



Memorandum

TO: Planning Commission

FROM: Eric Vorwald, AICP
Planning & Zoning Manager

RE: **Report on Proposed Amendments to the City's Unified Land Use and Development Regulations including Section 2.4, Section 4.12, Section 5.14, and Article IX**

DATE: July 28, 2022

This report provides information related to proposed amendments to the City of Winooski's Unified Land Use and Development Regulations as discussed by the Planning Commission at their regular meetings and multiple public hearings. Following a review by the City Council on July 18, 2022, additional text was recommended for insertion. This updated report represents the changes for consideration by the Planning Commission. These amendments specifically impact the following parts:

- Section 2.4 – Land Use Table
- Section 4.12 – Parking, Loading, and Service Areas
- Section 5.14 – Incentives for Priority Housing
- Article IX – Definitions

Background

Since the last comprehensive update to the City's Unified Land Use and Development Regulations (ULUDR) in 2016, the Planning Commission has been reviewing the document and proposing amendments. The amendments currently under consideration help improve and clarify the interpretation of the regulations, while also recommending amendments to better align with City priorities. This latest set of amendments seeks to incorporate incentives for priority housing in the City. This has been identified as dwelling units that are affordable, and dwelling units that have three or more bedrooms per unit.

Purpose of Amendments

These amendments are being proposed to provide additional development options in specific circumstances, and to update and incorporate specific changes related to priority housing. The changes related to priority housing are being included as incentives and not mandates. Other amendments are being included to support the new section for priority housing as identify by the City.

Proposed Amendments

Included with this memorandum are the proposed amendments to various sections of the Unified Land Use and Development Regulations. Proposed additional text is shown in red and underlined. Text that appears with a ~~strikeout~~ is proposed to be deleted. If specific sections are not included, no changes are being proposed to those regulations.

Consistency with the Winooski Master Plan

The following information is provided to address the requirements of 24 V.S.A. §4441 regarding consistency of the proposed amendments to the City of Winooski Master Plan, adopted March 2019. Specifically, statute requires municipalities to consider three parts when reviewing proposals for new or amended bylaws. These considerations include:

1. *Conforms with or furthers the goals and policies contained in the municipal plan, including the effect of the proposal on the availability of safe and affordable housing.*

The City updated their Master Plan in 2019. The master plan includes multiple components that discuss the development of safe, affordable housing. The Master Plan also strives to establish housing options to allow families or family units to grow and expand within the City. The proposed amendments seek to specifically incentivize both affordable dwelling units and dwellings with three or more bedrooms; and directly support the goals and policies outlined in the City's Master Plan.

2. *Is compatible with the proposed future land uses and densities of the municipal plan.*

The proposed amendments include incentives for priority housing. These amendments maintain future land uses and densities as outlined in the City's Master Plan including the Future Land Use Map. While the changes would allow for multi-unit dwellings in the residential zoning districts, the density would only be marginally increased through the establishment of affordable dwellings and dwellings with three or more bedrooms; both of which are identified as priority housing in the City.

3. *Carries out, as applicable, any specific proposals for any planned community facilities.*

No specific proposals for community facilities are planned that would be impacted by the proposed amendments. Specifically, the proposed amendments are included as incentives. These amendments will not conflict with any future planned community facilities. Developments that may be established due to these incentives will support existing community facilities.

ARTICLE II - ZONING DISTRICTS

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SECTION 2.4 - LAND USE TABLE

LAND USE	Residential A	Residential B	Residential C	Central Business District	General Commercial	Downtown Core	Gateway Urban General & Storefront ³		Gateway Townhouse Small Apartment/ Detached Residential ³	Industrial	Public	
	R-A ¹	R-B ¹	R-C ²	C-1	C-2	DC				I	P	
RESIDENTIAL USES												
Single Unit Dwelling	P	P	P				See Part 4 of the Form-Based Code	See Part 4 of the Form-Based Code				
Accessory Dwelling Unit ⁴	P	P	P									
Two Unit Dwelling (attached)	<i>See Note 9</i>	P	P		CU							
Detached Cottage	CU	CU	CU									
Multi-Unit Dwelling (3+ Units) ⁵	<i>See Note 10</i>	<i>See Note 10</i>	<i>See Note 10</i>	P	CU	P						
Assisted Living & Residential Care Homes				P	CU	P	P	P				
Bed-and-Breakfast (B&B)		CU	CU	P	CU	P	P	P				
Family Child Care Home	P	P	P	P	P	P	P	P				
Group Home ⁶	P/CU	P/CU	P/CU	P/CU	P/CU	P/CU	P/CU	P/CU				
Home Occupation	P	P	P	P	P	P	P	P				
COMMERCIAL USES												
Adult Establishment										CU		
Alcohol Manufacturing Facility				CU	CU	CU	P			P		
Animal Care & Boarding										P		
Bar				CU		P	P					
Brew Pub				CU	CU	P	P			CU		
Industry				CU	P					P		
Laboratory				CU						P		
Lodging Establishment				P	CU	P	P					
Office				P	P	P	P			CU		
Personal Service Establishment				P	P	P	P					
Retail Sales				P	P	P	P			CU		
Retail Sales, Neighborhood Commercial		CU	CU					P				
Recreation & Entertainment, Commercial				P	CU	P	P			CU		
Restaurant				P	P	P	P					
Restaurant, Café	CU	CU	CU					P		CU		
Restaurant with Drive-thru							P					
Vehicle Repair & Sales				CU			P			P		

LAND USE	Residential A	Residential B	Residential C	Central Business District	General Commercial	Downtown Core	Gateway Urban General & Storefront ³		Gateway Townhouse Small Apartment/Detached Residential ³	Industrial	Public
	R- A ¹	R- B ¹	R- C ²	C-1	C-2	DC				I	P
CIVIC & PUBLIC USES											
Association, Fraternal Organization, Social Club				P	CU	P	P			P	
Crematorium							P			P	
Cultural Facility				P	CU	P	P				P
Daycare Facility	CU	CU	CU	P	P	P	P	P	P	P	P
Education Facility	CU	CU	CU	P	P	P	P	P	P	P	P
Funeral Home				P	P	P	P				
Healthcare Facility				P	CU	P	P				
Recreation & Entertainment, Non-Commercial	P	P	P	P	CU	P	P	P	P	CU	P
Religious Facility	P	P	P	P	P	P	P	P	P	P	
OTHER											
Accessory Structure ⁷	P	P	P	P	P	P	P	P	P	P	P
Supporting Use ⁸	CU	CU	CU	P	P	P	P	P	CU	CU	CU

Notes:

- Maximum dwelling units per lot in R-A and R-B shall be 2 total dwelling units no matter how it is configured in the allowable use types as listed above (i.e. Two Unit Dwelling in R-B only, Single Unit Dwelling and Accessory Dwelling, or Single Unit Dwelling and Detached Cottage).
- Maximum dwelling units per lot in R-C shall be 3 total dwelling units no matter how it is configured (i.e. Two Unit Dwelling and a Detached Cottage, or Single Unit Dwelling and Accessory Dwelling and Detached Cottage).
- Some of the FBC permitted uses are subject to specific Development and Performance Standards in [Section 804](#) of the code in Appendix B.
- One accessory dwelling consistent with [Section 5.1](#) is permitted per lot.
- Maximum density for Multi-Unit housing in C1 is 60 units/acre.
- If a group home locates within 1,000' of another group home it shall be subject to Conditional Use review and approval.
- One accessory structure not to exceed 100 square feet per lot is exempt under [Section 6.13](#), otherwise all applicable dimensional standards in [Section 2.5](#) shall apply.
- Supporting Use shall be limited to "uses" such as administrative offices or services that relate to the "primary" use of the site/parcel and shall be operated (solely) by the property owner or owner representative for the purpose of providing services to the site. Supporting Uses may be incorporated into an existing structure or in a standalone structure provided the dimensional requirements of [Section 2.5](#) are met.
- ~~Two-unit dwellings are permitted in the R-A Zoning District if proposed as part of a Planned Unit Development consistent with the standards of [Section 5.14](#) and [Section 6.3](#). Otherwise, two-unit dwellings are not permitted in the R-A Zoning District.~~
- ~~Multi-unit dwellings are permitted in the R-A, R-B, and R-C Zoning Districts if proposed as part of a Planned Unit Development consistent with the standards of [Section 5.14](#) and [Section 6.3](#). Otherwise, multi-unit dwellings are not permitted in these districts.~~

ARTICLE IV - GENERAL USE REGULATIONS

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SECTION 4.12 - PARKING, LOADING AND SERVICE AREAS

- A. **Intent.** These parking standards are intended to:
1. Enable people to conveniently park and access a variety of commercial, residential, and civic enterprises in pedestrian friendly environments by encouraging shared parking.
 2. Reduce fragmented, uncoordinated, inefficient, reserved single-purpose parking.
 3. Avoid adverse parking impacts on neighborhoods adjacent to redevelopment areas.
 4. Maximize on-street parking where available.
- B. **Applicability.** These parking requirements shall apply only to uses and buildings newly constructed, changed, extended, or restored and shall not apply to those uses and buildings lawfully repaired or improved where no increase in gross floor area or change of use is made. The regulations in this section shall apply to all Zoning Districts except the Downtown Core District; and only **Section 4.12.C** shall apply to the Gateway Districts.
- C. **Minimum Reserved Parking Requirements.**
1. The quantity of parking spaces to be provided in each development proposal shall be determined based on the following requirements. When calculating the spaces required, a decimal shall be rounded up to the nearest whole number.

Uses	Base Parking Requirements
Residential in R-A, R-B and R-C districts	2.0 space/dwelling unit, except 1.0 space/accessory unit
Residential – in all other districts	1.0 space/dwelling unit + 0.50 space/3 bedroom or larger dwelling unit + 1 space for every 4 units (calculated at increments of 4)
Commercial (retail, restaurant, etc.)	3.0 spaces/1,000 sq. ft. of gross floor area
Hotel/B&B	1.0 space/room
Theater	0.25 spaces/seat
Industrial	3.0 spaces/1,000 sq. ft. of gross floor area
Office	4.0 spaces/1,000 sq. ft. of gross floor area

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SECTION 5.14 – INCENTIVES FOR PRIORITY HOUSING

- A. **Intent.** The intent of these regulations is to provide incentives for the development of dwelling units that meet specific criteria as identified by the City to provide a mix of housing options for current and future residents. The standards outlined herein are optional and not required to be included in any application for land development.
- B. **Applicability.** These incentives will apply to any dwelling units as identified under **Section 5.14.D** in all zoning districts except the Downtown Core.
- C. **Definitions.** For the purposes of this section, the following terms shall apply:
 - 1. **Affordable Housing** – Affordable Housing shall mean housing that is owned or rented by inhabitants whose gross annual household income is not more than 100% of the HUD Area Median Family Income (HAMFI) for the Burlington-South Burlington Metropolitan Statistical Area (MSA) as defined by the U.S. Department of Housing and Urban Development and the total cost of the housing, including principal, interest, taxes, insurance, and condominium association fees, if owned housing; or the total cost of housing, including rent, utilities, and condominium association fees, if rental housing, is not more than 30% of the gross annual income.
 - 2. **HUD Area Median Family Income (HAMFI)**¹ – HAMFI is the median family income calculated by HUD for each jurisdiction, in order to determine Fair Market Rents (FMRs) and income limits for HUD programs. HAMFI will not necessarily be the same as other calculations of median incomes (such as a simple Census number), due to a series of adjustments that are made.²
- D. **Qualifications.** To qualify for the incentives identified herein, dwelling units shall meet all the applicable standards listed below for Affordable Housing, Bedroom Count, or both as required to achieve the identified incentive as outlined in **Section 5.14.F**.
 - 1. **Affordable Housing.** Where housing affordability is included as part of the identified incentive, the affordable dwelling units shall meet the following requirements:
 - a. Dwelling units shall be continuously affordable to identified households as identified in **Section 5.14.D.1** for a minimum of 20 years regardless if they are offered for sale or rent.
 - b. To ensure income eligibility and rents or sale prices are consistent with **Section 5.14.C**, when a dwelling unit is newly rented or sold, the owner of the unit shall submit verification of household income and rent(s) or sale price(s) to the City to ensure eligibility and compliance for qualifying units. This provision shall be waived if the management of the qualifying units, including leasing or (re)sale of the units is contracted to, or supervised by, a housing authority, housing trust or other qualified affordable housing provider receiving or managing state or federal housing funds including vouchers where income verification is included as standard practice.
 - c. If the owner of a proposed project is a housing authority, housing trust or other qualified affordable housing provider receiving or managing state or federal housing funds including vouchers, the requirements of **Section 5.14.D.1.b** shall be waived provided ownership in the project is maintained for the duration of affordability as described in **Section 5.14.D.1.a**.

¹ HAMFI definition taken from https://www.huduser.gov/portal/datasets/cp/CHAS/bg_chas.html

² Methodology on HAMFI adjustments at <https://www.huduser.gov/portal/datasets/il/il18/Medians-Methodology-FY18r.pdf>

d. Documentation indicating compliance with Section 5.14.D.1.b shall be submitted to the City with the application for development. This shall include but not be limited to:

- i. A list of units including the number of bedrooms and the rents to be charged including utilities and condominium association fees per unit size or unit type and corresponding median income levels associated with the unit size or type.; or the cost of ownership including principal, interest, taxes, insurance, and condominium association fees.
- ii. The name, address, and primary contact of the housing authority, housing trust, or affordable housing provider as outlined in Section 5.14.D.1.b if different from the applicant or owner of the project.
- iii. Draft documents, to be recorded in the City's Land Records, designating the dwellings units as affordable for the duration identified in Section 5.14.D.1.a.
- iv. Other information as necessary to ensure the standards of Section 5.14.D.1. have been met.

2. **Bedroom Count.** Where bedroom count is included as part of the identified incentive, the dwelling units shall have a minimum of three bedrooms per unit.

- a. The applicant shall provide architectural plans prepared by a qualified design professional or similar entity in a clearly legible format.
- b. Submissions shall include a level of detail sufficient to ensure the existence of no less than three bedrooms of a size consistent with the minimum housing standards as outlined in Chapter 9 of the City's Municipal Code or other applicable regulations are included in each unit.

E. **Calculation of Housing Affordability.** For the purposes of determining affordability, the following shall apply:

- 1. Household size will be established using the formula set by the U.S. Department of Housing and Urban Development based on the number of bedrooms in a dwelling unit.
- 2. The household size determined by the number of bedrooms and the actual household size occupying the dwelling unit do not need to be the same, however rent or sale price will be based on the household size corresponding to the number of bedrooms.

F. **Incentives.** The following incentives may be utilized for projects that propose qualifying dwelling units as described in Section 5.14.D.

1. **Planned Unit Developments.** Planned Unit Developments, as outlined in Section 6.3, are eligible for the following incentives.

- a. **Multi-unit Buildings.** Projects proposed in the Residential A, Residential B, or Residential C Zoning Districts that include dwelling units with three or more bedrooms per unit as outlined in Section 5.14.D.2 may configure these dwellings in multi-unit buildings based on the following.
 - i. Projects in the Residential A or Residential B Zoning Districts may configure buildings with up to four units per building.
 - ii. Projects in the Residential C Zoning District may configure buildings with up to six units per building.
 - iii. A minimum of 50% of the dwelling units included in the project or proposal shall meet the qualifications as outlined in Section 5.14.D.2 related to the required minimum number of bedrooms per unit.

iv. All other standards and requirements for Planned Unit Developments, as outlined in Section 6.3 shall still apply.

b. Density. Qualifying projects in the Residential A, Residential B, or Residential C Zoning Districts that are proposed as part of a Planned Unit Development where 100% of the proposed dwelling units meet the qualifications included in Section 5.14.D.1 and Section 5.14.D.2 related to affordability and bedroom count may be eligible for additional density as follows:

i. Projects located in the Residential A Zoning District shall be eligible for .5 additional dwelling units per lot included in the project.

ii. Projects located in the Residential B Zoning District shall be eligible for .75 additional dwelling unit per lot included in the project.

iii. Projects located in the Residential C Zoning District shall be eligible for 1.0 additional dwelling unit per lot included in the project.

iv. Dwelling units included under this provision will be rounded up to the nearest whole unit.

v. All other standards and requirements for Planned Unit Developments, as outlined in Section 6.3, including dimensional standards outlined in Section 2.5 shall still apply.

vi. Bonus units established under this section are not required to meet the affordability or minimum bedroom count standards as outlined in Section 5.14.D unless configured in a multi-unit building as outlined in Section 5.14.F.1.a.

2. **Minimum Parking.** Qualifying dwelling units in the Gateway, Central Business, or General Commercial Zoning Districts that meet the qualifications included in Section 5.14.D.1 and Section 5.14.D.2 related to affordability and bedroom count shall be eligible for exemptions or reductions to the minimum parking standards outlined in Section 4.12 as follows:

a. Up to 20%, but no more than four qualifying dwelling units included in a development will be exempt from the minimum parking standards of Section 4.12.

b. Qualifying dwelling units shall not be excluded from having access to parking on-site.

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Affordable Housing: Affordable Housing shall mean housing that is owned or rented by inhabitants whose gross annual household income is not more than 100% of the HUD Area Median Family Income (HAMFI) for the Burlington-South Burlington Metropolitan Statistical Area (MSA) as defined by the U.S. Department of Housing and Urban Development and the total cost of the housing, including principal, interest, taxes, insurance, and condominium association fees, if owned housing; or the total cost of housing, including rent, utilities, and condominium association fees, if rental housing, is not more than 30% of the gross annual income.

HUD Area Median Family Income (HAMFI): HAMFI is the median family income calculated by HUD for each jurisdiction, in order to determine Fair Market Rents (FMRs) and income limits for HUD programs. HAMFI will not necessarily be the same as other calculations of median incomes (such as a simple Census number), due to a series of adjustments that are made.

Priority Housing: For the purposes of these regulations, priority housing shall mean dwelling units that have been identified by the City of Winooski that are desired for development due to their size, bedroom count, configuration, or similar elements. The desired housing may change from time-to-time based on the policies and priorities of the City Council which may necessitate amendments to these regulations.