### **Town of Huntington**

## **Notice of Public Hearing Revisions of Regulations**

September 26, 2023 • 7 pm Brewster-Pierce School

The Huntington Planning Commission will hold a public hearing on September 26, 2023 at 7 pm at Brewster-Pierce School to receive public comment on proposed changes to the Land Use Regulations.

The purpose is revisions, as follows:

Section 5.06 Preservation of Significant Natural Features: exclusions from Development Review Board (DRB) for applications that by their nature have minimal impact to prime agriculture soil, and rare plant and animal species. The geographic area affected is all Districts.

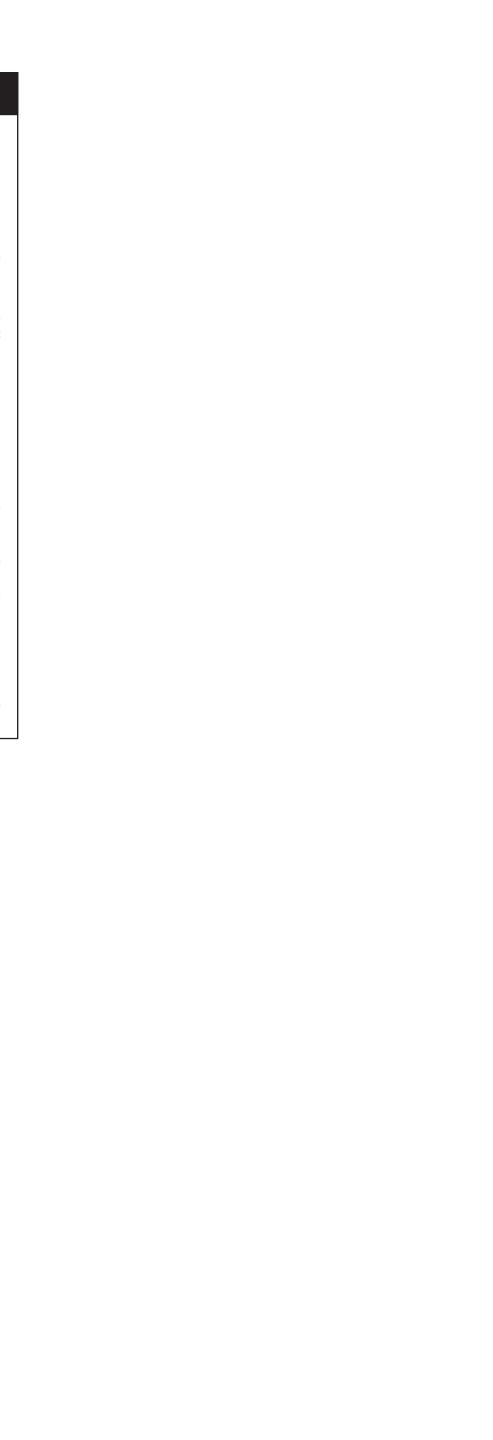
Section 5.08 Accessory Dwelling Units (ADUs): Change is regulations to comply with Act 47 of 2023, which requires that regulations for ADUs cannot be more restrictive than regulations for single family houses. The geographic areas affected are all Districts where single-family dwellings are allowed.

Village Zoning Districts: Change in minimum lot size. Minimum lot size in the Village Zoning district has been reduced to a third acre from one acre in the Lower Village and Huntington Center. The area encompassed is the Lower Village and Huntington Center, as presented described in Article IV, Section 4.02, Table 4.01 and Addendum B Town Plan Zoning District Maps B and C. The geographic area affected is Lower Village and Huntington Center

Copies of the proposed revisions, as well as a report on how the proposed changes comply with State Statute and the Town Plan, are available on the Town web site (www.huntingtonvt.org) at the Town Office, Beaudry's Store and the Huntington Public Library. \\A list of the affected section headings follows, as required pursuant to Title 24, Chapter 117 V.S.A. Section 4444 (b).

4.02 & Table 4.01 – Zoning districts: Village Lot size Section 5.06 Preservation of Significant Natural Features Section 5.08 Accessory Dwelling Units

—Heidi Racht, Clerk September 7, 2023



## LAND USE REGULATIONS

# TOWN OF HUNTINGTON VERMONT

Approved on March 7, 2023

Proposed Amendments for Planning Commission Public Hearing

September 26, 2023





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Table 4.01 -Land Use Table - Permitted, Conditional, and Prohibited Use

| Use  | Land Use District              |                               |                                  |                      |                               |                          |   |
|--|--------------------------------|-------------------------------|----------------------------------|----------------------|-------------------------------|--------------------------|---|
| P - Permitted Per Development<br>Standards (i.e. Land Use Permit)      C - Conditional Use & Site Plan Review<br>(i.e. DRB & Land Use Permit)      X - Prohibited (i.e. not allowed) | Village<br>Center<br>District* | Neighbor-<br>hood<br>District | Rural<br>Residential<br>District | Woodland<br>District | Conserv-<br>ation<br>District | Flood<br>Hazard<br>Areas | Ground-<br>water<br>Protection<br>Overlay<br>District |
| Single Family Dwelling   | Р                              | Р                             | Р                                | Х                    | Х                             |                          |   |
| Two Family Dwelling  | Р                              | Р                             | Р                                | Х                    | Х                             |                          | `   |
| Multi-Family Dwelling  | C – max 4                      | C – max 4                     | C – max 4                        | Х                    | Х                             | ,                        | ·   |
| Seasonal Dwelling  | Х                              | Х                             | С                                | С                    | Х                             |                          |   |
| Accessory Dwelling   | ₽                              | ₽                             | ₽                                | X                    | X                             |                          |   |
| Non-dwelling Structure   | Р                              | Р                             | Р                                | С                    | С                             | ,                        | ·   |
| Home based businesses, including day care centers (larger than a home day care)  | Р                              | Р                             | С                                | С                    | Х                             |                          |   |
| Cottage Industries, Retail Sales,<br>Restaurants, Large Commercial Uses  | С                              | С                             | С                                | Х                    | Х                             |                          | ,   |
| Specific Commercial uses: health clinic, financial institution, funeral homes, Gasoline Sales, Motor Vehicle Sales   | С                              | С                             | Х                                | Х                    | Х                             |                          |   |
| Home occupation vehicle repair service   | С                              | С                             | С                                | X                    | Х                             |                          |   |
| Contractors Yard   | С                              | С                             | С                                | X                    | Х                             | See                      | See<br>underlying                                     |
| Heavy Industrial or Manufacturing<br>Development   | С                              | С                             | Х                                | Х                    | Х                             | Section<br>4.07          | Zoning<br>Districts                                   |
| Bed and breakfast and Inns (not exceeding 15 bedrooms)   | С                              | С                             | С                                | Х                    | Х                             | ,                        |   |
| Mixed Uses   | С                              | С                             | С                                | Х                    | Х                             |                          |   |
| Group Home & Residential Care Home (serving 8 or fewer persons and not within 1,000 feet of another group home)  | Р                              | Р                             | Р                                | Х                    | Х                             |                          |   |
| Group Home or Residential Care Home (serving more than 8 persons but not exceeding 15 persons, and/or within 1,000 feet of another group home)                                       | С                              | С                             | С                                | Х                    | Х                             |                          |   |
| Senior housing, max 15 units   | С                              | С                             | С                                | X                    | Х                             |                          |   |
| Riparian Buffer Vegetation Management  | С                              | С                             | С                                | Х                    | Х                             | •                        |   |
| Cemetery   | С                              | С                             | С                                | С                    | Х                             | •                        |   |
| Schools and educational centers  | С                              | С                             | С                                | С                    | Х                             |                          |   |
| Places of worship, libraries, public meeting houses, private clubs   | С                              | С                             | С                                | Х                    | X                             |                          |   |
| Cultural Facility  | С                              | С                             | С                                | Х                    | Х                             |                          |   |
| Nature Center  | С                              | С                             | С                                | С                    | Х                             |                          |   |
| Indoor Recreational Facilities   | С                              | С                             | С                                | Х                    | Х                             |                          |   |
| Outdoor Recreational Facility Structures   | С                              | С                             | С                                | С                    | С                             |                          |   |

|    | which requires that regulations for ADUs cannot be more restrictive than regulations for single family houses. |
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Table 4.02 – Land Use Table – Dimensional Standards Related to Lots & Buildings

| Standard  | Village<br>Center    | Neighborhood*        | Rural<br>Residential* | Woodland             | Conservation         |
|---|----------------------|----------------------|-----------------------|----------------------|----------------------|
| Minimum lot size  | <u>1/3</u> acre      | 1 acre               | 5 acres               | 25 acres             | 25 acres             |
| Minimum frontage on public roads  | 40 feet              | 120 feet             | 180 feet              | 200 feet             | N/A                  |
| Min front set back from centerline of road**  | 40 feet              | 50 feet              | 50 feet               | 50 feet              | N/A                  |
| Min side and rear yard set back   | 10 feet              | 15 feet              | 20 feet               | 50 feet              | N/A                  |
| Max Number of principal dwelling structures per lot***                                      | 1                    | 1                    | 1                     | 1                    | N/A                  |
| Max Height  | 35 ft                | 35 ft                | 35 ft                 | 35 feet              | 35 feet              |
| Maximum cumulative<br>enclosed square<br>footage above grade<br>for the permitted<br>use(s) | 5,000 square<br>feet | 4,000 square<br>feet | N/A                   | 1,500<br>square feet | 1,000 square<br>feet |

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<sup>\*</sup> Dimensional requirements in these districts may be waived to promote clustering through the PUD provision.

\*\* ROW easements may vary. The Village Center min/max setbacks assumes a 4–rod ROW. The Development Review Board may adjust the front setback requirement accordingly, under conditional use review, if the applicant demonstrates another ROW dimension applies in front of their property.

\*\*\* Excluding accessory dwelling units.

#### Section 4.02 Village Center Districts

1. Intent and Purpose. The purpose of the Village Center District is to allow higher density residential and commercial development while restraining rapid, large-scale, or otherwise inappropriate growth. Future development should maintain a traditional village settlement pattern, which will enrich village life, provide efficient community services, promote agricultural usage where appropriate, and encourage the social, cultural, and historic aspects of village community life. For the purposes of these Regulations, a traditional village settlement pattern is defined as a cohesive group of residential, civic, religious, commercial, and mixed-use buildings arranged along a main street and intersecting streets that are within walking distance for residents who live within and surrounding the core. Pedestrian and bicycle access will be prioritized without sacrificing automobile accessibility; and parallel and diagonal on-street parking for automobiles will be available. The intent is to foster a sense of community connection where the public and private realms come together within and along the street frontage.

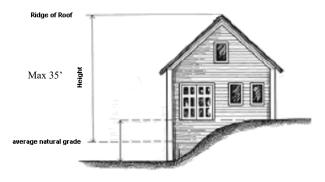
This photo provides an example of an important building in Huntington that houses the post office and other commercial development. The building has a large number of windows, or in the language of these Regulations "glazing requirements", facing the street that foster a sense of connection between public areas and private while being consistent with other architecture in the village. Photo: Mark Smith



- Uses and Review. See Table 4.01 for identification of Permitted and Conditional Uses. In addition
  to the Conditional Uses on Table 4.01, the following circumstances require DRB Approval for
  conditional use before a Permit will be issued:
  - 2.1. Commercial uses
  - 2.2. Residential projects with more than two separate residential units (i.e., multi-family dwellings).
  - 2.3. Exceeds one acre developed.
  - 2.4. Includes a new public street.
  - 2.5. Alters the exterior of an historic structure, or any structure in an historic district.
  - 2.6. Includes a shared parking plan.
  - 2.7. Includes an on-street diagonal parking scheme or other on-street parking scheme within or adjacent to an existing or proposed town or state highway.

- 2.8. Requests to reduce setbacks or modify building location, per Section 3.07, or a shared parking plan, per Section 4.02.4.
- 3. **Building and Parcel Dimensional Standards.** See Table 4.02 for the dimensional standards. The following apply to the Village Center District:
  - 3.1. Building Heights. Buildings shall be a maximum height of 35 feet to the roofline and a minimum height of 15 feet. Cupolas, antennas, lightning rods, and similar are excluded.
  - 3.2. Driveways for single- and two-family dwellings shall be no wider than 12 feet. In the setback area, road and underground utility lines are allowed for access to development on the property. Pedestrian and bicycle ways are allowed in the setbacks. Residential garages shall be located behind the residence or no closer to the public street than the residence.
- 4. Parking. In addition to the Off-Street Parking Standards in Section 5.04, the following apply to the Village Center District:
  - 4.1. Parking shall not interfere with pedestrian travel areas and sidewalks.
  - 4.2. On-street parking may be allowed with DRB Approval. If the existing right-of-way is not wide enough to accommodate the on-street parking, the Applicant may propose a development scheme where the lot owner conveys to the Town sufficient property along the front of the lot to widen the public right-of-way to accommodate the on-street parking. The lot owner shall be responsible for construction and the costs associated with the parking area, street alterations and sidewalk realignment. Both DRB and Selectboard approval would be required for such a conveyance.
  - 4.3. Off-street parking shall not be located along or adjacent to the street frontage. Instead, parking areas shall be behind street facing buildings, under the building's first floor, or beside the buildings; or alternatively, at least 60 feet from the street right-of-way.
  - 4.4. With prior DRB Approval, two or more property owners may enter into a shared parking plan agreement reflecting their complementary needs (e.g., different peak hours, sporadic use) to comply with parking standards. However, the parking shall not be located more than 600 feet from development it supports. The DRB shall ensure the parking plan does not adversely affect public health or safety, and incorporate plan compliance as a condition of permit approval, subject to periodic change by the parties with DRB approval.

- 2. **Purpose**. The purpose of this section is to maintain the rural character of Huntington, and to limit new construction to heights that the Town can access for firefighting purposes.
- 3. Standards. No structure's main roofline shall exceed 35 feet in height. Church steeples/belfries, chimneys, antennas, cupolas, silos, wind towers and industrial equipment are exempt from this height limit. Figure 3. Measuring Height:



#### Section 5.06 Preservation of Significant Natural Features

- 1. Applicability. This section shall apply to all subdivisions and to all land development in all Districts.
- Purpose. The intent of this section is to ensure that development is sited to avoid significant impacts on natural resources, and that subdivisions enable future potential development that avoids significant impacts on natural resources.
- 3. Application. Applications for a permit shall include a map of the property that identifies the areas of proposed subdivision or development and the locations of known and suspected natural features listed and defined below. Mapping software is available from the Administrative Officer, or at: https://huntingtonvt.org/zoningmap.
  - 3.1. Wetlands and their buffers Class 1 or 2 wetlands, as determined by the Vt. Agency of Natural Resources, and 50' measured from the outside of the formally delineated boundary.
  - 3.2. Rare plant and animal species As defined by the State of Vermont Natural Heritage Inventory.
  - $3.3.\ Steep\ slopes$  Any slope exceeding 25%, as identified in the Huntington Land Use Map.
  - 3.4. Significant wildlife habitat Concentrated habitat which is identifiable and is demonstrated as being decisive to the survival of a species of wildlife at any period in its life including breeding and migratory periods. Necessary wildlife habitat includes, but is not limited to, bear mast

- stands, bear wetlands, deer winter areas, bobcat denning sites, vernal pools that provide habitat for amphibians, and great blue heron rookeries.
- 3.5. Prime agricultural soils As defined and mapped by the USDA and the NRCS in web soil survey.
- 4. DRB Subdivision Review Standards. The DRB may not allow the subdivision of land unless all parcels contain a potential building envelope that allows building in conformance with this Section, unless a condition of approval expressly creates a deeded non-buildable lot and expressly prohibits future building (ex. a wood lot). Applicants are encouraged to utilize the PUD process to cluster potential development and minimize impacts on natural resources, but the standards of this Section may not be reduced through a PUD.
- Development Standards. DRB approval is required, unless exempted below, where any portion of the subdivision or land development occurs within a mapped natural resource identified in this section.

#### 5.1. Exemptions

- 5.1.1. Wetlands and their buffers. To ensure proposed development conforms with state wetlands regulations. The Applicant may submit documentation that the Vermont Agency of Natural Resources has reviewed the project for impacts to wetlands and their buffers, and has issued either (a) a state wetlands permit, or (b) a written determination that a state wetlands permit is not required. Such documentation shall demonstrate the proposed project conforms with this Section as to wetlands and their buffers.
- 5.1.2. Prime Agricultural Soils. DRB review and authorization is not required for: (a) additions or other modifications to an existing structure, or (b) a permitted use completely within 300 feet of an existing structure.
- 5.1.3. Rare Plant and Animal Species. DRB review and authorization is not required for: (a) permitted uses on regularly mowed residential lawns, cultivated areas, paved or gravel driveways and parking areas, or (b) additions and other modifications to existing structures.
- **5.2. DRB Review Standards.** The DRB will apply the following standards as to issuing a permit impacting a mapped natural resource. The DRB may also apply the following standards to suspected natural resource identified by credible evidence.
  - 5.2.1. **Steep Slopes**. The DRB may allow development on steep slopes where the Applicant demonstrates:

**Commented [JS2]:** Changes to reduce DRB review requirement for applications that by their nature have minimal impacts to prime agricultural soils and rare plant and animal species.

- 5.2.1.1. Development shall be sited and constructed, and slopes stabilized in accordance with accepted engineering and best management practices for stormwater management and erosion control to: (a) prevent runoff, erosion, slumps, and other down slope movements of material, and (b) minimize associated risks to surface and ground waters, public facilities and roads, and neighboring properties. The DRB shall require professionally engineered plans where the proposed project impacts more than 1000 square feet of steep slopes.
- 5.2.1.2. Development, including road and utility corridors, shall be sited and designed to minimize visual impacts from public vantage points. The use of landscaping and natural screening materials is encouraged, and may be required to lessen the visual impact of such development.
- 5.2.2. Rare Plant and Animal Species. If the Huntington Zoning and Development Planning

  Tool indicates that a proposed development has a potential impact to a rare plant or
  animal species, an opinion by a qualified expert is required to identify the actual impact.

  The DRB may allow development impacting Rare Plant and Animal Species where the
  applicant demonstrates there is no other reasonable alternative to avoid the impact. To
  determine if an alternative is reasonable, the DRB shall consider its degree of impact,
  feasibility, cost, and impact on other protected natural resources. If there is no
  reasonable alternative the DRB may allow development if the applicant takes steps to
  minimize the impact and/or takes mitigation measures as recommended by a qualified
  expert including, but not limited to, steps to conserve and permanently protect rare plant
  and animal species.
- 5.2.3. Significant wildlife habitat. The DRB may allow development impacting Significant Wildlife Habitats only where the applicant demonstrates there is no other reasonable alternative to avoid the impact. To determine if an alternative is reasonable, the DRB shall consider its degree of impact, feasibility, cost, and impact on other protected natural resources. If there is no reasonable alternative the DRB may allow development if the applicant takes steps to minimize the impact and/or takes mitigation measures as recommended by a qualified expert including, but not limited to, steps to conserve and permanently protect significant wildlife habitats.
- 5.2.4. **Prime Agricultural Soils.** The DRB may allow development on prime agricultural soils to the minimum extent necessary where the applicant demonstrates:
  - 5.2.4.1. There is no other reasonable alternative to avoid the impact. To determine if an alternative is reasonable, the DRB shall consider its degree of impact, feasibility,

Commented [JS3]: Provides direction to an applicant on next steps if their project is located within an area identified in the Mapping Tool as having rare plant or animal species. Provides a means for the DRB to approve a project with impacts including alternatives to avoid, minimize or mitigate the impact.

**Deleted:** The DRB may not allow development impacting Rare Plant and Animal Species. Where the Huntington Zoning and Development Planning Tool map identifies potential impact, applicants are encouraged to conduct a site-specific survey to identify actual impact

Commented [354]: Provides a means for the DRB to approve a project with impacts including alternatives to avoid, minimize or mitigate the impact.

**Deleted:** The DRB shall consider the degree of impact, the feasibility and cost of alternatives, and the impact on other protected natural resources

# Article V: Specific Standards Applicable in More than One District

the impact and/or takes mitigation measures as recommended by a qualified expert alternative the DRB may allow development if the applicant takes steps to minimize cost, and impact on other protected natural resources. If there is no reasonable including, but not limited to, steps to conserve and permanently protect prime agricultural soils, and

- patterns, and minimized fragmentation so that the remaining prime agricultural soils 5.2.4.2. The subdivision or development has been planned to minimize impact on prime. agricultural soils through innovative land use design, compact development remain intact, and
- The development or subdivision will not significantly interfere with or jeopardize the continuation of agriculture or forestry on adjoining prime agricultural soils or reduce their agricultural or forestry potential. 5.2.4.3.
- The DRB may reduce setback and/or lot size requirements per Table 4.02 by up to 50%, where the DRB finds: 9
- 6.1. A setback modification will allow for the substantial reduction in impacts to Prime Agricultural Soils; and
- mapped per Section 5.06.3, are permanently protected through a conservation easement or a 6.2. The remaining contiguous Agricultural Soils under the Applicant's ownership or control, as deed restriction that would excluded future development within the protected areas.
- State maps are accurate, subject to evidence to the contrary provided by a qualified professional. qualified expert (biologist, ecologist, etc.) on behalf of the Applicant. The DRB shall presume the Site Specific Review. The Applicant may contest the proposed project impacts on identified or suspected natural resources, either during DRB conditional use review, DRB waiver review, or through an appeal of the AO determination, by providing site-specific studies conducted by a 7.

# Riparian Buffers Section 5.07

- Purpose. To prevent surface runoff and soil erosion, and protect water quality and critical wildlife habitat, the Town of Huntington has adopted a vegetated riparian buffer requirement from identified surface waters.
- measured laterally from top-of-bank, or top-of-slope or from the regular high watermark in instances named tributaries- Sherman Hollow Brook, Texas Brook, Fargo Brook, Brush Brook, Cobb Brook, Baker Brook, Carpenter Brook, Hollow Brook, Johns Brook, Jones Brook, Otter Brook, Weaver where no stream bank is discernible (see definitions) from the Huntington River, or the major Applicability. This section is applicable in all Land Use Districts, and shall encompass 50' ς.

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Commented [JSS]: Provides a means for the DRB to approve a project with impacts including alternatives to avoid, minimize or mitigate the impact. Replaces the term "no possible alternative" with "reasonable alternative" and how reasonabless will be

Deleted: Development on the existing parcel is not possible without impacting prime agricultural soils

Commented [1361]: Minor edit.

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Commented [157]: Clarifying language. Specifies that an opinion from a qualified expert is required to challenge the accuracy of a State Map.

Deleted: stated accuracy of State maps

Deleted: rebuttal of a site investigation

#### Article VIII. Definitions

ACCEPTED MANAGEMENT PRACTICES (AMP): The forestry practices required on all forest harvesting and logging operations to ensure compliance with Vermont's water quality regulations. These are contained in the pamphlet entitled "Acceptable Management Practices for Maintaining Water Quality on Logging Jobs in Vermont"

(http://fpr.vermont.gov/sites/fpr/files/Forest\_and\_Forestry/Forest\_Management/Library/AMP%20Adopte d%20Rule%20Clean%2010-6-16.pdf) that is published by the Vermont Department of Forests, Parks and Recreation (http://fpr.vermont.gov/), which also publishes the "Voluntary Harvesting Guidelines for Landowners in Vermont"

(http://fpr.vermont.gov/sites/fpr/files/Forest\_and\_Forestry/Your\_Woods/Voluntary\_Harvesting\_Guidelines/VHG\_FINAL.pdf)

**ACCESSORY DWELLING UNIT:** A dwelling that is clearly subordinate to a single-family dwelling, and has facilities and provisions for independent living, including sleeping, food preparation, and sanitation.

ACT: <u>Title 24 of Vermont Statutes Annotated, Chapter 117</u> entitled "Municipal and Regional Planning and Development" and referred to as the "Vermont Planning and Development Act".

**APPLICANT:** A property owner or any person acting as an agent for the owner in the application for a Permit or for DRB Approval.

AMP: Accepted Management Practices.

ADMINISTRATIVE OFFICER (AO): Formerly Zoning Administrator, see Section 6.01

AREA OF SPECIAL FLOOD HAZARD (relevant to Section 4.07 only): is synonymous in meaning with the phrase "special flood hazard area" for the purposes of these Regulations (see "Special Flood Hazard Area").

**BANKFULL WIDTH** (relevant to Section 4.07 only): (or Channel width) is the width of a stream channel when flowing at a bankfull discharge. The bankfull discharge is the flow of water that first overtops the natural banks. This flow occurs, on average, about once every 1 to 2 years.

**BASE FLOOD** (relevant to Section 4.07 only): means the flood having a one percent chance of being equaled or exceeded in any given year (commonly referred to as the "100-year flood").

**BASE FLOOD ELEVATION (BFE)** (relevant to Section 4.07 only): is the elevation of the water surface elevation resulting from a flood that has a 1 percent chance of equaling or exceeding that level in any given year. On the Flood Insurance Rate Map the elevation is usually in feet, in relation to the National

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Commented [JS10]: Change made to comply with Act 47 of 2023 which requires that regulations for ADUs cannot be more restrictive than regulations for single family houses.

Deleted: n efficiency or one-bedroom apartment

- 8. DRB Review. The DRB may, under conditional use review, approve:
  - 8.1. Improved (i.e. paved, graveled, graded, drained, etc.) recreation paths no more than six feet wide. Paths approved under this regulation should provide public access and be part of a larger existing or planned trail or network extending off the subject property.
  - 8.2. Private roads and driveways that cross rivers and streams at a right angle to access developable land. The proposed road or driveway shall cross the riparian buffer in the shortest, most direct route possible, resulting in the minimum riparian buffer impact possible, and comply with all applicable stream crossing standards and regulations. When private roads or driveways travel parallel to the stream or river channel, they shall be located outside of the riparian buffer. Maximum clearing width shall be 20', to include all driveway improvements, infrastructure, stormwater management, etc.
  - 8.3. Expansion of primary residential structures already located within the riparian buffer, which shall not result in additional clearing closer to the riverbank than allowable under the 10% exemption rule in Section 5.07.7.

#### Section 5.08 Accessory Dwelling Units

- Applicability. These standards are applicable in all Districts where single family dwellings are allowed.
- Purpose. The purpose of the Accessory Dwelling is to allow for the addition of a small dwelling unit, attached to or detached from an existing single family dwelling.
- The owners of a single family dwelling are allowed to add one accessory dwelling unit, An
  accessory dwelling unit means a distinct unit that is clearly subordinate to a single-family dwelling,
  and has facilities and provisions for independent living, including sleeping, food preparation, and
  sanitation.
- 4. The accessory dwelling unit must comply with the following standards:
  - 4.1. The property has sufficient wastewater capacity.
  - 4.2. The floor area of the accessory dwelling unit does not exceed 30 percent of the total habitable floor area of the single-family dwelling or 900 square feet, whichever is greater.
  - 4.3.
  - 4.4. The accessory dwelling unit otherwise complies with the standards in the District where the property is located.

Commented [JS8]: All proposed changes to Section 5.08 are made to comply with Act 47 of 2023 which requires that regulations for ADUs cannot be more restrictive than regulations for single family houses.

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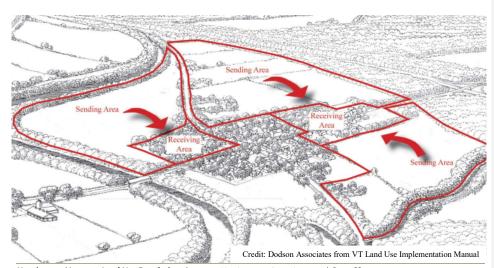
**Deleted:** The accessory dwelling unit is located within 300 feet of the principal dwelling

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4.5. To minimize the number of access points on a public or private road, shared driveways are encouraged.

#### Section 5.09 Planned Unit Development (PUD)

- **1. Applicability.** This section is applicable to the Neighborhood and Rural Residential Districts; and may only be used for developments with four or more lots or dwelling units.
- 2. Purpose. The purpose of a Planned Unit Development (PUD) is to provide incentives for clustered development and to perpetually preserve contiguous open space. Such open space may be for public use, such as parks or recreation, or for agriculture, forests and the preservation of natural and significant resource features as described in Section 5.06.
- A PUD requires DRB approval as a Conditional Use. DRB Approval for a subdivision may also be required if a subdivision of land is proposed. Conditional Use and subdivision review may be combined if both are needed.
- 4. A PUD allows the transfer of development density from one area of the property to another, or from one property to another property, to cluster the development efficiently in one location, while permanently protecting the remaining open space, as can be seen in the following illustration. To incentivize this type of development, additional single-family dwelling units beyond the maximum for which the property is zoned may be permissible by the DRB. The additional dwelling units are

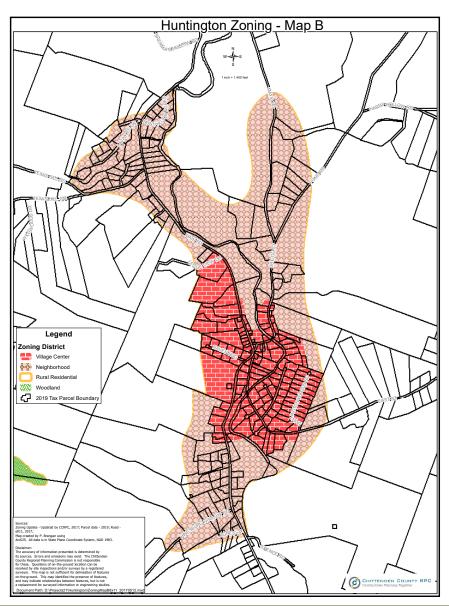


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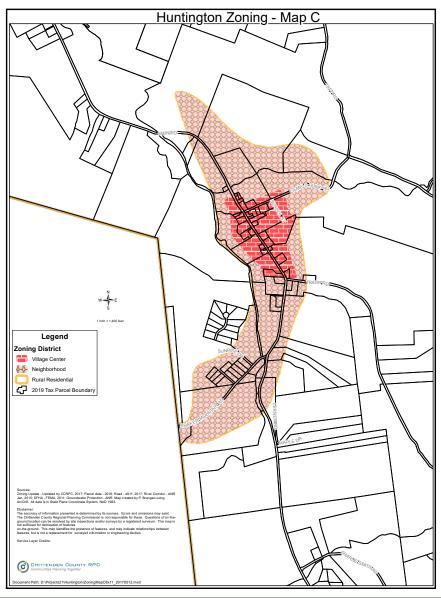
Deleted: Street access (driveway) to the accessory dwelling is shared with the primary or principal dwelling. No additional curb cuts or access points to town highways to accommodate separate or private vehicle entrances are allowed. Pedestrian access is not restricted.¶

The accessory dwelling unit shall have at least one parking space available

**Deleted:** <#>The owner of the property shall provide the Administrative Officer with a copy of a Vermont Potable Water and Wastewater Permit applicable to the accessory dwelling unit before a permit is issued.



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