

S.100 – HOME Bill

Vermont Planners Association Recommendations

April 21, 2023



Overview

VPA strongly supports measures in S.100 to modernize municipal land use regulations, expedite development review appeals processes, and provide more funding for housing development, including affordable housing. VPA recommends the following specific changes to make the bill as effective as possible and to minimize unintended consequences.

Recommended Bill Language Changes

- A. Section 1 Lines 11-17, Parking – increase municipal flexibility.** *VPA supports minimizing parking required, but municipalities need more flexibility based on local context. Replace bill language with the following:*
- For residential uses, a municipality shall not require more than one parking space per one-bedroom dwelling unit. For dwelling units with more than one-bedroom, a municipality shall determine parking requirements based on the context and specific needs of the residential use. This determination shall include factors that allow for less parking, including but not limited to: unique residential uses (e.g., senior housing), public transit, on-street parking, public parking, shared parking. For both residential and non-residential uses, a municipality may limit the amount of parking (e.g., parking maximums) based on demonstrated need, site constraints, or vehicle reduction provisions outlined in the municipal bylaw (e.g., transportation demand management, transit-oriented development, etc.).
- B. Section 2(1)(D), Multiunit dwellings allowance – allow for higher standards.** *VPA understands the intent of this provision is to ensure that multi-unit dwellings are not excluded from residential zoning districts, but interprets its effect as restricting flexibility to require more units. Revise bill language to read:*
- In any district that allows year-round residential development, duplexes shall be an allowed use with the same dimensional standards as a single-unit dwelling. In any district that is served by municipal sewer and water infrastructure that allows residential development, multiunit dwellings with four or fewer units shall be an allowed use, **unless that district specifically requires multiunit structures to have more than four dwelling units.**
- C. Section 2(12), Density allowance minimum – make consistent with NDA requirements.** *While VPA supports higher density housing in smart growth areas, the current draft sets a density minimum of 5 dwellings per acre, which is inconsistent with the existing NDA program requirement of 4 dwellings per acre. Revise the bill language to read:*
- In any district served by municipal sewer and water infrastructure that allows residential development, bylaws shall establish lot and building dimensional standards that allow **five or** more dwelling units per acre for each allowed residential uses, and density standards for multiunit dwellings shall not be more restrictive than those required for single-family dwellings.
- D. Section 2(13), Density bonus – revise to grant a 40% density bonus and remove the automatic building height bonus.** *VPA strongly supports high density bonuses for affordable housing projects and supports making this bonus as flexible as possible, which could include mixed-use development and could include additional building stories. However, offering this bonus in communities that are not prepared for higher buildings could undermine prior planning and reduce resident safety if fire departments lack capacity to respond to taller buildings. Revise bill language to read:*
- In any district served by municipal sewer and water infrastructure that allows residential development, any ~~mixed-use developments and affordable housing developments~~, as defined in subdivision 4303(2) of this title, **including mixed-use development**, ~~may exceed building height~~

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~~limitations by one additional habitable floor beyond the maximum height, and using that additional floor may exceed density limitations for residential developments by an additional 40 percent, provided that the structure complies with the Vermont Fire and Building Safety Code.~~

E. Section 2(15)(A)(ii)(VIII) – Density allowance minimum; additional provision to define applicable areas.

*VPA appreciates the bill's specificity regarding where the proposed density minimums should apply to encourage smart growth. Still, a list of exemptions may never capture all water / sewer service areas inappropriate for high-density housing. VPA recommends adding a provision that allows municipalities to specifically identify areas that are NOT planned for growth which are nevertheless served by water or sewer, as vetted by the regional planning confirmation process. This follows from a suggestion in Charlie Baker's testimony to Senate Natural Resources & Energy on 3/1/2023. **Proposed new language:***

(15)(A) As used in this section, an area "served by municipal water and sewer infrastructure" means:

(ii) areas established by the municipality by ordinance or bylaw that:

(VIII) exclude areas where residential development densities of four or more dwelling units per acre would run counter to the municipality's comprehensive plan and smart growth strategies. The rationale for such areas must be included in the municipal plan, and the maximum residential development density for such areas must be stipulated in the municipal bylaws. Such areas must be approved by the municipality's regional planning commission.

F. Section 17b – Neighborhood Development Area (NDAs) program requirements. *Currently, S.100 includes a requirement for wastewater infrastructure to qualify for NDA designation, which was recently removed in Act 182 of 2022. This provision should be removed to maintain expanded access to NDAs for municipalities working towards providing infrastructure. **Strike this section entirely.***

VPA Contacts:

- Darren Schibler, Legislative Committee Chairperson, dschibler@ccrpcvt.org, 802-846-4490 ext. 135
- Alex Weinhagen, President, aweinhagen@hinesburg.org, 802-777-3995

VPA is a non-profit advocacy and educational organization of over 150 planners and related professionals. We are dedicated to the advancement of community planning in Vermont at the local, regional, and state levels, to foster vibrant communities and a healthy environment. Our membership is diverse, including municipal planners, regional planning commission staff, private planning consultants, state planning professionals, etc. We also work to coordinate VPA's advocacy and education with other groups involved in planning policy such as VAPDA (VT Association of Planning & Development Agencies), VLCT, and the Agency of Commerce and Community Development.



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