



HOME Act and Act 181: Local Perspectives

VLCT Fall Planning & Zoning Forum, October 2025

Chip Sawyer, Director of Planning & Development
City of St. Albans

Chris Shaheen, Planner, Town of Jericho





Key provisions for local regulation

(Act 47 “HOME Act” sections 1 thru 12 and Act 181 sections 51 thru 59)

In residential districts:

Allow duplexes where single-family homes are allowed.

In residential districts with municipal water and sewer:

Allow for at least 5 dwelling units per acre.

Permit 3 or 4-unit buildings wherever single-family homes are allowed.

Multi-family units enjoy same density and lot standards as SFHs.

Density and height bonuses for affordable housing developments.

Increased allowances for accessory dwelling units.

Key provisions for local regulation, cont'd

- Cannot prohibit unrelated occupants.
- Limits to regulation of emergency shelters and hotels.
- Limit parking requirements to 1 or 1.5 spaces per dwelling unit.
- Parking space size and what counts toward # of required spaces.
- New deadline to hold a hearing.
- Changes to ability to appeal.
- Limits to AMP conditions on housing approvals.

What happens when State zoning law changes?

- State statutes vs. local zoning regulations.
- Assuming plans and zoning are eventually updated.
- In the meantime...
 1. Apply new statutes directly, along with current zoning.
 2. Adopt interim zoning.
 3. Stick to current zoning and let appeals sort it out.

How the City of St. Albans responded

- Assumed that State statute superseded local bylaws.
- 2023: Issued Interim Zoning to provide direction in interpreting the provisions of Act 47.
- 2024: After Act 181 further superseded Act 47...
 - Created an internal “cross-walk” document to manage the hierarchy:
 1. State statute
 2. Interim Zoning
 3. Existing zoning bylaw
- 2025: Finally amended zoning bylaw to comply with our interpretations of statutory changes.
 - Put our City Plan update on hold.

From the City's perspective...

- Effects of new laws are most pronounced in our residential neighborhood zones, not the mixed-use core.
- The perspective of a built-out community might be vastly different from a developing community.

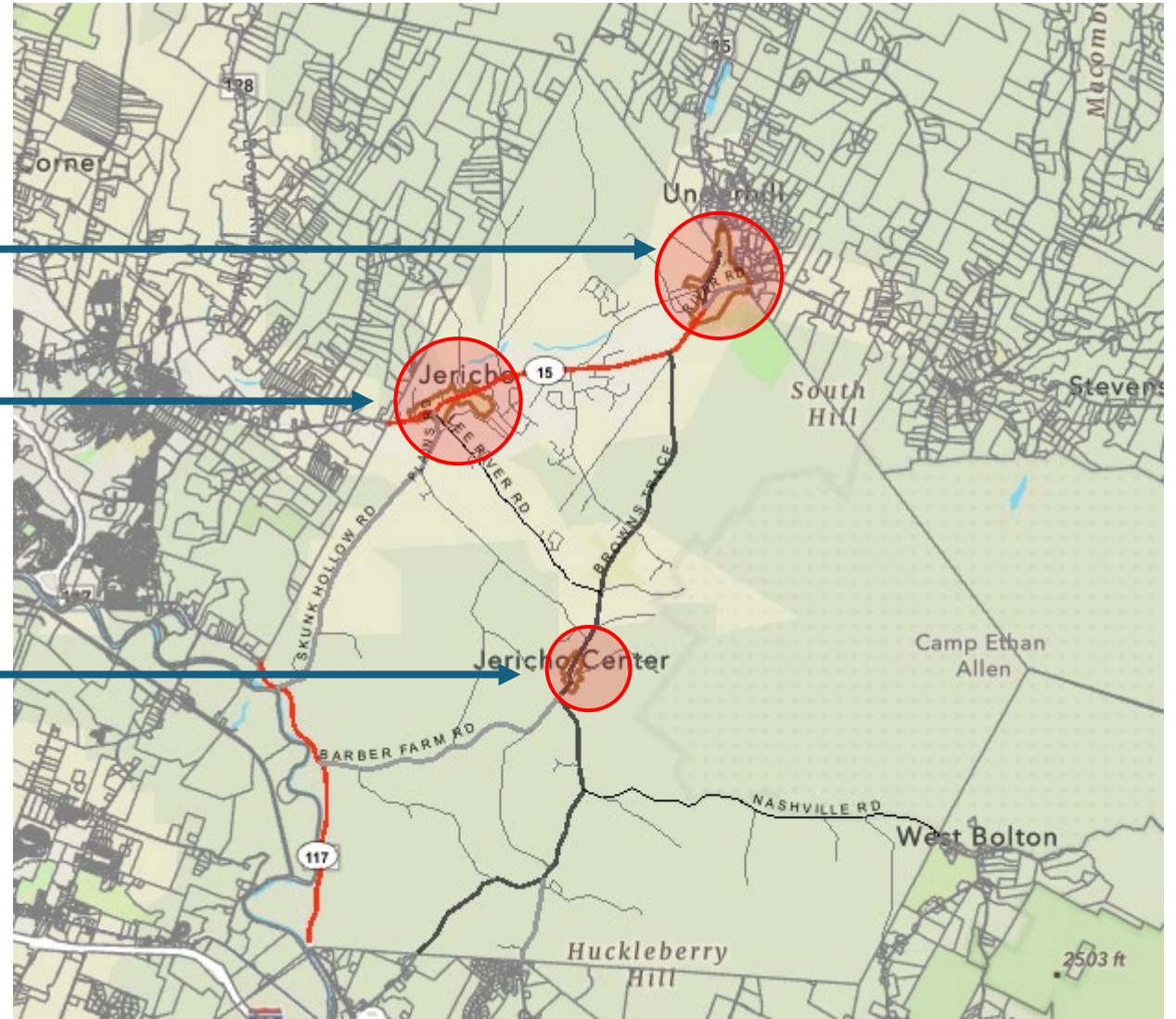


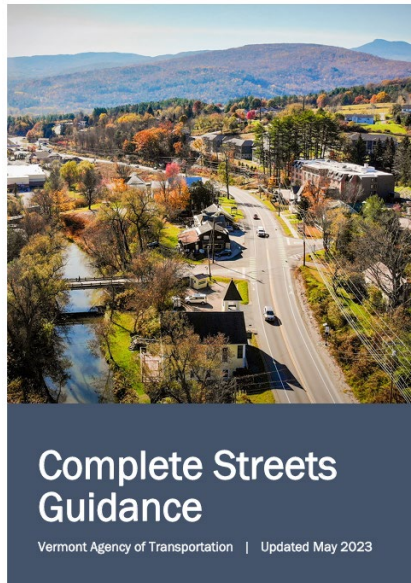
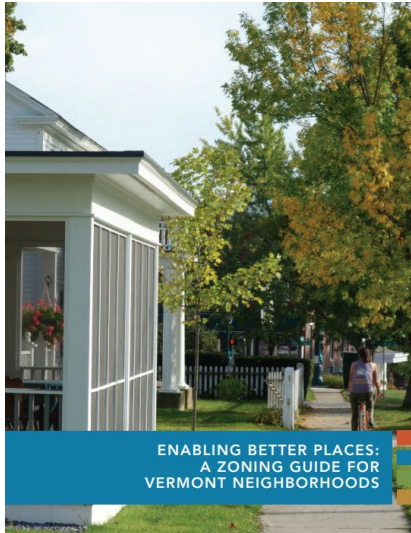
Jericho – Three Village Centers

Riverside

Jericho Corners

Jericho Center





- Align zoning with Town Plan/anticipated municipal wastewater
- Updates Village Center zones using *Enabling Better Places* as a guide
- Simplifies Form Based Zoning for Riverside
- Creates vibrant, walkable/wheelable, mixed-use village centers

Check out the Enabling Better Places guide [HERE](#)

Check out Complete Street Guidance [HERE](#)

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.

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: Richard Anore

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.

PARKING REQUIREMENTS

B. On-Site Parking and Loading

- 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.") Parking spaces constructed on-site cannot be located in front of buildings.
- 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.
- Access to on-site parking and loading areas is limited as follows:
 - Access must be from a rear alley where available.
 - Access may be from a street adjoining the rear or side property line if a rear alley is not available.
 - 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.

Enabling Better Places guide was the road map that kept the work of the Planning Commission focused and provided justification when recommended amendments were questioned.



Town of Jericho



Land Use and Development Regulations

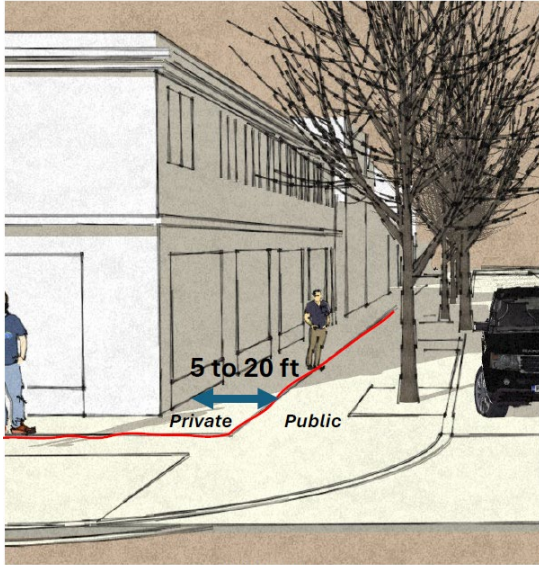
ADOPTED September 4, 2025
EFFECTIVE September 25, 2025

Zoning amendments focus on villages/growth areas with three priorities:

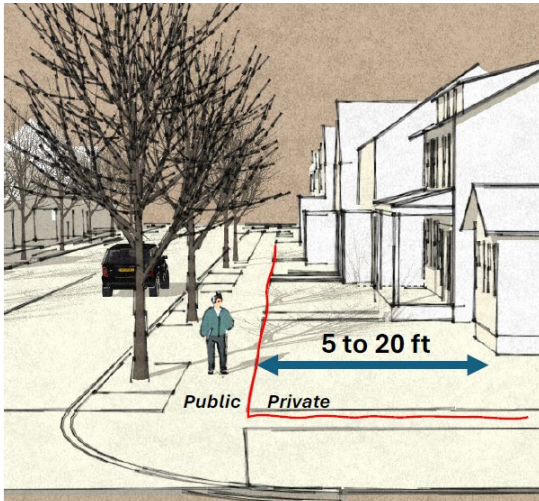
1. Housing - make it easier, faster, and less expensive to build more homes, including multi-family
2. Walkable Neighborhoods - increase the focus on compact walkable scale and reduce requirements for roads, paving, parking, and borders
3. Streamlined Reviews - remove burdens, costs, and delays as much as possible, to encourage village development



- Removes density caps
- Allows more than one primary building on one lot without a PUD
- No minimum lot size
- Tailors “permitted” residential uses to three villages
- Redefines “household”
- Exempts four-unit dwellings from Site Plan Review



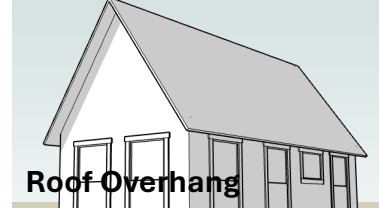
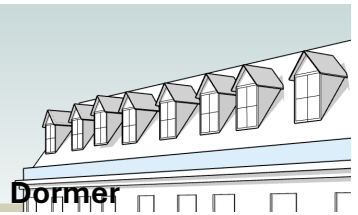
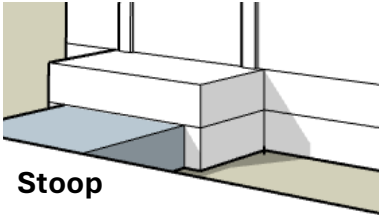
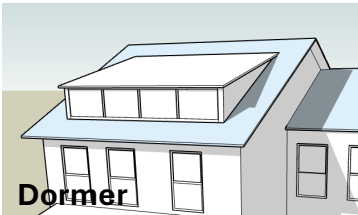
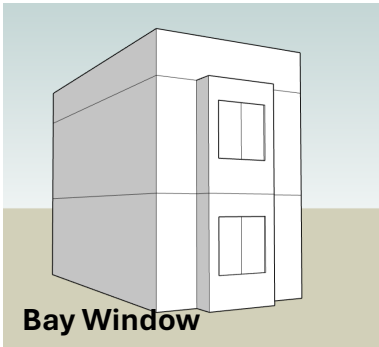
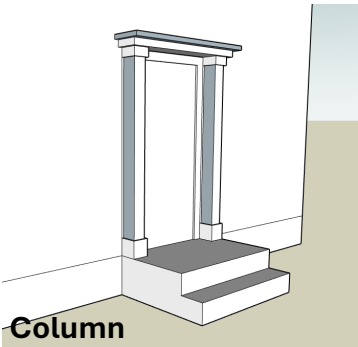
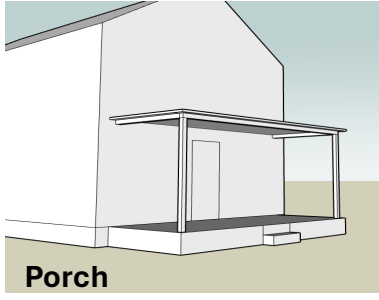
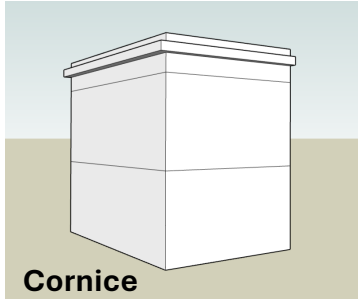
Paved Areas



Paved Areas

- Reduces distances between buildings
- Establishes minimum and maximum setbacks
- Emphasizes pedestrians over cars
- Creates more room for people-oriented activities on streets
- Increases safety and improves mental health by allowing more space for sidewalks and landscaping
- Includes building setback as part of the “public realm”
- Creates a unified street standard for Riverside Village Center

Zoning Amendments: Streamline Review Process



- Creates more permits that can be approved by the Zoning Administrator
- Expands “permitted” uses in village centers
- Clarifies what is a “non-zoning” permit
- Creates “Minor Site Plan” review
- Simplifies process for reviewing waivers and subdivisions
- Removes “architectural/design” standards for the Riverside Village Center district
- Increases “driveway” capacity from serving three lots to four lots in the village centers





Open Office Hours

April 22 - 9:00 to 11:00 AM

April 23 - 4:00 to 6:30 PM

Public Comments

Received emails and written comments from 20 residents. Summary of comments and staff response posted on Planning Commission website.

Planning Commission Public Hearing

May 20, 2025

Selectboard Hearing

June 26, 2025

September 4, 2025



- Addressing public comments
- FAQ's and Amendment Highlights
- Lining up public support
- Front Porch Forum
- One-on-one briefings with Selectboard members
- Support from leadership



Duplex allowed where single-family is allowed

Act 47 Sec. 2, Act 181 Sec. 52

- In any district that allows year-round residential development...
- **A municipality must ALLOW a duplex with the same dimensional standards and land/lot area required for a single-family home.**
 - Duplex is defined as a residential building that has two dwelling units in the same building. Neither unit is an ADU.
 - This section uses the term “allow,” not “permitted by right” or “conditional use.”

Multi-Family Density Allowance

Act 47 Sec. 2

“In any area 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 use...”

Three or Four-unit dwellings permitted on same lot-sized lot as single-family home

Act 47 Sec. 2, Act 181 Sec. 52

- In any district **served by municipal water and sewer** and that allows residential development...
- **A municipality must PERMIT a 3 or 4-unit building on the same-sized lot as a single-family home.**
 - Means a building that contains **three or four** dwelling units in the same building.
 - ...unless that district specifically requires residential to have more than four units per building.
 - Assumed to mean permitted by right. Does not specify whether or not single-family homes also have to be permitted by right in that district.

Multi-family dwellings enjoy same density and lot size standards as single-family homes.

Act 47 Sec. 2, Act 181 Sec. 52

- In any area **served by municipal water and sewer** and that allows residential development...
- **Density and minimum lot size standards for multiunit dwellings shall not be more restrictive than those required for single-family dwellings.**
 - Means a building that contains three or more dwelling units in the same building.
 - Does not say that a municipality cannot prohibit development of multi-family housing that has more than four units.
 - Remember that these areas are also supposed to allow five or more dwelling units per acre (under Act 47).
 - Also remember, a municipality's minimum lot size and allowed dwelling unit density can be two different standards.

Provisions for ADUs

Act 47 Sec. 2 & 4

- “A bylaw **shall** require a single-family dwelling with an accessory dwelling unit to be subject to the same review, dimensional, or other controls as required for a single-family dwelling without an accessory dwelling unit.”
- “The criteria for conversion of an existing detached nonresidential building to habitable space for an accessory dwelling unit shall not be more restrictive than the criteria used for a single-family dwelling without an accessory dwelling unit.”
- ADUs must be allowed to be at least 900 square feet.

Density bonus and extra story for affordable housing development.

Act 47 Sec. 2, Act 181 Sec. 52

- In any area **served by municipal water and sewer** and that allows residential development...
- **An affordable housing development can exceed density limitations for residential developments by an additional 40 percent, rounded up to the nearest whole unit.**
- **Can also exceed maximum height limitations by one floor.**
 - Affordable housing development, as defined in 24 V.S.A. Sec. 4303(2) and including mixed-use development.
 - The statute does not specify what the height of a “floor” is.

Cannot prohibit unrelated occupants

Act 181 Sec. 52

“No zoning or subdivision bylaw shall have the effect of prohibiting unrelated occupants from residing in the same dwelling unit.”

Limited regulation for emergency shelters and hotels

Act 47 Sec. 2-3 and Act 181 Sec. 53

“No bylaw shall have the effect of prohibiting or penalizing a hotel from renting rooms to provide housing assistance through the State of Vermont’s General Assistance program, or to any person whose room is rented with public funds.”

Emergency shelters and “hotels and motels converted to permanently affordable housing developments” are added to the list of uses with special limitations from zoning in 24 V.S.A. § 4413:

- Which means they “may be regulated only with respect to location, size, height, building bulk, yards, courts, setbacks, density of buildings, off-street parking, loading facilities, traffic, noise, lighting, landscaping, and screening requirements, and only to the extent that regulations do not have the effect of interfering with the intended functional use.”
- And “regulating the daily or seasonal hours of operation of an emergency shelter shall constitute interfering with the intended functional use.”

Limits on Parking Requirements

Act 47 Sec. 1

“In any district that is served by municipal sewer and water infrastructure that allows residential uses, a municipality shall not require more than **one** parking space per dwelling unit. However, a municipality may require **1.5** parking spaces for duplexes and multiunit dwellings in areas not served by sewer and water and in areas that are located more than one-quarter mile away from public parking rounded up to the nearest whole number when calculating the total number of spaces.”

Act 181 Sec. 55

When calculating required parking spaces produces a fraction of a number, it shall be rounded up to the nearest whole number to produce the total.

New rules for parking dimensions and what counts toward minimum requirements.

Act 181 Sec. 54

A municipality cannot require a parking space larger than 9' x 18', unless the space must be larger for ADA compliance.

“A municipality shall allow an existing nonconforming parking space to count toward the parking requirement of an existing residential building if new residential units are added to the building.”

“A municipality may allow a person with a valid legal agreement for use of parking spaces in an adjacent or nearby lot to count toward the parking requirement of a residential building.”

Deadline to hold hearing.

Act 181 Sec. 58

“Within 120 days of an application being deemed complete, the appropriate municipal panel shall notice and warn a hearing on the application.”

Limits on appeals

Act 47 Sec. 6 and Act 181 Sec. 59

“For purposes of this subdivision, an appeal shall not include the character of the area affected if the project has a residential component that includes affordable housing.”

Anyone in the category of “any combination of voters, residents, or real property owners within a municipality listed in subdivision” needs to put together a group of **20** co-appellants.

- Increased from 10.

Limits to conditions on housing approvals

Act 47 Sec. 10

“A decision rendered by the appropriate municipal panel for a housing development or the housing portion of a mixed-use development shall not:”

- require more space or more parking, or
- reduce density or building size from what is allowed in local bylaws,
- unless the modifications can be explained as necessary and do not provide an unreasonable exclusion of housing development.

Housing targets in municipal plan.

Act 47 Sec. 12 and Act 181 Sec. 51

The Housing element of a municipal plan **now needs to address housing targets** set by the regional planning commission.

The Housing element also “**shall use data on year-round and seasonal dwellings** and include specific actions to address the housing needs of persons with low income and persons with moderate income and account for permitted residential development as described in” 24 V.S.A. Sec. 4412.