

Planning Commission Reporting Form for Municipal Bylaw Amendments

Submitted by: The Waitsfield Planning Commission

Date: April 12, 2007

This report is in accordance with 24 V.S.A. §4441 (c) which states:

“When considering an amendment to a bylaw, the planning commission shall prepare and approve a written report on the proposal. A single report may be prepared so as to satisfy the requirements of this subsection concerning bylaw amendments and subsection 4384(c) of this title concerning plan amendments..... The report shall provide:

(A) a brief explanation of the proposed bylaw, amendment, or repeal andinclude a statement of purpose as required for notice under section §4444 of this title,

The primary purpose of the proposed zoning bylaw amendment is to rezone the existing Irasville Village District to further the area’s conformance with the goals stated in the Municipal Plan. The Irasville Village District is proposed to be rezoned into eight new districts and two new overlay districts. District boundaries are illustrated on the proposed Irasville Zoning Map and are identified by Narrative Description in Appendix-A. Permitted Uses, Conditional Uses and Dimensional Criteria are described in Section 2.03

The secondary purpose of the proposed zoning bylaw amendment is to address a host of minor itemized revisions, primarily to clarify sections of the bylaw that are presently ambiguous. These revisions address a litany of bylaw sections and are therefore attached to this report.*

(B) and shall include findings regarding how the proposal:

1. Conforms with or furthers the goals and policies contained in the municipal plan, including the effect of the proposal on the availability of safe and affordable housing:

The Irasville rezoning is intended to enable and promote the development of a compact, mixed-use, pedestrian-oriented growth center as described in the Municipal Plan. The proposed amendment is the manifestation of decades of planning efforts to implement the town’s vision for Irasville as the social, commercial and cultural heart of Waitsfield and the Mad River Valley. The amendment allows for a wide range of residential development to accommodate individuals and families of all ages and economic backgrounds. Specifically, the amendment enables the formation of smaller lots and provides incentive for residential use at a scale that is affordable, and in a configuration that is integrated with the fabric of the town – i.e., affordable housing is not relegated to specific locations that would result in a monoculture of poverty and undermine the overall cohesion of the growth center.

2. Is compatible with the proposed future land uses and densities of the municipal plan:

The proposed amendment is not only compatible with the proposed future land uses and densities of the Municipal Plan – it is the direct implementation of these goals. Furthermore, the proposed incentives intend to alleviate development pressure in rural areas, thereby reducing sprawl. The proposed amendment has also been formulated to allow for future adjustment. Specifically, certain proposed districts are designed as ‘receiving areas’ to accommodate future transfers of development rights from agricultural lands at a time when the market dictates this practice to be economically viable.

3. Carries out, as applicable, any specific proposals for any planned community facilities.

The proposed bylaw amendment does not implement any specific proposals for planned community facilities. However, the revised zoning does inform the layout of future roads, which is critical to the town’s efforts to construct the municipal water and sewer system that is essential to enable the proposed intensity of development within Irasville.

***Explanation of itemized bylaw amendments:**

- (1) The Planning Commission proposes the existing Irasville Village District to be rezoned into eight new districts and two new overlay districts. District boundaries are illustrated on the proposed Irasville Zoning Map and identified by Narrative Description in Appendix-A. Permitted Uses, Conditional Uses and Dimensional Criteria are described in Section 2.03.
- (2) The Planning Commission also proposes the following itemized revisions:
 - (a) Add “Personal Service” to the list of conditional uses allowed in the Village Business District (Table 2.1);
 - (b) Establish new standard that 25% of the gross floor area of any building constructed after May 1, 2007 within the Village Business District be occupied by residential uses (Table 2.1);
 - (c) Delete “Livestock Exhibition, Training, Boarding & Instruction” as a defined land use as this falls within the statutory definition of Agriculture (Tables 2.2, 2.7);
 - (d) Except within Irasville, revise all front setback distances to be measured from the streetline for consistency (Article 2);
 - (e) Clarify provisions under Section 3.7 related to the number of principal uses allowed on a single parcel, and revise to allow two principle uses on a single parcel in the Agricultural-Residential District, in accordance with specified criteria;
 - (f) Clarify, under Section 3.8, that a nonconforming structure may be restored or replaced after damage or destruction, provided the reconstruction is commenced within 12 months of the initial damage;
 - (g) Clarify that parking requirements for warehouses and other non-public uses apply to the total number of employees on the largest shift under Table 3.1;
 - (h) Eliminate the exemption from bonding requirements for quarries and mining operations under Section 4.5;

- (i) Revise Section 6.5 to authorize the Development Review Board to waive certain setback standards in accordance with specified criteria that is different from variance criteria.
- (j) Revise Section 4.6 to allow home occupations in accessory structures;
- (k) Revise Section 4.12 to add a provision allowing special events as an accessory to other uses, in accordance with specific criteria;
- (l) Revise conditional use criteria (Section 5.3(D)(1)) to require that proposed uses not result in undue adverse impacts to significant natural features, rather than only to natural features located on the site as is presently the case;
- (m) Revise zoning permit exemptions under Section 6.2 to include tree houses not less than 100 square feet and excavation and grading involving up to 100 yards of fill outside of the floodplain. In addition, clarify exemption of forestry practices;
- (n) Revise Section 3.07 (E) for interior lots with substandard frontages to require yard setbacks equal to side yard setback instead of front yard setback;
- (o) Revise consistently throughout Bylaw transition from Board of Adjustment to Development Review Board, including Municipal Administrative Requirements described in Section 6.07; and
- (p) Revise definitions of Agriculture, Basement, Building Height, Dwelling Unit – Multi-Family, Floor Area, Half-Story, Home Occupation, Lot Coverage, Nonconforming Structure, Indoor and Outdoor Recreation, Light Industry, Setback and Story and add definitions for Attic, Back Alley, Cottage Industry, Building Footprint, Dwelling Unit – Duplex, Energy Generation Facility, Irasville, Principal Use, Principal Building Research & Development, Special Event and Gross Floor Area.

Please Note:

- ❖ The planning commission shall hold at least one public hearing within the municipality after public notice on any proposed bylaw, amendment or repeal and;
- ❖ At least **15** days prior to the first hearing, a copy of the proposed plan or amendment and the written report shall be delivered with proof of the receipt, or mailed by certified mail, return receipt requested, to each of the following:
 1. the chairperson of the planning commission of each abutting municipality, or in the absence of any planning commission in an abutting municipality, to the clerk of that abutting municipality;
 2. the executive director of the regional planning commission of the area in which the municipality is located;
 3. the department of housing and community affairs within the agency of commerce and community development.
- ❖ The planning commission may make revisions to the proposed bylaw, amendment, or repeal and to the written report, and shall then submit the proposed bylaw, amendment or repeal and the written report to the legislative body of the municipality.
- ❖ Simultaneously, with the submission, the planning commission shall file with the clerk of the municipality a copy of the proposed bylaw, amendment, or repeal, and the written report for public review.