

Brattleboro Interim Zoning Bylaw
As approved by the Brattleboro Selectboard September 1, 2020

I. Purpose

The Brattleboro Town Plan recognizes that there is a need for affordable housing in Brattleboro that supports and attracts a variety of households. Housing in various forms should be sought to meet the needs of various households, including:

- Residents who have raised their families and want to continue to live in Brattleboro in a smaller housing unit
- Retired people and other residents wishing to remain in the community and nearby residents wishing to move into the community to be close to services
- New couples, young families, or single adults who have grown up or come to work in Brattleboro
- People who work in town
- People with insecure housing and the homeless

In early 2020, the Town of Brattleboro worked with the Vermont Department of Housing Community Development (DHCD) on a project where the land use regulations were evaluated to identify regulatory barriers that limit the choice of conveniently located homes at prices Vermont's people can afford. The consultants identified that some residential density caps create artificial barriers to supplying additional housing even in physical forms that are favored by the town. They noted that some of the current zoning districts are overly rigid, succeeding in maintaining the existing settlement pattern but keeping that pattern from evolving to meet current needs.

Additionally, Coronavirus Emergency Economic Recovery Grants are available to help with the creation of new units of housing for households leaving temporary housing. These units will need to be brought online quickly. It is important that artificial regulatory barriers be removed so that these vulnerable populations can be rehoused during this public health emergency.

The purpose of these Interim Zoning Bylaws is to improve housing access and affordability in areas of Brattleboro where the Land Use Regulations and Town Plan desire housing development and that are served by water and sewer. It also allows for the efficient and creative reuse of existing residential structures. These interim bylaws will facilitate the development of multi-unit residential housing. It does this in two ways:

- a. Removes dwelling unit /acre density standards: The dimensional standards provided by zoning (setbacks, building height, and sometimes building coverage) are important to ensure that new buildings are not oversized or out of character. A residential density standard acts as a cap and unnecessarily limits opportunities for smaller homes that are needed and that are most likely to be affordable to a broader segment of the population. The size of a new dwellings is already constrained by the dimensional standards; an additional density cap can make it impossible for a new building to provide the smaller housing units that are needed .
- b. Eliminates unnecessary use restrictions on desirable housing types. Within the Residential Neighborhood zoning district, 3 unit, 4 unit, and 5 units dwellings are allowed as discretionary "conditional uses," putting them into a more complex review process really designed for larger development project or uses not common in the zoning district. This additional review can add cost, making the housing less affordable. There are many large

homes in Brattleboro that are difficult to maintain and heat. Historically, creating apartment out of these large homes has been a way to maintain them.

The proposed amendments will help implement the following Goals, Policies, and Actions in the Housing Chapter of the 2018 Brattleboro Town Plan:

Goal

- B. Increase the supply of housing opportunities to serve residents of all income levels, age groups, and special needs

Policies

- Policy 6.1 Promote the use of all available resources for the rehabilitation and conservation of the existing housing stock
- Policy 6.2 Direct any new residential development to areas where services are readily available and efficient, and cost-effective development is most likely. Avoid adding residential development in areas vulnerable to natural hazards such as flooding and/or with limited access
- Policy 6.4 Continue to support affordable housing for low- and moderate-income households
- Policy 6.5 Encourage and implement residential development practices that result in more innovative housing options for diverse populations, while fostering sustainable development
- Policy 6.7 Support pathways to permanent housing and retention of housing.

II. Lands to which these Interim Bylaw Apply

These Interim Bylaws shall apply to all lands in the following zoning districts as depicted on the Town of Brattleboro Zoning Map: Urban Center, Village Center, Service Center, Neighborhood Center, Mixed Use Neighborhood, Residential Neighborhood, Rural Business, and Institutional.

III. Definitions

Words, terms, and phrases defined in the Town of Brattleboro Land Use and Development Regulations shall have the same meaning in this Interim Bylaw.

IV. Use Standards

- 1. With the exception of the Residential Neighborhood zoning district, the use tables remain unchanged.
- 2. Within the Residential Neighborhood (RN) zoning district, the following shall apply:

Figure 2-19. Residential Neighborhood Use Table

PERMITTED USES	
Single-family detached dwelling	Retirement housing
Single-family attached dwelling	Nature or recreational park
Accessory dwelling	Bus stop shelter
Duplex (2 units)	Utility structure
Triplex (3 units)	Communication antenna
Quadraplex (4 units)	Agriculture and forestry
Multi-family dwellings (5 or more units) in existing) in existing residential buildings	

CONDITIONAL USES	
Multi-family dwelling (5 or more units) in new construction	Religious facility
Other specialized residential structures	Fitness, sports, gym, or athletic club
Congregate living	Grade school
Assisted living	Cemetery
Skilled nursing services	Child day care
Bed and breakfast or inn	Services for the elderly and disabled
Shop or store ¹	Air transportation facility
Professional services ²	

¹ Limited to a neighborhood market up to 2,000 sf that is located on Western Avenue east of I-91 or on South Main Street.

² Limited to 2,000 sf unless it is located on Western Avenue east of I-91. There must be at least one dwelling unit on the property.

V. Dimensional Standards

1. Lot standards, Setback or Yard standards, and Building standards shall follow the standards in the Brattleboro Land Use and Development Regulations (adopted November 17, 2015 and effective December 8, 2015).
2. There shall be no residential density standard (dwelling units/acre). Nonresidential density standards shall still apply.

VI. Effect on Existing Regulations

These Interim Bylaws shall not repeal or alter any existing ordinances, regulations, or bylaws of the Town of Brattleboro. These Interim Bylaws establish regulations that are in addition to those contained in any other Town ordinance, regulation, or bylaw.

VII. Severability

The validity of any section or provision of these Interim Zoning Bylaws shall not invalidate any other section or provision.

VIII. Enactment and Duration

These Interim Bylaws are enacted pursuant to the provisions of 24 V.S.A. section 4415, are to be administered in the manner provided for in 24 V.S.A. section 4415, as amended from time to time, and shall be effective upon passage. These Interim Bylaws shall be limited in duration to two year from the date they become effective. The Selectboard may extend these Interim Bylaws in accordance with 24 V.S.A. section 4415 for a subsequent year beyond the initial two-year period authorized by 24 V.S.A. section 4415(a).

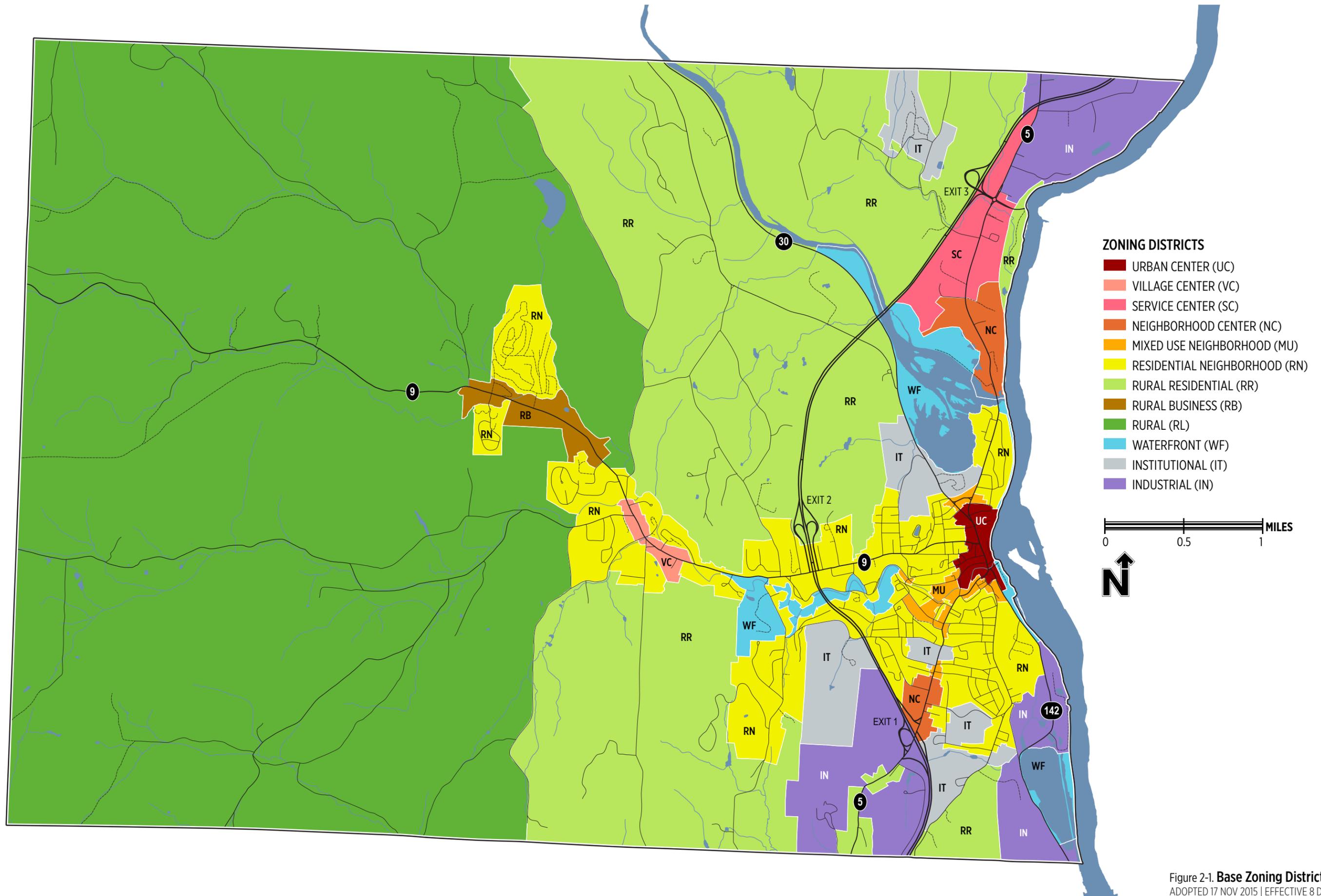


Figure 2-1. Base Zoning District Map
 ADOPTED 17 NOV 2015 | EFFECTIVE 8 DEC 2015