

Memorandum

To: Planning Commission

From: Eric Vorwald, AICP, Planning and Zoning Manager

RE: Proposed Amendments to the City of Winooski's Unified Land Use and Development Regulations – Parking Waiver - UPDATED

Date: February 13, 2020

This memo provides information related to two proposed amendments to the City of Winooski Unified Land Use and Development Regulations. These amendments specifically impact Section 4.12 and Section 6.8 and both amendments are related to parking waivers.

Background

With the comprehensive update to the City's Unified Land Use and Development Regulations (ULUDR) in 2016, changes were made to multiple sections of the code. The most significant change was the inclusion of Appendix B – Gateway Districts Form Based Code Regulations. Early drafts of Appendix B included specific provisions related to parking in the Gateway District, however those provisions were not included in the final draft. Instead, parking for the Gateway District is regulated through Section 4.12 of the base zoning regulations.

In addition to the amendment adding Appendix B, the 2016 update to the ULUDR made other changes. One notable change included provisions for relief from the minimum parking requirements including options for shared use parking, reductions in lieu of Transportation Demand Management Strategies, and off-site parking options. Another notable change was the elimination of a provision in the parking regulations identifying the minimum parking requirements for uses not listed. Specifically, the 2016 update eliminated the following text:

"g. Other – for uses not specified here, the number of required parking spaces shall be determined by application to the Zoning Board of Adjustment."

While the provisions included in Section 4.12 offer administrative relief from parking minimums, there is currently no option for additional relief from these minimums or, more importantly, there is no mechanism to properly identify parking minimums for uses that are not listed in the following table:



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

The current regulations do not contemplate uses outside of this table, therefore parking may be over estimated for uses not included.

Purpose of Amendments

While there are two amendments being proposed in different sections of the ULUDR, the amendments are directly related, therefore one amendment cannot occur without the other. The purpose of these amendments is twofold. First, the amendment to Section 4.12 includes a waiver option to reduce the minimum parking requirements below what is achievable through administrative options and to provide a mechanism for determining minimum parking requirements for uses that are not listed. The second amendment incorporates standards for the Development Review Board to consider when reviewed parking waiver requests in Section 6.8.

Proposed Amendments

The following text includes excerpts from Section 4.12 and Section 6.8 respectively. Text that appears in red and underlined is proposed to be added. Text that appears with a ~~strikeout~~ is proposed to be deleted.

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

2. Uses not listed under **Section 4.12 C.1** shall follow the process outlined under **Section 4.12 C. 4** to determine the required minimum parking.

3. The applicant shall provide a calculation of the parking spaces allocated for each use (including for employees and for customers/clients) and by time period, and any proposed shared use or transportation demand management reductions, and the location of the parking spaces. The required reserved parking spaces may be adjusted, with approval from the DRB or ZA depending on the application requested, as follows:

- a. Shared Use: Sites over 10,000 square feet in non-residential gross floor area, may be applicable for shared use of the required reserved parking spaces. No more than 60%



of the required reserved spaces may be shared. Shared use calculations must be submitted and approved by the Applicable Authority.

- b. Transportation Demand Management (TDM): Use of TDM strategies may be incorporated for a reduction of no greater than 10% of the required reserved parking spaces. Specific strategies, and the associated single occupancy vehicle trip reductions must be submitted and approved by the Applicable Authority.
 - c. Location: The applicant shall demonstrate sufficient parking for residents and employees are available and reserved for use on the applicant's site or off-site within 1400 feet from the project site. No more than 20% of the required reserved parking or 10 spaces, whichever is more, shall be allowed off-site. Each application involving the provision of reserved parking spaces off-site shall submit written proof of contractual arrangements with the owner of the lot which guarantees the continuous use of the required parking spaces for the particular use(s) for the duration of the use(s). The off-site parking provision is not permitted for development proposals within the Residential Zoning Districts.
 - d. Public Parking: The customer or client (non-employee) portion of the minimum parking requirements may be accommodated in the City's public parking inventory upon approval of the Director of Public Works or Downtown Parking Administrator. However, the parking associated with the public parking inventory will not be reserved explicitly for any one business.
4. Waivers. In addition to the administrative reductions listed under subpart 3, waivers to the required minimum number of parking spaces may be granted by the DRB as outlined in Section 6.8. Requests for waivers to the parking requirements shall include:
- a. A zoning application for a specific use (or uses) requesting the waiver including:
 - i. a narrative outlining the reason(s) the waiver should be granted
 - ii. the specific relief requested
 - iii. how the requested relief from the minimum parking standards will be managed to accommodate the proposed use(s)
 - b. A Transportation Demand Management Plan or similar study stamped by a Vermont Licensed Engineer outlining the justification for the waiver.
 - c. A site plan identifying the location(s) of the proposed parking.
 - d. Applicable fees for DRB hearings as outlined in Chapter 28 of the Winooski Municipal Code.
 - e. Other information as deemed necessary for review by the Zoning Administrator or DRB.



f. It is understood that a waiver is typically used to provide relief from an established standard. In lieu of creating a duplicative procedure, this wavier process is being utilized as the mechanism to establish the minimum parking requirement for uses that are not listed in Section 4.12.C.1, on a case-by-case basis.

5.3. Handicapped-Accessible Parking Spaces. Parking spaces for handicapped persons shall be provided for all non-residential uses. The size, number, and location of spaces shall comply with the ADA Accessibility Guidelines. Handicap accessible spaces are required to be eight feet (8'0") wide, with an adjacent access aisle five feet (5'0") wide. One in every eight (8) accessible spaces must have an access aisle eight feet (8'0") wide and must be signed "van accessible". The number of accessible 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.

Total parking spaces in lot	1-25	26-50	51-75	76-100	101-150	151-200	201-300	301-400	401-500	501-1000	> 1,000
Number of accessible spaces required in lot	1	2	3	4	5	6	7	8	9	2% of total	20 + 1 per 100 over 1,000

6.4. Required Bicycle Parking. Sites and/or projects over 10,000 square feet in land area have the following requirements:

- a. For non-residential uses, the Applicant must provide 1 employee bicycle parking rack (2-bike capacity) per 5,000 square feet of non-residential gross floor area and 1 visitor/customer bicycle parking rack (2-bike capacity) per 10,000 square feet of non-residential gross floor area. The employee and visitor racks may be co-located.
- b. For residential, the developer must provide 1 tenant bicycle parking rack (2-bike capacity) per 10 units and 1 visitor bicycle parking rack (2-bike capacity) per 25 units. Projects under 10 units shall have no requirement.
- c. Bicycle parking facilities shall be visible to intended users. The bicycle parking facilities shall not encroach on any area in the public right-of-way intended for use by pedestrians, nor shall they encroach on any required fire egress.



SECTION 6.8 - WAIVERS & VARIANCE REVIEW

- A. **Applications & Review Standards.** The DRB may waive application requirements, and site plan or conditional use review standards under **Sections 6.6 and 6.7**, that it determines are not relevant to a particular application.
- B. **Dimensional Waivers.** The DRB, in association with site plan or conditional use review, or on appeal of a ZA's determination, may reduce minimum district setback requirements (under **Table 2.5**) or minimum surface water and wetland setbacks (under **Section 4.8**) in accordance with the Act [§ 4414] and the following requirements.
1. A waiver request, including information regarding the specific circumstances, need and justification for the waiver shall be submitted in writing with the application for site plan or conditional use review.
 2. A waiver under this section may be granted by the DRB only as necessary to:
 - a. Allow for the reasonable development and use of a pre-existing nonconforming lot under **Section 4.9**.
 - b. Allow for additions or improvements to a pre-existing nonconforming structure under **Section 4.9**.
 - c. Comply with federal or state public health, safety, access and disability standards.
 - d. Allow for the siting of renewable energy structures.
 3. The minimum required setback distance shall be reduced by no more than 50% under this provision. Variance approval under **Section 6.8** shall be required for any further reduction in dimensional requirements.
 4. In granting a waiver under this section, the DRB shall find, based upon clear and convincing evidence of a specific need and circumstances that:
 - a. No reasonable alternative exists for siting the structure, addition or improvement outside of the required setback area.
 - b. The reduced setback is not contrary to public health, safety and welfare, stated objectives and policies of the Winooski Municipal Development Plan, or the intent of these regulations.
 - c. The waiver represents the minimum setback reduction necessary to allow for the proposed development.



- d. Any potential adverse impacts resulting from reduced setbacks on adjoining properties, surface waters or wetlands shall be mitigated through site design, landscaping and screening, or other accepted mitigation measures.

C. **Parking Waivers.** The DRB, upon application, may grant a waiver to the minimum required parking for land uses as outlined in **Section 4.12 C.**

- 1. The DRB shall consider the specific reasons outlined when considering the waiver to the minimum parking requirements including:
 - a. Identified need for parking reductions as outlined in the provided parking study
 - b. Ability for the proposed development to support the parking needs as indicated on the provided site plan
 - c. Potential impacts to surrounding parking facilities including City maintained streets or parking structures
 - d. The parking waiver request represents the minimum parking relief necessary to allow for the proposed development to occur
- 2. Following review of the parking waiver request, the DRB shall take action to:
 - a. Approve the parking waiver request as submitted
 - b. Approve the parking waiver request with modifications as deemed appropriate
 - c. Deny the parking waiver request

D. **Variations.** In accordance with the Act [§ 4469], a variance from the provisions of these regulations may be granted by the DRB for a structure only if literal enforcement of these regulations results in an undue hardship to the appellant that precludes any reasonable use of the property.

- 3. **Variations within the Flood Hazard Area District.** In addition to the requirements under **Section 6.8.D**, variations from flood hazard area development standards are also subject to requirements in Appendix A.



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 indicates that there is a perception that too much parking is required in the gateways which is limiting development. Land Use Goal 4 notes that updates to the parking requirements of the Unified Land Use and Development Regulations should be considered. Also, Municipal Infrastructure Goal 9 discusses implementing components of the transportation master plan related to parking, and components of the downtown parking plan (completed in 2017) related to parking management including public assets. These proposed amendments will help further these goals and others of the City of Winooski Master Plan.

Additionally, parking is often identified as an added cost for development that can decrease housing affordability. Based on information from the 2018 U.S. Census Bureau's American Community Survey, approximately 20% of Winooski's renter households have no vehicle and another 50% only have only one vehicle. Providing opportunities for developers to reduce parking needs beyond the administrative adjustments to meet affordable housing goals established in the City's Master Plan can help achieve greater numbers of affordable housing.

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

The City of Winooski is almost completely developed and has access to centralized water and wastewater. This infrastructure has established a pattern of small lots that are underutilized. Redevelopment of these lots is the only mechanism the City has to continue growing. Changes to the ULUDR have supported increased density along the gateways, in the downtown core, and in the central business district. This is also reflected on the City's Future Land Use Map.

Due to the existing parcel configurations, it can be challenging to develop a project that takes advantage of the public infrastructure to maximize density due to the suburban style parking regulations. The waiver option would allow developers to provide additional information to establish parking at a more urban scale, take advantage of public parking facilities, and increase development density.



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

While these amendments would not directly impact any proposed community facilities, there may be an impact to a future parking garage being planned for Downtown Winooski.

