

## SHELDON 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 Town of Sheldon Land Use and Development Regulations, adopted February 23, 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 Sheldon 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.

**Sheldon 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 Sheldon’s Village District, which is the only district that is intended for high density residential development. However, we also reviewed the Industrial/Commercial District and the Rural Lands 1 District for appropriate measures to increase housing opportunities in these areas. The purpose and intent of each Sheldon zoning district included in the assessment is provided below.

**Sheldon Town Zoning District Purpose Statements**

**Village District**

The purpose of this district is to maintain the Villages of Sheldon Creek and Sheldon Springs as residential and commercial centers. Municipal water and sewage disposal is available, and development on small lots will be encouraged to take advantage of these services, as well as to maintain the traditional pattern of development.

## Industrial/Commercial District

The purpose of this district is to set aside land for future industrial and commercial development in an area with good highway access and potential for municipal water and sewage disposal. Development of this district should be planned to take the greatest advantage of available land while limiting conflicts with surrounding land uses. Access points to the area from Route 105 should be limited to the extent possible and shared accesses are encouraged.

## Rural Lands I District

The Rural Lands I District is comprised of all land not more than 800 feet from the center of all Class I, Class II or Class III roads in existence on the effective date of these regulations and that is not otherwise designated as Village or Commercial/Industrial. Any new Class I, Class II, or Class III roads taken over by the town after the effective date of these regulations shall not be used in delineating the Rural Land I District.

The purpose of this district is to provide opportunities for low-density rural development. These areas, in combination with the village districts, should meet local needs for residential and commercial growth over the next five years. Included will be lands with good highway access, lands adjacent to existing villages, and lands currently committed to extensive rural residential settlement or commercial use. Some parcels or portions of parcels, which fall within the designated district, may, upon closer inspection, be limited in their suitability for development. Development within the district should be planned to minimize the number of access points onto town and state highways in order to maintain smooth traffic flow. Agriculture will still be a predominant land use in much of the district, and new development should be required to minimize potential conflicts with existing agricultural operations.

## 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	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.</p> <p><b>Setbacks.</b> Front setback is appropriate for a village district. Has the town measured existing setbacks? Consider reducing side/back setbacks to 5’.</p> <p><b>Lot size and Frontage.</b> Reduce minimum lot size from ½ acre to ¼ acre, or less. Have existing lot sizes been measured? Reduce village frontage requirement to 75’ (if min lot size is set at ¼ acre). Consider whether regulating lot width would be more appropriate than frontage in this district and consider whether frontage complicates development approvals.</p> <p><b>Lot coverage.</b> Sheldon 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	No	
		Allowable Uses	Allowed by Right	Y	<p><b>Allowed by right.</b> Allowing duplexes by right is appropriate for a village center. Consider also allowing 3- and 4-unit dwellings as a permitted use.</p> <p><b>Allowed P/S and C/S.</b> Permitted use with site plan review may be appropriate for up to 8 units to confirm design standards are met. Conditional use review standards need not apply 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> The district allows for multiple uses which is appropriate for a village district. Consider allowing multiple principal structures without requiring a PUD.</p>
			Allowed P/S	No	
			Allowed C/S	Yes	
			Uses/Structures	N	
		Parking	Spaces per unit	N	<p><b>Spaces per unit.</b> Reduce parking minimum to 1 space/unit. Consider factoring in on-street parking.</p> <p><b>Location.</b> Consider stronger standards that require parking to be at the side or back of the building.</p>
			Location	N	

Other Standards

Standard	Comments
<p><b>Street Standards</b></p>	<p><b>Connectivity.</b> Current standards for connectivity are strong.</p> <p><b>Sidewalks/Complete Streets.</b> Current standards require developers to add sidewalks for subdivisions of 4 units or more. Consider requiring sidewalks for all developments in the Village District.</p> <p><b>Street/road design standards.</b> When new state design standards come out, review for appropriate updates. Consider whether 11 ft traveled way is sufficient (rather than 16 ft). Develop design standards for sidewalks. Consider updating stormwater regulations to require on-site treatment of stormwater through low-impact development.</p>
<p><b>Accessory Dwelling Units</b></p>	<p>Current development regulations exceed state minimum standard for percentage of building size by allowing an ADU of up to 45% size of principal dwelling. Updates need to be made to meet state requirements of at least 900 square feet and allowing for an ADU with any number of bedrooms. Allowing a larger ADU size if ADU is in existing structure could further support ADU development. ADUs could be further encouraged by allowing more than 1 ADU per lot if setback and parking standards are met.</p>
<p><b>Development Review Provisions</b></p>	<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>• Form Based Standards, including character-based frontage requirements</li> <li>• Administrative Review for Site Plan Review</li> <li>• Are density bonuses working for Growth Center District, or should the standards that enable density bonuses just be required?</li> <li>• Consider complexity and efficiency of PUD regulations</li> <li>• Evaluate number of nonconformities</li> </ul>

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Town Zoning District:	Model District	Standard	Target Standards Met		Comments
<b>Commercial/Industrial District</b>	<b>Town Center</b>	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.</p> <p><b>Setbacks.</b> Front setback is appropriate for a village district. Consider reducing side/back setbacks to 5’.</p> <p><b>Frontage and lot size.</b> Reduce village frontage requirement to 40’. Consider whether regulating lot width would be more appropriate than frontage in this district. Reduce minimum lot size from ½ acre to ¼ acre.</p> <p><b>Lot coverage.</b> Sheldon does not regulate by lot coverage, since up to 100% lot coverage is appropriate for this district this is appropriate.</p>
			Front setback	Yes	
			Yard Setback	No	
			Frontage	No	
			Lot Coverage	Yes	
			Min lot size/density	No	
		Allowable Uses	Allowed by Right	Y	<p><b>Allowed by right.</b> Allowing duplexes by right is appropriate for a village center.</p> <p><b>Allowed P/S and C/S.</b> Permitted use with site plan review may be appropriate for up to 8 units to confirm design standards are met. Conditional use review standards need not apply since these uses are desired and intended for the district.</p> <p>Conditional use review is appropriate for multi-unit uses over 8 units.</p> <p><b>Uses/Structures per lot.</b> The district allows for multiple uses which is appropriate for a village district. Consider allowing multiple principal structures without requiring a PUD.</p>
			Allowed P/S	No	
			Allowed C/S	Yes	
			Uses/Structures	N	
		Parking	Spaces per unit	N	<p><b>Spaces per unit.</b> Reduce parking minimum to 1 space/unit.</p> <p><b>Location.</b> Consider stronger standards that require parking to be at the side or back of the building.</p>
			Location	N	

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Town Zoning District:	Model District	Standard	Target Standards Met		Comments
<b>Rural Lands 1 District</b>	<b>Neighborhood</b>	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.</p> <p><b>Setbacks.</b> Front setback is appropriate for a village district. Consider reducing side/back setbacks to 5’.</p> <p><b>Frontage and lot size.</b> Reduce village frontage requirement to 40’. Consider whether regulating lot width would be more appropriate than frontage in this district. Reduce minimum lot size from ½ acre to ¼ acre.</p> <p><b>Lot coverage.</b> Sheldon does not regulate by lot coverage, since up to 100% lot coverage is appropriate for this district this is appropriate.</p>
			Front setback	Yes	
			Yard Setback	No	
			Frontage	No	
			Lot Coverage	Yes	
			Min lot size/density	No	
		Allowable Uses	Allowed by Right	Y	<p><b>Allowed by right.</b> Allowing duplexes by right is appropriate for a village center.</p> <p><b>Allowed P/S and C/S.</b> Permitted use with site plan review may be appropriate for up to 8 units to confirm design standards are met. Conditional use review standards need not apply since these uses are desired and intended for the district.</p> <p>Conditional use review is appropriate for multi-unit uses over 8 units.</p> <p><b>Uses/Structures per lot.</b> The district allows for multiple uses which is appropriate for a village district. Consider allowing multiple principal structures without requiring a PUD.</p>
			Allowed P/S	No	
			Allowed C/S	Yes	
			Uses/Structures	N	
		Parking	Spaces per unit	N	<p><b>Spaces per unit.</b> Reduce parking minimum to 1 space/unit.</p> <p><b>Location.</b> Consider stronger standards that require parking to be at the side or back of the building.</p>
			Location	N	