State of Vermont
Agency of Commerce & Community Development
Department of Housing & Community Development
Municipal Planning Commission Municipal Bylaw Report

This form is issued pursuant to the Vermont Planning & Development Act and subject to periodic change.

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Overview

Vermont's Municipal & Regional Planning & Development Act (24 V.S.A. §4441) requires a municipal planning commission to prepare a written report when considering an amendment to a bylaw as well as an adoption report upon final action by the legislative body or voters. This report addresses the necessary content for proposed and adopted municipal bylaw submissions.

After completion of the prompts below, save the document and upload the report as a PDF on the State's *Plan and Bylaw Intake Form*. The bylaws are also submitted as a PDF upload on the intake form. The final/adopted submission must include GIS shapefiles for changes to zoning district boundaries of record on the Vermont Open Geodata Portal. If you need assistance, please reach out to the contact above or your municipality's regional planning commission.

Submission of the intake form and written report serves as notification or final submission to the Department of Housing and Community Development within the Agency of Commerce and Community Development under 24 VSA §4414 (e) and (h).

The submitted written report and bylaws are public records published on the *Vermont Planning Data Center and Library*. Bylaw submission supports transparency and the

availability of Vermont's proposed and adopted bylaws from a central digital source for statewide access and use.

Bylaw Summary & Statement of Purpose

Provide a brief explanation of the bylaw and a statement of purpose (per 24 V.S.A. §4441) as required for notice under 24 VSA §4444. Use as much space as needed.

The amendments to our bylaw consist of two parts:
1. Adjustments to the current bylaws as mandated by statute, specifically State of Vermont Act 47, the Housing Opportunities Made For Everyone (HOME) Act;
2. The addition of a Design Review Overlay District.
The purpose of part 1 is to provide additional housing development options in areas served by municipal water and wastewater infrastructure in compliance with Act 47. These amendments create more housing-related permitted uses, reduce the dimensional standards to allow for higher density in areas served by municipal water and wastewater infrastructure, and align minimum parking requirements to the statutory requirement of Act 47. Additional changes allow for clarity in language, ease of implementation or enforcement and conformity to specific requirements in sections that were reviewed. Several definitions were added as mandated, or adjusted, for clarity purposes.
Part 2 is being proposed for the following purposes:
A. Implement the goals, policies, and recommendations in the current municipal plan;
B. In accordance with the 24 V.S.A. §4414(1)(E), the Design Review Overlay District is established to protect and enhance the historical, architectural, and cultural significance of the historic structures and other resources within this overlay district.
C. Ensure that new development and additions to historic and non-historic structures are compatible with the historic structures by encouraging a consistently high standard of design in renovations and new construction to support and maintain the historical, architectural, and cultural significance of the Design Review Overlay District.
Geographic area affected: Part 1 applies Town-wide, with the principal effect of the Act 47 adjustments on Class 1 lots served by municipal water and wastewater infrastructure. Part 2 applies only within the boundary of the new Design Review Overlay District – a portion of our Village and Main District, as shown in Appendix E and on our proposed amended Zoning District map– and does not apply elsewhere in Town.

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 proposed bylaw amendments, per 24 V.S.A. § 4441, directly implement and further several goals, objectives, policies, and actions of the 2020 Lyndon Municipal Plan ("Envision Lyndon 2020").

Part 1 – Act 47 Compliance Amendments
Land Use Chapter (Goal 1): Goal 1 calls for creating quality places that combine human-scale development with a mix of sustainable land uses. Objective 1.2 specifically directs the Town to focus new residential growth in and around existing residential neighborhood areas using smaller lot sizes and higher population densities. Policy 1.4 directs new development to areas already served by water and sewer infrastructure, and Action 1.6 calls for reviewing zoning district boundaries and minimum development requirements to better align with the municipal water and sewer service areas. The Plan's Future Land Use section reinforces this for the Residential Neighborhood District, stating that smaller lot sizes, higher densities, and reduced setbacks should be allowed there while ensuring adequate parking. The Act 47 amendments – expanding permitted housing-related uses, reducing dimensional standards to allow greater density in serviced areas, and aligning parking requirements with the statutory minimums – implement these objectives, policies, and actions directly.
Housing Chapter (Goal 6): Goal 6 calls for maintaining the historic settlement pattern of compact villages while ensuring the availability of high-quality, safe, and affordable housing for all residents. The amendments' creation of additional housing-related permitted uses and increased density options in serviced areas support this goal, and further supports the rationale for prioritizing density increases where infrastructure already exists.
Energy Chapter: Policy 5.2 encourages the development of compact, energy-efficient neighborhoods in and around the Village Center, in proximity to transit, shopping, and services – consistent with directing higher-density housing to serviced areas rather than expanding into unserved rural land.

Part 2 – Design Review Overlay District
Land Use Chapter – The Design Review Overlay District within the former Village Commercial District (now called Village & Main after absorbing the Main Street District): The Town Plan's description of the Village Commercial District description calls for new buildings to be designed and constructed with materials similar to and compatible with existing structures, with at least two stories of usable space at and above street level. The Design Review Overlay District's standards for building coverage, orientation, materials, architectural elements, and fenestration directly implement these district-level design expectations.
Historic Resources Chapter (Goal 8): Action 8.2 calls for updating land use regulations to include flexible guidelines for adaptive reuse of historic structures and regulatory incentives for historic buildings, reflected in the DRB's waiver authority under Section 17.5.4. Action 8.5 specifically calls for exploring the creation of historic overlay districts to help preserve historic neighborhoods and scenic viewsheds, which the new Article XVII directly accomplishes.

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.

Part 1 – Act 47 Amendments
The Act 47 amendments are expected to have a substantial positive effect on the availability of safe and affordable housing in the areas of Town served by municipal water and wastewater infrastructure, consistent with the intent of Act 47 (2023) to increase housing supply near existing services.
• Increased density and reduced dimensional standards: By reducing minimum lot sizes, frontage, and setback requirements in areas served by municipal water and sewer, the amendments allow more housing units to be built on a given parcel, tending to moderate per-unit land and construction costs – a key driver of affordability.
• Expanded permitted uses: Adding and expanding housing-related permitted uses removes a layer of discretionary review and associated time and expense for applicants, reducing the cost and delay associated with producing new housing units, including smaller and more modestly priced units.
• Parking requirement alignment. Aligning minimum parking requirements with the statutory caps established by Act 47 (24 V.S.A. § 4414(4)) reduces the land and construction cost devoted to off-street parking per unit – directly supporting the feasibility of more affordable housing types, including accessory dwelling units.
• ADU provisions: The bylaws already provide for accessory dwelling units as a permitted use in single-household districts; the amendments' clarifications support continued production of this important source of smaller-scale, inherently more affordable housing stock.
• Safety: All new housing units remain subject to the Town's existing site plan, subdivision, wastewater, and (where applicable) flood hazard and fire safety review standards, ensuring that increased density does not come at the expense of safety. No amendment reduces or waives any safety, wastewater capacity, or fire code requirement.
Taken together, these changes are anticipated to increase the supply of housing – including smaller, more affordable units in the Town's serviced growth areas, consistent with Housing Goal 6 of the Municipal Plan and the statutory purpose of Act 47.

Part 2 – Design Review Overlay District
The Design Review Overlay District is not expected to have a material adverse effect on the availability of safe or affordable housing. The overlay applies design and materials standards rather than use or density restrictions, and it does not reduce the permitted density or housing types otherwise allowed in the underlying zoning district it overlays. The DRB's waiver authority under Section 17.5.4 further allows relief from a design standard where strict adherence would render otherwise desirable housing development infeasible, including for accessibility improvements. Accordingly, this part of the amendment is neutral with respect to housing affordability and availability while furthering the Town's historic preservation goals.

Findings on Required Provisions & Prohibited Effects

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

The proposed bylaw amendments bring the Town's zoning bylaws into conformance with the required provisions and prohibited effects of 24 V.S.A. § 4412, as follows:
☑ Mobile, modular and prefabricated housing (§ 4412(1)(B)) — Conforms. The bylaws do not exclude manufactured/mobile, or modular homes; such units are permitted on the same terms as conventional housing wherever a dwelling is a permitted use, and manufactured/mobile home parks are separately defined and addressed through Article X.
☑ Mobile home parks (§ 4412(1)(C)) — Conforms. The bylaws do not exclude this use from the municipality. Mobile home parks are a conditional use in the Rural Residential, Residential Neighborhood, and Commercial Districts, and are regulated under Article X.
☑ Duplex uses (§ 4412(1)(D)) — Conforms, as amended. Two-household dwellings are a permitted use in every district that allows single-household dwellings and the amendment aligns the dimensional standards in Appendix C so duplexes require no more land area than a single-unit dwelling, as required by statute.
☑ Multi-unit dwelling uses (§ 4412(1)(D)) — Conforms, as amended. Multi-household dwellings of four or fewer units are a permitted use on Class 1 (municipal water/sewer) lots in the Rural Residential, Residential Neighborhood, Village and Main, Park, and Commercial Districts.
☑ Accessory dwelling unit uses (§ 4412(1)(E)) — Conforms. Section 8.15 permits one ADU within or appurtenant to an owner-occupied single-household dwelling as a permitted use wherever single-household dwellings are permitted (except flood hazard, river corridor, and fluvial erosion areas). The amendment also corrects the ADU parking standard in Section 6.2 to align with Act 47's parking cap.
☑ Residential care homes or group homes (§ 4412(1)(G)) — Conforms as amended. Recovery residences, which must also be treated by right as a permitted single-household use, were added to Section 8.16 and to the bylaw definitions.
☑ Hotels for emergency housing (§ 4412(1)(H)) — Conforms as amended. The amendment adds language confirming that no bylaw provision shall prohibit or penalize a hotel from renting rooms for State General Assistance or other publicly funded emergency housing.
☑ Existing small lots (§ 4412(2)) — Conforms. Section 8.1.1 allows development of a legally subdivided, individually and separately owned lot in existence on the effective date of the bylaws, even if nonconforming, provided it is at least one-eighth acre with no dimension less than 40 feet.
☑ Required frontage (§ 4412(3)) — Conforms. Sections 8.1.2 and 8.14 require frontage on a public road/waters or a permanent easement/right-of-way (50 feet), which meets or exceeds the statutory minimum of 20 feet.
☑ Home occupations (§ 4412(4)) — Conforms. Section 8.1.3 and the "Home Occupation" definition protect the right of residents to use a minor portion of a dwelling for a customary occupation without undue effect on residential character.
☑ Childcare home or facility (§ 4412(5)) — Conforms. Section 8.17 permits family childcare homes serving six or fewer full-time children (or up to six full-time/four part-time with site plan review) as a permitted single-household use, matching the statute.
☑ Heights of renewable energy structures (§ 4412(6)) — Conforms as amended. Section 8.9 now adds the statutory exemption for small wind turbines (blades under 20 feet) or rooftop solar collectors (under 10 feet on sloped roofs).
☑ Nonconformities (§ 4412(7)) — Conforms. Article V comprehensively defines standards for nonconforming uses, structures, and lots, including abandonment, repair, and reconstruction standards.
☑ Communications antennae and facilities (§ 4412(8)) — Conforms as amended. Section 15.13.1 now sets the required exemption threshold at 15 square feet (versus 8).
☑ Planting projects in flood hazard areas (§ 4412(10)) — Conforms as amended. Article XI now confirms that no permit or application is required for a planting project with a permit by operation of law under 10 V.S.A. § 4424(c).
☑ Accessory on-farm businesses (§ 4412(11)) — Conforms as amended. Article VIII of the bylaws now contains a distinct accessory on-farm business provision.
☑ Lot and dimensional standards for minimum dwelling unit density (§ 4412(12)) — Conforms, as amended. Section 4412(12) requires 5 or more dwelling units per acre in any area serviced by municipal sewer and water infrastructure. The amendment reduces minimum lot area per unit on Class 1 lots to 8,712 sq. ft./unit (5 units/acre).
☑ Density for affordable housing (§ 4412(13)) — Conforms as amended. Section 4.11 adds a provision allowing qualifying affordable housing developments to exceed density limits by 40% and height limits by one floor in serviced areas, as required by statute.

Check each box to confirm the bylaws conform with these provisions in 24 V.S.A. §4412 (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*

Findings on Limitations on Municipal Bylaws

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

24 V.S.A. § 4413 limits how municipalities may regulate certain listed uses – generally restricting regulation of these uses to dimensional and site-design standards without interfering with their intended functional use – and it flatly prohibits regulation of certain other activities altogether (agricultural/silvicultural practices, solar energy devices, and small ancillary telecommunications improvements).
☑ State- or community-owned and -operated institutions and facilities (§ 4413(a)(1)(A)) — Conforms. “Public building or facility” is a conditional use in every zoning district, each expressly footnoted “In accordance with 24 VSA Section 4413,” and reviewed only under the dimensional/site-design standards of Section 4.2.
☑ Public and private schools and other institutions (§ 4413(a)(1)(B)) — Conforms. “School” is a conditional use in every district, similarly footnoted to § 4413.
☑ Places of worship (§ 4413(a)(1)(C)) — Conforms. “Church” is a conditional use in every district, footnoted to § 4413, and defined in Appendix A consistent with the statute.
☑ Public and private hospitals (§ 4413(a)(1)(D)) — Conforms by adding definition of hospital and conditional use as per § 4413.
☑ Regional solid waste management facilities (§ 4413(a)(1)(E)) — Conforms by adding definition of regional solid waste management facility to Appendix A, and adds a conditional use, as per § 4413, along with “Recycling center” in the Industrial District.
☑ Hazardous waste management facilities (§ 4413(a)(1)(F)) — Conforms by adding a definition of hazardous waste management facility to Appendix A, and as a conditional use in the Industrial District with a notice of intent to construct filed under 10 V.S.A. § 6606a.
☑ Emergency shelters (§ 4413(a)(1)(G)) — Conforms by adding definition of emergency shelter and conditional use as per § 4413, subject only to the dimensional/site-design standards permitted under § 4413(a)(1), and does not regulate hours of operation, consistent with § 4413(a)(3).
☑ Required agricultural practices (§ 4413(d)(1)(A)) — Conforms. “Agriculture” is listed as a permitted or conditional use throughout the Land Use Matrix, uniformly footnoted to § 4413, and the Appendix A definitions of “Agriculture” and “Farm Structure” track the statutory language.
☑ Accepted silvicultural practices (§ 4413(d)(1)(B)–(C)) — Conforms. “Forestry” is a permitted or conditional use throughout the Land Use Matrix, footnoted to § 4413, and Article XI (Section 11.4.B.3) exempts accepted silvicultural activities from flood hazard area regulation.
☑ Solar energy devices (§ 4413(g)) — Conforms as amended. Added in the provision exempting flat-roof solar energy devices from regulation and confirming that solar collectors, clotheslines, and other renewable energy devices may not be prohibited.
☑ Ancillary telecommunications improvements and lines (§ 4413(h)) — Conforms as amended. New section 15.16 was added to address the statutory exemption for small ancillary improvements (300 sq. ft./10 ft. or less) or for pole attachments and pole replacements. The amendment adds this exemption, preserving flood hazard area authority under § 4413(h)(1).

Check each box to confirm the bylaws conform with these provisions in 24 V.S.A. §4413 (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.

Part 1 – Act 47 Amendments
The density and use amendments are consistent with § 4414(3), Conditional uses, and in particular the 2023 addition at § 4414(3)(D): a multi-unit dwelling project of four or fewer units in a district that allows multi-unit dwellings may not be denied solely due to an undue adverse effect on the character of the area affected.
The amendments to the parking standards implement § 4414(4), Parking and loading facilities, which caps required residential parking at one space per dwelling unit in districts served by municipal sewer and water. The existing Section 6.2 parking table, as amended, requires only "1 per unit on Class 1 lots" for both residential dwellings and ADUs – the amendment finalizes and clarifies this Class 1 standard to ensure full and unambiguous conformance with the statutory one-space cap. Section 6.2, as amended, allows for 1.5 parking spaces for duplexes and multi-unit dwellings in areas not served by sewer and water.
The affordable housing density bonus discussed in the § 4412(13) findings is also consistent with the enabling authority in § 4414(7), Inclusionary zoning, which authorizes (and, together with § 4412(13), effectively requires in serviced areas) development incentives such as density bonuses, dimensional waivers, and fee reductions to support affordable housing feasibility.

Part 2 – Design Review Overlay District
The new Article XVII is authorized primarily under § 4414(1)(E), Design review districts, which allows a municipality to establish a design review district covering any area containing structures of historical, architectural, or cultural merit or a concentration of community interest.
The design review overlay district is depicted on the map shown in Appendix E. Article XVII's substantive design standards and its requirement that no structure be erected, reconstructed, substantially altered, moved, demolished, or changed in use without DRB approval (Section 17.5.1) directly track this subsection.
Article XVII's waiver provision (Section 17.5.4) is authorized under § 4414(8), Waivers, which allows a municipality to grant waivers from dimensional/design requirements, including waivers for disability accessibility fire safety and for energy conservation/renewable energy structures – § 4414(8)(A)(ii)–(iii) (matched by Section 17.5.4).
The Design Review Overlay District itself, as an overlay superimposed on the underlying Village and Main District, is also consistent with the general § 4414(2), Overlay districts authority, alongside the Town's existing Flood Hazard and Institutional Control Overlay Districts.

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.

Part 1 – Act 47 Amendments
The "Village Mixed-use Growth Area" consists of the Village Commercial and the absorbed Main St. District, the Park District, and portions of the Residential Neighborhood District. The Town Plan designates this area as the Town's primary growth area and calls for increased development density, a mix of housing types, and a walkable, compact form. The amendment's reduction in minimum lot area per dwelling unit and expanded multi-household permitted uses on Class 1 lots are compatible with, and implement, this designation. The Town Plan explicitly states that smaller lot sizes, higher population densities, and reduced setbacks should be allowed in the Residential Neighborhood District. The bylaw amendment's reduction of the Class 1 minimum lot area per unit in the Residential Neighborhood District directly implements this Town Plan language. In the Park District, the Town Plan states that the buildings were originally constructed as single-family dwellings that have become inefficient and expensive to occupy and maintain, and encourages adaptive reuse compatible with the district's existing design and uses. The bylaw's continued and clarified allowance of multi-household dwellings on Class 1 lots in the Park District is compatible with this Town Plan direction. In the Commercial District, outside of the Village Mixed-use Growth Area, the Town Plan calls for future commercial development and encourages increased density of development along with improved access management and walkability. The amendment's density increases for the Commercial District's Class 1 lots is compatible with this objective.

Part 2 – Design Review Overlay District
The Design Review Overlay District is compatible with the Plan's Future Land Use designations. The Plan calls for the Village Commercial District (now Village & Main District) to feature new buildings designed and constructed with materials similar to and compatible with existing structures, with at least two stories of usable space at street level. Article XVII's design standards – building coverage, orientation, materials compatibility, architectural elements, fenestration, and parking/curb-cut placement – directly implement these Future Land Use expectations without altering the underlying density or use permissions established by Part 1 of the amendment or the existing bylaws.

Planned Community Facilities

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

The amended bylaws are compatible with and support the implementation of the following planned community facilities:

Water and Wastewater Infrastructure—The Town Plan states that the Town's wastewater treatment facility is currently processing at approximately 26% of its 750,000 GPD capacity, leaving significant room for growth. Action 4.10 further calls for exploring extension of the municipal water and sewer service area to accommodate anticipated growth. The Act 47 housing density amendments are specific to Class 1 lots, meaning the additional housing capacity created by the amendment is directed to the areas where the Town Plan has documented that existing planned infrastructure has the capacity to absorb it. This is also consistent with the conditional use at Section 4.2.2.1 stating that development will not adversely affect the capacity of existing or planned community facilities.

Sidewalks and ADA Compliance—The Town Plan calls for repairing and replacing existing sidewalks Town-wide to meet ADA requirements (Action 3.3), and the Town's active Center Street sidewalk replacement grant application is a direct, current implementation of this action, and goes along with other sidewalk projects that have been implemented in previous years. Section 17.4.13 of the new Design Review Overlay District bylaw amendment requires new commercial development within the overlay to install sidewalks meeting Town specifications (or pay a fee-in-lieu toward future Town sidewalk installation), and Section 17.4.16 establishes curb and curb-cut standards for new commercial development consistent with Town curbing specifications. These provisions ensure future private development within the overlay contributes to the Town's planned sidewalk and ADA improvement program. The DRB's waiver authority (Section 17.5.4.5) also explicitly recognizes waivers for improvements necessary for disability access, consistent with the Town Plan's broader ADA compliance goals (Objective 4.2 and Action 4.2).

Utility Infrastructure Screening and Lighting—Action 3.10 of the Town Plan calls for relocating utility infrastructure underground or to the rear of properties as redevelopment occurs, to enhance visibility and streetscape quality. The Design Review Overlay's standards, requiring meters, pumps, transformers, and mechanical/utility structures to be located at the rear of new buildings and screened from street view (Section 17.4.17), carries out this planned infrastructure objective for new development within the overlay district. And the lighting standards in Section 17.4.14, that call for lighting to be shielded to limit light spill, glare, skyglow, and light pollution, align with the current Town lighting project converting old fixtures to downward directed and more efficient LEDs.

Prepared By:

Name, title, and organization of person completing this form.

Tracy Bodeo, Planning Director, Town of Lyndon

Thank you.