Elmore Planning Commission Meeting
Nov. 5th, 2026
Attendance:

- EPC members: Nancy Davis, Michelle Greeson, Shorty Towne, Betsy Perez, Brian Evans-Mongeon
- Others: Seth Jensen (LCPC), Lily Rapuano (LCPC), Sharon Fortune, Peter Engle, Chloe Tartaglia, Dawn Angney-Kress

Conflict of interest: None
Minutes approved late month: Nancy has a correction of an extra line above "additions" with a holdover from the precious minutes. Michelle will correct this and send it to Nick to be posted with the correction. Nancy motions to approve amended minutes and Brian seconds. All members approve.

Agenda additions: Glenn Schwartz (Select Board) attended a meeting regarding Shore lands designations that mentioned that Elmore is not in compliance? Seth will look into this.

Agenda Items:

- **Issue:** Act 250 8c.
    - **Discussion:** Betsy went to a meeting that discussed Act 250 8c which discussed reducing the impact of development of forest blocks and habitat connectors. Encourage development in consolidated areas. She mentions that nothing is set in stone at this time, but rules will be made early 2027. She encourages the public to review the recordings from the state if they are interested in this topic in particular.
    - **Action Item:** Seth thinks we are already ahead of this with our current zoning and that we do not need to make any adjustments currently.

- **Issue:** HOME act
    - **Discussion**: Two-Unit Dwellings must be allowed anywhere that single-family homes are allowed and can only be subject to equal or less prohibitive dimensional standards.
        - Seth added "two family dwellings" to each of the districts as well as added the verbiage to any place that specified "single family dwelling".
        - Seth also updated "dwelling/multi family" and "dwelling/single family" definitions.
        - Brian wonders why we have put a limit on the number of dwellings allowed
    - **Action Item**:
        - Seth will try to clarify the long detailed sentences with bullet points for easier clarity
        - EPC will revisit allowed number of dwellings in the different areas

        - Add PUD definition (Planned Unit Development)

- **Issue:** Regulations and Review Process cannot be more restrictive for Accessory Dwelling Units (ADU) than single-family homes.
    - **Discussion:**
        - Discussion about accessory dwelling unit (ADU) vs two-unit dwelling. With an ADU one of the units is owner occupied, and it can be attached or detached. Two-unit dwellings are always attached.
        - When does an attached accessory unit dwelling become a two-unit dwelling? It used to be based on square footage, but that has been removed. Now it is a grey zone.
        - ADUs do not have to share one septic. But a two-unit dwelling would.
        - Currently Elmore does not allow both a ADU AND a two-unit dwelling on one property unless there is sufficient acreage.
        - Definition for family. (page 98) Blood or legal relationship is not required. Are they living in a single unit (cooking. Sleeping. eating etc), define a house keeping unit.
    - **Action Item:**

- **Issue**: Density Bonus (section 3.7.k)
    - **Discussion:** The HOME Act requires municipalities to provide a density bonus for affordable housing of at least 40%. The Conservation Subdivision provisions in Section 6.7 will need to be updated to include this density bonus. HOME act provision communities with water AND sewer (nowhere in Elmore has this so it is only optional)
    - EPC decides to not include this currently since there are no areas that have public water and sewer infrastructure.
    - Brian asks if fractional units round up or round down regarding the density bonus?
    - **Action Item**:
        - Seth will revisit some of the rules around density bonus including fractional units.

- **Issue**: Parking (Page 38 table 4.1)

- **Discussion**:
  - With the HOME Act, towns can only require a maximum of 1.5 parking spaces per residential dwelling unit. The table has reflected the changes.
  - The Selectboard discussed parking issues along camp road and Air BnBs. Seth thinks that will fall into the short-term rental section.
- **Action Item:**
  - Seth will look at what a "lodging room" definition is and the definition of parking space
  - The EPC needs to decide what number we want to require.

- **Issue**: Emergency Shelters must be treated similarly to state or community owned and operated institutions. Bylaws may not interfere with daily or seasonal hours of operation or otherwise interfere with the functional use of a shelter. Sections 4.4 and 4.8 will need to be revised accordingly.
  - **Discussion**
    - In section 4.4 ".....or a crisis care home serving not more than eight (8) persons." Has been added to Group Homes.
    - In section 4.8 "Emergency shelters" has been added to the list of Public Facilities.
  - **Action Items:**
    - Seth will bring page 50 (page 51 was available to the meeting) to the next meeting so that adequate information is provided to finish this topic.
    - Brian has a question regarding the electrical transmission vs distribution in this section. Seth will look at the verbiage.

- **Issue**: The HOME Act contains provisions related to the local DRB process, conditional use and Subdivision approvals, and appeals. These may require revisions to Article V, Article VI, and Article VIII of the bylaws.
  - **Discussion**: The DRB cannot be more restrictive to multi use dwellings than single family dwellings
  - **Action Items:** Use matrix is scheduled for December.

- **Issue**: How best to disseminate the updates to the public
    - **Discussion:**
    - **Action Item:** LCPC will make a summary of the discussion and put it with the agenda to be posted after the meeting.

Attachments: Zoning additions/ information from Seth

Meeting Adjourned: Brian motions to adjourn at 6:52, Betsy seconds the motion, and all ECP members agree.

Next meeting: Wednesday Dec 16th, 2026 @ 5:30

Table 2.1
VILLAGE DISTRICT (VLG)

(A) **Purpose:** The purpose of the Village District is to allow for a concentrated mix of residential, cultural and limited commercial uses within and immediately adjacent to the town's historic community center in a manner that respects the historic settlement pattern of compact village surrounded by rural countryside. Generally, development shall be designed to be compatible with existing development with regard to building styles, materials, scale and orientation. Two story buildings of varying Vermont vernacular designs are encouraged in this District. An inviting streetscape is an important component of the Village District. Buildings located close to the street with deep front porches and/or storefronts contribute to this atmosphere. While sufficient parking is necessary for commercial viability, on-site parking lots should not dominate the visual appearance of the Village. On-street parking may also provide some of the parking needs of the District. Use of shared and off-site parking is strongly encouraged. New off-street parking lots are encouraged to be located to the side or rear of buildings. In recognition that much of the Village is located on the shore of Lake Elmore, shoreland protection standards shall be following in this district.

(B) **Permitted Uses:** *(Reviewed in accordance with Section 8.1)*

Accessory Dwelling (see Section 4.1 & subsection (E))
Accessory Structure
Accessory Use
Cemetery
Group Home (8 or fewer residents)
Home Child Care (see Section 4.3)
Home Occupation (see Section 4.5)
Place of Worship
Playground
Single Family Dwelling
Two Family
Travel Information Kiosk

C) **Conditional Uses:** *(Reviewed in accordance with Section 5.3)*

Bed & Breakfast
Community Care Facility (retirement/nursing)
Community Facility
Community Services
Cottage Industry (see Section 4.5)
Community Service Facility
Day Care Facility
Decks
Educational Facility
Health Clinic
Mixed Use (provided uses are a combination of permitted or conditional uses otherwise allowed in the district)
Multi-Family Dwelling
Office Building (less than 2,500 sf floor area)
Post Office
Public Beach/Park
Public Campground
Recreation/Indoor
Recreation/Outdoor
Restaurant (excluding drive-through windows)
Retaining Wall (along shoreline)
Retail Commercial (less than 2,500 sf floor area)
Service Commercial (less than 2,500 sf floor area)

Table 2.2
RURAL-EAST DISTRICT (R-E)

(A) **Purpose:** The purpose of the Rural-East District is to preserve the Town's rural, agricultural, forested, and scenic character by allowing for compatible, low density forms of development typically found in the Town's rural areas east of Elmore Mountain which have been determined to have a minimal impact on agricultural lands, water quality, forests and wildlife, and aesthetics. Portions of this district are within the Remote Area Overlay (RAO). Development within the RAO shall be subject to additional standards to provide adequate access for emergency vehicles and to ensure there is no undue adverse impact on surface waters, wetlands, significant wildlife habitat, wildlife travel corridors, and forestlands.

(B) **Permitted Uses:** *(Reviewed in accordance with Section 8.1)*

Accessory Dwelling (see Section 4.1 & subsection (E))
Accessory Farm Dwelling (see Section 4.1)
Accessory Structure
Accessory Use
Cemetery
Group Home (8 or fewer residents)
Home Child Care (see Section 4.3)
Home Occupation (see Section 4.5)
Single Family Dwelling
Two Family Dwelling

(C) **Conditional Uses:** *(Reviewed in accordance with Section 5.3)*

Bed & Breakfast
Cottage Industry (see Section 4.5)
Community Services
Extraction/Quarrying (see Section 4.6)
Garden Center
Boarding Kennel
Mobile Home Park (see Section 4.7)
Multi-Family Dwelling
Primitive Camps
Public Campground
Recreation/Outdoor
Retreat
Rural Industry (see Section 4.9)
Salvage/Junk Yard (see Section 4.10)
Storage Facility (in Historic Barn only)
Telecommunications Facility (see Section 4.12)
Veterinary Clinic

(D) **Dimensional Standards (unless otherwise specified by use type):**

Min. Lot Size: 2ac. per principal use for lots Created after Jan 1, 2000 (see Sect. 3.5)		Minimum Front Yard Setback	25'
		Minimum Side Yard Setback	25'
Min. Lot Size: 1ac. per principal use lots created prior to Jan 1, 2000 (See Sect. 3.5)		Minimum Rear Yard Setback	25'
		Maximum Height	35'
Minimum Lot Frontage:	200'	Maximum lot coverage	6%

Maximum Density for Multi-Family Dwelling
1 unit per minimum lot size for district

(E) **Supplemental Development Standards**

1. Conditional use review standards under Section 5.3 must be followed for conditional uses, or as otherwise specified under Article III and/or Article IV.

2. Notwithstanding subsection (B), an accessory dwelling that is located in an accessory structure constructed after July 1, 2004, or which results in the expansion of the height of floor area of the

Table 2.3
RURAL-WEST DISTRICT (R-W)

(A) **Purpose:** The purpose of the Rural-West District is to preserve the Town's rural, agricultural, forested and scenic character in accordance with the Town Plan, by allowing for compatible forms of development typically found in the Town's rural areas west of Elmore Mountain which have been determined to have a minimal impact on agricultural lands, water quality, forests and wildlife, and aesthetics. The District will also limit overall density in those areas of Town far from community services and facilities. Development shall provide adequate access for emergency vehicles and ensure there is no undue adverse impact on surface waters, wetlands, significant wildlife habitat, wildlife travel corridors and forestlands. The purpose of these constraints is (1) to maintain existing land uses in areas far from existing public roads in a manner that preserves fragile features, including steep slopes, soils unsuitable for on-site septic disposal, large areas of intact wildlife habitat, headwater streams and associated water supplies, and scenic resources; (2) to prevent undue financial burden on Town services including emergency services, utilities, and road maintenance, by discouraging scattered development in areas with poor or limited access; (3) to protect the health, welfare, and safety of Town residents by limiting development in areas characterized by poor site conditions and the lack of public access or services; (4) to encourage traditional land uses, such as forestry, passive outdoor recreation, and wildlife management, to continue in the district while limiting incompatible uses; and (5) to minimize fragmentation of forestlands and wildlife habitat.

(B) **Permitted Uses:** *(Reviewed in accordance with Section 8.1)*

Accessory Dwelling (see Section 4.1 & subsection (E)) (below 1,200' msl)
Accessory Farm Dwelling (see Section 4.1) (below 1,200' msl)
Accessory Structure (below 1,200' msl)
Accessory Use (below 1,200' msl)
Cemetery (below 1,200' msl)
Group Home (8 or fewer residents) (below 1,200' msl)
Home Child Care (see Section 4.3) (below 1,200' msl)
Home Occupation (see Section 4.5) (below 1,200' msl)
Single Family Dwelling (below 1,200' msl)
Two Family Dwelling (below 1,200' msl)

(C) **Conditional Uses:** *(Reviewed in accordance with Section 5.3)*

Bed & Breakfast
Cemetery
Community Services
Cottage Industry (see Section 4.5)
Extraction/Quarrying (see Section 4.6)
Garden Center
Boarding Kennel
Mobile Home Park (see Section 4.7)
Multi-Family Dwelling
Primitive Camps
Public Campground
Recreation/Outdoor
Rural Industry (see Section 4.9)
Salvage/Junk Yard (see Section 4.10)
Storage Facility (in Historic Barn only)
Telecommunications Facility (see Section 4.12)
Veterinary Clinic
Agriculture, Forestry, above 1200' msl

Table 2.4
FOREST DISTRICT (FR)

(A) **Purpose:** The purposes of the Forest Reserve District are: (1) to maintain existing land uses in the Worcester Mountain Range in a manner that preserves fragile features associated with high elevations, including steep slopes, soils unsuitable for on-site septic disposal, large areas of intact wildlife habitat, headwater streams, water supplies, water quality and scenic resources; (2) to prevent undue financial burden on town services including emergency services, utilities and road maintenance, by discouraging scattered development in areas with poor or limited access; (3) to protect the health, welfare and safety of Town residents by limiting development in areas characterized by poor site conditions and the lack of public access or services; and (4) to encourage traditional land uses, such as forestry, passive outdoor recreation, and wildlife management, to continue in the district while limiting incompatible uses; (5) to minimize or prevent fragmentation of forestlands and wildlife habitat; 6) meet EPA/ANR water quality regulations and 7) to minimize visual impact to all surrounding areas.

(B) **Permitted Uses:** *(Reviewed in accordance with Section 8.1)*

Recreation/Outdoor (undeveloped)

(C) **Conditional Uses:** *(Reviewed in accordance with Section 5.3)*

Accessory Structure (below 1,500' msl only)
Accessory Use
Accessory Dwelling (below elevation of 1,500' msl only - see Section 4.1)
Home Child Care (see Section 4.3)
Home Occupation (see Section 4.5)
Primitive Camps (below 1,500' msl only)
Single Family Dwelling (below elevation of 1,500' msl only)
Two Family Dwelling (below elevation of 1,500' msl only)
Telecommunications Facility (see Section 4.12)

(D) **Dimensional Standards (unless otherwise specified by use type):**

Minimum Lot Size: (residential): 7 acre per principal use for lots created after January 1, 2000 (see Section 3.5).
Minimum Lot Size (residential): 1.5 acre per principal use for lots created prior to January 1, 2000 (see Section 3.5).
Maximum cleared Residential Area: 2ac. For Lots created after 1May2017

Minimum Lot Size (non-residential): 25 acres
Minimum Lot Frontage 250 ft.
Minimum Setbacks: [see below]
Maximum Height: 35 ft.
Maximum Lot Coverage: 1.5%

(1) Minimum Setback. To allow flexibility in house site location and address development standards related to natural and scenic resource protection, minimum setbacks for all structures shall be determined by the DRB pursuant to conditional use review (see Section 5.3) In no instance will a structure be permitted within twenty-five (25) feet of neighboring property boundaries.

(E) **Supplemental Development Standards**

In addition to the standards set forth in Section 5.3, when reviewing applications for conditional uses within the Forest Reserve District the DRB shall consider the following:

1. **Residential Uses.** To maintain traditional land uses in the Forest Reserve District, single family dwellings, ~~and~~ accessory structures to single family dwellings, and two family dwellings are only permitted below an elevation of 1,500 feet mean sea level. The DRB may only allow the placement of a single family dwelling, two family dwelling, and/or accessory structures above 1,200' mean sea level, providing the following:
    a. The dwelling is located on a lot created prior to January 1, 2000;
    b. Site development, excluding forest management activities, associated with the placement of a house-site (e.g. driveway construction, site-grading) has occurred prior to January 1, 2000;
    c. Proposed development, including the house-site location, does not exceed an elevation of 1,500' MSL; and,
    d. All proposed development and site improvements comply with all other standards of this section and Vermont ANR and Federal Regulations.

2. **Placement of Structures.** Careful consideration shall be given to the location of proposed structures relative to site conditions, existing vegetation, and the location of fragile features (including but not limited to steep slopes, streams and identified habitat and natural areas). The Board may limit or restrict the location of structures to ensure that development:
    a. Is minimally visible from public roads and properties, and does not stand in contrast to surrounding landscape patterns and features or serve as a visual focal point;
    b. Is designed so that the height of any structures does not visually exceed the height of the adjacent tree canopy serving as the visual backdrop to the structure;
    c. Is located down-grade of ridgelines and prominent knolls and is designed so that the height of proposed structures will not exceed the elevation of any adjacent ridgeline or knoll;
    d. Will not adversely affect natural and scenic resources and fragile areas identified in the Elmore Town Plan, including wetlands, seeps, vernal pools, streams, critical habitat , steep slopes, areas of unstable soils and/or soil types that are generally unsuitable for development and on-site septic disposal; and,
    e. Does not involve the placement of any structure, including telecommunications facilities, within the Mount Elmore Telecommunications Exclusion Area depicted on the official zoning map.

3. **Clearing and Landscaping.** On wooded sites, existing forest cover shall be maintained adjacent to proposed structures to interrupt the facade of buildings, provide a forested backdrop to structures, and/or soften the visual impact of new development as viewed from public roads and properties. The DRB shall consider the location of proposed structures relative to existing vegetation, and may require additional tree planting and/or limit the amount of clearing adjacent to proposed development to provide screening and maintain a forested backdrop. A plan for the maintenance of remaining and proposed trees may be required. Such a plan shall address specific measures to be taken to ensure the survival and, if necessary, replacement of designated trees during or after site development and the installation of all site improvements.

4. **Building Design**. The DRB shall consider the overall design of new structures (including the proposed scale, location and materials), and may impose conditions related to the overall design to minimize visual impacts, such as glare, contrasting colors and building materials, as viewed from public roads and properties.

5. **Erosion Control**. Development shall minimize the removal of native vegetation and grading, and shall comply with the erosion control standards set forth in Section 3.4. Clearing may be limited to

Table 2.6
DEVELOPED SHORELAND DISTRICT (DSHR)

(A) **Purpose:** The purpose of the Developed Shoreland District is to protect water quality and shoreland vegetation, minimize adverse impacts to the lakeshore environment, limit encroachments into public waters, and preserve both visual and physical access to and from Lake Elmore, including allowing compatible forms of development and expansion of existing camps and existing structures within 500 feet of the Lake, as measured horizontally from the mean water level,. The Lakeside Zone encompasses the first 100 feet back from the mean water level. Activities in the Lakeside Zone are subject to the Vegetative Protection Standards as defined herein. Permit requirements for new development, expansion, and redevelopment within the Developed Shoreland District will vary depending on the conditions of the site present as of July 1, 2014.

(B) **Permitted Uses** *(Reviewed in accordance with Section 8.1)*

Accessory Dwelling (see Section 4.1 & subsection (E))
Accessory Structures (see Section 3.16)
Accessory Use
Agriculture (see Section 6.8)
Group Home (8 or fewer residents)
Home Occupation (see Section 4.5)
Single Family Dwelling
Two Family Dwelling

(C) **Conditional Uses** *(Reviewed in accordance with Section 5.3)*

Accessory Structures (if conditional use applies; see Section 3.16)
Public Beach/Park
Public Campground
Recreation/Outdoor
Retaining Wall (along shoreline)
Enlargement, expansion, reconstruction, modification, or relocation of a nonconforming use or structure (see Section XX)

(D) Dimensional Standards (unless otherwise specified by use type):

Min. Lot Size:	1 acre per principal use	Maximum Lot Coverage:	10%*
Minimum Lot Frontage:	150 ft.	*see Section (E)2 below	
Minimum Lot Depth:	250 ft.	Minimum Lake Setback:	100 ft.
Minimum Front Yard Setback:	20 ft.	Maximum Cleared Area Coverage:	40%*
Minimum Side Yard Setback:	10 ft.	*see Section (E)3 below	
Maximum Building Height:	30 ft.	Maximum Project Site Slope:	15%*
Minimum Lake Frontage:	125 ft.	*see Section (E)4 below	

(E) **Supplemental District Standards**:

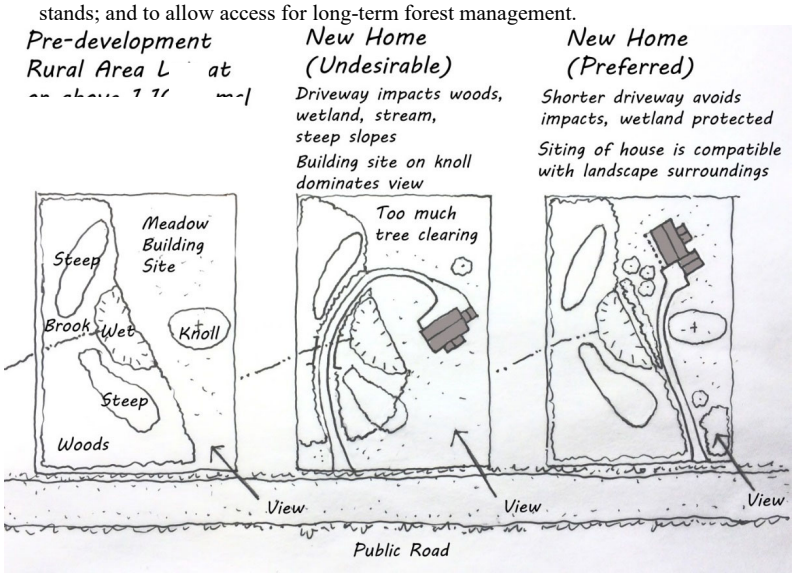
1. Structures permitted within the Lakeside Zone and access areas include stairways and handicap ramps not exceeding 4 feet in width and, subject to conditional use review under Section 5.3, landings and/or decks (which are located on dry land) more than 4 feet in width but less than 6 ft. in width and retaining walls only if it is found that such structures will not adversely impact water quality, significant natural or scenic features, or neighboring properties. Stairs, handicap ramps, walkways, and access paths within the Lakeside Zone greater than 4 ft. in width are subject to conditional use review under Section 5.3. Only one access path, stairway, handicap ramp, or walkway will be allowed in the Lakeside Zone. The maximum width of an access path, stairway, handicap ramp, or walkway shall be no greater than 6 ft. See Section 3.16.

Vermont Agency of Natural Resources. As an alternative to a dry hydrant and/or fire pond, the applicant may install a sprinkler system meeting the standards of the National Fire Protection Association (NFPA 13, 13R, or 13D, as applicable).

b. In addition to any other driveway, road, or access standards established by the Town of Elmore, the DRB may require measures to ensure access for emergency vehicles. Such measures shall be developed in consultation with the Elmore Fire Department and other emergency response entities. Such measures may include, but are not limited to, construction of turnouts and pull-off areas, limitations on total length of new driveways, and/or similar measures.

8. **Existing Structures.** Alterations and/or additions to structures in existence as of July 1, 2015 shall not require conditional use review, provided all of the following criteria are met:
   a. The structure is a single family home or accessory structure to a single family home, or a two family dwelling, and
   b. The alteration or addition does not expand the total floor area of the structure by greater than 50% of the floor area in existence as of July 1, 2015, and
   c. The alteration or addition does not increase the height of the structure in existence as of July 1, 2015.

9. **Viability of Productive Forestland**. Development shall be designed and located to minimize encroachment (e.g., the placement of buildings and the extension of roads, driveways and utilities) into presently undeveloped, forested areas. All feasible building sites should be considered and the development should located as close to existing roads, other development and/or disturbed areas as practical. Conditions may be imposed as appropriate with regard to development envelopes, siting, road lengths and setbacks in order to maintain large areas of contiguous, undeveloped forest land; avoid unnecessary fragmentation of distinct timber stands; and to allow access for long-term forest management.



Cottage Industry: A commercial, manufacturing or light industrial use which is housed in a single family dwelling or in an accessory structure to a single family dwelling (see Section 4.5). Examples of such uses include home-based woodworking, automobile and small engine repair, and contractor operations. See also Home Occupation, Rural Industry.

Day Care Center: A facility providing day care services, for profit or otherwise, for children and/or the elderly. Pursuant to the Act [Section 4412(5)] a state registered or licensed day care facility serving six (6) or fewer children on a full time basis in addition to not more than four (4) children on a part time basis, shall be considered by right to constitute a permitted single-family residential use of the property. See Home Child Care.

Degree of Noncompliance: The extent to which a structure encroaches upon, or otherwise violates, one or more dimensional standard of these regulations. The extension of a structure which results in an additional encroachment of the noncomplying feature/element, including the expansion of the footprint of a structure within a building setback, would increase the degree of noncompliance.

Development: The division of a parcel of land into two or more parcels; the construction, reconstruction, substantial improvement, conversion, structural alteration, relocation or enlargement of any building or other structure; storage of equipment or materials; or of any dredging, mining, paving, drilling, excavation or landfill; and any change in the use of any building or other structure, or land, or extension of use of land, pursuant to the definition of "land development" in the Act [Section 4303(10)]. See also Subdivision, Substantial Improvement.

Development Road: See Road

Dock: An accessory structure built or anchored to the shore to which boats or other floating vessels are secured. Docks shall not provide the foundation for a boat house or other similar structures.

Driveway: A minor travel way providing vehicular serving a maximum of three (3) parcels.

Duff Layer: Leaf litter plus small fragments of plants and organic debris.

Dwelling (Dwelling Unit): A building designed or used as the permanent or seasonal living quarters for one or more families. A dwelling unit shall consist of one (1) or more rooms designed, occupied or intended for occupancy as separate living quarters with cooking, sleeping and sanitary facilities provided within the dwelling unit for the exclusive use of a single family maintaining a household. ~~Each dwelling unit shall constitute a separate unit for purposes of calculating density~~. The terms "dwelling" and "dwelling unit" do not include hotels, motels, or similar lodging facilities. See also Family.

Dwelling/Accessory: See Accessory Dwelling.

Dwelling/Multi-Family: A building or portion thereof, used or designed to be used as a residence for three [3] or more families, with each occupying a separate dwelling unit. ~~A building containing~~, ~~f~~For the purposes of these regulations, a multi-family dwelling may contain no more than four (4) dwelling units for families living independently of each other, or up to six (6) such dwelling units in a Conservation Subdivision/PUD, or an unlimited number of units dedicated as Elderly Housing Each dwelling unit shall constitute a separate unit for purposes of calculating density This includes condominiums, apartments, cooperatives, and other forms of multiple family housing, but does not include hotels or motels.

Dwelling/Single-Family: A building consisting of one (1) dwelling unit. See also Accessory Dwelling.

Dwelling/Two-Family: A building or portion thereof, used or designed to be used as a residence for two [2] families, with each occupying a separate dwelling unit.

Educational Facility: A public or private school or other facility intended specifically for educational purposes which is certified by the Vermont Department of Education.

Elderly Housing: Housing specifically designed, built, operated and reserved for elderly residents (55 years and older), consistent with state and federal fair housing standards and requirements.

Electric Utility: A structure or facility owned, operated and/or maintained by a regulated public or private utility which is used in connection with the production, generation, and/or transmission of electricity. This includes transmission lines and supporting structures that transport electric power between utility facilities (e.g., stations or substations), as distinguished from distribution lines serving individual consumers which are specifically excluded from this definition.

Excavation: Any breaking of ground and extraction or movement of earth or rock, or any alteration of existing drainage patterns which substantially affects adjacent properties (see Section 4.6). Common agricultural tillage, gardening and excavations in cemeteries shall be exempt from the provisions of these regulations.

Existing Development: In the Developed and Undeveloped Shoreland Districts, all disturbed areas, including cleared areas and impervious surfaces and permanent structures, such as structures, driveways, decks, patios, landscaped features (such as, but not limited to, lawns, gardens, and pathways), and any graded, cleared, or excavated areas necessary for construction or infrastructure that were in existence prior to July 1, 2014.

Extremely Steep Slope: A slope with a natural (pre-development) grade of more than 20%.

Family: One (1) or more persons occupying a single dwelling unit and living as a single household or housekeeping unit.

Forest Fragmentation: The division or conversion of large tracts of contiguous forest or formerly contiguous forest into smaller pieces leaving remnant patches of forest that vary in size and isolation separated by non-forested lands or other vegetation and land use types. Fragmentation can reduce the viability of forests for forest management, hinder ecological functions such as watershed protection, disrupt wildlife corridors, and render core habitat and other habitats unsuitable for certain species of plants and animals.

Forestland, Productive: Land with soils that are capable of forestry. Vermont's Current Use program defines productive forest as forested areas on soils of Site Class I, II, or III (i.e. capable of growing 20 cubic feet of wood per acre per year or more).

Fill means any placed material that changes the natural grade, increases the elevation, or diminishes the flood storage capacity at the site.

Section 3.7 Lot and Yard Requirements

A. There shall be only one principal structure or one principal use and its associated structures per lot, unless otherwise specifically approved as a mixed use. Provision is made for accessory uses and structures, home occupations, and other home-based industries or uses that are accessory to the principal use.
    1. Mixed Use: Within the Village District, multiple uses in one principal structure, including residential and non-residential uses, may be permitted on a single lot, provided that district lot coverage requirements are not exceeded, and subject to conditional use review.

B. For lot areas, lot frontage, lot depth and all yard setbacks, the requirement specified is the minimum standard to be met. For coverage and building footprint, the requirement specified is the maximum permitted.

C. No lot shall be so reduced in size that the area, setback, or other dimensions are smaller than those prescribed in this bylaw, except as permitted in a Conservation Subdivision pursuant to Section 6.7.

D. In calculating the required area, width or depth of a lot, existing and proposed rights-of-way shall be excluded.

E. For lots in all districts, there shall be no hazard to vision within twenty-five feet of a street intersection or highway entrance between the height of three (3) feet and ten (10) feet above the average grade of each street.

F. The lot frontage requirement for the District shall serve as the lot width requirement for non-frontage lots. Any interior lot which does not have frontage on a public or private road shall meet minimum yard requirements for all yards equal to the side yard setback distance for lots in that district.

G. Setbacks are to be measured from the property line back to the closest point of the structure or object. On streets with less than a fifty (50) foot right-of-way or where the width of the street right-of-way is not established, the front-yard requirement shall be measured from the centerline of the existing roadway and twenty-five (25) feet shall be added to the front yard requirement.

H. All yards adjoining a street shall be considered a front yard for the purpose of these regulations.

Section 3.7A Density Bonus for Affordable and Elderly Housing

A. An development in which twenty percent (20%) or more of the units meet the definition of Affordable or Elderly Housing found in Section 9.2 of these bylaws may exceed density limitations for residential developments by an additional 40 percent, provided that all structures comply with the Vermont Fire and Building Safety Code.

Commented [SJ2]: Density Bonus is technically only required in areas served by both municipal water and sewer. No areas of Elmore are served by both. PC should discuss if it wishes to include this provision.

Section 3.8 Nonconforming Uses and Noncomplying Structures

A. In accordance with the Act [§4412(7)], these regulations address three categories of nonconformity:

Accessory Use: A use which is incidental and subordinate to a principal use located on the same lot. Accessory uses may include home occupations, day care centers or group homes within single family residences. An accessory use shall not include a use which is not otherwise permitted in the district in which it is located. See also Accessory Dwelling.

Act: The Vermont Municipal and Regional Planning and Development Act, Title 24, Chapter 117, Vermont Statutes Annotated.

Affiliated Ownership: Ownership of two (2) or more parcels of land owned by an individual, partnership, corporation, association, unincorporated organization, trust or other legal or commercial entity, including a joint venture. Land will be considered in affiliated ownership if two or more parcels are held separately by an individual's parents, spouse and/or children, unless an individual establishes that he or she will derive no profit or consideration, or acquire other beneficial interest from a determination that two or more parcels are in non-affiliated ownership.

Affordable Housing*:* In accordance with the Act [§4303(1)], housing that is either:

(1) owned by its inhabitants, whose gross annual household income does not exceed ~~100%~~120% of the county median income, as defined by the United States Department of Housing and Urban Development, and the total annual cost of the housing, including principal, interest, taxes and insurance, is not more than 30% of the household's gross annual income; or

Commented [SJ5]: Change in State definitions – includes "moderate income" ownership in definition of "affordable housing."

(2) rented by its inhabitants whose gross annual household income does not exceed 80% of the county median income, as defined by the United States Department of Housing and Urban Development, and the total annual cost of the housing, including rent, utilities, and condominium association fees, is not more than 30% of the household's gross annual income.

Agriculture: Land or structures primarily used for cultivating soils, producing crops, or raising livestock; orchards and maple sugar production; the storage, processing or sale of products raised on the premises; or as otherwise defined by the Commissioner of Agriculture, Food and Markets. Structures which are customarily accessory to agricultural uses and are located on the same parcel as an agricultural use, with the exception of residential dwellings, shall be included in this definition.

Alteration: A change or rearrangement in the structural parts of a building, excluding ordinary repairs or modifications, or an enlargement, extension, increase in height or relocation of a building. See also Substantial Improvement.

Base Flood: As defined in the Elmore Flood Hazard Regulations, as most recently amended.

Base Flood Elevation (BFE*)* As defined in the Elmore Flood Hazard Regulations, as most recently amended.

Basement: Any area of a building having its floor below ground (subgraded) on all sides. Within the Flood Hazard Area Overlay, this term shall be as defined in the Elmore Flood Hazard Regulations, as most recently amended.

B. In any district, junk, salvaged materials, or more than two (2) motor vehicles or portions thereof which are non-operating and not registered with the state, with the exception of vehicles or materials used in farming or forestry operations, shall be stored in an enclosed area or in an area concealed from public roads (also See Salvage Yards, Section 4.10).

C. Within the Flood Hazard Overlay District, the storage of equipment or materials must conform to the standards found in the Elmore Flood Hazard Regulations, as most recently amended.

Section 3.10 Parking and Loading Requirements

A. **Parking**. Adequate provision shall be made so that normal vehicular traffic associated with any use may be parked off of public roads and rights-of way. Spaces shall be provided as follows whenever any new use is established, or when the present use is expanded or changed:
   1. A minimum number of parking spaces as determined by proposed use shall be provided in accordance with the requirements listed in Table 4.1.
   2. An off-street parking space shall have a minimum width of nine (9) feet, a minimum length of twenty (20) feet, and adequate maneuvering room and access to a public road. For purposes of initial calculation, an off-street parking space with access and maneuvering room may be estimated to be three hundred (300) square feet.
   3. In addition to the requirements listed in Table 3.1, all multi-family, public, commercial and industrial developments must provide adequate, clearly marked handicapped parking spaces in accordance with state and federal requirements.

Table 4.1 Minimum Off-Street Parking Requirements

Use	Parking Spaces
Residential Dwelling Unit, one bedroom/ efficiency	1.0 per dwelling unit
Residential Dwelling Unit, two or more bedrooms	~~2.0~~1.5 per dwelling unit
~~Residential Dwelling unit, elderly housing, two or more bedrooms~~	~~1.5 per dwelling unit~~
Home Occupation/Cottage Industry	2 per dwelling unit, and 1 per additional employee
Bed and Breakfast	2 per dwelling unit, and 1 per lodging room
Home Day Care	2 per dwelling unit, and 1 per additional employee
School, Child or Day Care (6 or more children)	3 spaces per 10 children enrolled at the facility
Lodging (hotel, motel, inn, lodge)	1 per lodging unit, and 1 per employee for the largest shift
Care Facilities (6 or more residents)	1 per 4 beds, and 1 per employee for the largest shift
Public assembly (churches, auditoriums, etc.)	1 per 4 seats or 200 sq. ft. of gross floor area, whichever is greater
Personal Services	1 per employee, and one per customer service station
Commercial/Retail/Office	1 per 250 sq. ft. of gross floor area

Commented [SJ3]: Based on Statutory Changes (S.100), Towns may only require 1.5 spaces per dwelling unit.

ARTICLE IV. SPECIFIC USE PROVISIONS

Section 4.0 Specific Standards for Designated Uses
The following standards shall apply to the designated use in all zoning districts in which the respective uses are allowed. Such uses may be subject to conditional use review in accordance with Section 5.3. Variances from these standards shall not be granted by the DRB. If there is a conflict between a standard in this section and a standard in another section of this Bylaw, the more restrictive standard shall apply.

Section 4.1 Accessory Dwelling

A. **Accessory Dwellings.** In accordance with the Act [§4412(1)(E)], one accessory dwelling unit that is located within or appurtenant to a single family dwelling may be allowed as a permitted use in any district subject to review by the Zoning Administrator and the following requirements:
   1. ~~The floor area of the accessory dwelling, with the exception of agricultural accessory dwellings, shall not exceed 30% of the existing total habitable floor area of the single family dwelling, excluding unfinished attics and basements, or 800 square feet of habitable floor area, whichever is greater~~;
   2. The property shall have sufficient wastewater capacity;
   3. All applicable setback and coverage requirements specified in these regulations shall be met;
   4. One (1) on-site parking space shall be provided for the resident(s) of the accessory dwelling, and
   5. The accessory dwelling may be served by the same access and driveway as the single family dwelling.

~~B. Notwithstanding subsection (A), an accessory dwelling that is located in an accessory structure constructed after July 1, 2004, or which results in the expansion of the height or floor area of the principal single family dwelling, may only be allowed by the DRB as a conditional use under Section 5.3.~~

~~C.~~B. **Accessory Farm Dwellings**. Up to two dwelling units, in addition to the primary residence, which are accessory to an operating farm, may be permitted by the Zoning Administrator, subject to the following standards:
   1. The accessory farm dwelling is occupied by full time employees working on said farm, and their immediate family;
   2. The accessory farm dwelling is limited to a mobile home, as defined in Article VII;
   3. The accessory farm dwelling shall meet all requirements applicable to single family dwellings, including dimensional standards and access and parking standards;
   4. The accessory farm dwelling(s) shall be removed from the parcel in the event they no longer house employees of the farm, or in the event the farm ceases operation; and
   5. Adequate water supply and wastewater disposal systems are installed in accordance with applicable municipal and state regulations.

~~D.~~C. A zoning permit issued for an accessory dwelling (including an accessory farm dwelling) shall clearly state that the dwelling is permitted only as an accessory to the principal residential use of the property and shall be retained in common ownership. Such a dwelling may be subdivided and/or converted for conveyance or use as a principal dwelling only if it is found to meet all current municipal regulations applying either to individual single family dwellings or, in

Commented [SJ4]: Revised based on S.100

the case of an attached accessory dwelling, to multi-single family dwellings, including all density and dimensional requirements for the district in which it is located. All applicable municipal permits and approvals shall be required prior to conversion to, or conveyance as, a principal dwelling.

Section 4.2 Campers

A. No camper (travel trailer, recreation vehicle) shall be parked on any public or private property except in conformance with the following regulations:
    1. Campers are permitted to be parked in approved campgrounds for temporary periods and on construction sites subject to the standards contained in Section 4.14.
    2. One registered camper may be parked on the premises of a principal dwelling provided that it is parked no closer than six (6) feet to any lot line; is not occupied for dwelling purposes for more than thirty (30) days per calendar year.
    3. Any camper used for living quarters for more than 30 days per calendar year, or is sited so as not to be readily moveable, shall be deemed a dwelling and shall be subject to all zoning regulations applicable to accessory dwellings (see Section 4.1) as appropriate.
    4. Any wastewater or sewage generated by a camper shall be disposed of in accordance with all applicable local, state and federal regulations.

Section 4.3 Day Care & Home Child Care Facilities

A. **Home Child Care.** In accordance with the Act ['4412(5)], a state registered or licensed day care facility located within a single family residence serving six (6) or fewer children on a full time basis in addition to not more than four (4) children on a part time basis, in addition to the care giver's own children, shall be considered by right to constitute a permitted single family residential use of the property. No conditional use approval shall be required; a zoning permit is required, and may only be issued by the Zoning Administrator, after the applicant for a day care facility:
    1. Submits proof that the facility is properly registered or licensed by the state to accommodate not more than six (6) children on a full time basis and not more than four (4) children on a part time basis;
    2. meets all zoning district requirements pertaining to single family dwellings; and
    3. fulfills the application requirements of Section 8.1 of this bylaw.

B. **Other Day Care Facilities**. Day care facilities serving more than six (6) full time children and four (4) part time children may be permitted within designated zoning districts subject to Conditional Use Review in accordance with Section 5.3.

Section 4.4 Group Homes

A. In accordance with the Act ['4412(1)(G)], a state licensed or registered residential care home or group home, serving not more than eight (8) persons who have a disability or handicap, as defined in 33 VSA §4902(3)(A), or a crisis care home serving not more than eight (8) persons shall be considered by right to constitute a permitted single family residential use of property, No conditional use approval shall be required; a zoning permit is required, and may only be issued by the Zoning Administrator, after the applicant for a group home facility:

6. Hazardous waste management facilities for which a notice of intent to construct has been received by the state (under 10 V.S.A. §6606a).
~~6.~~7. Emergency shelters. For purposes of this subsection, regulating the daily or seasonal hours of operation of an emergency shelter shall constitute interfering with the intended functional use.

B. Reasonable provision has been made for siting of the above public facilities and uses within specified zoning districts, as summarized in Table 4.1. Such facilities or uses must meet applicable district requirements, and may be subject to conditional use review under Section 5.3; however associated conditions of approval shall not exceed allowed regulation, as specified in the Act and Subsection (A).

C. In accordance with the Act [§4413(b)], public utility power generating plants and transmission facilities regulated by the Vermont Public Service Board (under 30 V.S.A. §248) are specifically exempted from municipal land use regulations.

Section 4.9 Rural Industry

Rural industry (as distinguished from cottage industries under Section 4.5) may be permitted in designated zoning districts subject to conditional use review in accordance with Section 5.3, and conformance with the following provisions:

A. Total floor area shall not exceed 10,000 square feet of enclosed space and shall be located on a lot with a minimum area of ten (10) acres.

B. Overall building height shall not exceed 35 feet; however the height of individual attached structures may exceed 35 feet, subject to review under Section 3.6.

C. All rural industry shall meet minimum setback requirements for the district in which it is located. In addition, a strip of land at least 50 feet in depth shall be maintained as a landscaped buffer area along all property lines and rights-of-way. No parking, building or other structure shall be located in this buffer area. Additional landscaping, screening and/or fencing along property boundaries may also be required as appropriate for screening, safety and security.

D. Rural industries shall be limited to those manufacturing, fabrication, processing or warehousing activities that will not produce noise, vibration, noxious emissions, air or water pollution, fire or explosion hazard which would endanger or disturb neighboring properties. Such uses must comply with all performance standards under Section 3.11; additional conditions may be imposed to protect public health, safety, and welfare, and municipal facilities and services.

E. All aspects of the industrial process shall be carried out within the principal building. Accessory structures are to be used only for the storage of equipment and materials, or accessory uses such as office space.

F. Rural industry shall have frontage on public roads or access to such roads from a private industrial development road or driveway.

G. On-site wholesale and/or retail sales shall be limited to products produced on the premises.

3. **A nuisance or hazard** will not be created to the detriment of the health, safety, or welfare of the occupants of the proposed use or the citizens of Elmore. Proposed developments that comply with all Performance Standards found in Section 3.11 shall have a rebuttable presumption to have met this standard;
4. **Traffic on roads and highways in the vicinity**. The Board shall consider the potential impact of projected traffic resulting from the proposed development in relation to the condition, capacity, safety, and function of roads and associated infrastructure (e.g., bridges, culverts) potentially affected the proposed development. Conditions may be imposed as appropriate to ensure that the condition, capacity, safety and function of roads and associated infrastructure are adequately maintained over the long-term. In reviewing this criteria, the Board should consider all users of the roads and highways, including motorists, pedestrians, and bicyclists. Where appropriate, scheduling hours of operations to avoid peak traffic hours is an acceptable means of mitigating congestion.
5. **Bylaws in effect**. The Board shall consider whether the proposed development complies with all bylaws in effect at the time of application, including other applicable provisions of this zoning bylaw, and other prior municipal permits and/or approvals. Conditions may be imposed or incorporated as appropriate to ensure compliance with municipal bylaws and ordinances.
6. **The utilization of renewable energy resources**. The Board shall consider whether the proposed development will interfere with the sustainable use of renewable energy resources, including access to, direct use or future availability of such resources. Conditions may be imposed as appropriate to ensure long-term access, use and availability of such resources.

5.4 Conditional Use Review Specific Standards

Specific Standards. In addition to the General Standards set forth above, the DRB may impose specific conditions or require project modifications to ensure the following:

A. **Design and Location of Structures**. The design and location of structures will be compatible with their proposed setting and context, as determined in relation to zoning district objectives and requirements, existing site conditions and features, and adjoining structures and uses. Conditions may be imposed as appropriate with regard to siting, density, setbacks, height, bulk, massing, site clearing, and materials, to ensure compatibility, except that the DRB may not require larger setbacks or minimum lot size for residential uses than those required by the zoning district. Proposed developments that comply with the Supplemental Development Standards for the District in which it is located shall have a rebuttable presumption to have met this Standard.

B. **Energy Conservation:** In all districts, site layout and design, including orientation of buildings and vegetation, should promote the conservation of energy and permit the utilization of renewable energy resources (for example, maximizing southern exposure for passive solar gain, locating vegetation for shade/insulation, etc.)

Traffic and Pedestrian Circulation. A coordinated, safe and efficient system for vehicular and pedestrian circulation will be provided on and off-site in accordance with all applicable municipal and state standards. A safe and attractive pedestrian environment shall be provided as appropriate to the use and District. Adequate access for people with disabilities from any parking area and/or adjacent sidewalks to building(s) that are open to the general public shall be provided.

MEMORANDUM

To: Elmore Planning Commission
From: Seth Jensen, Lamoille County Planning Commission
Re: Potential Amendments to Elmore Zoning and Subdivision Regulations
Date: September 23, 2026

HOME Act Revisions In 2023, the Vermont Legislature passed the **HOME Act.** The HOME Act included provisions aimed a reducing barriers to housing in municipal zoning and subdivision bylaws. Elmore's exiting bylaws alread contain many of the provisions now required by the Home Act.	
Two-Unit Dwellings	Two-Unit Dwellings must be allowed anywhere that single-family home are allowed and can only be subject to equal or less prohibitive dimensional standards. Meeting these provisions of the HOME Act will require revisions t Permitted and Conditional Uses and the Dimensional Standards for a Districts in Article II of the Zoning Bylaws. Note: The impacts of this provision may be limited in Elmore, as Two-Uni Dwellings will still need to meet State shoreline regulations as well a wastewater rules that require additional septic capacity for multi-uni structures.
Accessory Apartments/ Accessory Dwelling Units	Regulations and Review Process cannot be more restrictive for Accessor Dwelling Units than single-family homes. Section 4.1 of the Zoning Bylaws will need to be updated to remove limit on size/square footage and bedrooms. The requirement for conditiona use review for new Accessory Dwellings will also need to be removed The definition of an Accessory Dwelling will also need to be reviewed.
Emergency Shelters	Shelters must be treated similarly to state or community owned an operated institutions. Bylaws may not interfere with daily or seasona hours of operation or otherwise interfere with the functional use of shelter. Sections 4.4 and 4.8 will need to be revised accordingly.
Review process and appeals	The HOME Act contains provisions related to the local DRB process conditional use and Subdivision approvals, and appeals. These ma require revisions to Article V, Article VI, and Article VIII of the bylaws.
Administrative Subdivision Approvals	The Home Act allows (but does not require) Towns to enabl Administrative Approval of minor subdivisions. This provision woul enable the Zoning Administrator to approve 1-2 lot subdivisions, rathe than the DRB. The Planning Commission could consider if this would b beneficial approach for Elmore.

Parking	The HOME Act requires municipalities to allow shared and offsite parking Elmore already allows this. The Parking Space requirements in Table 4.1 will need to be reviewed to ensure that the number of spaces required i consistent with the HOME Act.
PUD Density Bonus	The HOME Act requires municipalities to provide a density bonus fo affordable housing of at least 40%. The Conservation Subdivisio provisions in Section 6.7 will need to be updated to include this densit bonus. The Zoning Administrator has also noted that the Conservation Subdivisio provisions have not been used since they were enacted, as mos development in Elmore consists of smaller scale development. The Zonin Administrator has suggested relocating the density bonus provisions t another section. Hyde Park recently made a similar change to the densit bonus provisions in its bylaws.
Other HOME Act Provisions	Note that some HOME Act provisions only apply in areas served by bot public drinking water and wastewater infrastructure. These provisions d not apply anywhere in Elmore. The area served by the Village wate system is still served by onsite septic systems.
OTHER POTENTIAL AMENDMENTS	
Statutory and Housekeeping Bylaw Amendments identified by Zoning Administrator.	The Elmore Zoning Administrator has identified a list of other statutor and housekeeping amendments to the zoning bylaws based on review an experience administering the bylaws. This list is attached with this memo
Private Cemeteries	The Zoning Administrator has received questions regarding privat cemeteries. The bylaws do not currently address the issue. The Zonin Administrator has researched the issue and provided the attached writ up of options for the PC to consider.
"Dark Sky" Standards	During the Town Plan update process, PC members discussed exploring i "Dark Sky" provisions should be incorporated into the Town's Zoning. Thi could involve comparing the provisions of Section 5.4(E) with the "Dar Sky" ordinance discussed during the Plan update process.
Short-Term Rental and Abandoned Building Provisions	The PC has also discussed whether Short-Term Rentals and Abandone Buildings should be addressed in the Zoning Bylaws. The first step woul involve further discussion to better understand the goals the PC is trying t accomplish, exploring potential options, and coordination with th Selectboard.

Stormwater	Elmore's bylaws require applicants creating 0.5 acres of impervious surfac or more to demonstrate adequate stormwater management. When these provisions were adopted, the threshold for State stormwate permits was 1.0 acres, meaning that many smaller developments had n oversight of stormwater management unless regulated locally. Th threshold for State stormwater permits has since been reduced to 0.5 acres. Considering this State regulatory change, the PC should discuss i these provisions are still needed