TOPICS OF REFORM

Dimensional Standards

Bylaws establish dimensional standards that restrict the physical size and spacing of buildings. Sometimes these standards are overly restrictive—inadvertently blocking some of the most desirable types of new housing in walkable places such as the construction of new infill buildings, even in areas where water and sewer service are available. Minor changes to dimensional standards can enable additional housing opportunities without undermining existing or desired neighborhood character.

Stage 1: Short-term fixes

1. Match minimum lot size to local pattern.

Most Vermont municipalities have applied rural or suburban lot standards onto older neighborhoods that have different characteristics, or where walkability is a goal. This can significantly limit the rights of lot owners to improve or enlarge buildings or to make changes such as adding more housing. Bylaws should be amended to either eliminate minimum lot sizes or to ensure that existing lot sizes in a zoning district become the basis for the minimum lot sizes for that district. This would not require land to be rezoned except where a single zoning district with rural or suburban standards has been applied to land with very different existing characteristics.

2. Regulate coverage percentages carefully.

Coverage requirements can be useful, or counterproductive if the built outcomes aren't carefully considered. "Building coverage" is the percentage of a lot that can be covered by a building (sometimes referred to as maximum building footprint). "Lot coverage" is similar, but adds the area covered by other impervious surfaces such as driveways and parking spaces. The proper percentage to be used for these caps can be determined by measuring the existing buildings and lot sizes in the surrounding neighborhood and calibrating accordingly, or measure other neighborhoods with the character you want for new development and replicating the percentages.

3. Remove density caps.

The dimensional standards provided by zoning (setbacks, building height, and sometimes building coverage) can be important to ensure that new buildings aren't oversized or out of character. Density caps (such as maximum units per acre) may be appropriate on rural land but in a walkable settlement, where dimensional standards can be used to limit the size of new buildings, a density cap unnecessarily limits opportunities for smaller homes that are needed and that are most likely to be affordable to a broader segment of the population. The size of a new building is already constrained by the dimensional standards; an additional density cap can make it impossible for a new building to provide the smaller housing units that are needed Whenever possible, eliminate artificial density caps from bylaws.

4. Align other dimensional standards with the existing or desired pattern.

Verify that other dimensional standards, such as minimum setbacks and maximum building heights, either match the existing built pattern or allow desirable evolution of that pattern. (See the Resources Section for instructions about how to conduct a Character Survey to determine revised dimensions.)

5. Remove requirements that forbid a second building on a lot.

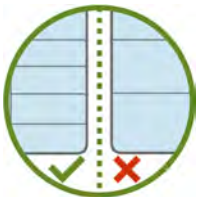
Many bylaws allow only a single ('principal') building on a lot. Most lots are developed in this manner, but there are legitimate cases where more than one building might be placed on a single lot, for instance two single-family homes on an oversized lot, or two duplexes on a larger lot in a walkable neighborhood. Dimensional standards and fire separation requirements (when used) already regulate the size and placement of buildings, so there is no need to arbitrarily limit each lot to one building.

6. Remove unnecessary architectural treatment requirements.

Some Vermont municipalities have design requirements aimed at creating architectural interest in new buildings. These requirements sometimes include mandatory vertical or horizontal changes in the facade (articulation), among other things, which are expensive to construct and often fail to deliver the desired character; those requirements should be eliminated from most design requirements. Municipalities can prevent large, blank buildings by limiting the width of buildings and requiring a minimum percentage of glass on the facade.

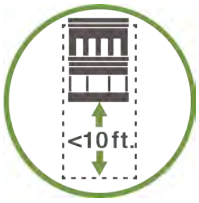
Stage 2: Mid-term fixes

1. Reexamine "nonconforming" provisions.



Municipalities with regulations that do not match the existing built pattern typically adopt "nonconforming" provisions to protect the rights of owners whose lots have been deemed substandard. However, zoning language for non-conformities often adds onerous review processes or makes upgrades and building expansion difficult or impossible. If the non-conformity exists only because the regulations have not yet been synced with the historic pattern, those penalties should not apply. It is a best practice to align the dimensional standards in a zoning district with the historic lot and building patterns.

2. Consider supplementing minimum front setbacks with maximum front setbacks.



Dimensional standards generally include minimum setbacks (the distance between a building and the lot line). In downtowns and nearby walkable neighborhoods, adding maximum front setbacks, essentially creating "build-to zones," can be equally important. For instance, in downtowns, most buildings should be built at or very close to the sidewalk; this relationship could be expressed as setbacks within a range from 0 to 5 feet. In nearby neighborhoods, front setbacks could be expressed within a range from 5 to 25 feet. Ensuring that building facades sit within a minimum distance from the street helps create the feeling of an "outdoor room" in the public realm and provides more room to hide parking and private outdoor spaces behind buildings.

3. Add character-based frontage requirements.

When buildings are placed closer to the street and to each other, the way buildings relate to the street becomes more important. Standards can be defined to regulate how buildings should meet the street, including requiring functional sidewalk-facing entries and restricting blank walls on the front of buildings. A desirable further step can be to require a minimum percentage of glazing (transparent glass) on the front of non-residential buildings.

There are many excellent examples of multi-family multi-story housing in the historic downtowns of Vermont, this one in Montpelier, image credit: Susan Henderson

TOPICS OF REFORM

Parking

Parking spaces are expensive to build and maintain. Bylaws often require more parking spaces than are really needed, especially in walkable neighborhoods and downtowns where many people prefer to walk or bike and tend to drive less. Excessive parking requirements drive up the cost of new housing and can even block it entirely. Simple changes to parking requirements can provide immediate benefits to communities.

Stage 1: Short-term fixes

1. Reduce the number of on-site parking spaces required for specific uses.

Minimum parking requirements in bylaws are rarely determined by a study of actual need. For newly constructed buildings, the required number of parking spaces is usually considerably greater than the actual demand. Smaller multi-family dwellings can be nearly impossible to construct affordably when excessive parking is required. Minimum parking requirements for housing should rarely be higher than one on-site space per dwelling. If on-street or other sources of shared parking are available, even less parking can be required. Individual owners can choose to provide additional parking on their lots.

2. Allow on-street parking spaces to count towards parking requirements.

Particularly in town and village centers, on-street parking spaces may be available. One way to provide flexibility for infill development and changes of use is to allow property owners to count the adjacent on-street parking spaces towards their on-site parking requirement.

3. Require that new parking spaces be placed behind buildings.

Walkable neighborhoods are characterized by highly visible entrances and other active areas of homes. New homes sometimes have large garages that dominate the facade of the house, removing activity from the sidewalk and eyes on the street. To address this concern, bylaws can require that parking areas be located completely behind buildings, or be set back at least 20 feet beyond the front facade.

Stage 2: Mid-term fixes

1. Eliminate parking minimums.

In recent years, many towns and cities have begun to accept that parking minimums have not been an effective tool, either in accurately predicting parking need or in successfully producing great places. In most cases, lenders and tenants will demand a minimum number of parking spaces. Municipalities should focus on where that parking is located, not how much parking there should be. To address this, minimum parking requirements can be eliminated entirely, or at least eliminated for smaller parcels.

2. Allow on-street parking in certain areas.

On-street parking spaces are shared among many users and have the additional benefit of separating pedestrians from moving vehicles. Some municipalities have no tradition of allowing on-street parking, but may have adequate space within their rights-of-way to do so. These municipalities can identify those blocks where on-street parking would be a community asset.

Parking for Church Street in Burlington is accommodated in adjacent structures and lots, which also serve other downtown businesses and services. , image credit: CNU

Allowable Uses

Bylaws determine exactly which types of housing and other uses of land can be provided in each zoning district. Downtowns and adjoining walkable neighborhoods have historically contained a greater variety of uses and more types of housing than other parts of the community, and can be ideal locations for expanding housing opportunities. Over time, bylaws have often restricted housing choices, such as not allowing additional housing in larger existing buildings, or forbidding small new multi-family buildings that are compatible with the neighborhood and which could provide more variety in size and price. Zoning can make it easy, difficult, or even impossible to continue historic housing patterns and to build mixed use and multi-family homes where they are needed. Suggestions are provided here for several simple ways to reduce unnecessary barriers to more housing.

Stage 1: Short-term fixes

1. Eliminate unnecessary use restrictions on desirable housing types.

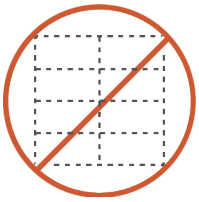
Expanded housing choices are often inadvertently discouraged or even forbidden by zoning regulations that allow only a single-family home on a lot, or that put multiple restrictions on any other housing types, such as allowing them only as discretionary "conditional uses" or by shunting them into complex review processes that were designed for larger development projects. Unnecessary use restrictions are a major impediment to housing affordability and can run afoul of legal restrictions against regulating by type of ownership (rentals vs. condominiums vs. fee-simple ownership) or discriminating by source of income. All zoning regulations should be examined to determine which use restrictions are legal and important to a community and which should be refined or eliminated.

2. Avoid artificial determinations of acceptable family composition.

Zoning regulations sometimes establish artificial limits on how families are defined, such as allowing no more than four unrelated people to share one dwelling, and thus can run afoul of legal restrictions against discriminating by family status. Safe uses of housing should not be forbidden by zoning declarations about who can belong to a household; such declarations should be eliminated from zoning regulations.

Stage 2: Mid-term fixes

1. Do not require unnecessary subdivision of land.



Home development can take place with various ownership structures, including detached homes within a condominium association. Municipalities do not need to require that the original tract be subdivided into a separate lot for each home or require PUD approval for development with commonly owned land. Town regulations should ensure that standards that regulate the subdivision of land are not inadvertently applied where they are not relevant or needed.

Duplex that fits into the neighborhood context in Waterbury, image credit: Richard Amore

TOPICS OF REFORM

Street Standards

Streets should be designed according to the intensity of land use through which the street passes. The capital and maintenance costs of streets can increase the cost of housing and create a long-term drain on municipal budgets. Disconnected street networks hinder walking, biking, and transit, increasing individual household transportation costs. A variety of departments and regulatory mechanisms impact street design; for guidance, please refer to Complete Streets: A Guide for Vermont Communities.

Stage 1: Short-term fixes

1. Add on-street parking wherever possible.

On-street parking provides a layer of physical protection for pedestrians while strongly supporting nearby businesses. In some cases, on-street parking has been reduced or removed in town and village centers to add or widen travel lanes, but hasn't been replaced even when the extra travel lanes are no longer needed. Wherever possible, on-street parking should be added (or replaced) in centers, and added on nearby streets where the right-of-way can accommodate it.

Stage 2: Mid-term fixes

1. Develop context-appropriate public realm standards.

High-quality sidewalks, furnishings, and plants in public spaces and along streets should support the comfortable pedestrian environment that is vital to the continuing success of downtowns. Town and city standards for the public realm can be established, such as locations for on-street parking, minimum sidewalk widths, type and spacing of street trees, and potential use of the right-of-way for outdoor dining and the display of merchandise.

A walkable, livable main street has wide sidewalks, crosswalks, and narrow travel lanes like this in Montpelier, image credit: Susan Henderson

2. Stormwater management options.

Streets play a significant role in stormwater management. Ideally, stormwater is managed collectively over a larger area. On small sites, such as a single residential lot, on-site stormwater retention should not be required or should be replaced by a simple requirement that each site make a meaningful contribution to limiting or cleansing surplus stormwater through techniques suited to small sites, such as pervious paving or exfiltration trenches. On larger sites, such as new subdivisions, stormwater management facilities should be designed as an open space asset as well as necessary infrastructure.

3. Reduce travel lane width.

Historic streets were shared by all users, unlike contemporary roads which prioritize the automobile. In new subdivisions or town extensions, streets should be multi-modal to assure pedestrian priority and safety, and should be no wider than necessary. As towns transition from rural roads to urban streets, the character of the street itself should change to reflect activities on adjoining land.

Town and village center streets benefit from slow-moving vehicles. From a safety standpoint, slowing cars is critical to saving lives. From a business standpoint, slowing cars increases business visibility and makes the sidewalk a safer and more pleasant place for customers to walk. From an affordability standpoint, household budgets have more room when people feel safe and comfortable enough to walk or bike to many destinations. While posting a lower speed limit is important, driver speed is more directly influenced by the width and number of lanes. Travel lanes should be no wider than 10 feet in town and village centers, with possible exceptions for truck or bus routes.

4. Right-size the number of travel lanes for village and town centers.

For the same reasons discussed in item 3, the number of travel lanes should be right-sized. The most vibrant pedestrian-oriented town and village centers consist of two travel lanes, one moving in each direction—these are easily crossed by pedestrians. Vibrant centers may also survive three-lane sections where turn lanes are necessary. Each additional travel lane detracts from the potential success of the center. Although reducing lanes on some heavily traveled streets may be controversial or even impractical, some downtown streets have more capacity than needed now or in the future.

5. Implement complete-streets principles.

A safe and comfortable walking and biking environment has the side benefit of increasing affordability for anyone who can reach their jobs and daily needs without a car. Many municipalities have adopted complete street principles to support pedestrians and cyclists, but have yet to follow through with meaningful investments and street management. This step is as important as the regulatory changes recommended above. See the VTrans Complete Streets Guidance.

6. Provide connections where possible.

New subdivisions and linear villages frequently lack an interconnected structure of streets and blocks. Development regulations can require new streets to connect to existing streets, or that stubs be constructed to the parcel boundary to allow future connections. Vehicular connectivity is highly desirable, but where impossible, it is still critically important to provide pedestrian or bicycle paths to adjacent neighborhood services and employment where feasible.

A vibrant downtown accomodates both pedestrians and vehicles, as in Waterbury, image credit: Susan Henderson

TOPICS OF REFORM

Accessory Dwelling Units [ADUs]

Accessory dwellings can reduce the cost of housing for the property owner as well as potential renters. An additional option for aging in place would be for the owner to move into the smaller dwelling over time. All of the suggestions below increase the effectiveness of existing ADU bylaws and are appropriate in village centers and neighborhoods adjacent to town and village centers.

Stage 1: Short-term fixes

1. Allow the owner to occupy an accessory dwelling unit.

Some municipalities require the primary residence to be owner-occupied. This requirement has no benefit to density, parking, or neighborhood character and can be removed through a very simple amendment to the regulations. Owners of accessory units would then be allowed to age in place while increasing income by renting the larger residence, should they desire to do so.

2. Increase the allowable size of accessory units.

Many municipalities have strict limitations on the size of accessory dwellings, or limit them to an efficiency apartment or a single bedroom. When viewing the primary home from the street, the depth of the building isn't perceived, making square footage a misleading measure of visual impact. Instead, where feasible the size of an accessory dwelling should be regulated by proportionality to the width and height of the primary home, not by simple square footage. Accessory unit size limits should also consider historically small lots; for example, on 25-foot-wide lots such as those in Burlington, at least half of that width is needed for a habitable accessory unit. A reasonable proportion is to limit the accessory dwelling to 60% of the width and 80% of the height of the primary building, however waivers of proportional percentages for constrained circumstances where the principal building or lot limits compliance with these proportions should also be allowed. Additionally, pre-existing buildings, such as carriage houses and garages, should be allowed to be converted to an accessory dwelling even if they do not meet these proportion limits.

Stage 2: Mid-term fixes

1. Minimize or eliminate parking requirements.

Many Vermont villages and towns require two on-site parking spaces for each new residence. Older lots often do not have room for four parking spaces, and even when they do, the loss of garden space and the additional impervious surface is not desirable. Since ADUs are very small residences, no extra parking needs to be required, or if it is, one additional space should be adequate, and interior garage spaces or stacked driveway spaces should be allowed toward this requirement. In some communities, parking shortages may be a significant problem, requiring a more complex solution for accessory dwellings, but this determination should be made based on a study of actual parking need.

An example of a naturally-occurring ADU in Montpelier, image credit: Susan Henderson

Development Review Process

The development review process can raise housing costs by increasing permitting costs, extending the time it takes to construct a building, and creating uncertainty over whether a successful outcome is even likely. This lowers the total number of housing units that can be produced and discourages smaller and less experienced developers and potential landlords from providing more housing. Most municipalities can find opportunities to improve the review process while effectively regulating development and protecting public interests.

Stage 1: Short-term fixes

1. Reduce requirements for conditional-use approval and discretionary site plan review.

Expanded housing choices are often inadvertently discouraged by complicated review processes. Excessive requirements often exist for even the smallest increments of new housing, such as conditional-use approval or discretionary site plan reviews, processes that were originally intended to inhibit potentially undesirable projects. More uses should be allowed "by right" (without subjective review processes); examples include additional housing types in walkable neighborhoods and desirable amenities in town centers, such as multi-family housing, restaurants, and shops.

2. Simplify application requirements for small-scale development.

Regulations should eliminate unnecessary application requirements. For instance, an application to add an apartment or accessory dwelling on an existing lot should not require the same detailed engineering drawings as a new commercial building with a paved parking lot.

3. Consider limited deviations from certain zoning standards.

Bylaws can define certain standards that can be modified by the Zoning Administrator so that a locally desirable development will not be forbidden due to a minor inconsistency with adopted regulations. For instance, a deviation of up to 10% from setback requirements might be allowed to accommodate complex situations such as lots with topographical constraints. The Development Review Board might be granted the authority to approve certain larger deviations based on criteria established in the bylaws. Both types of deviations would be different than variances, which are limited to strict hardship situations that are quite rare.

Stage 2: Mid-term fixes

1. Avoid over-reliance on complex PUD approval processes.

Many communities try to work around ineffective bylaws by requiring complex approvals such as PUD (planned unit developments) processes for what should be routine processing of applications. Frequent use of PUDs is often an indicator of problems with the bylaws. Codes should offer a flexible process like PUD so that an unanticipated but desirable development project still has an opportunity to be considered through discretionary review; however, frequent use of PUDs is often an indicator of underlying problems with the bylaws.

2. Where practical, make staff responsible for site plan review.

Site plan review is generally a technical matter, resulting in an administrative decision, within the allowances of 24 V.S.A. 4464 (c). If a qualified staff member is available to conduct a site plan review, the review can be completed more quickly and an applicant can get clear direction about how deficiencies can be remedied. Assigning this responsibility to staff reduces the chances that subjective opinions will influence an administrative review process.

Brattleboro, image credit: Richard Amore

Live-work housing in Montpelier, image credit: Susan Henderson

The primary recommendations in the previous section of this Guide focused on regulatory changes that could be made to allow more housing in town/village centers and adjoining neighborhoods across Vermont. Towns and villages should consider amending particular parts of their existing land use regulations, regardless of the format or organization of those regulations.

As further assistance, this section provides resources for implementing incremental code reform, including samples of potential partial bylaw language on the important subjects of accessory dwelling units and on-site parking standards. It also includes sample language on related subjects that may be useful to communities considering broader changes to their bylaws. Sample language is also provided as a framework for four new zoning districts that could be applied to the three physical settings described earlier in this Guide.

ACCESSORY DWELLING UNITS

Occupancy

Accessory dwelling regulations should not require the owner to occupy the primary building on the same lot.

Adjust to Context

While this language recommends specific proportional percentages, these should be adjusted to the context using the Character Survey below, and could be further modified by:

1) Allowing waivers or a range of proportional percentages for constrained circumstances where the principal building or lot, limits compliance with these proportions.

2) Allowing pre-existing buildings, such as carriage houses and garages, to be converted to an accessory dwelling even if they do not meet these proportion limits.

A. One accessory dwelling is allowed for each single-family dwelling provided these requirements are followed.

1. The accessory dwelling must be located on the same lot or lots as the single-family dwelling.
2. The accessory dwelling may be located within the single-family dwelling, or may be attached to it or may be in a detached structure.
3. An accessory dwelling in a detached structure other than a pre-existing building such as a carriage house or garage must meet these additional requirements:
   a. The facade of the accessory dwelling must be at least 20 feet further from the street than the facade of the single-family dwelling.
   b. The width of the accessory dwelling parallel to the street may not exceed 60% of the width of the single-family dwelling.to provide for walkable streetscapes where active facades address sidewalks and parking and loading are located behind buildings;
   c. The height to the eave of the accessory dwelling may not exceed 80% of the height to the eave of the single-family dwelling.
4. Additional parking spaces are not required for an accessory dwelling.

ADUs can accompany a variety of principal buildings, as here in the carriage house above a garage in Corinth, Image credit: Richard Amore

PARKING REQUIREMENTS

B. On-Site Parking and Loading

1. On-site parking spaces are not required. *[Alternative: "On-site parking spaces must be provided in accordance with Table 1. Each on-street parking space directly adjoining the site will replace two parking spaces otherwise required by Table 1.]*
2. Parking spaces constructed on-site cannot be located in front of buildings.
3. Unless no reasonable alternative exists, on-site parking shall be located to the rear of building. When no such reasonable alternative exists (including on-street or shared off-site parking), parking may be located to the side, no closer to the street than the façade.
4. Access to on-site parking and loading areas is limited as follows:
   a. Access must be from a rear alley where available.
   b. Access may be from a street adjoining the rear or side property line if a rear alley is not available.
   c. If access is not possible from a rear alley or rear or side street, access may be provided from a driveway from the street.

OPTIONAL TABLE 1 - REQUIRED ON-SITE PARKING SPACES

Uses	Minimum Parking Spaces Required
All Residential Uses	1 space per household unit
All Lodging Uses	1 space per sleeping unit
All Assembly Uses	1 space per 4 installed seats
All Retail Uses	1 space per 300 sq. ft. of display floor area
Medical Offices	1 space per 400 sq. ft. of gross floor area
All Other Offices	1 space per 500 sq. ft. of gross floor area
Restaurants/Taverns	1 space per 4 indoor seats

On-Street Parking

On-street spaces should count for 2 off-street spaces because on-street spaces turn over, are available more frequently, and have higher overall occupancy rates.

Shared Parking

Parking may be provided off-site within 300 feet through the use of a shared lot when the [review entity] finds that due to hours of operation, type of use, and/or size of lot, that an agreement between the owners for such sharing exists.

*Note

If on-site parking is required, simplify the parking table by defining uses broadly as shown on Table 1 and reduce the number of parking spaces necessary for each use.

ALLOWABLE USES

*Note

When two, three, and four-household buildings are permitted by right in the Neighborhood [N] district, additional standards should be provided to ensure that these buildings are scaled to match the physical setting and that parking spaces do not displace front yards.

Household

Safe uses of housing should not be forbidden by zoning language about use, and the term "household" should replace "family" in housing descriptions.

Simplify Development Review

Communities benefit from having a variety of housing units in walkable places so homes in buildings types that are suitable in the district should not be subject to conditional use review. (Note that the size and intensity of buildings should be controlled primarily through dimensional requirements as recommended in the district standards below.)

In municipalities with sufficient staff, site plan review for the types of residences that meet community goals can be conducted administratively to further simplify development review. Establish clear standards to address local concerns rather than imposing time-consuming, discretionary board reviews.

A. Sample Use Table for Neighborhoods and Centers

1. Table 2 indicates allowable uses in the Neighborhood [N] and Center [TC, VC, D] zoning districts.
2. The uses and groups of uses listed in the first column of Table 2 are defined in section ___.
3. Standards and procedures for conditional uses are described in section ___.

TABLE 2 - ALLOWABLE USES

Description of Use	Neighborhoods [N]	Centers [TC, VC, D]
Residential Uses		
Single-household building	Allowable Use	Not Permitted
Two-household building	Allowable Use *	Allowable Use
Three-household building	Allowable Use *	Allowable Use
Four-household building	Allowable Use	Allowable Use
Building with five+ households	Conditional Use	Allowable Use
Lodging Uses		
Bed and breakfast inn	Allowable Use	Allowable Use
Hotel, motel, other lodging uses	Not Permitted	Allowable Use
Institutional Uses		
School or daycare, <12 pupils	Allowable Use	Allowable Use
School or daycare, 13+ pupils	Conditional Use	Allowable Use
Place of worship, <10 parking sp	Allowable Use	Allowable Use
Place of worship, 11+ parking sp	Conditional Use	Allowable Use
Other institutional uses	Not Permitted	Conditional Use
Commercial Uses		
Home occupation	Allowable Use	Allowable Use
Offices/shops in converted house	Conditional Use	Allowable Use
Main Street commercial uses	Not Permitted	Allowable Use
General commercial uses	Not Permitted	Conditional Use
Industrial Uses		
All industrial uses	Not Permitted	Not Permitted

a. Multiple permitted and conditional uses within a single building, and multiple buildings and permitted and conditional uses on a single lot, are allowable provided that the dimensional standards in Table 2 and other zoning regulations are met.

b. Conditional uses may be permitted only upon approval by the Development Review Board using the standards in section __. Site plan review will be performed simultaneously by the Development Review Board while considering the conditional use application.

c. Temporary uses are regulated by section __, not by the allowable uses listed in Table 2.

NEIGHBORHOOD DISTRICT [N]

A. Intent

1. The **Neighborhood District** encompasses the blended density of residential areas adjacent to village, town, and city centers. Neighborhood Districts are intended to permit one, two, three, and four household residences as well as neighborhood commercial uses while complementing and connecting to the adjacent centers.
2. Additionally these regulations seek to increase the availability of attainable housing by clarifying the requirements for housing development.

B. Dimensional Standards* for Structures and Lots

1. All structures and lots must meet the dimensional standards listed in Table 3.
2. Height of Structures
   a. Structure height is limited by stories above sidewalk/ street grade.

TABLE 3 - DIMENSIONAL STANDARDS FOR STRUCTURES AND LOTS

Lot Widths	**50'** min., **100'** max.
Setbacks	
Front	**8'** min., **12'** max.
Side	**5'** min.
Rear	**3'** min. with rear lanes or **12'** min.
Parking setback from building front	**20'** min
Maximum building height	**2.5** stories
Maximum building width	**40'** per building
Maximum building coverage	**__% per site**

*[Numbers in **green** must reflect the character of the local context. Use the Character Survey below to determine the appropriate dimensions.]*

   i. Ground floor stories exceeding 20 feet are considered two stories.
   ii. Mezzanines exceeding 30% of the ground floor area are counted as a story.
   iii. Upper stories exceeding 16 feet are counted as two stories, and an additional story for every multiple of 16 feet.

C. Building Standards

1. Building facades within 20 feet of sidewalks must have a minimum of 15% glazing.

*Note

These dimensional standards offer requirements for lot and building dimensions and are designed to control the character and intensity of development. With these standards in place, density caps such as minimum lot sizes and maximum densities that are typically used in zoning bylaws can be removed to enable a wider range of housing options.

Measure First

The first step for the Neighborhood District and all the districts that follow, is measuring existing dimensions of building and lot patterns that meet the goals for the neighborhood. If the goal is to maintain the existing, historic neighborhood character, then use the Character Survey below to assess exactly what dimensions exist and use that to inform the numbers on Table 3.

If the goal is to change the form of a district, conduct the Character Survey in a neighborhood that exhibits the desired character, possibly in another town or city. Always verify dimensional standards in the real world, measuring places you want to replicate.

TOWN CENTER [TC]

*Note

The Town Center, Village Center and Downtown district language all provide suggested standards for development in the mixed use core of a settlement, but each offers standards at a different scale and intensity that can range from a rural village to a bustling regional downtown. Select the district language that best fits with the center of your walkable community and use the Character Survey to determine the dimensional standards needed.

Mezzanine

A mezzanine refers to a low-ceilinged story between two main stories of a building, often an intermediate story that projects in the form of a balcony between the ground floor and the floor above.

A. Intent

1. The **Town Center District*** encompasses the central mixed-use areas of small cities and towns. Town Center Districts are intended to provide a place of civic pride and a focal point for development in the community. Town Center Districts enable a higher-density and more compact settlement pattern than other places in town with a compatible mix of appropriately-scaled residential and business uses in a pedestrian-friendly setting.
2. Additionally these regulations seek to increase the availability of attainable housing by clarifying the requirements for housing development, land use regulations, and the myriad requirements, agencies, and goals involved in maintaining a stable village, town, city, region, and state.

B. Dimensional Standards for Structures and Lots

1. All structures and lots must meet the dimensional standards listed in Table 4.

TABLE 4 - DIMENSIONAL STANDARDS FOR STRUCTURES AND LOTS

Lot Widths	**30'** min.
Setbacks	
Front	**0'** min., **0'** max.
Side	**0 or 5'** min.
Rear	**3'** min. with rear lanes or **12'** min.
Parking setback from building front	**20'** min
Maximum building height	**3.5** stories
Maximum building width	**120'** per building, within 30' of front
Maximum building coverage	**100% per site**

*[Numbers in **green** must reflect the character of the local context. Use the Character Survey below to determine the appropriate dimensions.]*

2. Height of Structures
   a. Structure height is limited by stories above sidewalk grade.
      i. Ground floor stories exceeding 20 feet are considered two stories.
      ii. Mezzanines exceeding 30% of the ground floor area are counted as a story.
      iii. Upper stories exceeding 16 feet are counted as two stories, and an additional story for every multiple of 16 feet.

C. Building Standards

1. Building facades within 20 feet of sidewalks must have a minimum of 15% glazing.

VILLAGE CENTER [VC]

A. Intent

1. The **Village Center District*** encompasses the central mixed-use areas of small towns and hamlets. Village Center Districts are intended to provide a place of civic pride and a focal point for development in the community. Village Center Districts enable a variety of housing opportunities with a mix of small-scale commercial in a pedestrian-friendly setting.
2. Additionally these regulations seek to increase the availability of attainable housing by clarifying the requirements for housing development, land use regulations, and the myriad requirements, agencies, and goals involved in maintaining a stable village, town, city, region, and state.

B. Dimensional Standards for Structures and Lots

1. All structures and lots must meet the dimensional standards listed in Table 5.
2. Height of Structures

TABLE 5 - DIMENSIONAL STANDARDS FOR STRUCTURES AND LOTS

Lot Widths	**40'** min.
Setbacks	
Front	**0'** min., **20'** max.
Side	**0 or 5'** min.
Rear	**3'** min. with rear lanes or **12'** min.
Parking setback from building front	**20'** min
Maximum building height	**2.5** stories
Maximum building width	**100'** per building, within first 30' of building
Maximum building coverage	**100% per site**

*[Numbers in **green** must reflect the character of the local context. Use the Character Survey below to determine the appropriate dimensions.]*

a. Structure height is limited by stories above sidewalk grade.
   i. Ground floor stories exceeding 20 feet are considered two stories.
   ii. Mezzanines exceeding 30% of the ground floor area are counted as a story.
   iii. Upper stories exceeding 16 feet are counted as two stories, and an additional story for every multiple of 16 feet.

C. Building Standards

1. Building facades within 20 feet of sidewalks must have a minimum of 15% glazing.

*Note

In rural villages, the dimensional differences between a Village Neighborhood and a Village Center may be subtle. Look for the details of what makes the placement and size of buildings used for a village store or post office different from those in the residential parts of the village. Measure the village center building patterns in other, similar villages to further refine the dimensional requirements.

DOWNTOWN DISTRICT [D]

A. Intent

1. The **Downtown District** applies to the core of a village, town, or city to integrate a mix of business, residential, public, and institutional uses.
2. These regulations seek to reduce barriers that may disadvantage individuals unfamiliar with the complexities of development, land use regulations, and the myriad requirements, agencies, and goals involved in maintaining and invigorating the physical and economic center of a village, town, or city.

B. Permitted Uses

1. Potential uses are designated with (P), (R), (C), or (N) in Table n, indicating the following:
   a. (P) This use is permitted by right.
   b. (R) This use is permitted by right provided it complies with the listed special use restrictions.
   c. (C) This use may be permitted, subject to conditional use approval by the ___.
   d. (N) This use is not permitted.
2. Multiple uses within a single site or building are permitted.
3. Temporary uses are regulated by section __ .

C. Dimensional Standards for Structures and Lots

1. Structures and lots must meet the dimensional standards listed in Table 7, except when otherwise approved under specific provisions of these regulations, or as noted in section __ .
2. Height of Structures
   a. Structure height is limited to 4 stories above sidewalk .

TABLE 6 - LAND USE TABLE - DOWNTOWN DISTRICT

Description of Use	Permission	Special Restrictions
Principal Residential		
Single-household building	C	
Two-household building	P	
Three-household building	P	
Four-household building	P	
Building with five or more households	P	
Accessory dwelling units	P	
Lodging Uses		
Bed and breakfast inn	P	
Hotel, motel, and other lodging uses	P	
Institutional Uses		
All institutional uses	P	
Commercial Uses		
Automobile sales	N	
Adult entertainment	N	
Gas stations	N	
Storage facilities	N	

TABLE 6 - LAND USE TABLE - DOWNTOWN DISTRICT

Description of Use	Permission	Special Restrictions
Off-street parking facilities	N	
All other commercial uses	R	The following restrictions apply to all commercial uses: 1. Building footprints larger than 10,000 sf. require conditional use approval. 2. Drive-thrus and access lanes are not permitted between buildings and sidewalks. 3. Storage of non-retail materials and the making, assembling, remodeling, repairing, altering, finishing, or refinishing of its products or merchandise is permitted provided: a. These activities are completely enclosed within the premises occupied by the establishment. b. These activities are clearly accessory to sales and display activities.
Industrial Uses		
Heavy industrial	N	
Cottage industry	R	1. Storage of non-retail materials and the making, assembling, remodeling, repairing, altering, finishing, or refinishing of its products or merchandise is permitted provided: a. These activities are completely enclosed within the premises occupied by the establishment. b. These activities are clearly accessory to sales and display activities. c. Levels of traffic, noise, smoke, vibrations, odor, fumes, and glare must not exceed those levels which are customary for retail uses within the district. 2. Spaces are limited to 5,000 sf max.

DOWNTOWN DISTRICT [D]

Frontage Standards

Character based frontage standards like sidewalk-facing entries and requiring windows (glazing) on the front of buildings are especially important for maintaining the look and feel of a downtown.

Glazing

Glazing refers to a collection of panes or full sheets of glass or other transparent material, set within frames such as windows or doors.

Parapet Wall

A parapet wall is an extension of a building wall that rises above the edge line of a roof surface, or may be a continuation of a vertical feature beneath the roof such as a fire wall or party wall.

Façade

A façade is the front of a building, or any of its sides which face a public right-of-way or space. Façade elements are those architectural treatments which help to distinguish a particular side of a building as being primary in nature.

i. Ground floor stories exceeding 20 feet are considered two stories.
ii. Mezzanines exceeding 30% of the ground floor area are counted as a story.

TABLE 7 - DIMENSIONAL STANDARDS FOR STRUCTURES AND LOTS

Lot Widths	**25'** min., **100'** max.
Setbacks	
Front	**0'** min., **0'** max.
Side	**0'** min.
Rear	**3'** min. with rear lanes or **5'** min.
Parking setback from building front	**20'** min
Maximum building height	See #2 below
Maximum building coverage	**100% per site**

*[Numbers in **green** must reflect the character of the local context. Use the Character Survey below to determine the appropriate dimensions.]*

iii. Upper stories exceeding 16 feet are counted as two stories, and an additional story for every multiple of 16 feet.

b. Building facades must be a minimum of 24 feet in height along the Primary Retail Corridor.
c. Space enclosed by parapet walls, including access and rooftop equipment, are not counted as a story towards the maximum building height.

D. Building Standards

1. All buildings must have one functional entry for every 60 feet of facade along the front lot line and 100 feet of facade along side lot lines, or fraction thereof, along sidewalks.
2. The ground-story facade must be configured as follows:
   i. 50% clear glass is required along the facade.
   ii. Building entries may be recessed from the facade up to 8 feet in depth.
   iii. Awnings may project into the right-of-way to within two feet of the curb.
   iv. Facade elements above the ground floor may project into yards.

E. Off-street Parking and Loading

1. Off-street parking spaces are not required.
2. Off-street parking spaces, if provided, must be located to the rear of buildings.
3. Access to off-street parking and loading areas is limited as follows:
   a. Parking and loading access must be from an alley where available.
   b. Parking and loading access may be from a side street if an alley is not available.

c. Where parking and loading access is only available from the front lot line, the driveway is limited to 20 feet in width.

d. Cross-access between off-street parking lots must be provided, except where alleys provide this function.

Row of new homes in South Village, South Burlington Image credit: Richard Amore

CHARACTER SURVEY

A character survey is a tool for measuring a town's best existing development patterns. It allows you to identify the existing dimensional standards and uses to create your own regulations or revise existing bylaws. Many Vermont towns and villages would benefit from a character survey, to help them identify the regulatory challenges most in need of reform.

Step 1: Define your districts and pick examples.

First decide what areas you want to adjust. Next, pick example blocks to measure in each of the districts you intend to revise. One way to pick blocks to measure is to choose the blocks that people love the most. This is an aspirational approach, and the new metrics in your code will be set to guide development to match those best-loved blocks. Another approach is to pick blocks that show the full range of variation in the dimensions. This is an approach that will help you put new dimensional standards in your bylaw that make as many existing lots as possible conforming under the new regulations.

Step 2: Measure example blocks using a character survey form.

Print one copy of the character survey form to take into the field for each area or condition that you want to analyze. Take a walking tour and measure the elements shown on the form. Lot widths, building heights, setbacks, uses, parking location, and percent window glazing are all important elements to measure. Photograph the street section (Public Frontage) and views of building facades (Private Frontage). For the Public Frontage, it is usually best to stand on the sidewalk approximately where a planting strip would be, and shoot at an angle to include some of the buildings and all of the sidewalk, and catch a bit of the far side of the street. For the Private Frontage, in the same area showing the same building(s), stand in the street and shoot the entire front yard including the facade. Include entire lot width if possible; building height is less important.

Step 3: Measure less visible elements using online maps or aerial photography.

In addition to measuring the elements you can access during a walking tour, use online maps or other aerial photography to measure elements over the whole area, such as lot coverage, the number and setback of outbuildings, and parking location.

Step 4: Analyze results and set new dimensional standards.

Once you have measured your selected blocks, sit down with (1) the completed character survey forms, (2) maps or aerial photos of the area, and (3) a new blank character survey form for each district you are adjusting. Consider the metrics for your measured blocks and the conditions in the rest of the area, and decide what dimensions to set for your revised zone(s). Fill in the metrics you decide on the blank character survey form (one for each district you are revising), and these metrics will be the basis for your bylaw amendment.

A variety of housing along the same street in Waterbury, images credit: CNU

Character Survey Form

T4 Waterbury

WINOOSKI ST @ MAIN ST

Average Lot Width	**65' - 70'**
Average Lot Coverage	**25% - 90%**
Outbuildings?	**0 or 1**

PRIVATE FRONTAGE

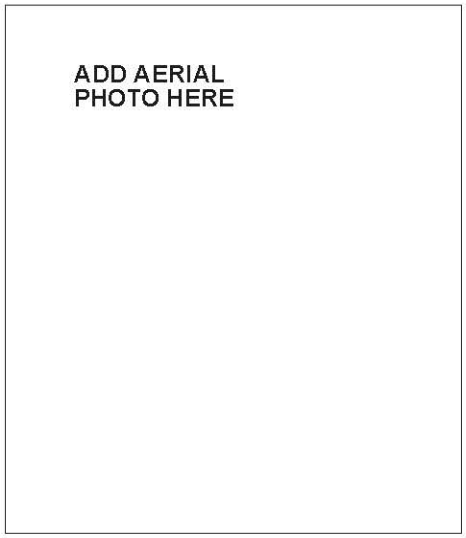
Principal Building Height	**1.5 - 2 stories**
Outbuilding Height	**1 - 2 stories**
Front Setback	**9' - 15'**
Side Setback	**5'**
Rear Setback	**unknown**
Outbuilding Setback (from front)	**48' - 96'**
Ground Level Function	**residential**
Upper Level Function	**residential**
Parking Location	**side or rear of principal building**
Percent Glazing	**15%**

PUBLIC FRONTAGE

CHARACTER SURVEY

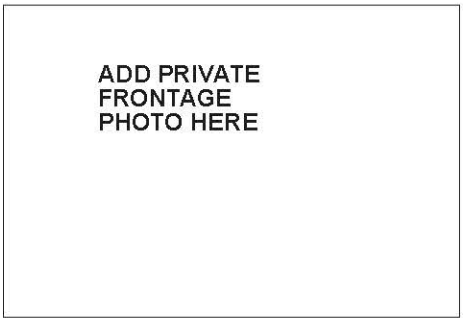
Character Survey Form

Zone - Location



STREET @ STREET

Average Lot Width	
Average Lot Coverage	
Outbuildings?	



PRIVATE FRONTAGE

Principal Building Height	
Outbuilding Height	
Front Setback	
Side Setback	
Rear Setback	
Outbuilding Setback (from front)	
Ground Level Function	
Upper Level Function	
Parking Location	
Percent Glazing	

PUBLIC FRONTAGE

South Royalton, image credit: SNEHT PHOTO

Streets and downtown areas that are designed for people 8-80 are generally filled with people, as in Brattleboro, image credit: Richard Amore

A variety of historic, converted multi-family housing in the character of the surrounding neighborhood exists across Vermont as example of possible affordable housing options, like this in Montpelier, image credit: Susan Henderson

The recommendations and resources in the previous sections of this Guide are provided with the goal of helping towns and villages in Vermont navigate an incremental code reform process in order to improve housing access and affordability in their community. Not all tools offered will be useful to all municipalities; however, with the necessary local calibration of the included recommendations and resources, comunities can address those opportunities where incremental code reform can give the most return on invested effort.

The Appendix offers additional information relevant to the contents of this Guide. To contextualize the reform tools, the particular governance and housing conditions unique to Vermont are described. Explanations of housing market dynamics and stormwater strategies, as well as further resources on code reform and housing affordability are also included for reference.

METHODOLOGY

Enabling Better Places: A Zoning Guide for Vermont Neighborhoods is focused on incremental code reform. This deliberate process enables a community to create regulatory change in a single neighborhood or district before moving to the next update, building political will and community support throughout the process. Code reform is designed to reduce costs for development. For example, reduced parking requirements lower the market barriers to entry and support small-scale developers, which can enable an incremental, responsive approach to neighborhood and downtown revitalization. This Guide brings cost-effective and accessible Vermont-specific regulatory tools to financially challenged communities, enabling them to take a thoughtful, nuanced approach to creating places for their residents. This incremental approach and responsiveness to local conditions, embraces the existing culture, and helps prepare for change so that residents have a stake in that change. To ensure the regulatory suggestions reflected local conditions, the team undertook a multi-step process to ensure Vermont-specific conditions were reflected.

1. Identify local partners.
Vermont's 11 Regional Planning Commissions (RPCs) served as our on-the-ground experts and project partners, and CNU relied on the RPC representatives to help our incremental code reform team understand common zoning obstacles to creating more affordable and accessible housing, and the walkable towns that support that housing, throughout Vermont.

2. Conduct bylaws assessment.
CNU created a framework to aid the RPCs in assessing Vermont bylaws, generating analysis on how specific housing bylaws work (and don't work) in regions throughout the state. The RPCs used the assessment framework tool to identify existing regulatory barriers to housing and neighborhood walkability, provided memos summarizing findings and identifying common urban conditions where barriers occur, and recommend potential case study municipalities based on the results of that analysis.

3. Consider Vermont context.
CNU conducted a workshop with six Vermont municipalities of various sizes and capabilities to learn about their specific planning and regulatory challenges and opportunities. The six municipalities included:

a. Brattleboro
b. Castleton
c. Fairfax
d. Ludlow
e. Middlesex
f. Vergennes

4. Learn from the municipalities.
The team identified the six most common coding topics that create obstacles to more affordable housing in Vermont's walkable places:

a. Dimensional Requirements: building height, setback, and lot coverage regulations.
b. Parking Standards: balancing parking supply and demand and locating it in areas that enable vibrant, walkable streets and retail areas.
c. Allowable Uses: severely restricting the use of property for housing in any configuration other than single family.
d. Accessory Dwelling Units (ADUs): minor details around parking, size, and ownership can significantly inhibit the development of otherwise-enabled ADUs.
e. Street Standards: disconnected or poorly designed street networks hinder walking, biking, and transit, increasing individual household transportation costs.
f. Development Review Process: Layers of regulatory review can add time and cost to the production of housing.

5. Ground in place.
Understanding where in the community regulatory changes might be applied is essential. Bylaw requirements differ between physical contexts; the requirements needed for a main street are different than those needed for a residential neighborhood. Land use regulation is not a "one-size- fits-all" process: understanding the character of the place is crucial to designing a bylaws framework that enables good urbanism.

6. Simplify the bylaws.
Specific bylaw changes for each physical context were established to respond to the obstacles identified for various coding topics (dimensional requirements, parking standards, allowable uses, ADUs, street standards, and development review process).

7. Recommend regulatory changes.
The resulting Vermont-specific recommendations are found in the Topics of Reform Section, which identifies incremental steps a town or village could implement in each of the critical coding areas. The following pages provide additional resources.

8. Develop explanatory text.
Developing or modifying bylaws is not a simple exercise. To ensure maximum responsiveness to local conditions, explanations are added to some of the model bylaws. These are found in the blue sidebar of the model districts in the Additional Resources section. Essential to this approach is progress toward an ultimate vision or aspirational goal of an incremental code reform effort. *Enabling Better Places: A Zoning Guide for Vermont Neighborhoods* provides coding language in critical areas to address what Vermont communities have found to be the most pressing regulatory problems, but fixing these issues will not guarantee vibrant, diverse places. For some cities and villages, a comprehensive regulatory reform may be necessary. However, engaging in such a process will be easier and more equitable with the foundation of the progress and engagement of the incremental changes that have occurred in the year(s) prior, building political will and establishing momentum.

VERMONT GOVERNANCE CONTEXT

The governance context of the State of Vermont creates a condition where there are some constraints on the extent of reform that can be accomplished at a local level.

As a Dillon's Rule state, Vermont is one of nine states operating under a narrow local government authority system, based on the 1868 ruling by Iowa Supreme Court Justice John Forest Dillon. This system demands that the approximately 250 local municipalities across the state operate only in so far as the enabling legislation of the state allows, thereby imposing a level of limitation on local powers, as compared with states operating under a broad local government authority or "home rule" system. Nonetheless, the ethic of local participation is strong, and furthermore, because of budget limitations, many towns across the state rely heavily on their all-volunteer planning commissions for administering the planning functions that the state allows.

Within the state statutes governing land use, the quasi-judicial statewide development review process adopted in 1970 and generally referred to as Act 250 is aimed at larger developments and subdivisions. The statute is not tied to local development review, and therefore requires additional time and effort in order to receive project approval. Although the original statute was aimed at natural and cultural resource protection, in walkable places and where there is effective local land use regulation, it can be redundant, creating an unnecessary barrier. This is especially the case when Act 250 review is triggered for small increments of new housing within downtowns and adjacent neighborhoods, unintentionally driving up housing costs. Implementing proposals to remove Act 250 review in these places to reduce the delay and cost of permitting for new homes would complement the bylaw updates proposed in this guide.

Local municipal authority for land use planning and regulation is enabled by state statute 24 - Chapter 117, which offers broad powers to cities, towns, and villages to adopt municipal plans, regulations, and other authorized planning tools. While municipalities have the statutory ability to administer to their zoning needs effectively, due to a wide range of constraints involving governance structures and more, walkable, inclusive, and sustainable development that the state seeks through its enabling statute continues to be inhibited.

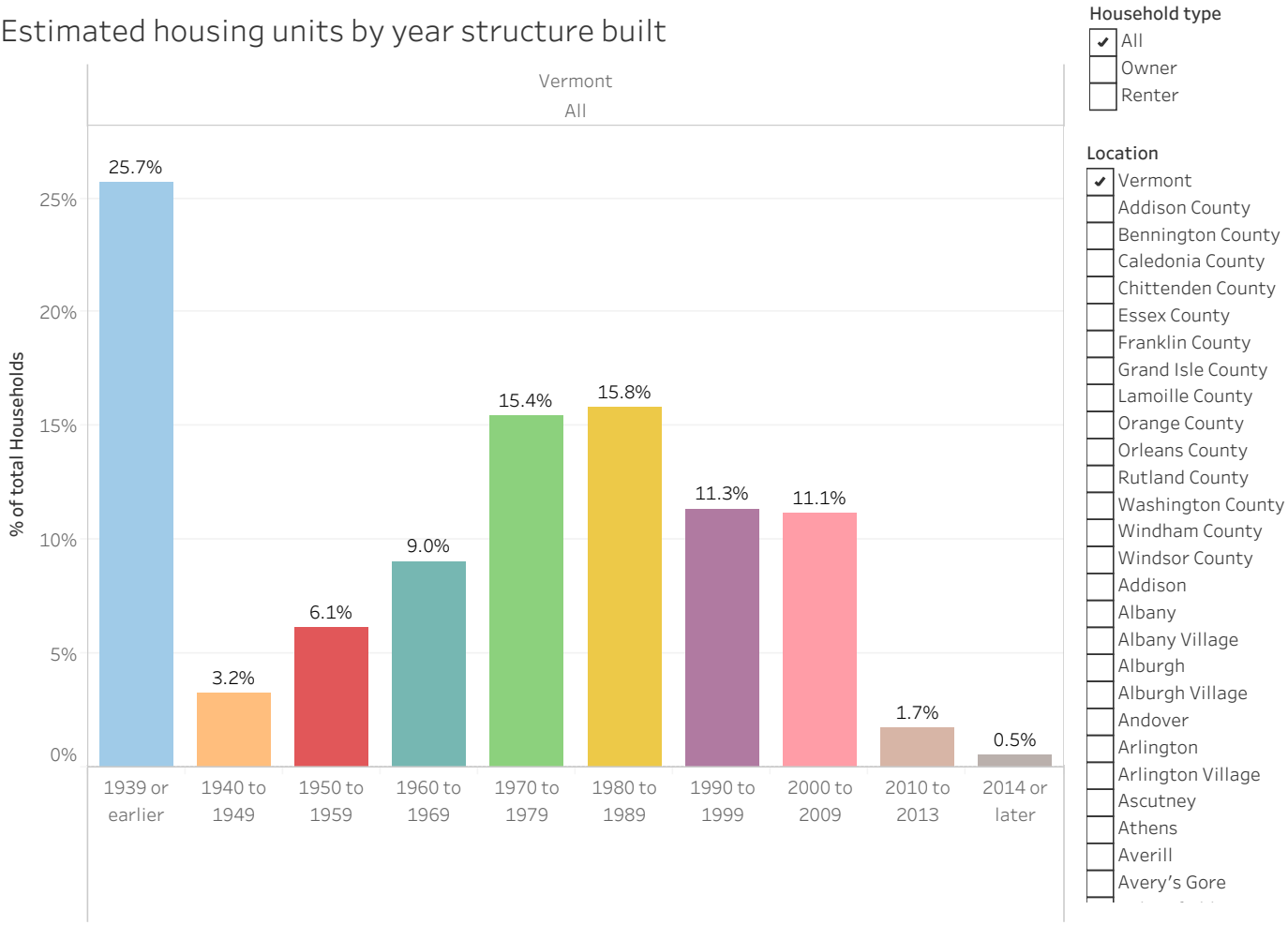
Additional Resources:
Municipal Law Basics, Office of the Secretary of State, 2014
Act 250
Report of the Commission on Act 250: The Next 50 Years
24 VSA Chapter 117

Village of Wilder in Hartford, Image credit: Braxton Freeman

VERMONT HOUSING MARKET CONTEXT

The housing market in the State of Vermont provides a unique context where demographic and economic trends coincide to produce an increased demand not being met by existing housing stock.

Like much of the rest of the country, two age cohorts dominate the housing trends in Vermont: millennials and baby boomers. Nationally, only 1/3 of millennials own homes and another third are living in their parents' homes (AARP Livable Communities Slideshow: Housing a Change America. February 7, 2019). These two large cohorts are competing for the same small, low-maintenance units in convenient and affordable places – driving up demand for a limited stock of housing for purchase or rent across the state. Even in places where houses are affordable, housing supply is often mismatched with market demands. The following graphs illustrate various data related to housing trends in the state.



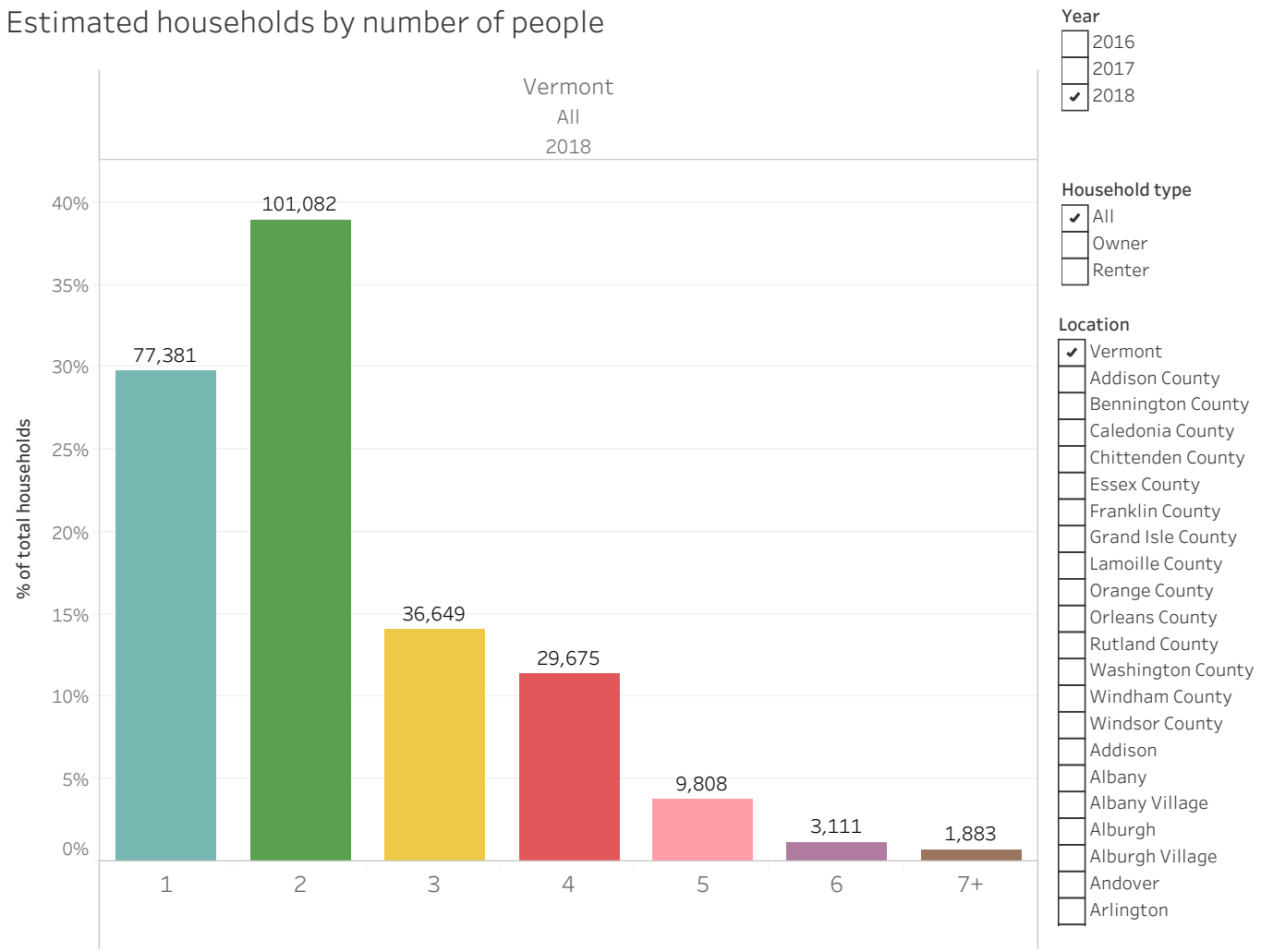
Source:
U.S. Census Bureau: American Community Survey 5-year estimates (Table B25034, B25036), 2013-2017

Description:
This data set describes the year that the building in which the housing unit is located was originally constructed. Includes both occupied and vacant housing units. A housing unit is a house, an apartment, a mobile home or trailer, a group of rooms, or a single room intended for occupancy as separate living quarters. A housing unit is defined as owner occupied if the owner or co-owner lives in the unit, even if it is mortgaged or not fully paid for. All units which are not owner occupied, whether they are rented for cash rent or occupied without payment of cash rent, are classified as renter units.

As this graph illustrates, Vermont has a significant perportion of housing built nearly a century ago or more, in an era when households were typically substantially larger than they are today. As a result, much of the existing housing in the state may not match current market demands. Source: https://www.housingdata.org/profile/housing-stock/year-structure-built

VERMONT HOUSING MARKET CONTEXT

Because the size of home needed by the average current Vermont household is very different from what it was nearly a century ago, when more than 25% of Vermont's housing was constructed, the existing stock of housing in any given municipality is often out of sync with the current demographics of the area. As this chart illustrates, the vast majority of households have only 1 or 2 members. Source: https://www.housingdata.org/profile/population-household/household-size

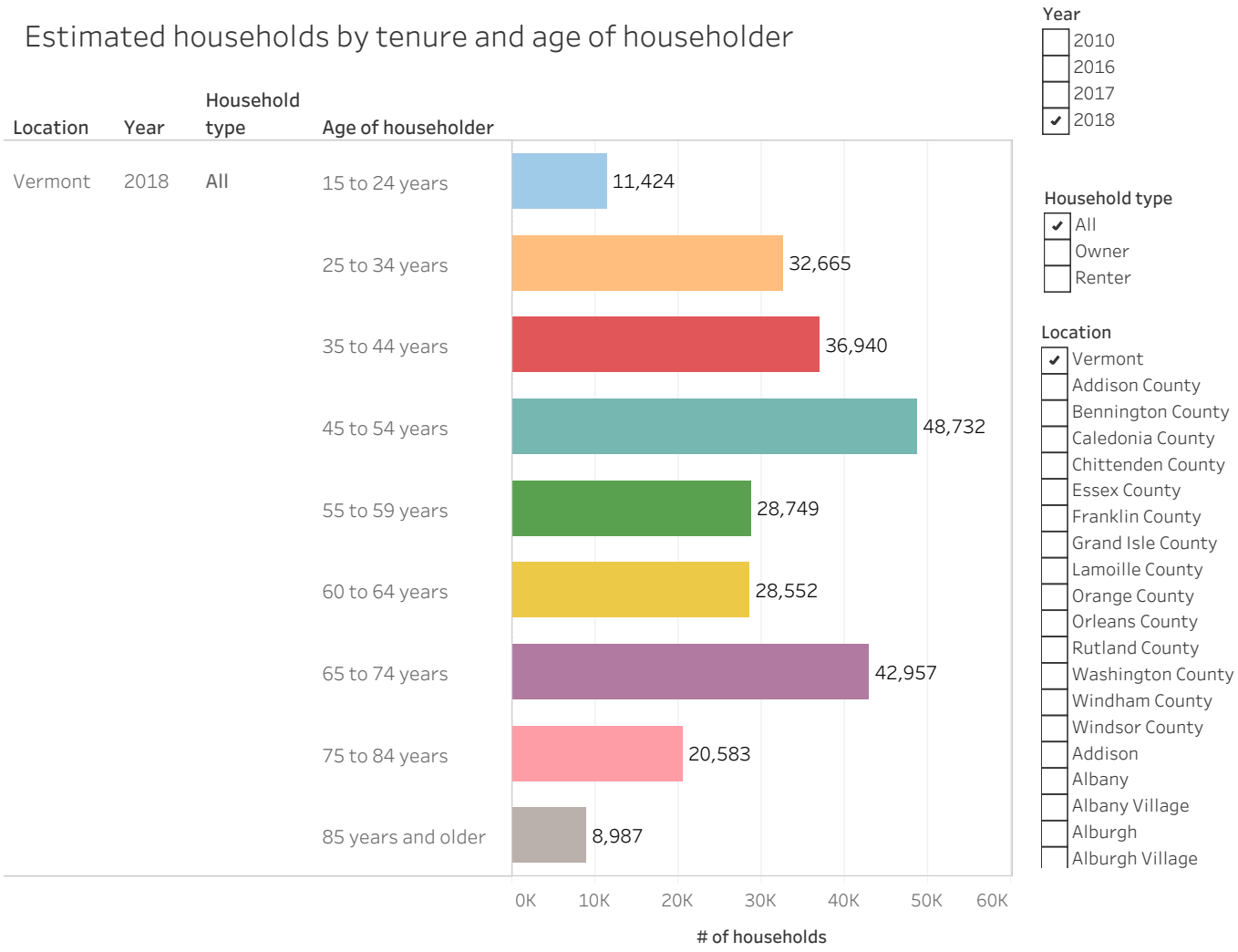


Source:
U.S. Census Bureau: American Community Survey 5-year estimates (Table B25009)

Description:
A household includes all the people who occupy a housing unit as their usual place of residence. A housing unit is defined as owner occupied if the owner or co-owner lives in the unit, even if it is mortgaged or not fully paid for. All occupied units which are not owner occupied, whether they are rented for cash rent or occupied without payment of cash rent, are classified as renter occupied.

VERMONT HOUSING MARKET CONTEXT

The combination of a surplus of larger housing and an abundance of smaller household sizes has led to a deficit of the right housing in the right places, for many municipalities. In addition, younger householders seeking entry-level housing from a scarce supply are competing against older householders seeking to downsize from now-unneeded larger homes. Source: https://www.housingdata.org/profile/population-household/tenure-by-age



Source:
U.S. Census Bureau: American Community Survey 5-year estimates (Table B25007)

Description:
The householder refers to one of the people in whose name the housing unit is owned or rented or, if there is no such person, any adult member, excluding roomers, boarders, or paid employees. If the house is owned or rented jointly by a married couple, the householder may be either partner. Since there is only one householder per household, the number of householders is equal to the number of total households. A household includes all the people who occupy a housing unit as their usual place of residence. A housing unit is defined as owner occupied if the owner or co-owner lives in the unit, even if it is mortgaged or not fully paid for. All occupied units which are not owner occupied, whether they are rented for cash rent or occupied without payment of cash rent, are classified as renter occupied.

HOUSING MARKET DYNAMICS

If housing production doesn't keep up with demand, prices rise. When vacancy rates fall below 10%, rents and housing values increase. Available housing needs to be suited to prospective users and in the right location.

Changing demographics and changing locational preferences mean that we have a supply problem even in places with little population growth. By 2025, 75-85% of US Households will not have children. This is a historic low, and numerous surveys show that about half of the US population would now prefer to live in a walkable community. These changing location preferences mean that centrally located housing has a higher premium than any time in more than 30 years. These forces mean that the US is now facing a shortage of 35 million housing units in small lot and attached housing.

Housing is a durable good that is around for a long time, so it's important to understand how housing moves through various markets. We have existing housing stock in various different cost ranges. Let's say an area is attracting new population. Bob wants to live here, and he has money to spare. If there is a new luxury unit available, he'll buy that house, and there is little impact on the price of existing houses. And if we build enough houses on the high end, some people move up from the houses just below them, and then those houses are available for people further down the scale to move up. Eventually the worst units fall out of the market entirely. That's the process called housing filtering.

But if there's no new house for Bob to buy, he'll buy the nicest existing house he can find, and he'll pay whatever it takes because he wants to live here so much, bidding up the price of that house. Alternatively, a speculator may buy a house in disrepair that Bob wouldn't want to buy, and fix it up to the point that Bob will want to buy it. Someone who used to compete for houses in that range now can't afford it, but they still want to live here, so they bid up the prices on houses that aren't quite as nice. And so on.

A desirable in-town neighborhood can be vulnerable to gentrification, as is the case in parts of Burlington, Image credit: Faith Ingulsrud

But houses aren't widgets, so more supply isn't enough. Housing markets don't operate the same way that markets for other consumer goods operate because land has particular characteristics that make it different than coffee cups or computers. Land exists in a fixed location, so every piece of land is unique. Urban land is valuable because of the amenities it has access to – because of what's around it. That's why you normally see land values highest at the urban core or other centers with lots of density.

As more people move into an area, there's more purchasing power that attracts stores, and there are more workers that attract employers, and there's more tax base to support better public services, like schools and parks. In conditions where new infrastructure may be necessary in order to accomodate the added housing development, such as new streets or storm/waste water infrastructure, municipalities may have passed those costs to developers who, in turn, pass them on to buyers. Now, even if the area has added new housing units to keep up with the new demand, the underlying land is more valuable because it has access to more amenities, or cost more to develop in the first place. In the long term, market supply is not enough to retain mixed-incomes in a very desirable neighborhood. To do that, you need additional tools, including shielding units from market pressures through land trusts or co-ops and providing subsidies for development and rehabilitation.

But producing enough housing units to keep up with demand is essential for affordability, and that means lowering the cost of production and increasing the variety of housing types. Key changes to zoning codes to lower the cost of production and increase variety include:

- Remove/reduce minimum lot/unit sizes
- Remove/reduce parking requirements
- Predictable approvals – more by right approvals instead of discretionary approvals
- Timely approvals
- Upzone to allow redevelopment at higher densities
- Scale impact fees to square footage instead of number of units

STORMWATER STRATEGIES

Best practices for managing stormwater start with community design: where and how a town and village grows and develops. This becomes particularly important when seeking to reduce development costs to achieve more affordable housing and greater housing diversity within neighborhoods. Yet, across the country, stormwater regulations have been shown to increase housing costs.

Stormwater regulations that require the same stormwater controls regardless of the development type is what drives up costs. All development does not generate the same amount of runoff. For example, new large lot greenfield development creates signifcantly more stormwater runoff than a redevelopment project on an underutilized or abandoned parking lot. Additionally, as managaging stormwater can be more difficult (and expensive) in constrained spaces, e.g., higher density areas, this requirement could further incentivize developers to to develop in greenfield areas, which may be less space constrained.

On March 15, 2019, new state stormwater rules went into effect. Currently, all new development and redevelopment of one acre or more must meet stormwater permit requirements and starting in 2022 the impact size will be reduced to a ½ acre. See Vermont Stormwater Permitting Rule, page 10:

(b) A permit is required under this Rule for the following:
(1) To commence the development or redevelopment of one or more acres of impervious surface;
(2) Effective July 1, 2022, to commence the development or redevelopment of one half acre or more acres of impervious surface;
(3) To commence the expansion of existing impervious surface by more than 5,000 square feet, such that the total resulting impervious surface is equal to or greater than one acre; (p. 10)

The unintentional outcome of this treatment is incentivizing greenfield and low density development. Clearly the environmental impact of removing one acre of forest for new development is quite different from the environmental impact of redeveloping a one acre parking lot, yet Vermont regulations treat both development scenarios the same. The best way to mitigate this unintentional consequence is to develop stormwater regulations that align with the amount of stormwater runoff generated.

Several states and local governments have adopted permit language that recognizes this dynamic and how some development, e.g., new development on already impervious cover, can, in fact, act as a stormwater best management practice. After establishing a performance metric based on average annual rainfall, e.g., 1", that all new development and redevelopment must achieve, the permit language then goes on to offer reductions from certain types of development that have a demonstrated stormwater reduction:

1. When considered at the watershed scale, certain types of development can either reduce existing impervious surfaces, or at least create fewer 'accessory' (non-parking) impervious surfaces.
    A. Incentive standards may be applied to these types of projects.
    B. A reduction of 0.2 inches from the one inch runoff reduction standard may be applied to any of the following types of development:
        i. Redevelopment,
        ii. Brownfield redevelopment
        iii. High density (>7 units per acre)
        iv. Vertical Density, (Floor to Area Ratio (FAR) of 2 or > 18 units per acre)
        v. Mixed-use and Transit Oriented Development (within Y, mile of transit)
    C. Reductions are additive up to a maximum reduction of 0.75[1] inches for a project that meets four or more criteria.
    D. The permittee may choose to be more restrictive and allow a reduction of less than 0.75 inches if they choose.
    E. In no case will the reduction be greater than 0.75 inches.

Even with no new development, the runoff from the existing impervious cover must be managed. In general, regulations that require retrofitting inadequate stormwater treatment for existing development can be damaging to a community as those requirements can stifle reinvestment and redevelopment. Also, while stormwater ponds are one of the most cost effective ways of managing stormwater, ponds are space consuming so should not be used in compact centers where walkability is a goal. Run-off volume reduction can be achieved by a range of green infrastructure approaches, including but not limited to:

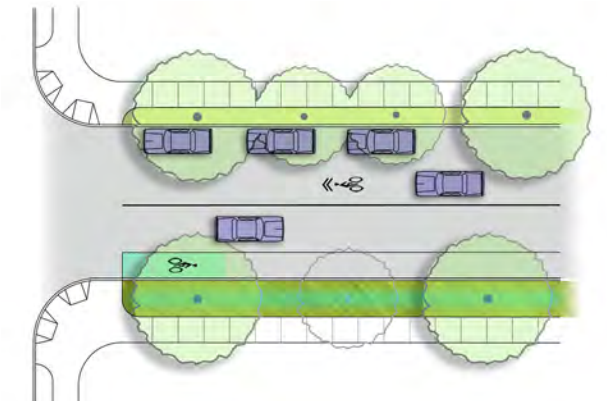
a. Canopy interception,
b. Soil amendments,
c. Evaporation,
d. Evapotranspiration,

1 This number may be adjusted to best meet local conditions. Some municipalities have placed this number at 75% of the total metric, and some municipalities have placed it at 50% of the total.

STORMWATER STRATEGIES

e. Rainfall harvesting such as rain tanks and cisterns,
f . Grass charmels and swales,
g. Reforestation,
h. Green roofs,
i. Rooftop disconnections, such as gutter drains,
j. Permeable pavers/pavement,
k. Porous concrete,
l. Engineered infiltration including extended infiltration via bioretention cells with eventual release,
m. Release to groundwater may require an Underground Injection Control Permit and permittees are required to list projects using this practice in the annual report, or
n. Any combination of these methods.

Using green infrastructure for urban stormwater retrofits can reduce stormwater pollution while simultaneously reducing the burden and demand on existing infrastructure. However, water quality and quantity benefits are not the only advantages green infrastructure has to offer. Green infrastructure enhances communities by bringing aspects of the natural environment into inhabited space. Trees provide shade, act as wind breaks and noise barriers, and improve air quality. In many instances, green infrastructure has been found to be less costly than or cost competitive with traditional infrastructure.



Above left: an existing typical low-density residential street in Vermont.

Above right: a street section of the same residential street as above left, retrofitted as a complete street.

Left: the same residential street as above left, retrofitted with a vegetated swale, optional bicycle lane, and additional street trees. The swale helps to separate pedestrians from vehicular traffic, making for a safer more complete street.

Images credit: VT Agency of Natural Resources, Department of Forests, Parks, and Recreation; Urban and Community Forestry Program

ADDITIONAL INFORMATION

The following resources offer a broader context to the topic of code reform. A variety of model ordinances and guidance tools for reforming development regulations are available from various sources. These examples suggest a range of possible expanded code reform efforts and may be useful in envisioning future initiatives.

- The Project for Lean Urbanism has developed a Lean Code Tool that provides zoning code hacks that intentionally lighten red tape. This compact coding tool offers a contrast to the excessive controls, redundancies, contradictions, delays, and unintended consequences found in conventional codes (and some form-based codes, for that matter). While the Lean Code Tool is a guide to text amendments for existing ordinances, it still needs to be calibrated to local capacity and conditions, and should be viewed as a introductory "quick fix" as compared to the recommendations found in this guide.

- The Center for Applied Transect Studies supports the SmartCode, a model transect-based planning and zoning ordinance developed on a framework of environmental analysis. The SmartCode is a comprehensive regulatory tool that addresses all scales of planning, from the region to the community to the block and building. The SmartCode differs from other form-based codes in that its community-scale and block-scale are written explicitly for zoning, in order to directly encourage walkable mixed-use neighborhoods, combat sprawl, preserve open lands, and reduce energy use and carbon emissions. The one-size fits all coding template requires calibration for local conditions.

- The American Planning Association's 2009 guidebook (PAS Report 556, *Smart Codes: Model Land-Development Regulations*) delivers a broad reference point for understanding land development regulation, including 21 model codes focused on a variety of topics promoting Smart Growth Principles including encouraging mixed-uses, preserving open space and environmentally sensitive areas, providing a choice of housing types and transportation modes, and making the development review process more predictable. The guidebook offers an overview of the structure of land-development regulations and provides guidance on developing model smart growth ordinances.

- The U.S. Environmental Protection Agency's Smart Growth program has developed an extensive website for a range of coding tools, audits, model codes, and other helpful publications. Many of these tools and codes suggest modest to complete regulatory overhauls, and would therefore require larger initiatives than that outlined in this guide.

- The AARP has developed a Livable Communities initiative supporting the efforts of neighborhoods, villages, cities, and rural areas to be great places for people of all ages. As part of the initiative, their Roadmap to Livability 6-part workbook collection provides a framework of broad livability best practices, community listening sessions, housing, transportation, health services and community supports, and economic development strategies that can then be adapted to the specific needs and preferences of a local community. Each workbook provides planning tools to help complete a livability project, as well as implementation funding recommendations.

- The Form-Based Codes Institute provides a resource page for those interested in form-based codes, a specific urban coding approach which represents the most holistic version of land development regulation reform. Their Resources offer a variety of ways to increase understanding of form-based code terminology and usage, review a library of best practice sample codes, connect with supporting organization and technical assistance, and access additional information.

ADDITIONAL INFORMATION

In addition to the resources on code reform, the following offer a broader context to the topic of affordable housing, which may provide depth to the case for the regulatory reform that this Guide outlines. A variety of research reports, guidance materials, policy tools, and case studies are available from various sources and may be useful in further understanding the housing needs of a community.

- Recognizing that many cities and towns across the country are experiencing stronger growth than in any decade since the middle of the 20th Century, yet that growth has not been equal across cities and towns, in 2019 the Congress for the New Urbanism published Building Local Strength, a practical guidance document for local governments, practitioners, and community leaders highlighting municipalities, developers, and organizations that have taken new approaches to ensuring more equitable development outcomes and detailing a critical cross-section of the tools and strategies emerging from this work.

- The State of Vermont Department of Commerce and Community Development offers a variety of tools and resources for municipalities seeking to address their local housing affordability challenges. In particular, the Neighborhood Development Areas program offers support and incentives to communities wanting to provide new infill housing in a walkable context to existing town and village centers. Additional tools addressing municipal plans, ADUs, and federal and state housing regulations can be found on the Agency website.

- The Vermont Housing Finance Agency provides a substantial set of data and analysis related to housing affordability in the state of Vermont, including an expanded set of the data graphics included on pages 39-41 of this document.

- In addition to zoning reform, the AARP Livable Communities initiative specifically focuses on six Principles on Housing in its research and reporting. The program offers reports and policy briefs on the impact on older adults as it relates to the need for coordination between housing and transportation, the vulnerability that rising housing prices can cause, the increase in multi-generational housing, the essential role that ADUs can play in meeting housing needs, and the importance of protecting affordability and accessability of housing in walkable, livable communities.

- The U.S. Department of Housing and Urban Development Office of Policy Development and Research offers the Regulatory Barriers Clearinghouse, a searchable database of state and local regulations and policies affecting the creation and maintenance of affordable housing.

- The Brookings Institute has led extensive reporting on housing affordability including research and policy briefs on "gentle density," reforming zoning in order to better support the middle class, and goals for housing policy. As a comprehensive resource, the 2003 summative report Rethinking Local Affordable Housing Strategies: Lessons from 70 Years of Policy and Practice examines the effectiveness of the breadth of strategies used to address housing affordability over the past many decades and delivering policy conclusions relevant to state and local governments.

- The Joint Center for Housing Study at Harvard University provides research, education, and outreach on housing policy. The center's webpage compiling research on housing affordability provides a wealth of perspectives and resources on best practices including reports on the design, development, construction, tenure, legalities, and economic implications of affordable housing.

- Focusing on the relationship between public health and stable, affordable housing, ChangeLab Solutions has produced Preserving, Protecting, and Expanding Affordable Housing: A Policy Toolkit for Public Health, which provides a policy toolkit for protecting existing housing affordability as well as encouraging affordability in new housing development.

- In addition to zoning bylaws, other regulations may need to be considered when implementing incremental code reform. The Vermont Urban and Community Forestry Program has developed the Vermont Green Streets Guide, to guide municipalities in designing and building green streets within their communities. Process considerations, appropriate application, effective management strategies, and case studies of successful implementation are included in the document."

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Montpelier, image credit: Susan Henderson

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