

TOWN OF HYDE PARK
REVIEW OF LAND USE REGULATIONS
IN ORDER TO INCREASE AFFORDABLE HOUSING

INTRODUCTION

In Vermont and in communities across the country, too many families cannot find homes they can afford. There is simply a dearth of affordable housing at a price-point that working-class residents can afford. Production of housing units for rental and ownership at prices that match incomes must keep up with demand to achieve affordability, and that means lowering the cost of production and increasing the variety of housing types being built.

According to the 2017 Town of Hyde Park Town Plan "The Vermont Department of Economic, Housing and Community Development (DEHCD) housing policy states that housing is "affordable" when the costs (including rent and utilities, or mortgage payments and taxes) are no more than 30-percent of gross income for a household earning 80-percent of the county median. Estimates from the Census Bureau peg the median household income in Lamoille County at \$53,010. At this level, an affordable monthly housing payment for local families is approximately \$1,000 per month, including taxes and utilities. Accounting for recent increases in heating fuel prices—which may exceed \$200 per month during winter—there are a limited number of housing options in the region that are, by definition, affordable." The Plan goes on to state " Municipalities ultimately have a limited number of opportunities to impact affordable housing. Those with zoning and subdivision regulations must be careful not to inflate housing costs by requiring large lots, or having other development standards that add costs to the final unit" One of the Plan's housing goals is " To provide opportunities for residential development that accommodates a diversity of ages, income levels and housing preferences, without compromising water quality, conserved lands, or creating strip development (suburban sprawl)."

The cost of housing relates to:

- The cost of the actual housing construction (design, materials, and labor)
- Cost of needed infrastructure for development
- Cost due to the regulatory structure
- Cost of the land

Towns can do little regarding the actual housing construction costs except if there are over burdening architectural reviews which can drive up the construction cost. The cost of infrastructure in rural towns mostly includes wastewater and potable water systems, driveways and sometimes road construction. Wastewater and potable water system designs are established by the State or Vermont and cannot be changed by the Town.

The Town of Hyde Park could consider some changes in their zoning and subdivision regulations that would help reduce the costs of housing. The cost of land partially relates to the potential for

development. The ability to develop more housing units on a lot will make the costs lower per housing unit. In addition, long and complex regulatory reviews for small projects can also drive up the costs of development. The purpose of this review was to explore ideas on how to change regulations that would help reduce the costs of housing. This review was partially based upon ideas presented in Enabling Better Places: A Zoning Guide for Vermont Neighborhoods (August 2020). This guide was developed by the Vermont Department of Housing and Community Development (DHCD) partnered with the Congress for New Urbanism (CNU), Vermont's Regional Planning Commissions, AARP, the Vermont Housing & Conservation Board, and the Vermont Association of Realtors. The guide provides Vermont municipalities with suggestions of simple changes to their regulations that will allow for more affordable housing.

DENSITY AND LOT SIZE

The Town Plan notes that there was a 42% increase in development of lots over 6 acres in size between 1995 and 2010. The Plan states "While there are some strategic advantages to large-lot zoning—including the preservation of open space—it is very expensive to extend and maintain services for development on this scale. Accordingly, higher densities are encouraged in traditional village areas, as permitted by local zoning and subdivision regulations." The Rural Residential District 5 (RR5) allows for 1 dwelling unit per 5 acres. Consideration should be given to lower the lot size in this district given the discussion in the Town Plan. It is recommended to first perform a Geographic Information System (GIS) analysis of the RR5 District to determine the number of existing lot sizes in one-acre increments. This will help determine if the district minimum lot size is greater than the actual minimum lot size. It will also give a better understanding of the possible development if the minimum lot size was reduced.

Another recommendation would be to change the Rural Residential District 2 (RR2) density to Rural Residential District 1 (RR1) density. The current standard is 1 dwelling unit per 2 acres. Consideration of changing would allow for the creation of additional residential building lots nearest the Village core and could help eliminate the potential of fragmentation in the more rural districts. Additionally, modern septic designs allow for more compact lot layouts making it feasible for 1 acre lots to accommodate a house site, well and septic system.

The North Hyde Park Village District (NHPV) has a maximum density of 1 dwelling unit per 0.5 acres. Density caps in a walkable settlement create unnecessary limitations for development of smaller homes and conversions of existing homes into multiple units. Consideration should be given to eliminating the density standards in this district.

FRONTAGE REQUIREMENTS

The Rural Residential District 2 requires a minimum lot frontage of 150 feet. Minimum frontages can result in a limitation to development. A tract of land may be larger than the 2-acre minimum lot size, but may only have 50 feet of street frontage. Reducing the frontage

requirement could allow for more lot development. Generally, gravel rural roads are not adversely affected by the limited additional traffic that would be generated by a few more houses on the road. Reduced frontage should be considered assuming that curb cuts can be developed with adequate sight distance.

LOT COVERAGE IN NORTH PARK VILLAGE DISTRICT

The North Park Village District has a maximum lot coverage of 50%. Coverage includes the total ground floor area of all structures, parking areas, access drives, and walkways. Coverage requirements can be counterproductive if the built outcomes aren't carefully considered. The proper percentage to be used for these caps can be determined by measuring the existing buildings and lot sizes in the surrounding neighborhood and calibrating accordingly. Often only the setback requirements are needed to ensure that development has adequate open space between buildings. Consideration should be given to either removing the coverage cap or increasing it after studying the existing percent coverages in the district. A Geographic Information System (GIS) analysis can easily be performed by a consultant or Lamoille County Regional Planning to determine the existing lot coverages. Alternatively, coverage calculations could be limited to the building footprint.

SETBACKS IN NORTH PARK VILLAGE DISTRICT

Often in village areas, the actual setbacks vary from the required setbacks on certain streets. A quick review of the GIS information for the Village seems to indicate this is true. Consideration should be given to adding a waiver provision allowing the setbacks to be reduced when it would result in the preservation of the historic pattern of land use of the surrounding area. Such a waiver would allow in-fill development and further expansion of existing dwellings without changing the actual historic patterns of development.

ACCESSORY DWELLING UNITS (ADU)

Hyde Park regulations allow for accessory dwelling units as a permitted use when with a single-family dwelling. The regulations require, among others, that the

- "The floor area of the accessory apartment shall not to exceed thirty percent (30%) of the floor space of the existing living area of the single-family residence.
- The accessory apartment shall contain no more than two bedrooms and shall be occupied by no more four persons.
- One of the residences is occupied by the owner;"

Some of these requirements conflict with state laws. A town must allow at least a 900 square-foot ADU regardless of the single-family dwelling size. In addition, state law does not permit a restriction on the number of bedrooms or the number of occupants. When in conflict with a mandated state law, the town must enforce the regulations as per state law. These

requirements should be modified. Consideration should also be given to allow ADU sizes up to 60% of the size of the single-family dwelling. Enlargement of the size will make it more desirable to the owner to develop an ADU, while having little or no impact on the neighborhood. The requirement that one of the units being owner-occupied also has little or no impact on the neighborhood and should be considered for elimination. In addition, the owner-occupied requirement can be difficult to enforce with future sales and possible seasonal use of a unit by the owner. There is also a provision that a mobile home cannot be used as an ADU. If the mobile home meets the ADU requirements for size, it is questionable whether such a restriction is legal. It is recommended to review this requirement with an attorney.

NON-CONFORMING BUILDING STANDARDS

The non-conforming building standards restrict any expansions where the expansion will not increase the existing degree of non-conformance. This phrase is defined as "shall not increase the degree of non-conformance shall be interpreted to mean that the portion of the structure that is non-conforming shall not increase in size (or decrease in the event of failing to meet minimum standards such as parking). Therefore, portions of a structure within a setback area cannot be enlarged, portions above the maximum height cannot be expanded, a non-conforming deck or porch cannot be enclosed, where parking is deficient the number or size of spaces cannot be reduced, etc." Consideration should be given to allow the non-conforming portions of a structure to be expanded so long as they do not exceed the existing non-conforming setback. This would make it easier to expand existing dwellings and covert single-family dwellings to two-family dwellings. Such an amendment would be especially important in village settings.

ROAD FRONTAGE

According to the regulations minimum road frontage is defined as "Minimum frontage is established within each District. The required minimum road frontage length shall be contiguous and not interrupted by public or private vehicular easements or rights-of-way. A lot may have additional noncontiguous road frontage as long as the minimum requirement is contiguous." Under this provision private vehicular easements for shared driveways would not be permitted to go through a property if the shared driveway results in less than the minimum frontage on either side of the driveway. This could result in the inability to subdivide a parcel into two or three lots. Consideration should be given to modifying this language to allow an exception for shared driveways.

FAMILY/HOUSEHOLD DEFINITION

A family or household is defined in the regulations as "An individual, or two [2] or more persons related by blood, marriage, civil union, legal adoption, or placement in the home for adoption or as foster children; or a group of not more than five [5] unrelated persons living together within a single dwelling unit." Establishing artificial limits on how families are defined can round afoul with the legal restrictions against discriminating by family status. Safe uses of housing should not be forbidden by zoning declarations about who can belong to a household. Not only can they

be illegal, but they also can restrict available housing. For example, an unmarried couple, each with three children from a previous relationship, would not be considered a family under the current definition. A better definition may be to just define a family as a set number of individuals living as a not-for-profit single household unit on an ongoing basis. An attorney should be consulted regarding any definition of family to ensure that it complies with the latest court rulings regarding this matter.

DENSITY BONUSES

Consideration should be given to creating a housing density bonus of up to 50% in the Village District and in PUD's when perpetually affordable housing is created. An example of a typical definition of affordable housing is a dwelling unit that is: 1) Renting for a monthly rent not more than thirty (30%) percent of the total monthly household income of low to moderate income households; or 2) Housing that may be purchased with monthly payments including: principal, interest, taxes, insurance, homeowners association fees, and assessments that do not add up to more than thirty (30%) percent of the total monthly household income of low to moderate income households. Low to moderate-income households shall be defined to be a household earning income(s) equal to or less than the median annual income adjusted for household size, as determined by the United States Department of Housing and Urban Development.

Lamoille Housing Partnership (LHP) can assist in further developing and defining how to structure a density bonus. Of course, a density bonus would not be needed in the Village District assuming the density standard is not eliminated as discussed above.

PEDESTRIAN AND BICYCLE ACCESS

The regulations require that in the village and other defined areas the applicant shall provide a permanent easement of up to twenty feet but not less than ten feet in width along any adjacent public street to facilitate construction of future pedestrian facilities. Such an easement should not modify the front setback since it is for pedestrian access only, and is not for vehicular access. This should be clarified in the regulations.

SINGLE FAMILY DESIGN REVIEW

Additional amendments should be considered to eliminate the necessity for development review of single family dwelling. Review of single family homes can add considerable expenses and delays to new housing. Regulations can be created that clearly express design requirements and thus should not require the additional consideration of the Development Review Board.

SUBSIDIZED HOUSING

The Town Plan suggests that one avenue to help provide affordable housing is for the town to support projects that create new affordable units through partnerships with agencies such as Lamoille Housing Partnership (LHP). This approach could generate some additional housing for lower-income households. However, this type of housing is limited in number and is often not available to households with more moderate incomes. This review does not consider the development of subsidized housing by LHP since it is not a regulatory issue.

CONCLUSION: WHAT TO DO NOW

Overall, a review of the Hyde Park's land use regulations found many provisions that did not discourage affordable housing. However, several noted changes could be made that would increase the likelihood of creating more affordable housing. Many of the issues of affordable housing go beyond local regulations and, therefore, towns can only make sure that their regulations do not inadvertently restrict affordable housing.

The above recommendations should be discussed at the Planning Commission level to assess the acceptance and suitability for the town. The Municipal Planning Grant (MPG) program, available through the Vermont Agency of Commerce and Development, encourages and supports planning and revitalization for local municipalities in Vermont. This grant program could be a means to secure fundings to hire a consultant to further assist with regulatory changes.