



## Review of Comments on Version 1

In reviewing the public comments, the Housing Oversight Task Force has found that the comments fit into 7 general categories. These are:

1. Housing affordability is not ensured by the proposed law (**Affordability**).
2. Concern that an increase in density will result in housing everywhere (**Density**).
3. Short Term Rental (STR) concerns related to housing affordability (**STR**).
4. Accessory Dwelling Units (ADU) questions & concerns, including proliferation, carrying capacity, etc. (**ADU**)
5. Misinterpretation of the proposed code (**Misinterpretation**).
6. Housing issues that cannot be addressed through zoning (**Not Zoning**).
7. Clarifications and/or word-smithing (**Clarifications**).

Each of these areas is discussed below.

### Affordability

The Affordability concerns can be summarized by the following comment from the Woodstock Environmental Commission (WEC):

*"Overall, we feel that this zoning code does not create or guarantee housing that is accessible [affordable] to residents."*

To address this concern, the HOTF has defined a new class of affordable housing (see §260-92.7). Housing that conforms to this new class of affordable housing is required or incentivized in the following circumstances:

1. The second Accessory Dwelling Unit on a lot must be deed restricted as affordable.
2. At least 1 unit in a 3-plex or 4-plex must be deed restricted as affordable.
3. The criteria used to determine the establishment of a Floating Residential District (FRD) include whether the proposed FRD addresses the town's need for affordable housing and requires that sixty (60) percent of the units be designed affordable.
4. Density bonuses in Clustered Lot Developments are granted based on the number of deed restricted affordable housing units included in the development.

While it is the case that zoning code cannot guarantee affordable housing, the code can create the conditions and incentives for developers and homeowners to build affordable housing. The HOTF believes that this is accomplished through the requirements and incentives in the revised code.

### Density

The concerns related to the risk of excessive housing density under the proposed zoning code can be summarized by the following comment from the WEC:

*"Although the aspects of the code requiring conservation on a site-by-site basis are strong, we would like to know what considerations have been taken for the overall sustainability of the town and the strain that this development could have on our natural resources."*

One of the most significant changes in the zoning code is moving the code from the existing exclusionary zoning (purposely limiting development of housing) to inclusionary zoning (allowing for appropriate development). The existing zoning has resulted in a critical shortage of housing that, in turn, has made housing less affordable and also resulted in fragmentation of land without adequate preservation of open space. Moving to an inclusionary zoning model will allow more housing to be constructed without risking environmental degradation. In addition, the included restrictions and incentives encourage increased affordable housing.

The HOTF recognizes that any increase in density must be carefully managed to ensure that the resulting growth is sustainable. This has been done through the following:

- All major subdivisions must be Conservation Subdivisions (Article IX of the Subdivision Regulations). Conservation Subdivisions require at least 50% of the parcel to be preserved as open space.
- More open space will be preserved, especially wetlands, slopes, and other important natural features, through the following requirements:
  - Use of Net Acreage as the basis for the number of subdivided lots and housing units on a parcel.
  - Allowing subdivisions to use Average Lot Size instead of Minimum Lot Size in the creation of new lots.
  - Requiring specification of building envelopes on the subdivision plat.

### **Short Term Rentals (STR)**

There were several comments regarding Short-Term Rentals. To a large extent, the Short-Term Rental issue cannot be addressed through zoning but must be addressed through other town laws and practices. The Short-Term Rental Task Force and the Housing Committee are currently working on these laws and recommendations for STRs.

In support of this effort, the HOTF has proposed zoning code changes that specifically prohibit Short Term Rentals:

1. A second ADU on a lot will only be permitted if deed-restricted as affordable housing.
2. The second ADU on a lot cannot be used for Short Term Rental.
3. There can be only 1 Short Term Rental per lot.
4. There can be no Short-Term Rental (STRs) in a building with 3 or more units (3-plex, 4-plex, etc.)

### **Accessory Dwelling Units (ADU)**

The current zoning permits one ADU per lot, by right. Version 1 of the proposed zoning changes allowed for 2 Accessory Dwelling Units (ADU) by right. Many of the comments expressed concern about this, feeling that it was too permissive. To address these concerns, the HOTF has modified the ADU code in the following ways:

1. Only the first ADU is by right. The second ADU now requires a Special Use Permit.
2. The code was clarified to ensure that any ADU must meet the lot limitations (setbacks, lot coverage, etc.)
3. The second ADU must be deed restricted to be affordable housing and can never be a Short-Term Rental.

## **Misinterpretation**

One comment expressed the concern that someone could do a minor subdivision and later do another minor subdivision, and then another, allowing them to circumvent the requirement that all major subdivisions be Conservation Subdivisions.

The definition of a Major Subdivision covers this possibility with the following:

*"When there have been one to five minor subdivisions of a parcel of land after [DATE OF ADOPTION] and as recorded pursuant to §260-20 (D), the splitting of a sixth lot shall also result in classification of that subdivision as a major subdivision."*

## **Not Zoning**

There are large number of comments that were not related to zoning laws. The HOTF is providing these to the Town Board for consideration. The comments fell into the following categories:

- Concerns over lax enforcement of the existing zoning laws.
- Calls for resolutions from the Town Board.
- Calls for tax incentives to encourage development of affordable housing.
- Concerns about staffing levels in the Building Department.
- Suggestion of a transfer tax on sales of high value properties.
- Suggestion of the establishment of a Housing Authority.
- Concerns about the scheduling of building permits.

## **Clarifications**

There were many clarifications and editing changes suggested. These were addressed in the draft Law.