

Introduction to Proposed Zoning & Subdivision Regulations (11/07 version)

IMPORTANT NOTE: This summary overview of the re-write process and the major proposed changes is not part of the regulations.

East Montpelier began the process of re-writing its zoning and subdivision bylaws in the fall 2003. The Planning Commission (PC) received a \$15,000 planning grant from the Vermont Department of Housing and Community Affairs that provided funding for the retention of a consultant to help the town in the re-write process. The PC's primary goal was to ensure consistency with state law and eliminate inconsistencies and ambiguities in the present/current set of regulations.

The town's zoning regulations date back to 1982 and the subdivision regulations date back to 1974. While one of the PC's goals was to implement the town plan, its main objective was to achieve consistency and clarity necessary for fairness to all townspeople and applicants and proper functioning of the town's planning and zoning bodies. Current and former members of the PC, Zoning Board of Adjustment (ZBA) and Selectboard are quite familiar with situations where town boards needed to make differing and subjective interpretations due to the language of the current regulations.

The PC's decision making process for changes to the proposed regulations has been to first seek consensus among PC members and, where no consensus could be reached, to vote. Decisions by vote were required infrequently. Once the PC developed the proposed regulations to its satisfaction, the PC hosted a public forum on 9/20/07 and a public hearing on 10/18/07. After making some changes based on those meetings, the PC submitted the proposed regulations to the Selectboard in November 2007.

At the beginning of the re-write process, one of the PC's "guiding principles" was "when in doubt, keep the status quo." Six major provisions of the regulations remain unchanged. These unchanged provisions are:

- 1) five zoning districts & their boundaries
- 2) most permitted and conditional use in all zones
- 3) most dimensional standards for all zones
- 4) responsibilities of the PC, ZBA and Zoning Administrator (ZA)
- 5) telecommunication regulations
- 6) fundamental procedures of the PC, ZBA and ZA.

Consistent with the PC's goal of ensuring consistency with state law and eliminating inconsistencies and ambiguities found in the current regulations, the proposed regulations are more detailed and specific than the existing regulations. The major and most important changes in the proposed regulations are as follows:

Article 2 - zoning districts

- permitted & conditional uses in each zone are more specific front setbacks are more easily determined and effectively reduced
- height limitation for structures set at 35 feet reduced number of acres required for multi-family dwellings in some zones

Article 3 - general regulations

- non-frontage lot items (definition, access)
- protection of surface water resources
- setback waivers

Article 4 - specific use standards

- home industry use
- specific use standards

Article 6 - subdivision review

- subdivision definition

- distinction between major (4 or more lots) and minor subdivision (3 lots or less)
- boundary adjustments approved by ZA
- waiver of full survey requirement for large "retained" lots

Article 7 - administration & enforcement

- expanded list of exemptions
- creation of certificate of use compliance

Article 8 - definitions

- 205 items defined

Article 9 - flood hazard regulations

- updated and consistent with state requirements (needed to stay eligible for flood insurance)