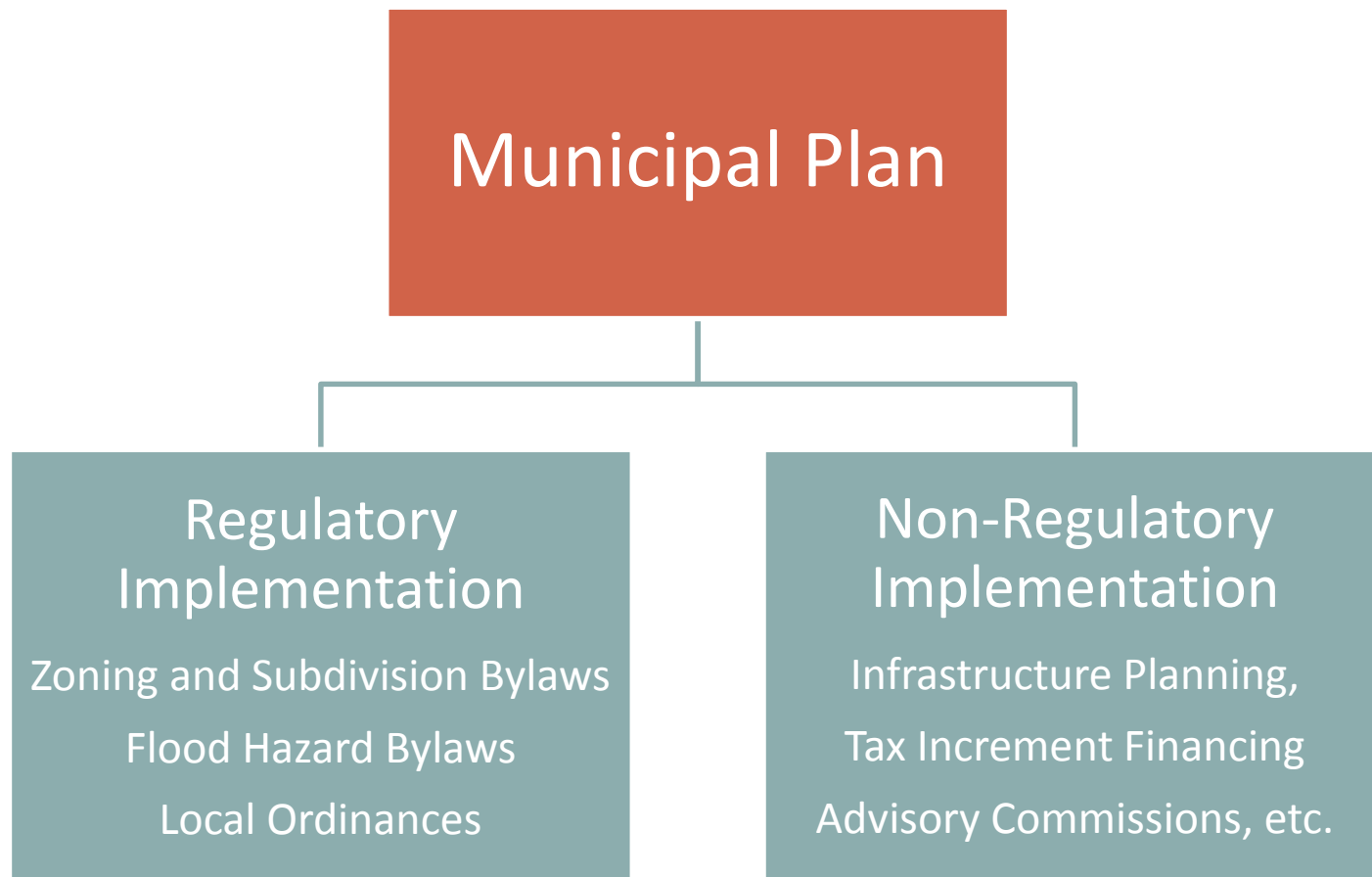


IMPLEMENTING THE MUNICIPAL PLAN

Section 3

Implementing the Plan



Why Have Local Land Use Regulations?

- Implement the vision and goals in your municipal plan, such as:



Promote compact development



Protect important natural resources



Minimize fragmentation of farmland



Incentivize affordable housing



Encourage efficient use of infrastructure



Ensure compatibility with historic character



Establish safe vehicular and pedestrian circulation

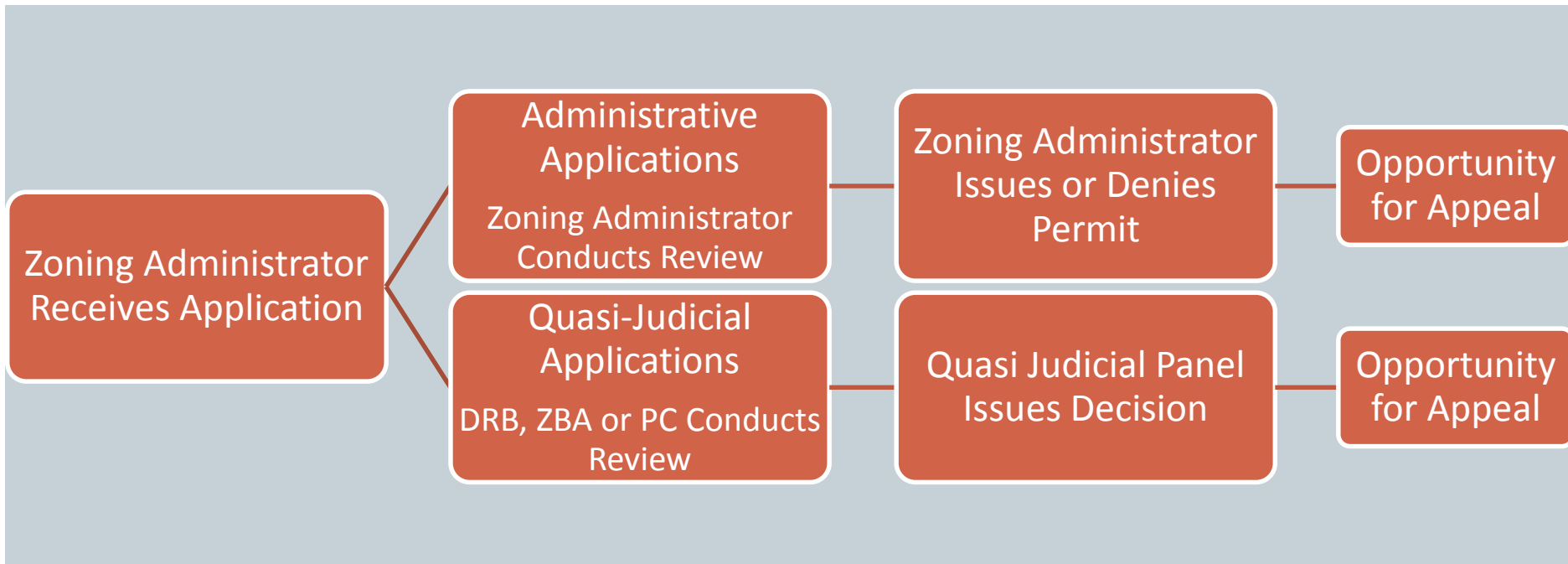


Make communities more flood resilient

Limits of Local Regulation

- Land use regulations do tell people what they can and cannot do with their land, but they cannot deprive landowners of all reasonable use of their property
- Land use regulations can only regulate what is enabled in Vermont Statute (Dillon's Rule State)
- Vermont Limitations and Prohibited Effects (§4412 and §4413):
 - Treat housing types equal and avoid discrimination against affordable housing
 - Protect home occupations and home daycares
 - Ensure continuation of "nonconformities"; small lots may be developed
 - Lots without frontage may be developed with adequate access
 - Regulation of public facilities shall not interfere with intended functional use
 - No local regulation of accepted agricultural and silvicultural practices and applications requiring a Certificate of Public Good

Players and processes potentially involved in local regulation



Local Regulation: Types of Review

Type of Review	Function of Review
Zoning	
Permitted Use	Established by right
Conditional Use	Can be established if found to be compatible
Variances	Stringent statutory standards
Waivers	Flexible local standards
Site Plan Review	Ensures good site design
Planned Unit Developments	Allows for flexible design
Subdivision	Controls the pattern of future development

Regulatory Decisions

Decisions must:

- Be in writing and contain:
 - ✓ Findings of fact on which each decision is based, and
 - ✓ Conclusions of law on how the bylaw applies
- Be based on review standards in bylaw
- Minutes may suffice

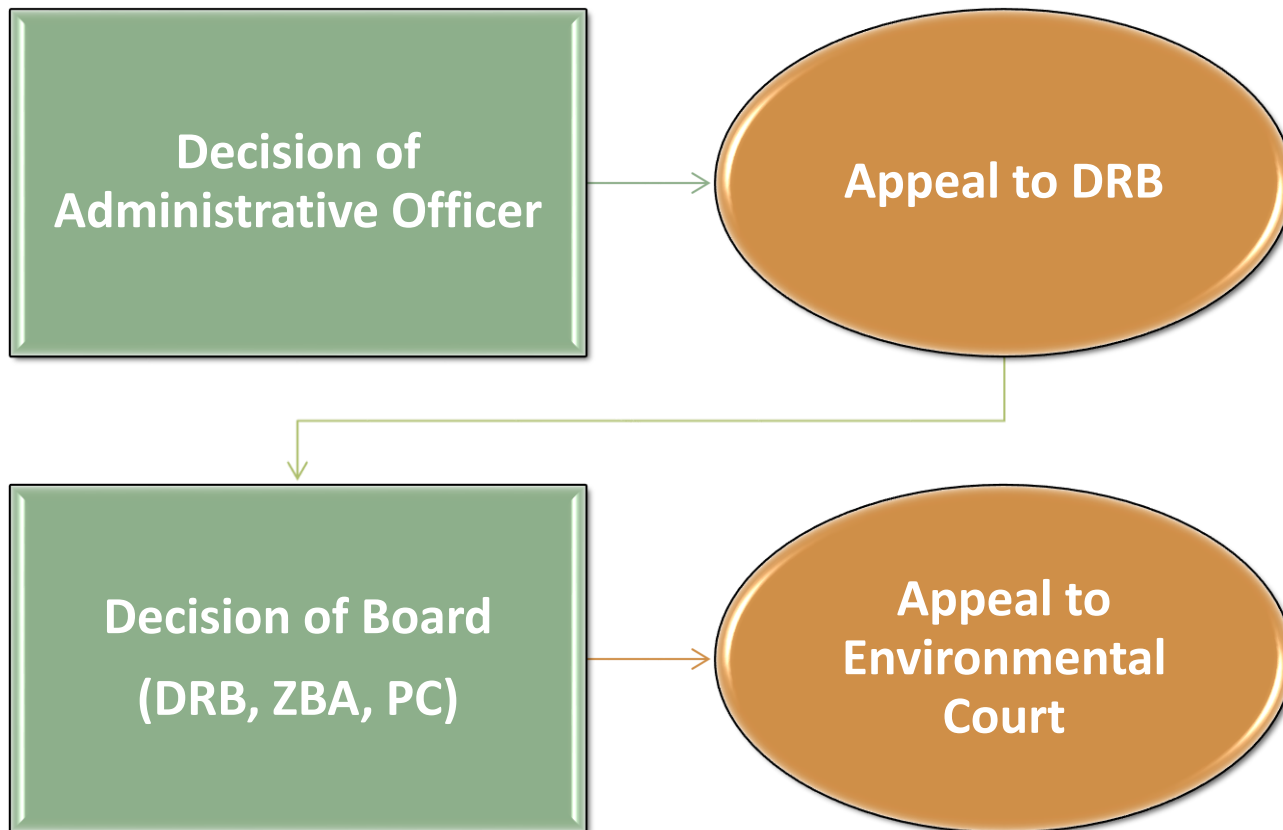
Timeline:

The quasi-judicial panel must issue written decision within 45 days of close of final public hearing. **DOES NOT NEED TO BE THE SAME NIGHT OF HEARING!**

Who is responsible for preparing decisions?

Appeals

Appeals may be at either local or state levels.



Interested Persons May Appeal

Pursuant to 24 V.S.A. § 4465(b)

- The applicant
- The municipality and any adjoining municipality
- Property owners in the immediate neighborhood of the subject proposal
- Any petition of ten persons (combination of voters or property owners)
- Any department or administrative subdivision of the state owning property or any interest
- ACCD

Only interested persons who have participated may appeal!

Board can choose not to make interested person determinations and leave it to the Environmental Court!

Non-Regulatory Implementation

Complements regulatory implementation

Chapter 117 authorizes:

- Capital Budget and Program
- Tax Increment Financing
- Tax Stabilization Contracts
- Purchase/Acceptance of Development Rights
- Supporting Plans
- Advisory Commissions
- Other projects and studies (does not have to be related to land use and development)