8.2.23 Act 47 discussion

At our 7.19.23 PC meeting we reviewed 16 items that Act 47, formerly called S.100, has mandated for municipalities through amendments to the state planning and zoning statutes. Most of these relate to removing zoning restrictions related to housing in districts served by municipal water and sewer (W&S) infrastructure. The reason for these new mandates is to help alleviate the housing crisis by permitting more dwelling units to be built. The entirety of Act 47, along with a summary, can be found on the “Vermont Laws” website.

We found that for a number of these, our RZR document is already in compliance, and so we will not have to make changes for these items. This current discussion will focus on aspects where changes will be needed to bring our documents into alignment with state law. For the most part, the zoning districts affected will be our W&S districts: Village Residential/Commercial (V R/C); Jolina Court (JC); Village Downtown (VD); the part of the High Density Residential (HDR) that is in the village, which we are working to re-name the Village Residential Neighborhood North (VRNN) and the part of the A/R district in the village that we are working to re-name the Village Residential Neighborhood South (VRNS). The Village Commercial (VC);and Commercial (C) districts may be affected.

The following are the mandated changes for districts served by town W&S – as we go through these we will look at the exact language in the statute as needed to fully understand the requirement:

1**. “A municipality shall not require more than one parking space per dwelling unit.” Section 1**

This will require that we alter our **parking table** (6.1) to reflect a minimum parking requirement of 1 space for all dwelling uses in the W&S areas listed above. There are several different strategies that we might use to accomplish this for residential uses in the W&S districts. JC has its own parking table which will also have to be altered. There may be some exceptions (there is disagreement on this point).

2. **“Multiunit dwellings with four or fewer units shall be a permitted use.” Section 2D**

a) Our first task will be to confirm that we wish to create the VRNN (separate out the village portion from the rest of the HDR) and the VRNS (separate out the village portion from the remainder of the A/R). This is something we have been planning to do. Even if we do that, there may still be a portion of the HDR and a portion of the A/R (see map) that are not in the VRN’s but are still served by W&S that will require special standards listed within the original districts.

b) Then we will need to add to the **list of permitted uses “Dwelling, with up to 4 dwelling units”** in the VRN’s, JC, VD districts ( the V R/C already has this). **Lot area** , **density** and possibly **lot coverage,** may also have to be adjusted. “Features” language will have to be adjusted. The VC and the portion of the C district in the village, which the PC is planning to combine, will need this if any residential uses are going to be allowed (currently under discussion as we update the VC district). There is currently some ambiguity in our ordinance about whether the residential use called “residential PUD’s” are allowed in these districts – this needs to be resolved.

3. **“Bylaws shall establish lot and building dimensional standards that allow five or more dwelling**

**units per acre for each allowed residential use.” Section 2H(12)**

This will require changes to the VRN’s. The R/C’s, JC and VD are in compliance already. The VC will need this if any residential uses are going to be allowed. **Density** will obviously need to be changed, but we will also need to make sure that our dimensional standards will “allow” this.

4. **“Bylaws shall permit any affordable housing development…including mixed-use development, to exceed density limitations…by an additional 40%, which shall include exceeding maximum height limitations by one floor, providing the structure complies with the Vermont Fire and Building Safety Code.”** Section 2H(13)

This will likely need to be added as a free-standing development standard in all of the W&S districts listed above, as we currently don’t have any regulations that just apply to affordable housing. Section 4.11.5 may need to be changed.

5. **Section 10** of Act 47 is summarized as follows (this is not the exact language of the Act): “…establishes **“by right zoning”** which requires an appropriate municipal panel to provide reasons for adjusting dimensional requirements in permit decisions on housing.” The exact language of the Act will likely have to be referenced or stated somewhere in the DRB procedures section of the RZR. It appears to be saying that the “appropriate panel” cannot alter the standards of a district to be more restrictive for a housing or mixed-use development in order to disallow the development, and if modifications of the standards are needed for certain specified conditions, the “appropriate panel” must issue a written finding providing the reason(s). We may need legal consultation on the precise meaning of this item.

6. **“Requires additional detail in the housing element of … municipal plans.”** We will add this in our Town Plan update that the PC will complete by 2026. The Housing Committee should be involved in this work as well.