernize regulations
- Appeals

We are focused today on common zoning issues, but other types of regulations are also relevant such as:

- Act 250
- Wastewater/water permitting
- Building codes

In the news:

How zoning can restrict, or even prevent, affordable housing

<https://www.pbs.org/wnet/chasing-the-dream/stories/how-zoning-can-restrict-affordable-housing/>

Affordable Housing Push Challenges Single-Family Zoning

<https://www.pewtrusts.org/en/research-and-analysis/blogs/stateline/2019/08/20/affordable-housing-push-challenges-single-family-zoning>

A Push for Zoning Reform in Connecticut: Momentum is growing for multifamily housing to be built in a state full of detached single-family houses.

<https://www.nytimes.com/2021/02/26/realestate/connecticut-zoning-reform.html?smid=em-share>

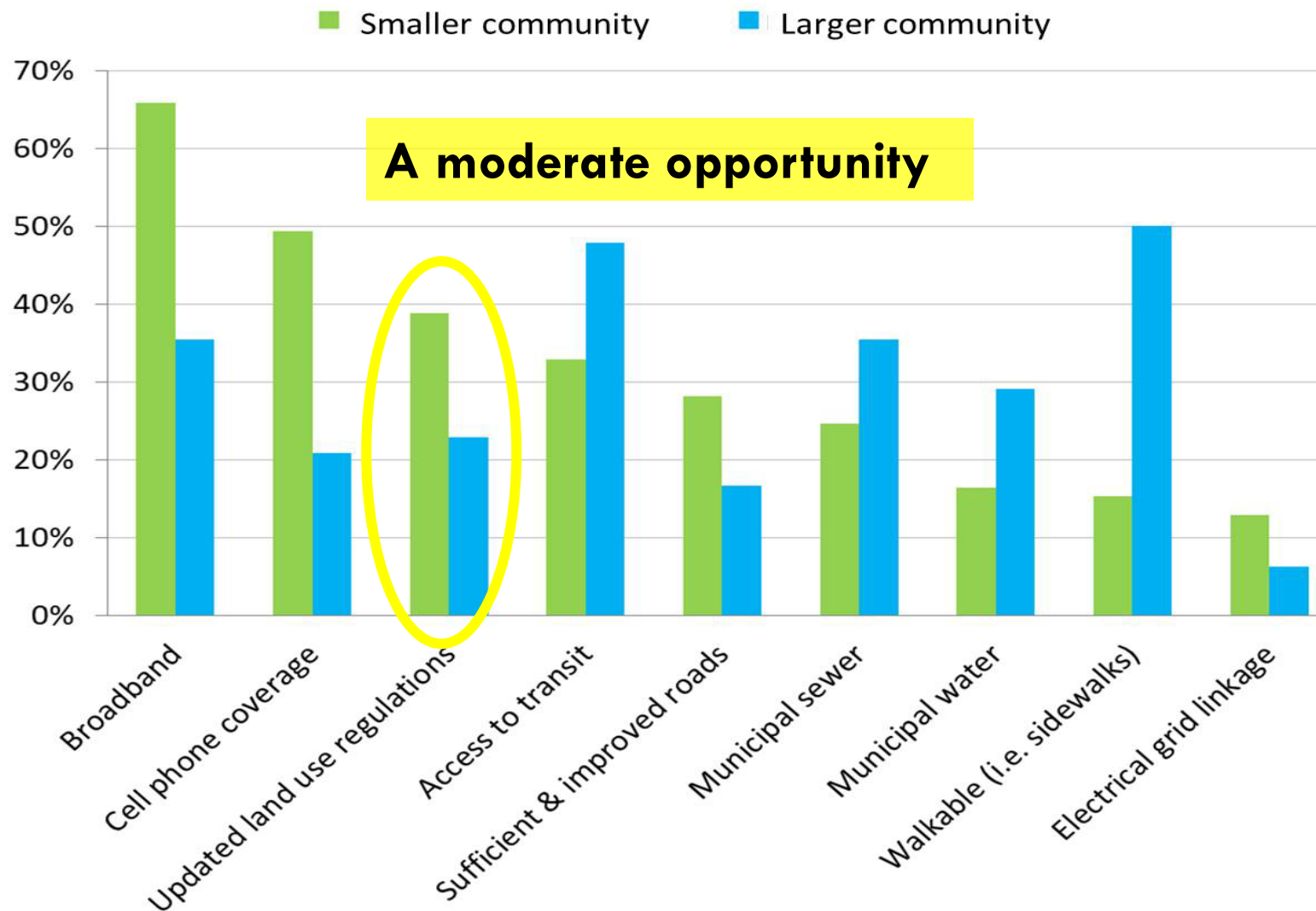


DATA & OUTREACH

SURVEYS OF RESIDENTS & MUNICIPAL LEADERS

- QUESTIONS ON CURRENT CONDITIONS AND FUTURE DESIRES
- INSIGHTS ON OPPORTUNITIES AND BARRIERS TO ADDRESSING OUR HOUSING CHALLENGES

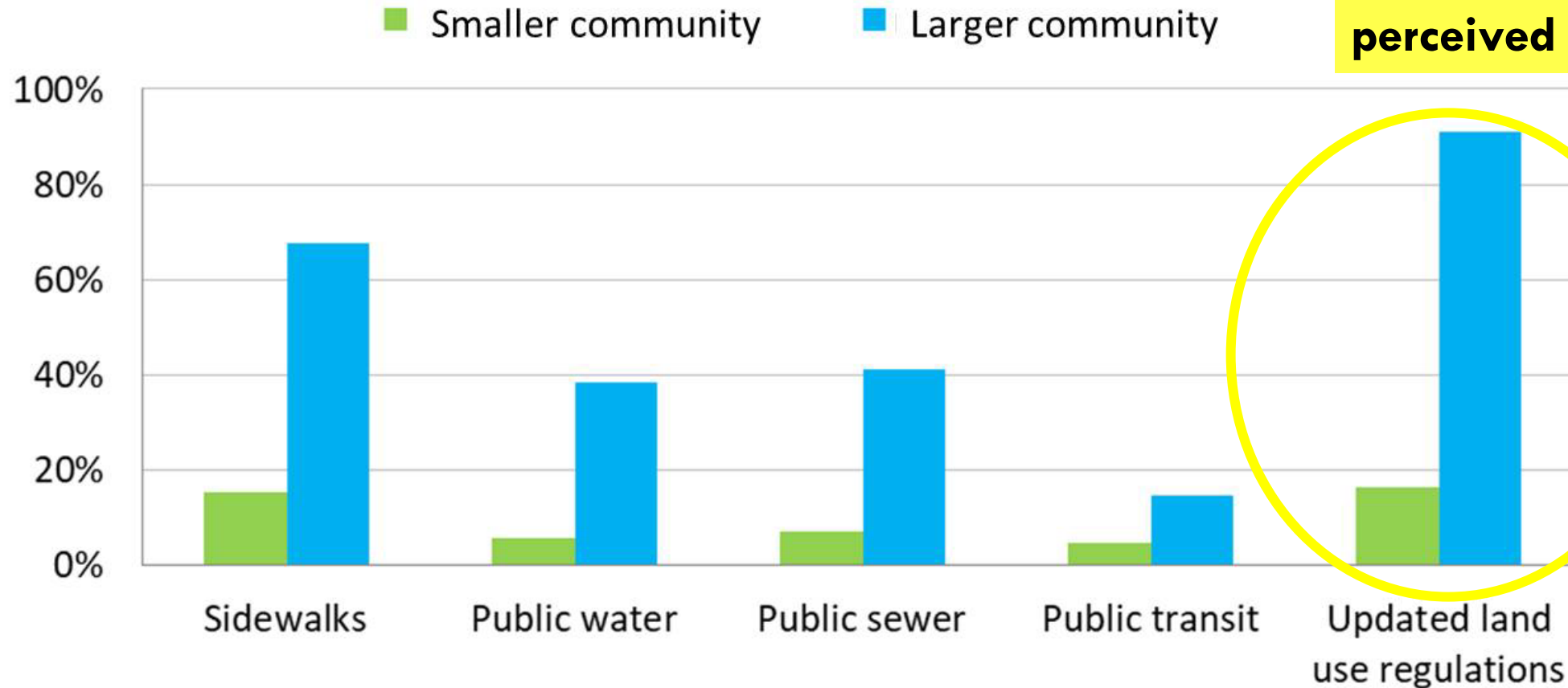
MUNICIPAL PERSPECTIVES: PROMOTING NEW HOMES



Description: Municipal officials identify infrastructure that, in their view, would most promote new housing, irrespective of available funding or broad community support. A 3,000-population threshold differentiating those smaller from larger communities.

Source: Keys to the Valley 2020 municipal perspectives survey. Find out more at www.keystothevalley.com

MUNICIPAL PERSPECTIVES: COMMUNITY SUPPORT



**Relatively higher
perceived support**

Description: Municipal officials identify infrastructure improvements with the most community support.

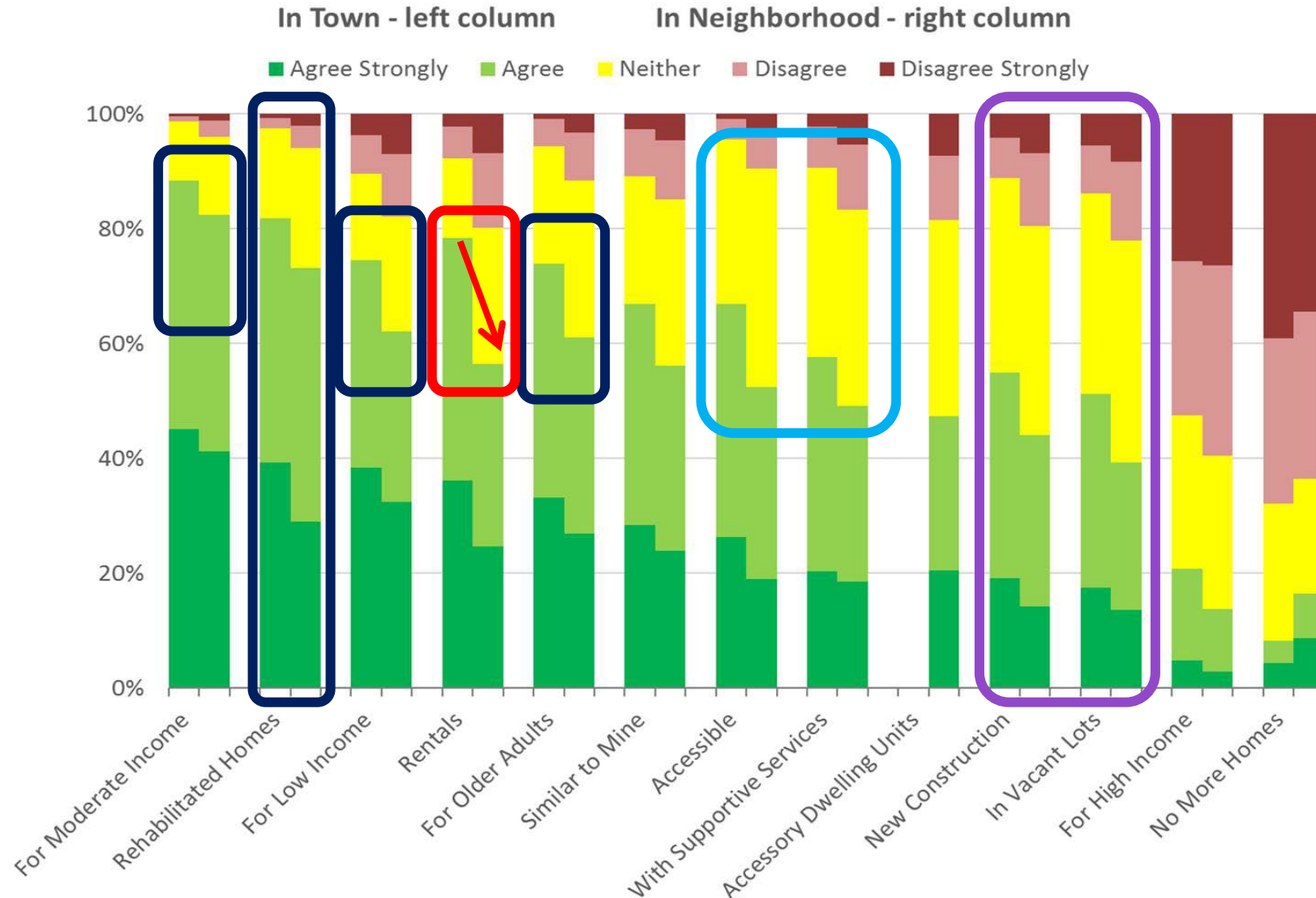
A 3,000 population threshold differentiated those smaller from larger communities.

Source: Keys to the Valley 2020 municipal perspectives survey. Find out more at www.keystothevalley.com



PUBLIC OPINION: NEW HOME LOCATION

PUBLIC OPINION: NEEDED HOMES



STRONG SUPPORT

**YES BUT NOT
IN MY NEIGHBORHOOD**

EDUCATIONAL OPPORTUNITY

NEEDS COMMUNITY BUY-IN

Description: Residents weigh in on what types of homes are needed in their town and neighborhood.

Source: Keys to the Valley 2020 public opinion survey. Find out more at www.keystothevalley.com

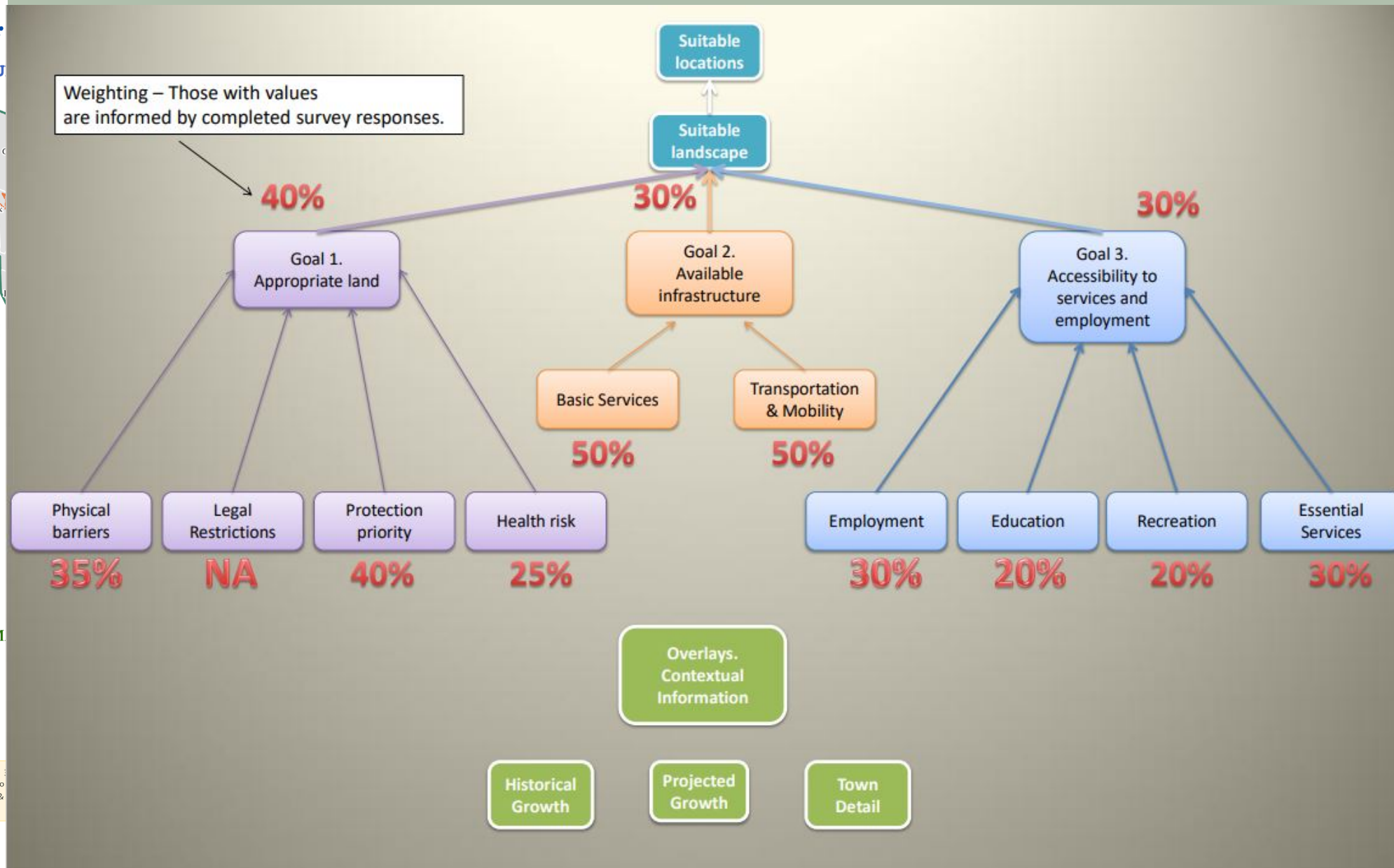
PLACES FOR HOMES : A SUITABILITY ANALYSIS

Places for

HIGH VALU



TRORC



OVERVIEW OF WEBSITE RESOURCES

HIGHLIGHTS FOR MUNICIPAL LEADERS

→ OUR HOUSING CHALLENGE

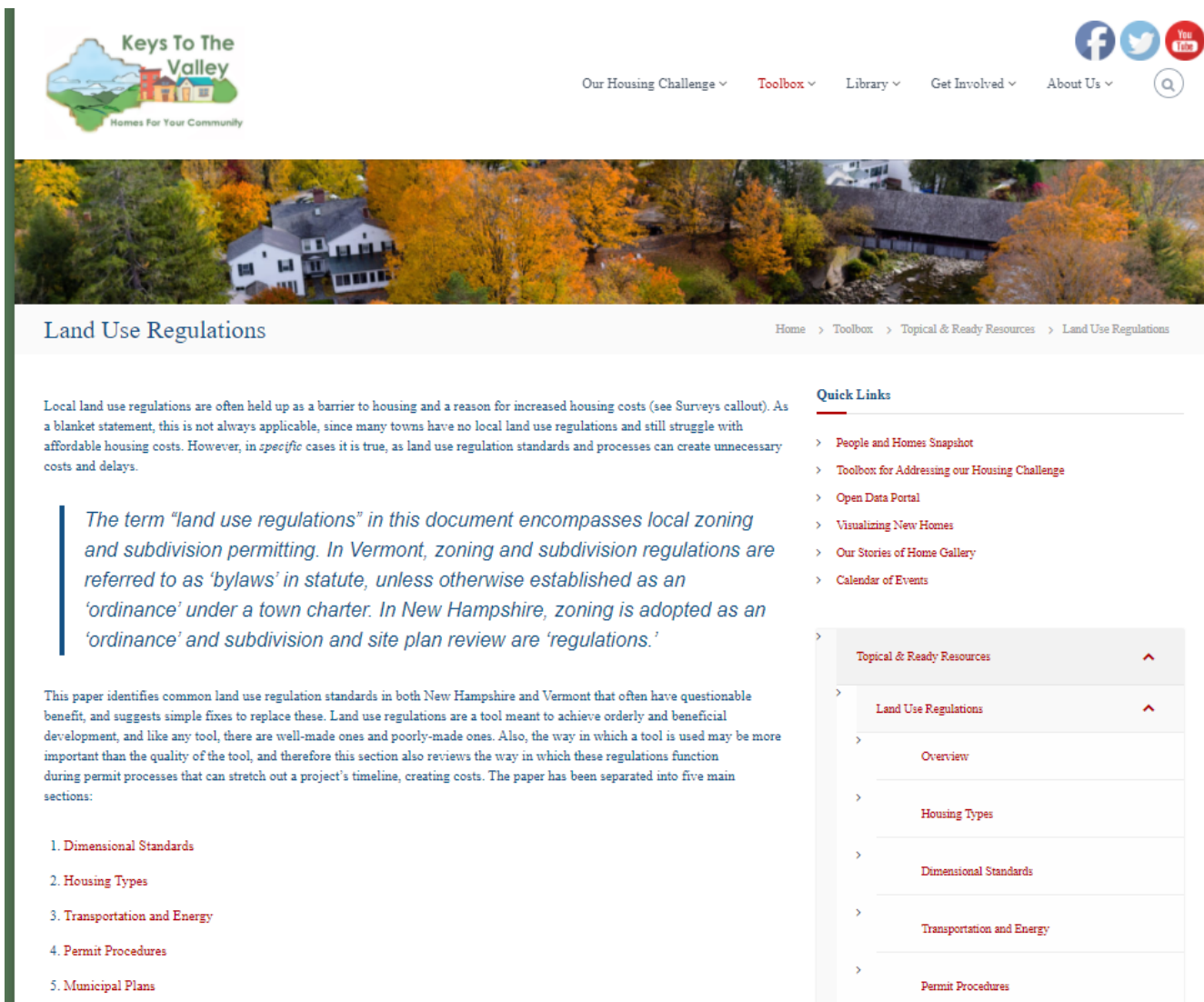
- SNAPSHOT & PERSPECTIVES REPORTS
- 2030 HOUSING NEEDS FORECAST

→ TOOLBOX OF SOLUTIONS

- INFORMATION FOR: MUNICIPAL LEADERS
- LAND USE REGULATIONS WHITE PAPER
- REGULATORY ISSUES (EXCEPT LAND USE)
- MUNICIPAL POLICY REVIEW

→ LIBRARY

- OPEN DATA PORTAL
- GLOSSARY OF TERMS
- ADDITIONAL RESOURCES



Keys To The Valley
Homes For Your Community

Our Housing Challenge ▾ **Toolbox** ▾ Library ▾ Get Involved ▾ About Us ▾

Land Use Regulations

Home > Toolbox > Topical & Ready Resources > Land Use Regulations

Local land use regulations are often held up as a barrier to housing and a reason for increased housing costs (see Surveys callout). As a blanket statement, this is not always applicable, since many towns have no local land use regulations and still struggle with affordable housing costs. However, in *specific* cases it is true, as land use regulation standards and processes can create unnecessary costs and delays.

The term "land use regulations" in this document encompasses local zoning and subdivision permitting. In Vermont, zoning and subdivision regulations are referred to as 'bylaws' in statute, unless otherwise established as an 'ordinance' under a town charter. In New Hampshire, zoning is adopted as an 'ordinance' and subdivision and site plan review are 'regulations.'

This paper identifies common land use regulation standards in both New Hampshire and Vermont that often have questionable benefit, and suggests simple fixes to replace these. Land use regulations are a tool meant to achieve orderly and beneficial development, and like any tool, there are well-made ones and poorly-made ones. Also, the way in which a tool is used may be more important than the quality of the tool, and therefore this section also reviews the way in which these regulations function during permit processes that can stretch out a project's timeline, creating costs. The paper has been separated into five main sections:

1. Dimensional Standards
2. Housing Types
3. Transportation and Energy
4. Permit Procedures
5. Municipal Plans

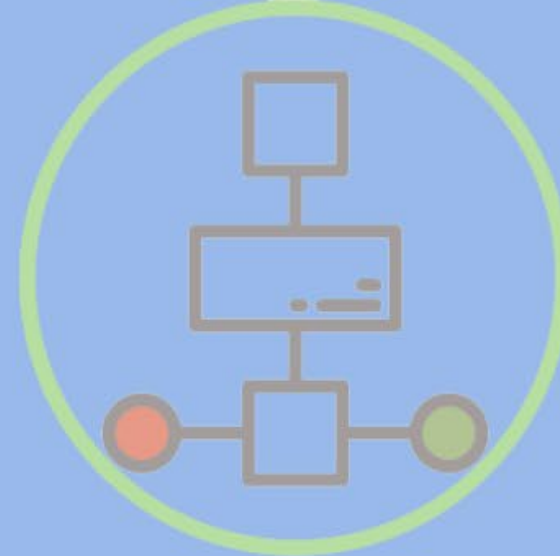
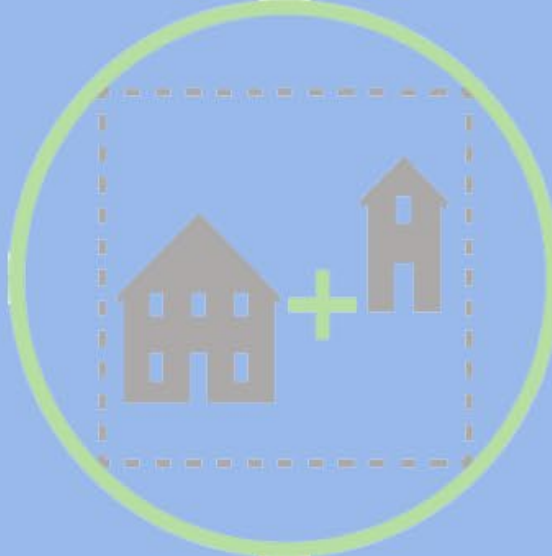
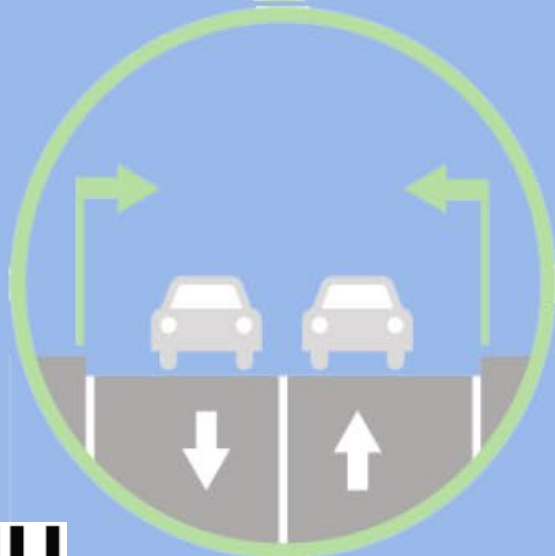
Quick Links

- > People and Homes Snapshot
- > Toolbox for Addressing our Housing Challenge
- > Open Data Portal
- > Visualizing New Homes
- > Our Stories of Home Gallery
- > Calendar of Events

Topical & Ready Resources

- > **Land Use Regulations**
 - > Overview
 - > Housing Types
 - > Dimensional Standards
 - > Transportation and Energy
 - > Permit Procedures

Regulations: Topics of Reform



Overview of Regulation Action Steps



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.

Regulatory Solutions – How to Get Started

Review your municipal regulations and practices

- Use either the detailed or rapid assessment

Review and update your municipal plan to make sure it addresses your community housing need and forms a basis for regulatory reform

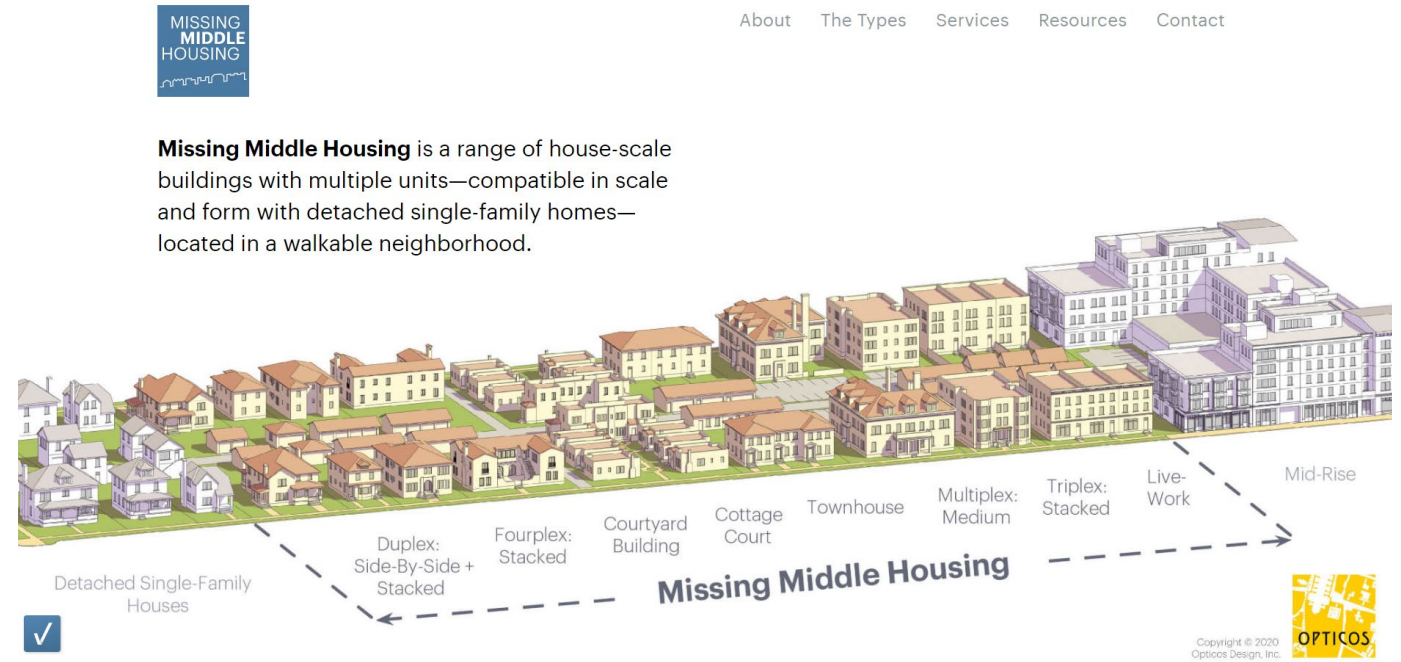
HOMES FOR NOW AND TOMORROW - MUNICIPAL POLICY REVIEW					
OPPORTUNITY OR BARRIER TO LOCAL TARGETS	VISION & MASTER PLAN	REGS	CUR	OTH	COMMENTS
HOME TYPES AND DENSITY:					
<i>Example</i> Assign a rating for your community's housing regulations and approval processes, and the impacts that they may have on developing new homes that are affordable and meet the needs of residents. Here are some questions you can consider in developing your answer (there may be others relevant to your community that you want to consider as well):	<i>Give option to attend meetings virtually</i>				Implemented as part of state emergency order
<ul style="list-style-type: none"> • Is it possible for a resident to create a new home that is affordable under current regulations/processes? • Are density standards (e.g., minimum lot sizes) limiting opportunities for creating new homes that are affordable? Would it be possible to permit greater density in keeping with community planning goals? • Are there opportunities to permit needed home types and more affordable homes in ways that are consistent with the character of the community? • If a senior resident wanted to downsize in your community (i.e., build a small, affordable home on a small property) could they? 					
PROCESS:					
Is your community's land use permitting process reasonable, efficient, and effective? Here are some questions you can consider in developing your answer (there may be others relevant to your community that you want to consider as well):					
<ul style="list-style-type: none"> • Is the permitting process well-defined and easy to navigate? • Is the development review process for small/infill development (e.g. properties ≥ 1ac) reasonable in time and number of steps? • Is administrative review always being applied where appropriate? • Does the process promote dialogue with current residents? • Are the fees reasonable to diverse incomes? • Do municipal boards and staff have a trusting and functional relationship? 					

<https://www.keystothevalley.com/toolbox-orientation-and-goals-list/topical-ready-resources/municipal-policy-review/>

Regulatory Solutions – Housing Types

Allow for more housing types and make permitting easier:

- Allow triplex and quadplex as permitted uses within village districts
- Specifically allow other desirable housing types, such as row houses, co-housing, live/work units, and bungalow courts.
- Simplify the development review process, remove conditional use and special exception requirements.
- Mixed use buildings: allow more than 1 principal use in village districts
- Adaptive reuse: allow conversion of barns and carriage houses into dwellings



<https://missingmiddlehousing.com/>

- Allow owner to occupy the ADU
- Increase ADU sizes
- Exempt certain things, such as conversion of existing buildings to ADUs or 2-3 dwelling units if there is an affordability component

Regulatory Solutions – Housing Types

TABLE 6 - LAND USE TABLE - DOWNTOWN DISTRICT

Description of Use	Permission	Special Restrictions
Principal Residential		
Single-household building	C	
Two-household building	P	
Three-household building	P	
Four-household building	P	
Building with five or more households	P	
Accessory dwelling units	P	
Lodging Uses		
Bed and breakfast inn	P	
Hotel, motel, and other lodging uses	P	
Institutional Uses		
All institutional uses	P	
Commercial Uses		
Automobile sales	N	
Adult entertainment	N	
Gas stations	N	
Storage facilities	N	



CNU

Regulatory Solutions – Dimensional Standards

- Match standards to the existing/ historical built pattern.
- Remove maximum density cap for residential areas. Instead, control density by lot width, setbacks, and height limits.
- Eliminate lot requirements for each unit for lots with sewer and water.
- Reduce setbacks, add maximum setbacks or zero lot line setbacks.
- Allow taller structures. Regulate by story, not height.
- In rural areas, go to density provisions instead of overly large minimum lot sizes.



Figures 1 and 2 depict an area in Perkinsville, both historically and current day, where the current zoning bylaws are problematic due to lot size, density, setbacks and other issues. In an analysis completed about a year ago, we found that more than half of the lots are noncompliant. This is fairly typical.

Regulatory Solutions – Dimensional Standards

TABLE 4 - DIMENSIONAL STANDARDS FOR STRUCTURES AND LOTS

Lot Widths	30' min.
Setbacks	
Front	0' min., 0' max.
Side	0 or 5' min.
Rear	3' min. with rear lanes or 12' min.
Parking setback from building front	20' min
Maximum building height	3.5 stories
Maximum building width	120' per building, within 30' of front
Maximum building coverage	100% per site

[Numbers in green must reflect the character of the local context. Use the Character Survey below to determine the appropriate dimensions.]

CNU



Regulatory Solutions – Transportation & Parking

- Remove or reduce parking space requirements in core areas with sidewalks, on street parking and/or transit nearby
- Allow on-street parking spaces or off-site, leased spaces in the area to count
- Require parking to locate behind buildings
- Remove parking requirements for accessory dwellings
- Impose traffic impact study guidelines that specifically require consideration of transit, biking and walking
- Allow an applicant to propose long-term funding for public transit in lieu of making roadway improvements.



THIS: SHARED PARKING LOCATED TO THE REAR OR SIDE OF BUILDINGS WITH CROSS ACCESS BETWEEN LOTS

Source: MARC Regional Plan 2021 Draft

Regulatory Solutions – Transportation & Parking

B. On-Site Parking and Loading

1. On-site parking spaces are not required. *[Alternative: "On-site parking spaces must be provided in accordance with Table 1. Each on-street parking space directly adjoining the site will replace two parking spaces otherwise required by Table 1.]*
2. Parking spaces constructed on-site cannot be located in front of buildings.
3. Unless no reasonable alternative exists, on-site parking shall be located to the rear of building. When no such reasonable alternative exists (including on-street or shared off-site parking), parking may be located to the side, no closer to the street than the façade.
4. Access to on-site parking and loading areas is limited as follows:
 - a. Access must be from a rear alley where available.
 - b. Access may be from a street adjoining the rear or side property line if a rear alley is not available.
 - c. If access is not possible from a rear alley or rear or side street, access may be provided from a driveway from the street.

OPTIONAL TABLE 1 - REQUIRED ON-SITE PARKING SPACES

Uses	Minimum Parking Spaces Required
All Residential Uses	1 space per household unit
All Lodging Uses	1 space per sleeping unit
All Assembly Uses	1 space per 4 installed seats
All Retail Uses	1 space per 300 sq. ft. of display floor area
Medical Offices	1 space per 400 sq. ft. of gross floor area
All Other Offices	1 space per 500 sq. ft. of gross floor area
Restaurants/Taverns	1 space per 4 indoor seats





If you do nothing else, do this:

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



Questions?



GRATEFUL TO OUR ADVISORS and FUNDERS

Steering Committee:

Alice Ely (Public Health Council of the Upper Valley)

Andrew Winter (Twin Pines Housing Trust)

Chris Kennedy (Hanover, NH)

David Baker (Windsor Southeast Supervisory Union)

Greg Norman (Dartmouth Hitchcock Medical Center)

Jeff Goodrich (Norwich, VT)

Kathy Rondeau (Reading, VT)

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Kate McCarthy (VT Natural Resources Council)

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Peter Kulbacki (Hanover DPW)

Pru Pease (Granite United Way)

Reggie Greene (Claremont Savings Bank)

Stacey Chiocchio (Hypertherm)

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THANK YOU FOR JOINING US

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Story of Home
Claremont, NH