

**Planning Commission Report
On the Municipal Bylaw Amendments**

This report is in accordance with 24 V.S.A. 441 © 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 © of this title concerning plan amendments.

The report shall provide:

(A) *Brief explanation of the proposed bylaw, amendment or repeal and ... include a statement of purpose as required for notice under section 4444 of this title.*

The proposed changes to **Article I – Enactment and Purpose, Article II – Administrative Procedures, Article III – Boundary Lines and Subdivisions, Article IV – Districts and Uses, Article V – Historic Design Review District, An Overlay District – Descriptions, Uses and Regulations, Article VI – Flood Hazard District – an Overlay District, Article VII - Standards; Article VIII – Signs, Article IX – Wireless and Telecommunications Facilities, Article X – General Definitions, Appendix I – Site Plan and Design Guidelines and Appendix II – Structures Listed on the National or State Register of Historic Places** are intended to address

- 1) **Lodging and Short-term Rental regulations in all Districts**
- 2) Per recommendations from Windham Regional - changes to increase **density allowances** in certain districts to allow for increased market rate housing and affordable housing incentives, including Cottage Cluster developments.
- 3) Changes so that the DRB can grant **density waivers** to allow for more housing growth.
- 4) Remove out of date or 'no longer' allowed regulations.
- 5) Definitions of terms used in the Wilmington Zoning Ordinance related to **Short-term Rentals, Bedrooms, Accessory Dwelling Units, Cottage Court Development, Affordable Housing Unit, Temporary.**
- 6) Update to definition of **Structure, Large** to add **Temporary** language.
- 7) Update Zoning to conform with VT Home Act
- 8) Update to Article III, Section 310 to include Merge Lots
- 9) Update to Article II, Section 214 to allow administrative waiver for improved access for disabled in all districts including Historic Design Review district. Requested by Selectboard
- 10) Update to Article IV, Section 425 – Uses Not allowed. Added Propane and Natural Gas to subsection I and added wording, Products to Petroleum, in subsection L. Requested by Selectboard.
- 11) Update to Article IV, Section 441 – Height Limitations. Added language to allow Affordable Housing Development to exceed Density limitations in all areas served by Municipal sewer and water infrastructure. Requested by Selectboard.
- 12) Update to Article IV, Section 447 – Agricultural Exceptions. Added Subsection B – Accessory On-Farm Business. Added language to clarify Accessory on-Farm Business may be subject to site plan review and performance standards adopted in the Zoning Ordinances for similar commercial uses. Requested by Selectboard.
- 13) Update to Article IV, Section 450 – Districts Purposes and Description, subsection A- Conservation Districts. Added subsection 5 under Conservation District , Prohibited Uses, Conservation Districts. Added For-profit Short-Term Rental to prohibited uses. Requested by Selectboard.
- 14) Update to Article IV, Section 450 – District Purposes and Description, subsection B – Village District. Added Food Truck as a Conditional Use. Requested by Selectboard.

- 15) Update to Article IV, Section 450 – District Purposes and Description, subsection C – Residential District. Added Affordable Housing Development as a Conditional Use. Requested by Selectboard.
- 16) Update to Article IV, Section 450 – District Purposes and Description, subsection C – Residential District. Added subsection 6. Zoning District Incentive for Affordable Housing Development. Requested by Selectboard.
- 17) Update to Article IV, Section 450 – District Purposes and Description, subsection D – Resort-Residential District. Added Affordable Housing Development as a Conditional Use. Requested by Selectboard.
- 18) Update to Article IV, Section 450 – District Purposes and Description, subsection D – Resort- Residential District. Added to subsection 5 wording to Minimum Lot Size 1 Acre – Properties served by Municipal Wastewater and water. 1/5 acre. Requested by Selectboard.
- 19) Update to Article IV, Section 450 – District Purposes and Description, subsection D – Resort- Residential District. Added to subsection 6. Zoning District Incentive for Affordable Housing Development. Requested by Selectboard.
- 20) Update to Article X – General Definitions. Added Guest Room to the definition of Bedroom. Requested by Selectboard.
- 21) Update to Article X – General Definitions. Added definition of Bulk Storage. Requested by Selectboard.
- 22) Update to Article X – General Definitions. Added Food Truck to the definition of Food Stand. Requested by Selectboard.
- 23) Update to Article X – General Definitions. Removed Definitions for Lodging > 2 and < 2. Added single definition for Lodging. Requested by Selectboard.
- 24) Update to Article X – General Definitions. Deleted duplicate definition for Premises. Requested by Selectboard.
- 25) Update to Article X – General Definitions. Updated definition of Should. Requested by Selectboard.
- 26) Update to various Articles for clarity. Requested by Selectboard.

In the spirit of the Wilmington Town Plan adopted 10/2/2018 (Goal 7): “Ensure the Availability of Housing for all Residents of Wilmington”, (Goal 10): “Make it Easier to do business in Wilmington”, (Goal 12): “Protect and preserve the important natural resources and features important to the town” and (Goal 16): “Maintain Wilmington’s compact village and rural countryside.”

The Planning Commission of the Town of Wilmington has determined that:

1. Clarifying and update Zoning Regulations concerning Short-Term Rentals to address the growing industry.
2. Update Zoning regulations to allow for more housing (density levels) in the areas of Town served by sewer and water. Also, to align Wilmington’s Zoning with newly adopted State regulations.
3. Update various sections of the Zoning regulations to correct out of date language and regulations, paging errors and grammar.

Therefore, the Planning Commission proposes the following changes and additions to the Wilmington, VT zoning ordinances:

1. **Changes to Article I – Enactment and Purpose**
2. **Changes to Article II – Administrative Procedures**
3. **Changes to Article III – Boundary Lines and Subdivisions**
4. **Changes to Article IV – Districts and Uses**

5. Changes to Article V – Historic Design Review District, An Overlay District – Descriptions, Uses and Regulations
6. Changes to Article VI – Flood Hazard District – an Overlay District
7. Changes and additions to Article VII – Standards
8. Changes to Article VIII – Signs
9. Changes to Article IX – Wireless and Telecommunications Facilities
10. Changes and additions to Article X – General Definitions
11. Changes to Appendix I – Site Plan and Design Guidelines
12. Changes to Appendix II – Structures Listed on the National or State Register of Historic Places

The report shall also

“(B) include findings regarding how the proposal:

1. Conforms with or furthers the goals and policies contained in the municipal plan, including Ensuring the availability of housing for all residents of Wilmington and Making it Easier to do business in Wilmington

These amendment changes, it is hoped, will increase the availability of both affordable and market rate housing in the areas of Wilmington served by Water, sewer, and public transportation. This will help to allow a greater availability of housing for workers to alleviate the staffing shortages in our restaurants and shops.

In addition, changes to the formatting, paging and grammar will make the Zoning regulations an easier document to navigate for anyone looking to move to or do business in Wilmington.

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

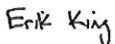
The proposed changes, some as required by VT State law, will have an effect on density. These amendments are compatible with the proposed future land uses called for in the municipal plan.

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

No planned community facilities are affected by this amendment.

Approved in our meeting of February 26, 2024

John Lebron, Chair


Erik King


Matthew Moore

Michele Carlson, Secretary


Brian Holt, Vice-Chair