

ARTICLE 1. AUTHORITY & PURPOSE

Section 1.1 Enactment

In accordance with the Vermont Planning and Development Act [24 V.S.A. Chapter 117], hereinafter referred to as the “Act,” there are hereby established zoning and subdivision regulations for the Town of East Montpelier, Vermont. These regulations shall be known and cited as the “**East Montpelier Land Use & Development Regulations.**”

Section 1.2 Purpose

The purposes of these regulations are to:

- * encourage the appropriate and efficient use of all lands in the Town of East Montpelier in a manner which promotes and protects public health, safety and the general welfare of the community;
- * facilitate the adequate and efficient provision of public facilities and services;
- * implement the *East Montpelier Town Plan* as most recently amended, in accordance with the Act [§4410];
- * integrate all administrative and regulatory provisions of zoning and subdivision regulations as authorized by the Act [§§4411, 4418, 4419] into a single set of regulations;
- * further the goals and purposes established in the Act [§4302]; and
- * balance the protection of individual property rights of East Montpelier landowners with the other purposes of these regulations as stated above.

Section 1.3 Application & Interpretation

(A) The application of these regulations is subject to all provisions of the Act, as most recently amended.

(B) In accordance with the Act [§4446], no land development shall commence within the Town of East Montpelier except in conformance with the requirements of these regulations. Any land development not specifically recognized as permitted or conditional uses under these regulations, or otherwise exempted under Section 6.1 and/or Section 7.2, is prohibited.

(C) All subdivisions of land, uses or structures lawfully in existence as of the effective date of these regulations are allowed to continue. Changes, alterations or expansions to pre-existing subdivisions, structures or uses shall be subject to all applicable requirements of these regulations, including provisions applying to pre-existing non-conforming lots under Section 3.9 and nonconforming uses and/or noncomplying structures under Section 3.10.

(D) These regulations are not intended to repeal, annul or in any way to impair any permit previously adopted or issued.

(E) Where these regulations impose a greater restriction upon the use of a structure or land than is required by any other statute, ordinance, rule, regulation, permit, easement, or agreement, the provisions of these regulations shall control.

Land Development: The division of a parcel into two or more parcels, the construction, reconstruction, conversion, structural alteration, relocation or enlargement of any building or other structure, or of any mining, excavation or landfill, and any change in the use of any building or other structure, or land, or extension of use.

Section 1.4 Adoption & Effective Date

(A) In accordance with the Act [§4442(c)], these regulations shall take effect twenty-one (21) days from the date of adoption by a majority of the members of the Selectboard, or immediately upon adoption by Australian ballot at a duly noticed town meeting. As of the effective date of these regulations, all zoning and subdivision regulations previously in effect for the Town of East Montpelier are deemed repealed.

(B) These regulations, including any zoning map(s) incorporated by reference, may be amended or repealed in accordance with the requirements and procedures established in the Act [§§ 4441, 4442].

Section 1.5 Severability

The provisions of these regulations are severable. In the event that any provision of these regulations, or their application, is judicially ruled invalid, such ruling shall not affect the validity of any other provision or application.

**TABLE 1.1
MUNICIPAL PERMITS & APPROVALS**

Permit/Approval	Required for	Issued by	See
Zoning Regulations			
Zoning Permit [§4449]	All development, including signs, conversions or changes of use, and boundary (lot line) adjustments, unless specifically exempted from these regulations.	Zoning Administrator	Section 7.1
Land-locked parcel access approval [§4412(3)]	Development without frontage on a maintained public road or public waters	<u>Development Review Board & Selectboard</u>	Section 3.3
Site Plan Approval [§4416]	All “permitted uses” except for forestry, agriculture, single and two family dwellings, and associated accessory structures or uses. Conditional uses do not require site plan review.	<u>Development Review Board</u>	Section 5.3
Conditional Use Approval [§4414(3)]	All uses classified as “conditional uses” by district, or as otherwise specified in these regulations	<u>Development Review Board</u>	Section 5.4
Variance Approval [§4469]	Requests on appeal for a variance from the provisions of these regulations	<u>Development Review Board</u>	Section 7.6
Planned Unit or Planned Residential Development (PUD, PRD) Approval [§4417]	Subdivisions of land which modify the provisions of these regulations as specified for PUDs and PRDs, to be approved simultaneously with approval of a subdivision plan	<u>Development Review Board</u>	Section 5.6
Certificate of Use Compliance [§4449]	Use of a dwelling or structure constructed after the effective date of these regulations for which a zoning permit has been issued	Zoning Administrator	Section 7.4
Subdivision Regulations			
Subdivision Approval [§4418]	All subdivisions of land, including amended subdivisions, and PRDs and PUDs	<u>Development Review Board</u>	Article 6
Sketch Plan Approval [§4418(2)]	Applications for subdivision approval, at the request of the applicant	<u>Development Review Board</u>	Section 6.3
Preliminary Plan Approval [§4418(2)]	All applications for subdivisions resulting in the creation of three or more lots]	<u>Development Review Board</u>	Section 6.4
Final Plan Approval [Including plat approval] [§4418 & 4463]	All applications for the subdivision of land	<u>Development Review Board</u>	Section 6.5
Plat Recording [§4463(b)]	All approved subdivisions of land, including boundary or lot line adjustments	<u>Development Review Board</u>	Section 6.6
Other			
Wastewater System	On-site septic systems	VT Agency of Natural Resources	State Wastewater Rules
Access (Curb Cut) Approval	Access onto town or state highways	Selectboard or VT Agency of Transportation	Access Policy
Road Upgrade/Acceptance	Road upgrades or acceptance of private roads	Selectboard	Road Policy