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# Local Land Use Regulations: a Vermont primer



Two Rivers-Ottauquechee Regional Commission

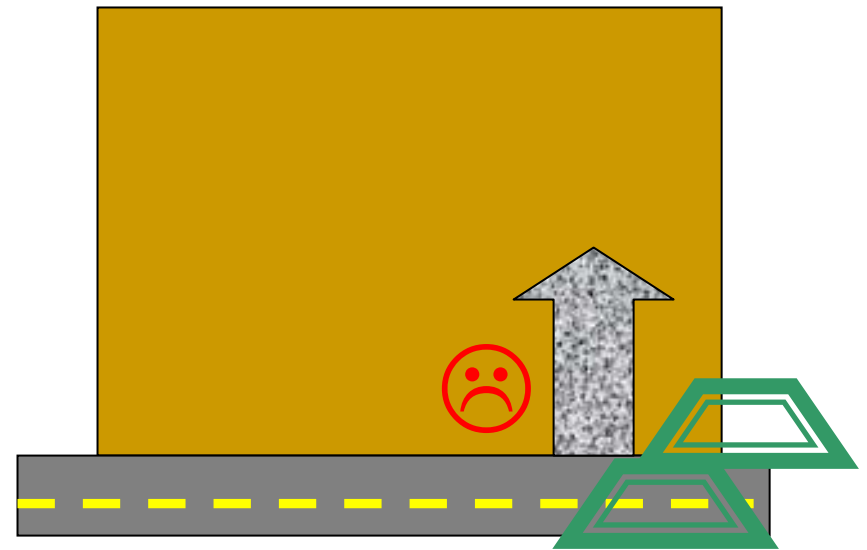
# The Basics

- ALL land use is planned.
- Zoning IS local control.
- Landowner rights always have limits.
- A town's power to regulate land has its limits, too.



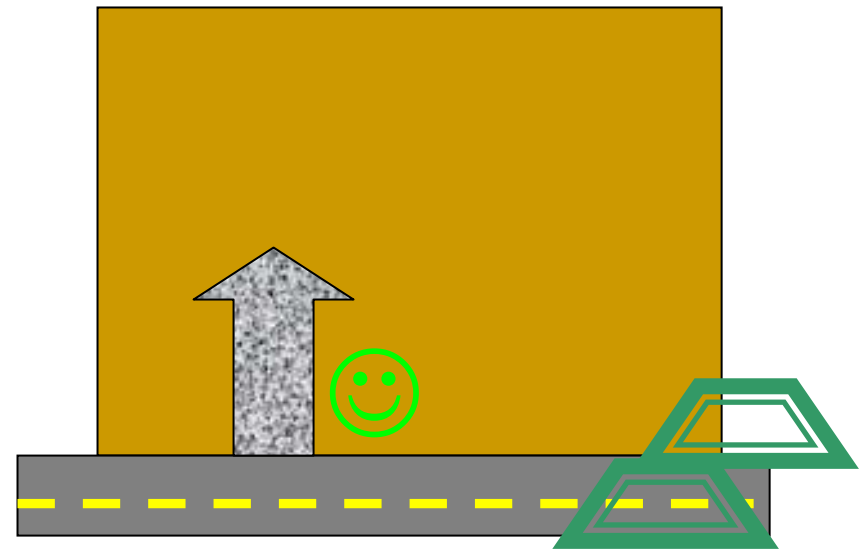
# Access Permits

- Regardless of whether you have zoning or subdivision regulations, any *new or modified* access onto a town road requires an access permit.



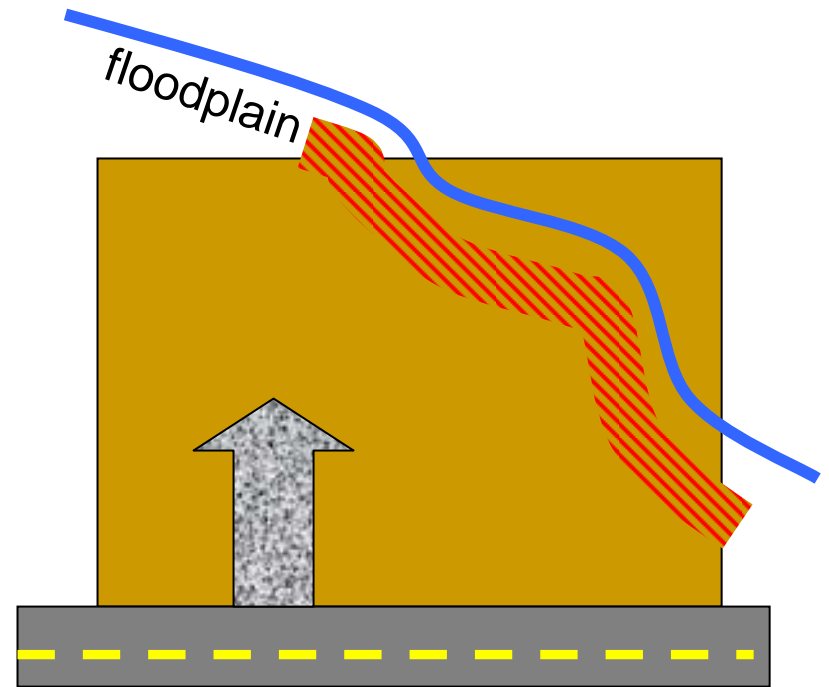
# Access Permits

- The access permit ensures that the access is safe and will not harm the town highway. Proper angle, slope, drainage and placement on the lot are all looked at.



# Flood Hazard Area Regulations

- Towns must regulate at least the federally defined flood areas to the National Flood Insurance Program (NFIP) minimums if residents are to be able to buy flood insurance.



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# Free standing ordinances (adopted under 24 VSA, Chapter 59)

- Signs
- Junkyards
- Roads
- Parking
- Dogs
- Lighting
- Noise
- Burning

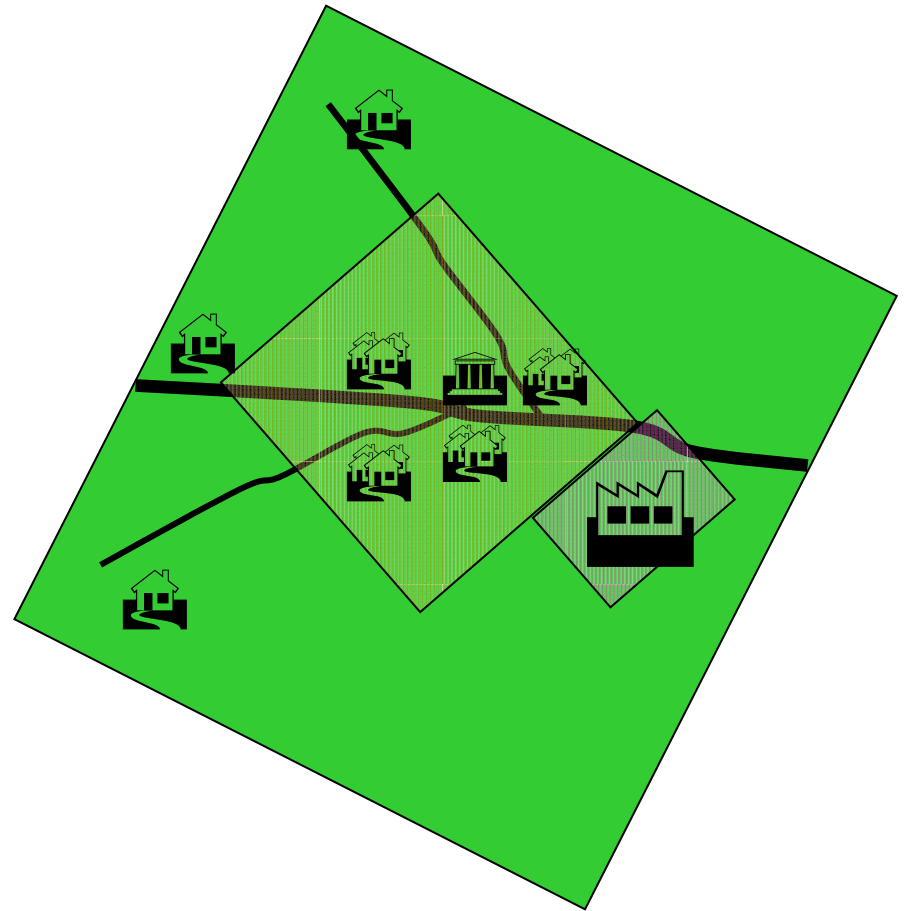
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# Town plans *can* have regulatory effect.

- In Act 250: Town Plans need to have a section on the town's desired future land use. If a town plan has *specific, directive language*, “conformance” by a project with that language can be required.
- Access Permits: Whether issued by the town or state, access permits must be “compatible” with the Town Plan.

# Zoning Regulations

- Zoning regulates **what** is allowed **where**, often through specific districts, and generally with the least restrictions on single home residential development and more stringent conditions on commercial or industrial uses.





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# Zoning has limits by law. It **cannot**:

- **Treat mobile or modular homes different than standard homes.**
- **Regulate most electric distribution and generation.**
- **Regulate farming or forestry that is done according to state standards.**
- **Regulate most aspects of farm buildings.**
- **Prohibit the use of part of a home for a “home occupation”.**
- **Prohibit any home from adding on 1-bedroom apartment.**
- **Make a structure or use that predated the adoption of the regulation a violation.**
- **Prohibit small child care, residential care, or group homes.**
- **Prohibit cellular towers.**
- **Have the effect of creating only unaffordable housing.**

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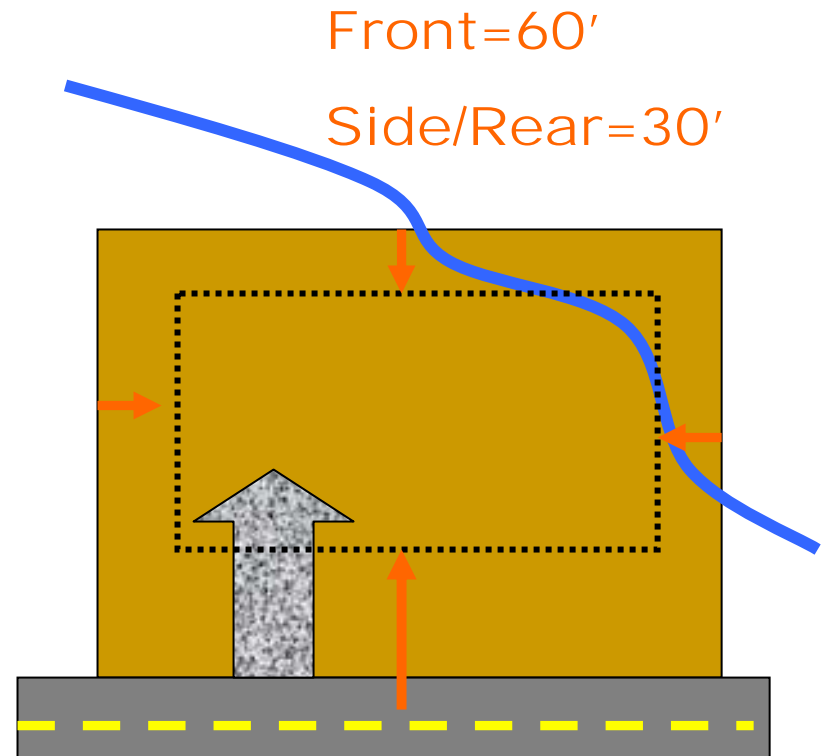
# Additional “public” land uses are protected by law

Protected types of development include:

- State or town buildings or facilities
  - Schools
  - Churches
  - Hospitals
  - Landfills
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- These **must** be allowed in at least part of town.
  - Land use regulations cannot be so strict that they overly interfere with these uses.

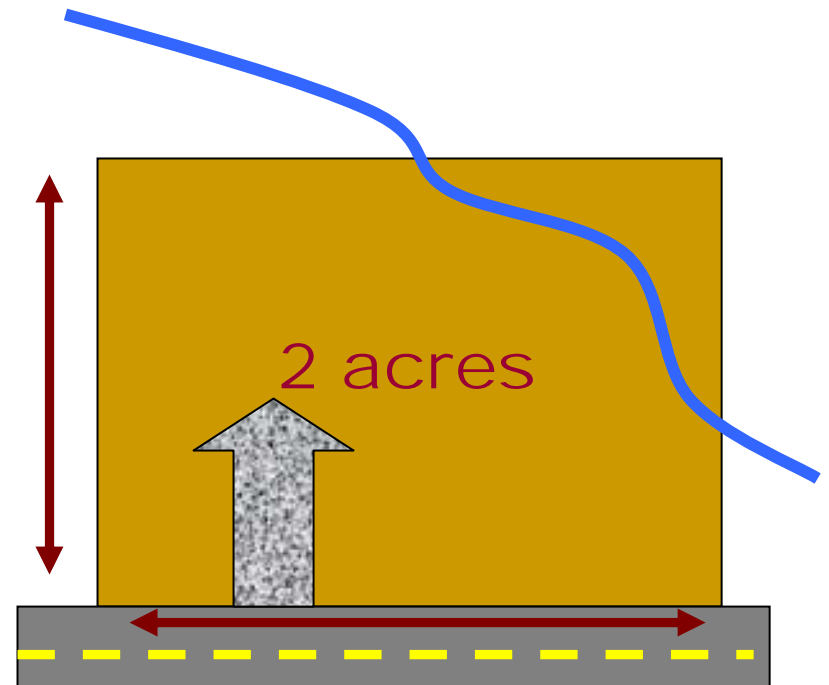
# Zoning Regulations

- At the individual lot level, a zoning regulation's setback limits create a "box" where development can go.
- Front setbacks are often measured from the road centerline.



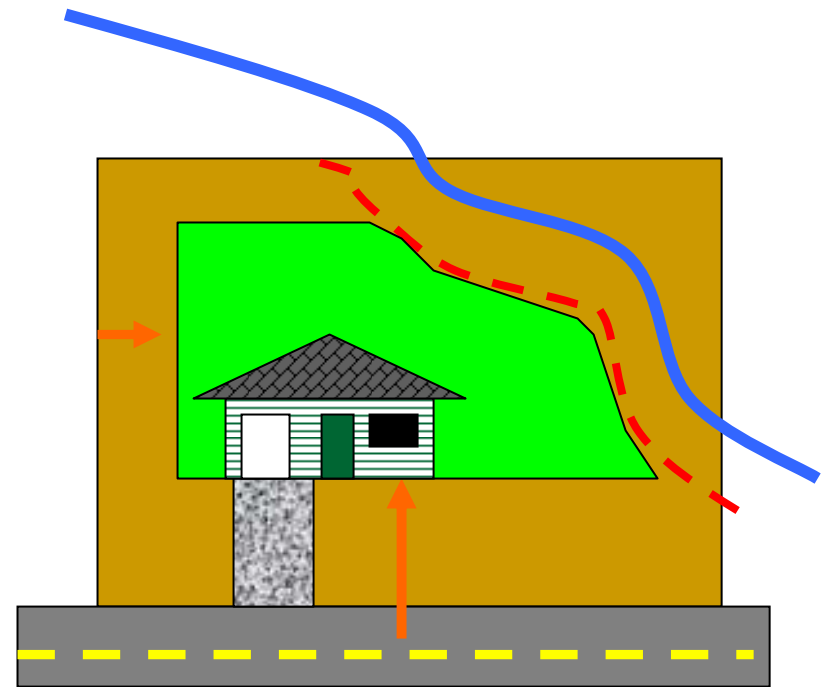
# Zoning Regulations

- Lots must also meet minimum size, depth, and frontage requirements.



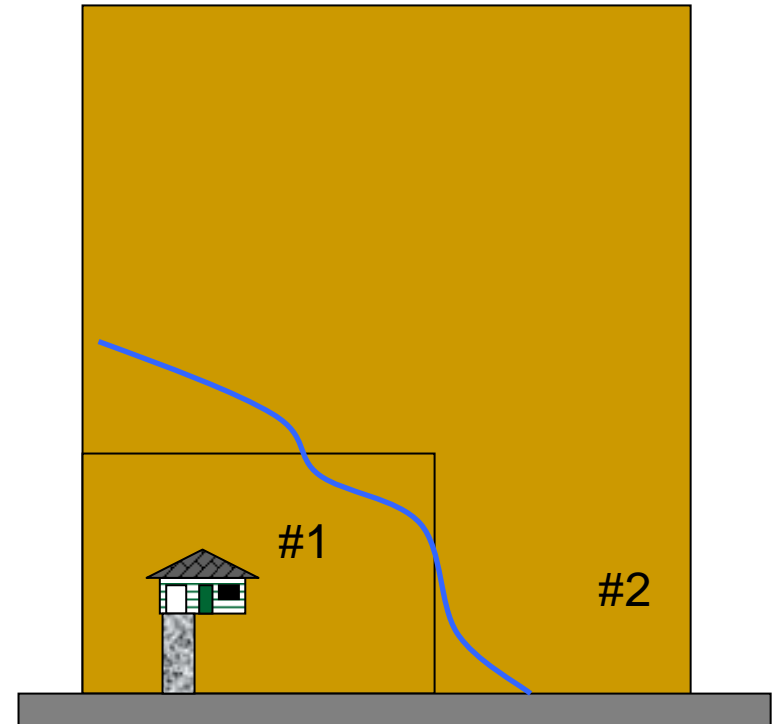
# Zoning Regulations

- For single residences, that is usually the extent of regulations, and only a zoning permit is needed before you build. This simply involves paying a small fee and waiting a few weeks.



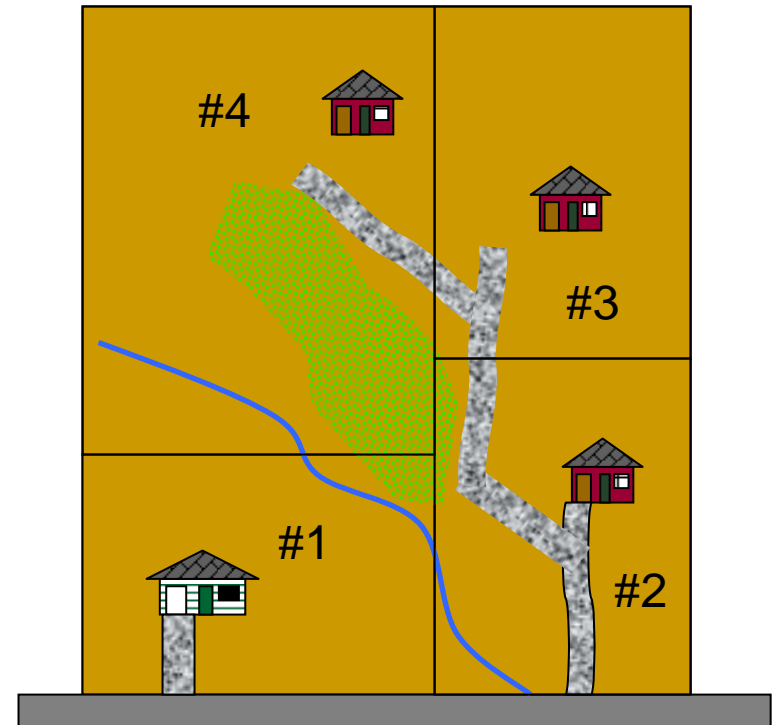
# Subdivision:

- The division of a lot into two or more new lots is a subdivision.
- Whether or not developers obtain a local subdivision permit, they must also get a state subdivision permit (this is *not* an Act 250 permit) or file a deed notice.



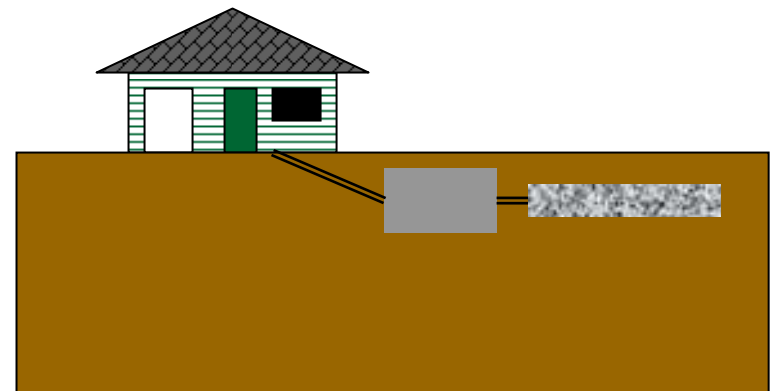
# Subdivision permits can be used to control impacts of development:

- Minimizing proliferation of access points by requiring a single access.
- Protecting natural resources through placement of roads and buildings.



# Septic Regulations

- Septic systems may require a local permit now, in addition to a state permit.
- After July 1, 2007, local septic regulations will essentially cease.





# Act 250 jurisdictional thresholds

If a town has **not** adopted **both** zoning and subdivision regulations, Act 250 will regulate\*:

- any commercial project over 1 acre.
- A subdivision that creates 6 or more lots.

If a town has adopted both, or if you have not opted out of this provision by ordinance, then the thresholds are:

- commercial projects over 10 acres.
- subdivisions that create 10 or more lots.

\*and some additional types of projects

