

Summary of HOME Bill

Act 47 of the 2023 VT General Assembly (f.k.a S.100)

Overview

- Changes to the permissible regulations and prohibited effects of municipal zoning
 - – i.e. middle housing “by right”
- Limits to appeals based on “character of the area” for projects in designated areas or containing affordable housing
- Limits municipal review for Emergency Shelters
- Allows minor subdivisions to be delegated to administrative officers
- Changes to Act 250 jurisdictional triggers for three years
 - Changes “10-5-5” rule to “25-5-5” rule in designated areas
 - Allows creation of 4 units in an existing building to count as 1 unit
- Enables municipalities to seek a master Act 250 permit for a designated area

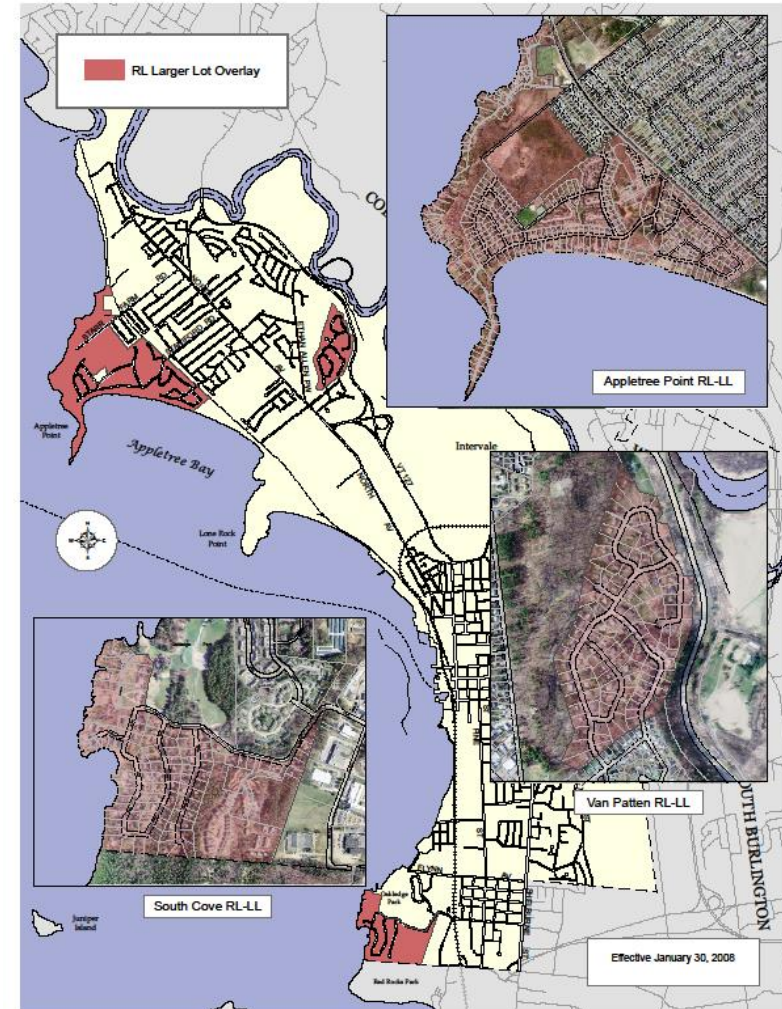
Overview- Continued

- Housing Navigator positions at RPC's, funding for planning
- More specific planning for affordable housing, low/moderate income households in Regional and Municipal Planning requirements
- Outlines Studies:
 - Cost & administrative hurdles for state water/wastewater connections
 - Consistency in future land use designations in regional plans
 - Framework for delegating Act 250 administration to municipalities

Required Zoning Provisions

Amendments to address through the Neighborhood Code:

- Requires minimum residential densities of 5 units/acre
 - RL-Larger Lot Overlay is only district that does not meet this standard
 - Will require an increase in allowed density and decrease in minimum lot size to comply



Required Zoning Provisions

Amendments to address through the Neighborhood Code:

- Duplexes & single-family homes with ADUs allowed with same standards as a single-family without an ADU
 - Density standards will not be applicable to duplexes
 - Cannot require larger lot sizes for duplex in RL zones



Table 4.4.5-1: Minimum Lot Size and Frontage: RL, RL-W, RM and RM-W²

Use	Lot Frontage ¹ <i>(linear feet)</i>		Lot Size <i>(square feet)</i>	
	RL, WRL	RM, WRM	RL, WRL ³	RM, WRM
Single detached dwelling	Min: 60'	Min: 30'	Min: 6,000	NA
Duplex and above			Min: 10,000	
1. The DRB may adjust the frontage requirements for lots fronting on cul-de-sacs, multiple streets, or corner lots reflecting the existing neighborhood pattern on each respective street. 2. There are no minimum lot size or frontage requirements in the RH District. 3. Exception: Larger minimum lot size in RL and WRL larger lot overlay district; refer to Section 4.5.5 & Table 5.5-1.				

Table 4.4.5-2: Base Residential Density

District	Maximum dwelling units per acre ¹
Low Density: RL, RL-W	7 units/acre
Medium Density: RM, RM-W	20 units/acre
High Density: RH	40 units/acre
Inclusive of new streets but exclusive of existing streets, and without bonuses or any Inclusionary Zoning allowances.	

Required Zoning Provisions

Amendments to address through the Neighborhood Code:

- 3 and 4 units buildings must be allowed by-right where residential uses allowed, may have different dimensional standards.
 - Will need to allow 3-4 units where not allowed in RL zones today
 - Must be allowed at min of 5 units/acre density/lot size
 - Neighborhood Code to determine specific provisions for these buildings

Appendix A-Use Table –

USES	Urban Reserve	Recreation, Conservation & Open Space			Institutional	Residential		
	UR	RCO - A	RCO - RG	RCO - C	I	RL/W	RM/W	RH
RESIDENTIAL USES	UR	RCO - A ¹	RCO - RG	RCO - C	I	RL/W	RM/W	RH
Single Detached Dwelling	N	N ¹	N	N	Y	Y	Y	N ³⁰
Attached Dwellings - Duplex	N	N ¹	N	N	Y	Y ²	Y	Y
Attached Dwellings - Multi-Family (3 or more)	N	N ¹	N	N	Y	N	Y	Y



Required Zoning Provisions

Issues to address through a separate amendment(s):

- May not require more than 1 parking space/dwelling
 - Only area where this continues to apply is under Residential Occupancy Limits
 - Will require the removal of the additional parking for exceeding 4 unrelated occupants
- Limited municipal review of Emergency Shelters
 - 24 VSA 4413 limits municipal review to standards such as location, density, setbacks, parking, screening but only to the extent that they do not interfere with the use
 - Clarifies that limiting daily or seasonal operation constitutes interference

Required Zoning Provisions

Issues to address through a separate amendment(s):

- Developments with 20% affordable housing must be allowed a 40% by-right density bonus, extra story height
 - Will not impact base 15% IZ requirement or existing by-right intensity bonuses
 - Some projects and/or locations may be eligible (i.e. districts that require higher IZ, or projects that opt into higher rate)
- Discretionary review may not result in reduced intensity below what is permitted by the ordinance
 - Residential uses, where allowed, are not subject to conditional use review
 - Explore relationship to historic preservation regulations



BTV Neighborhood Code

Graphic by jodi wahlen

Neighborhood Code Considerations

Within the Neighborhood Code work itself:

- Determine if approach to enabling middle housing types takes an overlay approach or modifies the base residential zones
- Within context of community preferences and in compliance with Act 47, determine how to enable various middle housing types across residential zones

Based on this outcome, NC scope may also include:

- Consider whether any areas may need to be rezoned, for example:
 - Are there areas zoned RL that are not actually built out as RL?
 - Do we need both RL and RLW or are there other ways to achieve the intent of RLW?
- Consider whether any residential district purpose statements need to be updated

Neighborhood Code Considerations

Within the Neighborhood Code work itself:

- Consider whether standards like density and minimum lot size are necessary, or if other controls such as maximum building footprint and number of units more appropriate
- Explore any potential changes to lot coverage, setbacks if needed to facilitate selected middle housing types
- Any dimensional/intensity bonuses or strategies to incent preservation vs. replacement
- Consider any additional ADU changes (owner-occupancy, allow with a duplex)

Based on this outcome, NC scope may also include:

- Consider whether any additional standards are needed beyond Article 6, for example:
 - How certain middle housing types can be scaled up or down for different size lots
 - Describe basic elements such as roof forms to reflect built patterns
 - Evaluate the role/relationship to the Design Review Overlay
- Consider relationship to existing Residential Development bonuses

Neighborhood Code Considerations

Within the Neighborhood Code work itself:

- Identify critical standards that may still preclude identified middle housing types such as:
 - allowing multiple freestanding/primary structures on a lot
 - Allowing subdivision as “flag lots” and/or with minimal/no street frontage
 - Enable PUD’s for smaller/other lots in residential areas

Based on this outcome, NC scope may also include:

- Consider other existing standards that seem to enable middle housing but are difficult to utilize, such as:
 - DRB consideration of an additional unit to existing 2+ unit buildings in RL

Other Residential Standards

Other related issues that may be considered at a later time:

- Certain setback and residential building elements encroaching in setbacks (pending amendment already)
- Additional 10% lot cover for certain accessory residential features (i.e. decks) – any other elements?
- Residential Occupancy Limits (i.e. 4-unrelated rule)– question has been raised about this standard
- Any expansion of allowable neighborhood commercial uses, particularly in some areas?

Related Considerations

Other related issues that will be addressed outside of Neighborhood Code:

- Historic Preservation Planning and related ordinance updates- department near term project
- Potential building/fire code limits to realizing middle housing types
- Incentivizing owner-occupancy in middle housing types (i.e. funding)
- Technical/financial assistance for “small developers”

what is **Missing Middle Housing**?

Middle Housing: “House-scale buildings with multiple units in walkable neighborhoods”

– *Opticos Design*

