

## MONTGOMERY HOUSING BYLAW AUDIT

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

*Prepared by the Northwest Regional Planning Commission*

*Funded by a Bylaw Modernization grant from the Vermont Department of Housing and Community Development*

### Introduction and Methodology

The Northwest Regional Planning Commission (NRPC) completed an audit of the Montgomery Zoning Regulations, adopted November 5, 2018. 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 Montgomery 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 Municipalities<sup>1</sup> 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.

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<sup>1</sup> 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](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.

**Montgomery 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 Montgomery’s Village Districts, which are the two districts intended for high density residential development. Certain changes to the Rural Residential District may also be appropriate. The purpose and intent of each Montgomery zoning district included in the assessment is provided below.

**Montgomery Town Zoning District Purpose Statements**

**Village District 1**

The Village Districts encompass the historic village areas of each of Montgomery’s Village Centers – Montgomery Village and Montgomery Center. The Districts are intended to further growth and economic development in keeping with Montgomery’s traditional village character. Consistent with the historic development pattern, development is allowed at higher densities and intensities in the village areas. Historic buildings are a significant contributor to village character and are encouraged to be preserved and adapted for re-use. New development should be consistent in

siting and scale with the surrounding historic structures in the villages. Enhancing the pedestrian friendly streetscape is a high priority in the village areas.

The Village 1 District is used for mixed use development consistent with village character along the main corridors, including single and multi-family residential, commercial and public uses. The District provides access to municipal and community services, including water supply. Enhancing the pedestrian friendly streetscape is a high priority in the Village 1 District.

**Village District 2**

The Village Districts encompass the historic village areas of each of Montgomery’s Village Centers – Montgomery Village and Montgomery Center. The Districts are intended to further growth and economic development in keeping with Montgomery’s traditional village character. Consistent with the historic development pattern, development is allowed at higher densities and intensities in the village areas. Historic buildings are a significant contributor to village character and are encouraged to be preserved and adapted for re-use. New development should be consistent in siting and scale with the surrounding historic structures in the villages. Enhancing the pedestrian friendly streetscape is a high priority in the village areas.

The Village II District encompasses areas of Montgomery Village and Montgomery Center outside the mixed use core. The density of development remains consistent with the Village I District; however, uses transition to primarily residential. Enhancing pedestrian accessibility is also important in the Village II District.

**Rural Residential District**

The Rural Residential District provides for rural residential and business land uses at lower densities than the village centers to preserve the traditional working landscape and to maintain Montgomery’s rural character. Rural residential, small-scale commercial and light industrial land uses are balanced with the natural landscape of forests, rivers and streams, meadowlands and agricultural fields. Home-based occupations and industries are common throughout the Rural Residential District. The Rural Residential District encompasses the areas outside of the village centers along Class 3 town roads and state highways (excluding those portions of Rt. 58 east of Amadon Road), and including those lands comprising smaller forest blocks in town where natural resource concerns are not a primary concern (as in the Conservation I & II Districts described below).

**2/14/23**

## **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 1	Village Center	Dimensional	Height	No	<p><b>Height.</b> 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 or even 4 stories. Existing character in the villages includes some 2.5 and 3 story structures.</p> <p><b>Setbacks.</b> Front setback is appropriate for a village district. Consider whether a maximum front setback (build-to zone) or flexible setback standard is appropriate for this district. Consider reducing minimum side and back setbacks to 5’.</p> <p><b>Lot size and Frontage.</b> Reduce frontage requirements to as low as 40’ with reduced minimum lot size, or as low as 50’ with current minimum lot size. Consider whether lot size and frontage is an appropriate tool for this district, regulating lot width and building coverage is an alternative. 10,000 square feet is generally an appropriate lot size for this district. With sewer planning, consider 1/8-acre minimum lot size. Have you reviewed how my nonconforming lots your existing dimensional standards create?</p> <p><b>Lot coverage.</b> Montgomery does not regulate by lot coverage, may want to consider a minimum lot coverage to ensure that the district is built out to appropriate density.</p>
			Front setback	Yes	
			Yard Setback	No	
			Frontage	No	
			Lot Coverage	Yes	
			Min lot size/density	Yes	
		Allowable Uses	Allowed by Right	Yes	<p><b>Allowed by right.</b> Allowing duplexes by right is appropriate for this district.</p> <p><b>Allowed P/S and C/S.</b> Current regulations only allow 3–4-unit multi-unit dwellings as a conditional use, and prohibit larger multi-unit development except as a PUD. Consider allowing up to 8 units as permitted with site plan review since these uses are desired and intended for the district. Conditional use review is appropriate for multi-unit uses over 8 units.</p> <p><b>Uses/Structures per lot.</b> Allow multiple uses per lot with site plan review if all proposed uses are permitted for the district. Consider allowing multiple principal structures without PUD approval. Address definition of multi-unit dwelling to include missing middle types/forms. Note: Change from family to unit.</p>
			Allowed P/S	No	
			Allowed C/S	No	
			Uses/Structures	No	
		Parking	Spaces per unit	No	<p><b>Spaces per unit.</b> Consider reducing parking spaces for multi-unit structures to 1/unit. Consider whether allowing on-street parking to count towards parking minimums is appropriate for this district.</p> <p><b>Location.</b> Montgomery’s standards require parking on the side or back of the building in this district, which is appropriate.</p>
			Location	Yes	

Town Zoning District:	Model District	Standard	Target Standards Met	Comments	
Village District 2	Neighborhood	Dimensional	Height	No	<p><b>Height.</b> Current height restrictions may limit 2.5 story structures. Consider regulating by story instead of by height and increasing height to allow for 2.5 or 3 stories.</p> <p><b>Setbacks.</b> Minimum front setback is 10', which is appropriate for a neighborhood district. Current rear and side setbacks should be reduced to no more than 5'.</p> <p><b>Lot size and Frontage.</b> Consider reducing frontage requirement from 75' to as low as 50'. A lot size of 10,000 square feet is appropriate for this district. If sewer is planned for this area, consider 1/8-acre minimum lot size and frontage as low as 40 ft.</p> <p><b>Lot coverage.</b> Montgomery does not regulate by lot coverage, may want to consider a minimum lot coverage to ensure that the district is built out to appropriate density</p>
			Front setback	Yes	
			Yard Setback	No	
			Frontage	No	
			Lot Coverage	Yes	
			Min lot size/density	Yes	
		Allowable Uses	Allowed by Right	Yes	<p><b>Allowed by right.</b> The current regulations allow for duplexes by right, which is appropriate for a neighborhood district.</p> <p><b>Allowed P/S and C/S.</b> Current regulations only allow 3-4 unit multi-unit dwellings as a conditional use, and prohibit larger multi-unit development except as a PUD. Consider allowing up to 8 units as permitted with site plan review since these uses are desired and intended for the district. Conditional use review is appropriate for multi-unit uses over 8 units.</p> <p><b>Uses/Structures per lot.</b> Allow multiple uses per lot with site plan review if all proposed uses are permitted for the district. Consider allowing multiple principal structures without PUD approval. Address definition of multi-unit dwelling to include missing middle types/forms. Note: Change from family to unit.</p>
			Allowed P/S	No	
			Allowed C/S	No	
			Uses/Structures		
		Parking	Spaces per unit	No	<p><b>Spaces per unit.</b> Consider reducing parking spaces for multi-unit structures to 1/unit.</p> <p><b>Location.</b> Consider requiring parking lots (for multi-unit dwellings) to be at the side or back of this building in this district.</p>
			Location	No	

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Other Standards

Standard	Comments
<b>Street Standards</b>	<p><b>Connectivity.</b> Montgomery’s only current connectivity standards are limited to conditional use review and do not specifically address connections to existing streets. Consider developing connectivity standards that encourage connections to existing streets and discourage/prohibit discontinuous streets (“dead-ends”/cul-de-sacs).</p> <p><b>Sidewalks/Complete Streets.</b> Consider requiring sidewalks for development in the Village 1 District where not already existing/planned. Develop sidewalk standards that will conform to streetscape plan.</p> <p><b>Street/road design standards.</b> Consider adding design standards when state updates its design standards from October 1997. Montgomery currently references the state road ordinance and does not include any other specifications.</p>
<b>Accessory Dwelling Units</b>	<p>Current regulations need to be updated to meet state minimum regulations, which are 30% or 900 square ft (whichever is larger). Consider whether allowing a larger maximum ADU size is appropriate if other dimensional and lot size standards are met. Montgomery’s regulations do not currently clarify if more than 1 ADU is allowed, consider clarifying this. Clarify the number of parking spaces required for an ADU.</p>
<b>Development Review Provisions</b>	<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"><li>• Develop prescriptive site plan review standard, for some uses consider whether site plan review can eliminate the need for conditional use approval.</li><li>• Form Based Standards, including character-based frontage requirements</li><li>• Consider complexity and efficiency of PUD regulations</li><li>• Evaluate number of nonconformities, especially in the Village 1 District</li></ul>