

HIGHGATE HOUSING BYLAW AUDIT

Housing Choice and Affordability: Reducing Regulatory Barriers at the Local Level

Prepared by the Northwest Regional Planning Commission

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Introduction and Methodology

The Northwest Regional Planning Commission (NRPC) completed an audit of the Town of Highgate Development Regulations, adopted March 5, 2015. The bylaw audit is a component of the project: Housing Choice and Affordability: Reducing Regulatory Barriers at the Local Level, funded by a consortium Bylaw Modernization grant to St. Albans Town (lead), Highgate, Enosburgh, Sheldon and Montgomery. The bylaw audit records the type and level of each bylaw development standard that impacts housing design and permitting in the town, assesses how each standard compares to applicable “target” standards for housing choice and affordability and makes recommendations on what changes Highgate should consider to reduce barriers to housing development.

The audit includes several components. First, each applicable standard is recorded in a matrix that includes dimensional standards, parking standards, allowed use regulations, street standards and development review processes. Each type of regulation is recorded in standardized categories that can be compared across towns.

Second, NRPC completed an assessment of standards for each local zoning district intended for housing development; districts where only low-density residential development is permitted were not assessed. The assessment compares local bylaw standards with target standards to identify where potential bylaw changes would enable new housing options and/or reduce barriers to affordable housing development.

The final component to the audit is specific recommendations for revisions to the Town’s development regulations. The final recommendations will be developed based on this zoning audit, specific of local context, and the goals of the Planning Commission.

Model Districts and Target Standards for Housing Choice and Affordability

Enabling Better Places: A Zoning Guide for Vermont Municipalities¹ establishes template districts and standards for Vermont municipalities to use as a basis for zoning amendments that would enable new housing options. NRPC has adapted the guide’s template district purpose statements and standards to serve as a target comparison for this zoning audit and assessment. Each local zoning district is assessed against the model district that is the closest match in terms of intent and purpose. The model district’s standards set a target for zoning changes that will enable new housing options. The local zoning district does not always align perfectly with a model district and target standards are not always appropriate; however, the assessment takes this into account and makes recommendations that suit the context and character of the local district. The purpose and intent of each model district is provided below.

¹ Enabling Better Places: A Zoning Guide for Vermont Municipalities, August 2020. Congress of New Urbanism and the Agency of Commerce and Community Development.

https://outside.vermont.gov/agency/ACCD/ACCD_Web_Docs/CD/CPR/Planning-Your-Towns-Future/CPR-Z4GN-Guide-Final-web.pdf

Model Districts for Housing Choice and Affordability (Adapted from Enabling Better Places: A Zoning Guide for Vermont Municipalities)

Downtown District

The Model Downtown District applies to core areas of a village, town, or city to integrate a mix of business, residential, public, and institutional uses. It is targeted for a high density and intensity of housing integrated with mixed uses. Development has a strong orientation to sidewalks and the street (public realm) and contributes to a walkable area.

Town Center District

The Model Town Center District encompasses the central mixed-use areas of small cities and towns. It is intended to provide a place of civic pride and a focal point for development in the community. Town Center Districts enable a higher-density and more compact settlement pattern than other places in town with a compatible mix of appropriately-scaled residential and business uses in a pedestrian-friendly setting.

Village Center District

The Model Village Center District encompasses the central mixed-use areas of small towns and hamlets. Village Center Districts are intended to provide a place of civic pride and a focal point for development in the community. Village Center Districts enable a variety of housing opportunities with a mix of small-scale commercial in a pedestrian-friendly setting. There is typically a focus on maintaining an established historic character and/or settlement pattern. Lack of water and wastewater infrastructure may limit potential.

Neighborhood District

The Neighborhood District encompasses the blended density of residential areas adjacent to village, town, and city centers. Neighborhood Districts are intended to permit one, two, three, and four household residences as well as neighborhood commercial uses while complementing and connecting to the adjacent centers. Water and wastewater infrastructure may limit development potential.

Highgate Zoning District Purpose Statements

The audit has recorded zoning standards for all local zoning districts; however, our intention is to include only those districts that allow for substantial and/or high-density residential development in the assessment. Rural residential, conservation, agricultural, shoreland and other districts where only low-density residential development is intended are not assessed. NRPC focused primarily on Highgate’s Village District and Medium Density District which are the two districts intended for higher development densities. The purpose and intent of each Highgate zoning district included in the assessment is provided below.

Highgate Zoning District Purpose Statements

Village District (VD)

The (VD) Village District consists of the locations within the Town where it is desired that development occur which can accommodate the majority of the growth in Highgate. These districts have been selected because of existing settlements, anticipated patterns of growth, existing and future public facilities and services, suitable soils and other physical characteristics. The development of these districts with urban uses affords the best opportunity for the existing and future provision of economically feasible public facilities and services while providing an orderly separation of these uses from other legitimate land uses within

the Town. Higher densities of residential, commercial development and many public and quasi-public facilities and services are intended to develop in this district.

Medium Density District (MD)

The (MD) Medium Density District is intended as a medium density residential area to accommodate traditional country living characteristics. Due to the soil characteristics, terrain and highway access, the land in this zone must be put to a lower intensity of use than the Village District. A medium density of development will preserve the environment and character of this zone.

Key to New Zoning Standards and Terms

The following key provides definitions for less common or new zoning terms that may be considered or recommended as part of the audit.

Build-To Zone/Flexible Setback

A zoning requirement that specifies a range of allowable distances between a front property line and the front of a building. Build-to zones may also be expressed as a minimum and a maximum front setback.

Building Coverage (Lot Coverage)

The percentage of a lot that can be covered by a building (sometimes referred to as maximum building footprint). Some municipalities regulate lot coverage, which includes building coverage plus other impervious surfaces such as driveways and parking spaces.

Cottage Court

A series of small, detached structures. Cottage courts provide multiple units arranged to define a shared court that is typically perpendicular to the street. Vermont towns often include small historic cottages scattered across neighborhoods, and introduction of this type would reflect the scale of those dwellings in a compact and concentrated way.

Townhouse

Small- to medium-sized dwellings, townhouses typically consist of two to eight (usually) attached single-family homes placed side by side.

Character-Based Frontage Requirements

Frontage requirements define how buildings should meet the street, such as requiring functional sidewalk-facing entries and requiring a minimum percentage of windows (transparent glass) on the front of buildings.

Public Realm

Areas that are available for common use without charge, including streets, sidewalks, parks, public spaces, and public buildings.

Administrative Review of Site Plan

Under 24 V.S.A. 4464 (c) a zoning administrator or other staff member may be responsible for completing site plan review if the standards are non-discretionary. This may simplify the review process.

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Zoning Assessment for Housing Choice and Affordability

Town Zoning District:	Model District	Standard	Target Standards Met	Comments	
Village District (VD)	Village Center	Dimensional	Height	N	<p>Height. Current height restrictions may limit two-story mixed-use buildings with higher first floor or 2.5 story structures. Consider regulating by story instead of by height and increasing height to allow for 3 stories.</p> <p>Setbacks. Highgate’s setback is 40’ from the centerline of the road, which is appropriate for a Village District, but consider whether to change measurement from centerline to edge of ROW. Consider build-to zone, which would incorporate maximum setback and relate to historic development. Consider reducing yard setbacks to 5’ for all structures.</p> <p>Lot size and Frontage. Highgate currently has 1 acre zoning throughout most of the Town, lot sizes in the Village should be significantly smaller than the rural areas. Consider a minimum lot size of 1/4 of an acre. If lot sizes are reduced, lot width should also be reduced to 60-70’. Discuss character-based frontage requirements.</p> <p>Lot coverage. Highgate does not set maximum lot coverage, which is usually used to ensure on-site stormwater treatment and yard area on a lot. Not setting maximum lot coverage is ok for a village district; however, some on-site stormwater treatment may be needed if not managed at district level.</p>
			Front setback	Y	
			Yard Setback	N	
			Frontage	N	
			Lot Coverage	N/A	
			Min lot size/density	No	
		Allowable Uses	Allowed by Right	Y	<p>Allowed by right. Allowing duplexes by right is appropriate for this district.</p> <p>Allowed P/S and C/S. Highgate allows multi-unit structures of greater than 2 units as permitted with site plan review in the Village District. This is appropriate for a village district. Consider basic administrative site design standards for 3–8-unit dwellings that would streamline review.</p> <p>Uses/Structures per lot. Multiple uses and structures are allowed under conditional use review or as a PUD. Consider allowing multiple uses and structures as a permitted use if all uses are permitted in the district.</p> <p>Definition. Address definition of multi-unit dwelling to include missing middle types/forms. Note: Change from family to unit.</p>
			Allowed P/S	Y	
			Allowed C/S	Y	
			Uses/Structures	Y	
		Parking	Spaces per unit	No	<p>Spaces per unit. Consider reducing parking minimum to 1 space/unit. As an intermediate step, consider reducing parking minimum for senior housing, multi-unit dwellings, and accessory dwellings. Is on-street parking appropriate anywhere in the Village?</p> <p>Location. DRB site plan standards require parking on the side or back, which is good. Consider adding similar standard for permitted uses, including residential, in the Village District. Provisions for shared parking could be further developed.</p>
			Location	Yes	

Town Zoning District:	Model District	Standard	Target Standards Met	Comments	
Medium Density District (MD)	Neighborhood	Dimensional	Height	No	<p>Height. Consider regulating by story and increasing height standard up to 3 story structures.</p> <p>Setbacks. Current setbacks in the Medium Density District are large. Consider reducing front setback to 50' from centerline. Consider whether to change measurement from centerline to edge of ROW. Consider whether reducing side setbacks is appropriate for this district.</p> <p>Lot size and Frontage. Lot size and width standards for this district are the same as the agricultural district. Since the primary purpose of this district is residential development, consider reducing these. Minimum lot sizes of ½ acre and reduced lot width standards (down to 75ft) may be appropriate.</p> <p>Lot coverage. Highgate does not regulate maximum lot coverage; minimum lot size is high enough that it's not necessary.</p>
			Front setback	No	
			Yard Setback	No	
			Frontage	No	
			Lot Coverage	N/A	
			Min lot size/density		
		Allowable Uses	Allowed by Right	Y	<p>Allowed by right. Allowing duplexes by right is appropriate for this district.</p> <p>Allowed P/S and C/S. Consider allowing 3-8 unit structures as permitted with site plan review since housing is desired goal in this district. Greater than 8 units can require conditional use review.</p> <p>Uses/Structures per lot. Multiple uses and structures are allowed under conditional use review or as a PUD. Consider allowing multiple uses as a permitted use if all uses are permitted in the district.</p> <p>Definition. Address definition of multi-unit dwelling to include missing middle types/forms. Note: Change from family to unit.</p>
			Allowed P/S	N	
			Allowed C/S	Y	
			Uses/Structures	Y	
		Parking	Spaces per unit	No	<p>Spaces per unit. Consider reducing parking minimum to 1 space/unit. As an intermediate step, consider reducing parking minimum for senior housing, multi-unit dwellings, and accessory dwellings.</p> <p>Location. DRB site plan standards require parking on the side or back of main structure, which is good. Provisions for shared parking could be further developed.</p>
			Location	Yes	

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Other Standards

Standard	Comments
Street Standards	<p>Connectivity. Street layout coordination standards encourage connectivity of new streets. Consider modifying the standard that discourages through traffic on minor streets to ensure it doesn't promote the development of discontinuous streets. Consider alternative standards to address this issue, such as reducing lane width and traffic calming measures on minor streets. Consider limiting the length of cul-de-sacs and requiring ROW to be set aside for future continuation/connection.</p> <p>Sidewalks/Complete Streets. Current regulations that require sidewalks in the Village District and Medium Density District are appropriate. Develop specific standards for sidewalk design.</p> <p>Street/road design standards. Consider updating municipal standards when state updates its design standards from October 1997 to ensure lane widths and other standards are not too restrictive.</p>
Accessory Dwelling Units	<p>Current regulations need to be updated to meet state minimum regulations, which are 30% or 900 square ft (whichever is larger) and to remove the requirement that the ADU be an efficiency or one-bedroom. ADUs could be further encouraged by allowing more than 1 ADU per lot if setback and parking standards are met.</p>
Development Review Provisions	<p>There may be opportunities to streamline the development review process for housing in a way that reduces the time and cost of getting a zoning permit while at the same time producing development that aligns with the town plan and development regulations. Many opportunities for streamlining the review process involve reducing the amount of discretionary review by the DRB and increasing administrative review by staff. There is a cost-benefit in moving in this direction since it requires careful crafting of prescriptive standards that can be applied administratively and may require that your town hire additional staff. Consider and discuss the following tools:</p> <ul style="list-style-type: none">• Administrative Review for Site Plan Review, especially for 3-8 multi-unit dwellings in the village district• Form Based Standards, including character-based frontage requirements in village district.• Consider complexity and efficiency of PUD regulations