

Aligning Zoning Bylaw with the HOME Act – Suggestions from ZA

December 9, 2023

Forest Reserve Zoning District –

- Move Dwelling/Single Family to Permitted Use
- Add Dwelling/Two Family to Conditional Use (Or Permitted Use if Dwelling/Single Family is moved to Permitted Use)
- Alter the Minimum Area per unit from 1 per 25 acres to 2 per 25 acres.

Table 2.7 Forest Reserve [FR] District

(A) Purpose. The purpose of the Forest Reserve is to protect significant forest resources and limit development to low densities in areas with steep slopes, shallow soils, unique or fragile resources, significant wildlife habitat, and poor access to town roads and community facilities and services.

(B) Permitted Uses:

1. Accessory Dwelling [see Section 4.2]
2. Accessory Structure/Use (to a permitted use)
3. Accessory Structure less than or equal to 500 sq. ft. (to a conditional use)
4. Agriculture
5. Seasonal Camp
6. Forestry
7. Group Home [see Section 4.7]
8. Home Child Care [see Section 4.6]
9. Home Occupation [see Section 4.9]

(C) Conditional Uses:

1. Accessory Structure/Use (to a conditional use)
2. Agricultural and Forest Processing [see Section 4.11]
3. Bed & Breakfast
4. Campground
5. Dwelling/Single Family
6. Extraction of Earth Resources [see Section 4.8]
7. Greenhouse/Nursery
8. Health Clinic
9. Kennel
10. Public Facility [see Section 4.15]
11. Recreation [Outdoor]
12. Retreat
13. Telecommunications Facility [see Section 4.17]

(D) Dimensional Standards (unless otherwise specified for a particular use):

Minimum Lot Size	25 acres
Minimum Area per Unit	1 per 25 acres
Minimum Frontage	300 feet
Minimum Setback/Front (Starting 25 feet from the road centerline)	50 feet
Minimum Setback/Side	50 feet
Minimum Setback/Rear	50 feet
Minimum Setback/Side & Rear for Accessory Structures	20 feet
Maximum Height	35 feet

Rural Residential Zoning District –

- Move Dwelling/Two Family to Permitted
- Change Dwelling/Multi-Family to no longer include [only in PUD under Section 5.4]
- Move Dwelling/Multi-Family from Conditional Use to Permitted Use.
- Change the minimum Area per Unit from 1 per 3 acres to 2 per 3 acres.
- Add Seasonal Camps to the Permitted Uses.

TABLE 2.6 RURAL RESIDENTIAL [RR] DISTRICT

(A) Purpose. The purpose of Rural Residential District is to promote agriculture, forestry and low to moderate density residential development in areas well served by public roads but lacking municipal water and sewer. To ensure the protection of environmental resources and maintain open space, the clustering of new development is strongly encouraged.

(B) Permitted Uses:

1. Accessory Apartment [see Section 4.2]
2. Accessory Structure/Use (to a permitted use)
3. Accessory Structure less than or equal to 500 sq. ft. (to a conditional use)
4. Agriculture
5. Dwelling/Single Family
6. Forestry
7. Group Home [see Section 4.7]
8. Home Child Care [see Section 4.6]
9. Home Occupation [see Section 4.9]

(C) Conditional Uses:

1. Accessory Structure/Use (to a conditional use)
2. Adaptive Reuse [see Section 4.3]
3. Agricultural and Forest Processing [see Section 4.11]
4. Bed & Breakfast
5. Campground
6. Cemetery
7. Contractors Yard
8. Cultural Facility
9. Day Care Center [see Section 4.6]
10. Dwelling/Multi-Family [only in PUD under Section 5.4]
11. Dwelling/Two Family
12. Extraction of Earth Resources [see Sec. 4.8]
13. Greenhouse/Nursery
14. Health Clinic
15. Home Industry [see Section 4.9]
16. Kennel
17. Landfill [see Section 4.15]
18. Mixed Use [see Section 4.12]
19. Mobile Home Park [see Section 4.13]
20. Residential Care Facility
21. Place of Worship [see Section 4.15]
22. Public Facility [see Section 4.15]
23. Recreation [Outdoor]
24. Restaurant
25. Retreat Center
26. Sawmill
27. School [see Section 4.16]
28. Transfer Station [see Section 4.15]
29. Telecommunications Facility [see Section 4.17]
30. Veterinary Clinic
31. Warehouse/Storage

(D) Dimensional Standards (unless otherwise specified for a particular use):

Minimum Lot Size	3 acres
Minimum Area per Unit	1 per 3 acres
Minimum Frontage	200 feet
Minimum Setback/Front (Starting 25 feet from the road centerline)	35 feet
Minimum Setback/Side	50 feet
Minimum Setback/Rear	50 feet
Minimum Setback/Side & Rear for Accessory Structure	20 feet
Maximum Height	35 feet

Industrial Zoning District –

Create new category:

(A) Permitted Uses:

1. Accessory Structure less than or equal to 500 sq. ft. (to a conditional use)
2. Additions to existing Conditional Use less than or equal to 500 sq. ft.

Table 2.5 Industrial [I] District

(A) Purpose. The purpose of the Industrial District is to encourage a variety of industrial, manufacturing and appropriate commercial uses, while protecting such uses from incompatible residential uses, in locations served by municipal water and sewer and good highway access.

(B) Conditional Uses:

1. Accessory Structure/Use (to a conditional use)
2. Agricultural and Forest Processing [see Section 4.11]
3. Caretakers Apartment [see Section 4.2]
4. Contractor’s Yard
5. Day Care Center [see Section 4.6]
6. Extraction of Earth Resources [see Section 4.8]
7. Hazardous Waste Facility [see Section 4.15]
8. Industry [Light] [see Section 4.10]
9. Industry [Heavy]
10. Motor Vehicle Service [see Section 4.14]
11. Public Facility [see Section 4.15]
12. Salvage Yard [see Section 4.16]
13. Sawmill
14. Telecommunications Facility [see Section 4.17]
15. Transfer Station [see Section 4.15]
16. Warehouse/Storage

(C) Dimensional Standards (unless otherwise specified for a particular use):

Minimum Lot Size	20,000 square feet
Minimum Frontage	100 feet
Minimum Setback/Front (Starting 25 feet from the road centerline)	20 feet
Minimum Setback/Side	20 feet
Minimum Setback/Rear	20 feet
Minimum Setback/District Boundary	20 feet
Maximum Height	35 feet

Section 7.3 Appeals.

- (A) **Decisions of the Zoning Administrator.** In accordance with the Act [§§4465, 4472], the applicant or any interested person may appeal a decision or act of the Zoning Administrator by filing a notice of appeal with the Secretary of the Development Review Board, or the Town Clerk if no Secretary has been elected, within 15 days of the date of such decision or act.
- (1) The Development Review Board shall hold a public hearing on a notice of appeal within 60 days of the filing of the appeal. The Board shall give public notice of the hearing as required under Section 7.6, and mail a copy of the hearing notice to the appellant at least 15 days prior to the hearing date.
 - (2) The Development Review Board shall render a decision on appeal, to include written findings of fact, within 45 days after close of hearing as required by the Act [§4464]. The Board may reject an appeal without hearing, and render a decision within 10 days of the filing of a notice of appeal, if the Board determines that the issues raised by the appellant have been decided in an earlier appeal, or are based on substantially or materially the same facts, by or on behalf of the appellant. Copies of the decision shall be mailed to the appellant and hearing participants, and filed with the Zoning Administrator and Town Clerk in accordance with the Act.
- (B) **Decisions of the Development Review Board.** The applicant or any interested person who has participated in the proceeding may appeal a decision of the Development Review Board within 30 days of such decision to the Vermont Environmental Court, in accordance with the Act [§§4471, 4472]. Notice of appeal shall be sent to every interested person appearing and having been heard at the hearing before the Board.
- (C) **Notice of Appeal.** A notice of appeal shall be in writing and include:
- (1) the name and address of the appellant;
 - (2) a brief description of the property with respect to which the appeal is taken;
 - (3) a reference to applicable bylaw provisions;
 - (4) the relief requested by the appellant, including any request for a variance from one or more provisions of these bylaws;
 - (5) the alleged grounds why such relief is believed proper under the circumstances; and
 - (6) any request for a stay of enforcement which may be granted or denied by the Vermont Environmental Court in accordance with the Act [§4449(a)(3)].

HOME act added “residents” to the list of potential individuals that may, in combination, appeal an appropriate municipal panel decision. Prohibits 10-person appeals for “character of area” if the project has an affordable housing component.

Definitions:

Affordable Housing needs to be updated.

Duplex

Emergency Shelter

Multi-Unit Dwelling

Served by Water & Sewer Definition?