

# State of Vermont Agency of Commerce & Community Development Department of Housing & Community Development **Municipal Planning Commission Bylaw Reporting Form**

**Provisional Form** pursuant to Act 47 of 2023, The HOME Act

*This provisional form issued pursuant to the Act 47 of 2023 is subject to change. The Department welcomes feedback on the form's implementation of the Act. A standing form will be issued by December 31, 2023.*

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## Why is this form required?

Vermont's Municipal & Regional Planning & Development Act (24 V.S.A 4441) requires a municipal planning commission to prepare a report when considering an amendment to a bylaw. Act 47 of 2023 adds a requirement to the report to include findings on conformance with sections 4412, 4413, and 4414 of the Act. It also adds a requirement that the municipal planning commission provide the report to the Department of Housing and Community Development upon approval of an adoption or amendment. The report must be submitted with GIS (Geographic Information Systems) files, a complete bylaw, and information about municipal planning and governance and systems. The form will be published on the Vermont Planning Data Center, here: <https://accdmaps.vermont.gov/MunicipalPlanningDataCenter/>. Bylaw submission and posting supports the availability of Vermont's adopted municipal bylaws from a central digital source for statewide access and use.

## Vermont Municipal Bylaw Reporting Form

### How does a municipality submit the form?

Upon completion of the sections below, upload a saved version of the file [here](#). The form must be submitted with the approved bylaw(s) and any GIS shapefiles (when adding or amending district boundaries of record on the Vermont Open [Geodata Portal](#)). The form can be saved as a Microsoft Word document (DOC) or converted to a Portable Document Format (PDF) file. If you need assistance completing the form, please reach out to the contact above or your municipality's regional planning commission.

### Type of Bylaw Filing

*Select all that apply.*

- New bylaw(s)
- Amendment to existing bylaw(s)
- Repeal of existing bylaw(s)

*Explain multiple selections.*

### Type of Bylaw(s)

*Select all that apply.*

- Unified Development *(select all bylaws included in the unified bylaws below)*
- Zoning
  - Does the bylaw add or change any zoning districts or boundaries?**
  - Yes
  - No
- Subdivision
- Interim
- Flood Hazard
- River Corridor
- Shoreland Protection
- Other: *(explain)*

## Vermont Municipal Bylaw Reporting Form

### Date of Hearing(s)

Planning Commission Hearing(s) *(enter date[s])*

January 4, 2024; February 22, 2024

Legislative Body Hearing(s) *(enter date[s])*

September 3, 2024

### Date of Adoption

*Skip this section if the bylaw is proposed for hearing.*

Date of Popular Election *(enter date only if subject to a popular election/vote)*

Date of Last Action *(enter date of final approval action by voters or legislative body)*

### Bylaw Summary & Statement of Purpose

*Provide a brief explanation of the bylaw and a statement of purpose (per 24 V.S.A. 4441). Use as much space as needed.*

The proposed amendments to the Village of Ludlow's Zoning & Flood Hazard Regulations are intended to implement both the 2019 Town Plan and Act 47 (the HOME Act) by making it easier to permit housing and further village center revitalization. Changes to lot sizes, dimensional standards, parking standards, and permitted uses are expected to allow for additional housing throughout the village. A new section on affordability and a revision to the definition of affordable housing to reflect the current statutory definition is designed to ensure that some of the new housing is affordable.

Senior housing, which was only allowed in the Residential-Commercial district, and adult day care, which was only allowed in the Ludlow Preservation district, are now allowed in all districts in order to make Ludlow more accommodating to older residents.

Extensive revisions to the section on signs, new provisions for outdoor dining and curbside

### Findings on Municipal Plan Furtherance

*Explain how the bylaw conforms with or furthers the goals and policies contained in the municipal plan. Use as much space as needed.*

The Ludlow Municipal Plan includes an Action Plan. The #1 priority in the Action Plan is to "review and update [the] zoning...bylaws in order to improve consistency with the updated Municipal Development Plan."

By reducing minimum lot size in the Preservation district; reducing frontage and setback requirements in the Residential-Commercial district; reducing parking requirements and allowing increased lot coverage in all districts; allowing 2- 3- and 4-unit dwellings as permitted uses in all districts; requiring affordable housing provisions in certain housing developments; and establishing senior housing as a use in all districts, the proposed bylaw amendments further the following Municipal Plan goals:

- Maintain and grow a population consisting of residents and families of all incomes, ages, and types, and provide for their...housing.
- Allot sufficient space in appropriate locations for residences [and] commercial businesses.
- Future development [should] further the existing settlement patterns by concentrating most commercial, multi-unit residential and civic uses in the village center and surrounding residential areas where infrastructure supports higher densities.

## Vermont Municipal Bylaw Reporting Form

### Findings on Safe & Affordable Housing

*Explain the effect of the bylaw on the availability of safe and affordable housing. Use as much space as needed.*

The proposed bylaw amendments facilitate the provision of safe and affordable housing by:

1. implementing the requirements of Act 47 with regard to density, lot size, parking, accessory dwellings, two-unit dwellings, multi-unit dwellings and emergency shelters;
2. reducing minimum lot size in the Preservation district;
3. reducing frontage and front setback requirements in the Residential-Commercial district;
4. allowing increased lot coverage in all districts;
5. enabling senior housing as a conditional use in all districts;
6. including a section on affordability requirements.

### Findings on Required Provisions & Prohibited Effects

*Explain how the bylaw conforms with 24 V.S.A. 4412. Use as much space as needed.*

*Include explanations on how the bylaws conform with these provisions (as applicable):*

- *Mobile, modular and prefabricated housing*
- *Mobile home parks*
- *Duplex uses*
- *Multi-unit dwelling uses*
- *Accessory dwelling unit uses*
- *Residential care homes or group homes*
- *Hotels for emergency housing*
- *Existing small lots*
- *Required frontage*
- *Home occupations*
- *Childcare home or facility*
- *Heights of renewable energy structures*
- *Nonconformities*
- *Communications antennae and facilities*
- *Planting projects in flood hazards*
- *Accessory on-farm businesses*
- *Lot and dimensional standards for minimum dwelling unit density*
- *Density for affordable housing*

No changes were made to the sections on mobile homes, mobile home parks, existing small lots, or nonconformities.

Before the proposed bylaw changes were made, duplexes (two-unit dwellings) were permitted in all districts, except the Ludlow Preservation district, where they were a conditional use. As a result of the bylaw changes, duplexes are now a permitted use in all districts, including the Ludlow Preservation district.

Likewise, three- and four-unit dwellings and accessory dwellings are now permitted in all districts in conformance with Act 47.

Groups homes with eight or fewer residents were exempt and still are, but the definition was revised to eliminate the prohibition against locating a group home within 1,000 feet of another group home.

There are no prohibitions against using hotels for emergency housing.

## Vermont Municipal Bylaw Reporting Form

### Findings on Limitations on Municipal Bylaws

*Explain how the bylaw conforms with 24 V.S.A. 4413. Use as much space as needed.*

The existing zoning bylaws require conditional use review for public facilities, schools, hospitals, places of worship, and waste management facilities. The proposed revised bylaws require site plan review (but not conditional use review) for these facilities, and emergency shelters, but only to the extent allowed by 4413(a)(1) and (2).

Required agricultural practices and accepted silvicultural practices are exempt from zoning, as long as the Administrative Officer is notified and provided with a sketch showing that farm structure setbacks meet the requirements of the district.

*Include explanations on how the bylaws conform with these provisions (as applicable):*

- *State- or community-owned and -operated institutions and facilities*
- *Public and private schools and other institutions*
- *Places of worship*
- *Public and private hospitals*
- *Regional solid waste management facilities*
- *Hazardous waste management facilities*
- *Emergency shelters*
- *Required agricultural practices*
- *Accepted silvicultural practices*
- *Solar energy devices*
- *Ancillary telecommunications improvements and lines*

## Findings on Permissible Types of Regulation

*Explain how the bylaw conforms with 24 V.S.A. 4414. Use as much space as needed.*

The revised bylaws propose a new zoning district - Village Residential 2 - as allowed under 24 VSA §4414(1). Previously, this area was included in the Residential-Commercial district, which includes the highest-intensity commercial and mixed residential-commercial uses. However, it lacks sufficient parking infrastructure for high-intensity commercial uses, and the community is very much in need of additional housing, especially at lower income levels. For these reasons, the proposal is to shift the purpose of the district more towards residential uses.

Language consistent with 24 VSA §4414(3)(D) was added to the conditional use section (260.3) of the bylaws.

Parking requirements were updated to conform with the provisions of 24 VSA §4414(4) as amended by Act 47.

A new "Affordability Requirement" section, consistent with the inclusionary zoning

*Select all regulations adopted by the municipality:*

- Zoning (§4414)
  - Downtown, Village Center, and Growth Center Districts
  - Agricultural, Rural Residential, Forest & Recreation Districts
  - Airport Hazard Areas
  - Shorelands
  - Design Review Districts
  - Historic District/Landmark Bylaws
  - River Corridors and Buffers
- Overlay Districts (§4414)

*List overlays:*

- Conditional Use Review (§4414)
- Parking & Loading Standards (§4414)
- Performance Standards (§4414)
- Energy Resource Standards (§4414)
- Inclusionary Zoning (§4414)
- Waiver Provisions (§4414)
- Stormwater Management Standards (§4414)
- Wireless Telecommunication Bylaws (§4414)
- Water/Wastewater Permit Sequencing Standards (§4414)
- Green Development Incentives (§4414)
- Solar Screening Standards (§4414)

## Municipal Plan Future Land Uses & Density Compatibility

*Explain how the bylaw is compatible with the proposed future land uses and densities of the municipal plan.*

In the interest of encouraging the economic development and revitalization of the Village Center, these amended bylaws propose changing a number of conditional uses to permitted uses in the Residential-Commercial district, which is designated in the "Desired Future Conditions" section of the Municipal Plan as Ludlow's "traditional compact commercial center," "the focus of local revitalization efforts," and "the primary location for retail and other commercial uses." The proposed bylaws will support commercial development and revitalization by easing permit requirements for business offices, personal and professional services, and changes from one retail use to a different retail use, all of which will only require administrative review. The Municipal Plan specifically encourages residential uses or professional office uses in the upper floors above commercial uses. New outside dining and curbside pick up provisions also support the desired commercial uses for the district by

## Planned Community Facilities

*Explain how the bylaw carries out, as applicable, any specific proposals for any planned community facilities.*

not applicable

## Municipal Planning Implementation Information

*Upon adoption of the bylaw(s), select all elements of the municipal planning program that apply in the municipality:*

- Unexpired Municipal Plan
- RPC-Approved Municipal Plan & Confirmed Planning Process (§4350)
- Interim Bylaws (§4415)
- Site Plan Review (§4416)
- Planned Unit Development (§4417)
- Subdivision (§4418)
- Administrative approvals of minor subdivisions/boundary adjustments (§4463)
- Unified Development Bylaws (§4419)
- Local Act 250 Review of Municipal Impacts (§4419)
- On The Record Review/Adopted Municipal Administrative Procedures (§4471)
- Official Map (§4421)

## Vermont Municipal Bylaw Reporting Form

- Public Facilities Phasing (§4422)
- Transfer Development Rights (§4423)
- Freestanding Shorelands Bylaws (§4424)
- Freestanding River Corridor Protection Areas (§4424)
- Freestanding Flood or Hazard Areas (§4424)
- Enrolled in the National Flood Insurance Program
- Other Special or Freestanding Bylaws (§4424)

*List*

- Capital Budget & Program (§4430)
- Impact Fees (Chapter 131, §4422)
- Judicial Bureau Ticketing Option for Enforcement (§4452 & 1974a of Title)
- Advisory Commissions/Committees (§4433(1))
- Historic Preservation Commissions (§4433(3))
- Design Review Commissions (§4433(4))
- Housing Commissions (§4433(5))
- Development Review Board (§4460)
- Zoning Board of Adjustment (§4460)
- Joint Board of Adjustment Development Review Board (§4460)
- Full-time Administrative Officer
- Part-time Administrative Officer
- Volunteer/stipend Administrative Officer
- Staff planner(s)
- Availability of planning Information on municipal website:
  - Municipal plan and maps
  - Bylaws
  - Fee schedule
  - Contact information for administrative officer
  - Information about Planning Commission
  - Information about the Appropriate Municipal Panel (ZBA/DRB)

*Primary website URL:*