

December 10, 2019

To: Sue Fillion, Town of Brattleboro
Cc: Faith Ingulsrud, DHCD
From: The Congress for the New Urbanism
Subject: Zoning for Great Neighborhoods—Brattleboro

Thank you for joining the Vermont Department of Housing and Community Development (DHCD) in partnership with the Congress for the New Urbanism (CNU) and other state and national partners including the Vermont Housing & Conservation Board, AARP-VT and the Vermont, Green Mountain and National Association of Realtors for the *Zoning for Great Neighborhoods Workshop (Z4GN)* in Montpelier, VT.

Over the course of the workshop, CNU identified the zoning conditions in each Case Study Community that are creating barriers which can inhibit and/or drive up the cost of development. Brattleboro's participation in the workshop helped us identify and explore the coding challenges that municipalities across the state face.

As a result of this input, DHCD, CNU and other partners will be able to generate coding strategies to help Vermont communities like Brattleboro achieve their core community goals and enable better places. Enclosed is a brief memo that documents the details of Brattleboro's presentation and outlines *specific* suggestions that the town might consider when initiating an incremental code reform process. With the forthcoming report of state-based recommendations, CNU will be providing a deeper level of detail into the *common* reforms that can apply to communities across the state, including Brattleboro.

The memo prepared for each Case Study Community might be considered “first steps” toward incremental code reform implementation. For the more complete framework for potential reform, each community will have the opportunity to review a draft of the report, which will have incorporated the community's more common regulatory barriers to fair housing access, new housing affordability, and neighborhood walkability. The draft recommendations are expected to be delivered in 2020.

Additionally, the CNU Team has identified a number of resources that could help Brattleboro in creating more vibrant, equitable, and prosperous places. These recommendations are linked below.

Additional Resources:

[EPA Essential Coding Fixes for Urban and Suburban Places](#)
[Smart Code](#)
[Form Based Codes Institute](#)
[Tools and resources can be found on CNU's website](#)
[Lean Code Tool](#)
[AARP Roadmap to Livability](#)

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Should you have any questions, comments, or feedback, please feel free to reach out to Mallory Baches by email at mbaches@cnu.org or by phone at (312) 551-7300 ext.701. Thank you again for your participation in the Zoning for Great Neighborhoods Workshop. DHCD, CNU and partners look forward to keeping in touch as you continue building great places!

All the best,



Lynn Richards
President & CEO

ZONING FOR GREAT NEIGHBORHOODS:

Vermont Workshop
The Town of Brattleboro

In 2015 the Town of Brattleboro completely overhauled its land use regulations, updating older conventional zoning districts and adding a number of newer districts that include design standards and some form based techniques. With several years of experience in applying the entire body of new regulations, town officials should be evaluating adjustments that could resolve minor inconsistencies, reduce unnecessary complexity, and ensure that the regulations will allow desirable forms of development that may not be approvable under the overhauled regulations.

Town officials wish to allow additional housing to accommodate the changing needs of its population. Some residential density caps create artificial barriers to supplying additional housing even in physical forms that are favored by the town. Some current zoning districts are overly rigid, succeeding in maintaining the existing settlement pattern but keeping that pattern from evolving to meet current needs.

Recommendations:

Minimum Lot Sizes

Some zoning districts establish minimum lot sizes that are larger than necessary. For instance, the NC (*Neighborhood Center*) and VC (*Village Center*) both require that every lot be at least 6,000 square feet. This lot size is common in newer residential subdivisions, but is too large for certain desirable housing options, including some of those explicitly being sought in Brattleboro. For example, the purpose of the NC district includes transforming land into “more compact and mixed-use development patterns, including higher-density residential infill”; yet a 6,000-square-foot minimum lot size eliminates some of the most compact and higher-density residential building types.

Maximum Building Footprint

Many zoning districts establish a maximum square footage for the “building footprint,” which is the area on a lot that may be covered by a building. Such regulations assume there will one building on each lot, effectively disallowing buildings that require two or more adjoining lots, or even one larger building on a larger single lot. Some specific examples deserving reconsideration:

- The NC (*Neighborhood Center*) zoning district allows 18 dwelling units per acre, but limits the total building footprint to 12,000 square feet regardless of the size of the lot. This district has been applied to areas with fairly recent commercial development with full municipal utilities which are conveniently accessible to nearby walkable neighborhoods — ideal locations for additional

housing, including larger new residential buildings that might have a footprint above 12,000 square feet.

- The VC (*Village Center*) district allows 12 dwelling units per acre, but limits the total building footprint to 6,000 square feet, again regardless of the size of the lot.
- The MU (*Mixed Use Neighborhood*) zoning district allows 18 dwelling units per acre, but surprisingly limits the total building footprint to only 4,000 square feet.
- Some zoning districts restrict the bulk of a building not only by the square footage of the building footprint, but also by the ratio of floor area to lot area (FAR), and by the percentage of the lot covered by buildings and other impervious surfaces. Each of these measures is an abstract (and fairly crude) approach to controlling the bulk of a building; combining abstract methods does not improve the likelihood of a successful outcome.

Restrictions on the Number of Buildings Per Lot

The current regulations forbid anything more than one detached single-family home on a lot. Most subdivision 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, use restrictions, and fire separation requirements already regulate the size and placement of buildings; there is no need to categorically limit residential lots to one single-family detached home.

Excessive Facade Articulation Requirements

Many of the newer zoning districts have detailed design standards; some of these standards should be reexamined. For instance, a frequent Brattleboro requirement is that building facades must be composed of bays that incorporate visible changes in facade articulation. Yet along Main Street in Brattleboro, distinctive changes in facade articulation are quite uncommon; most buildings have beautiful and varied facades, but they are relatively flat and completely parallel to the sidewalk. Facade articulation requirements are generally applied to make oversized buildings seem less massive; a better approach is to simply not allow massive buildings anywhere that they do not belong.

Flexibility for Unanticipated Development Proposals

Despite all best coding efforts, some highly desirable development proposals cannot meet every standard provided in zoning regulations. Many communities allow such proposals to be considered on a case-by-case basis through a site-specific approval process, often called PUD (planned unit development). Frequent use of PUDs is usually an indicator of serious problems with the underlying zoning regulations; the Brattleboro regulations avoid that problem by restricting the PUD process to two very

specific development types: cottage courts and traditional neighborhood developments (with very little flexibility allowed for either type). A somewhat more flexible PUD process should be provided to allow consideration of other development proposals that cannot meet every requirement in the Brattleboro regulations.