

Implementing Local Plans

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Housekeeping

- ▶ **Change your name to include town for reporting to the state**
 - ▶ This is for our planning program funders
- ▶ We will send evaluations by email after the meeting
- ▶ Raise your hand or place questions in the chat

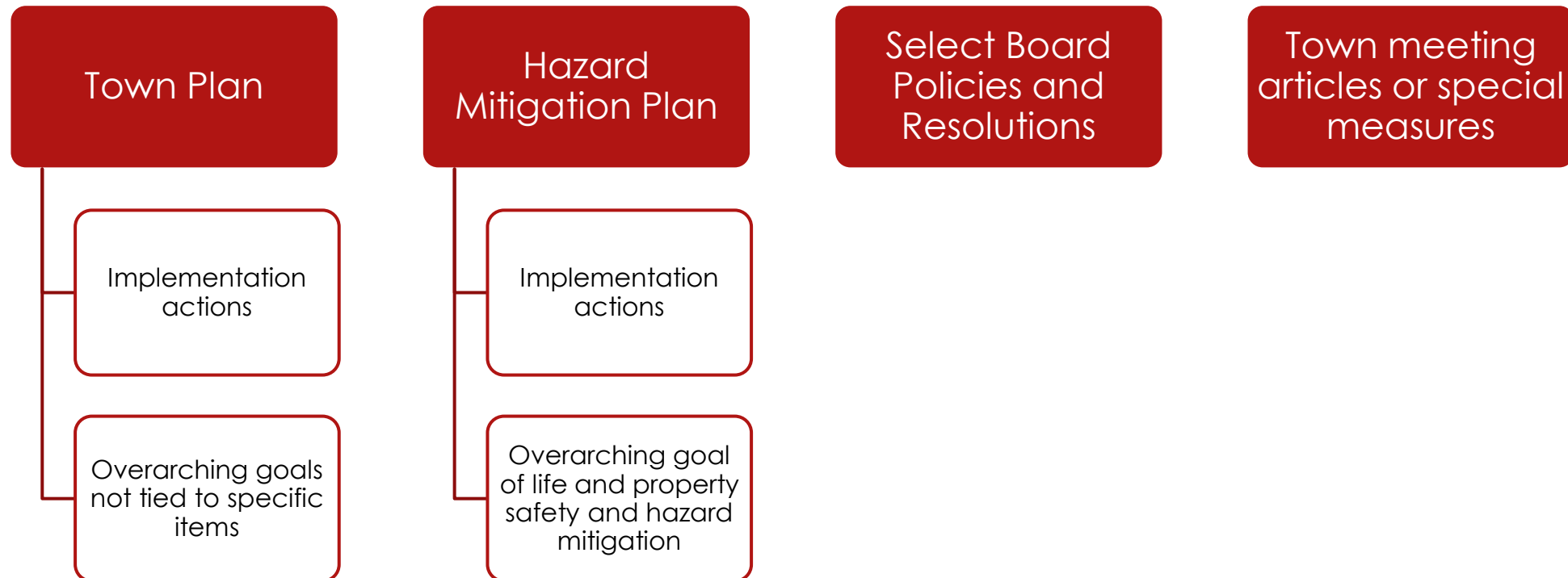


Part 1: Regulatory Tools

WE HAVE PLANS.
THEY'RE CURRENT.
THEY HAVE REALISTIC
IMPLEMENTATION
ACTIONS.
NOW WHAT?

The Problem

Taking stock of what needs to be implemented



Core regulatory tools

Zoning and subdivision bylaw

Flood hazard and river corridors
regulations

Ordinances

Policies

Zoning Toolbox

Use

Massing

Performance Standards

Map

Zoning: Use

- ▶ *How* a property is used, not *what* is being built*
- ▶ Uses are either permitted, not permitted, conditionally permitted, or exempt from permitted
- ▶ Uses vary by zoning district
- ▶ Definitions matter substantially and differ from town to town. Zoning administrator decides how to classify a use with definitions available
 - ▶ No real “use variance” tool
- ▶ Use to implement actions in economic development, land use, natural resources, and housing elements
- ▶ *Home-based business uses typically restrict how much of a property can be used for business activity

Zoning: Massing

- ▶ Density
 - ▶ Minimum lot size
 - ▶ Maximum dwelling units/acre
 - ▶ Lot coverage or floor area ratio
- ▶ Dimensional Standards
 - ▶ Setbacks
 - ▶ Frontage
 - ▶ Height
- ▶ Waivers and variances
- ▶ Density bonuses: Conditioned on affordable/workforce units, open land/buffers, joint water and/or sewer, other
- ▶ Use to implement housing actions



Performance standards

trade simplicity and regulatory flexibility for improved control of nuisances and a property's interaction with public infrastructure and space.

Zoning: Performance Standards

Access

Parking

Screening/Landscaping

Fences

Lighting

Signs

Demolition

Construction materials
requirements

Zoning: Mapping

- ▶ Towns historically hesitant to remap, base mapping sometimes dates to 1970s
- ▶ Act 181 FLU revisions set new potential boundaries for village centers and neighborhoods
- ▶ New housing targets gave reason to zone for additional infill housing
 - ▶ “Sprawl repair” remapping between rural subdivisions
 - ▶ Added density in villages particularly with utilities
- ▶ Remove or add depth to historic Roadside Commercial and legacy spot zoning
- ▶ Use to implement housing, economic development, natural resources actions

Subdivision: Major vs Minor

Different rules for major and minor subdivision

- What is the threshold for major vs minor?
- When is an otherwise minor subdivision considered a major?

Density bonuses

Required PUD/PRD provisions

Use to implement housing actions

Subdivision: Planned Unit/Residential Development

Why they can be helpful

- ▶ Allow for designs not usually allowed in bylaws due to massing/lot design
- ▶ Facilitate joint infrastructure
- ▶ Loved by professional planners
- ▶ Density bonuses can add extra lots
- ▶ Useful for coordinating certain types of infill subdivision with neighbors

But...

- ▶ Makes permitting process more complicated
- ▶ Allow towns to avoid having generally sound regulations
- ▶ Require extra staff time and can test limits of volunteer expertise
- ▶ Often come with land set-asides reducing net density
- ▶ Are increasingly discouraged by state policymakers

Water, Flood Hazard, River Corridors Regulations

- ▶ Relate to most town plan natural resources and flood resiliency element implementation actions
- ▶ Unified vs separated definitions sections
- ▶ Application of standards above and beyond legal minimums
 - ▶ “structures” definition, open fences, temporary structures, vehicles/parking, municipal infrastructure
- ▶ Buffer sizes and planting requirements
- ▶ Erosion control performance standards

Bylaw revisions don't need to be scary

Zoning Administrators should keep a record of issues they encounter

- Members should funnel edits proposed for consideration to ZA
- ZA should ask why projects are withdrawn

Key items to monitor for revision

- Compliance with state law
- Usability pain points
- Missing definitions
- Rules that cause projects to be withdrawn
- Lack of construction of planned-for building types (massing)
- Rules that stymie entrepreneurship

Once bylaw is compliant with state law, relatively quick to update

- Don't make perfect "omnibus" revisions the enemy of the good
- Ultimately 2 meetings over 2-3 months and ~\$300
- Law change: Town's can't force zoning edits to voters at town meeting any more

Ordinances Basics

- ▶ Different statutory authority than zoning outlined in 24 VSA § 1971-1984 and 2000-2299 rather than 24 VSA §4301-4498
- ▶ “Dillon’s Rule” state: Can only regulate what’s specifically allowed
- ▶ Select Board control and adoption, PC may draft/propose
- ▶ Extra requirements for enforcement via municipal ticket vs zoning
 - ▶ Ensure town maintains up-to-date enforcement officer
- ▶ Most helpful for implementing health and safety focused actions

Things ordinances can regulate via 24 VSA §2291 Misc. Regulatory Powers

- Build sidewalks*
- Snow maintenance of sidewalks*
- Vegetation in ROW
- Traffic laws, parking, and signs
- Crosswalks
- Location of utilities in public ROW*
- Signs*
- Firearms use*
- Mobile vendors*
- Dogs*
- Circuses, carnivals, and menageries
- Solid waste
- Health hazards
- Public nuisances
- Penalties for ordinances
- Street names
- Open containers
- Alcohol in public
- Telecom towers in towns without zoning
- Animal welfare
- Sewage sales
- Debt for energy efficiency
- Uninhabitable buildings*
- Flood hazard regs
- Parking fees*
- Disaster-damaged buildings*
- Screening for ground-mount solar
- Short term rentals*
- Livestock running at large

Unified Development Ordinances

- ▶ Some matters may be regulated either via zoning or ordinance
- ▶ Unified Development Ordinances include zoning, subdivision, and flood hazard regulations
- ▶ When using UDOs, towns may incorporate matters into zoning where possible
- ▶ “Junkyard” as use or “junk” as performance standard vs via health ordinance § 2291(13) or via commercial salvage yard § 2241-2283
- ▶ Simplifies certain enforcement action categories

Water and Sewer Ordinances

- ▶ Townwide ordinances that have substantial bearing on land use
- ▶ Govern management of publicly owned utilities, including allocation, connection, and disconnection procedures
 - ▶ Utilities differ in management structure
- ▶ Those involved in planning should review and understand
- ▶ Particularly important for incremental and infill development in and around villages.
 - ▶ Working relationship with independent utilities boards are critical

Policies

- ▶ Used to guide day to day municipal operations
 - ▶ Can act as staff management mandates, particularly in smaller towns
- ▶ Much more flexible than ordinance, but no democratic check
- ▶ Dillon's Rule still applies: Cannot regulate things not in statute
- ▶ Most useful for implementing policy implementation items in planning documents, or codifying direction of staff effort

Many matters are subject to limits on local regulation

Limitations

- ▶ State and community facilities
- ▶ Public and private schools
- ▶ Churches or places of worship
- ▶ Hospitals
- ▶ Regional solid and hazardous waste facilities
- ▶ Emergency shelters
- ▶ Hotels/motels converted to permanently affordable housing
- ▶ Duplexes
- ▶ Group homes
- ▶ Home childcare
- ▶ Small lots
- ▶ Non-confirming structures and uses

Special rules

- ▶ Agriculture
- ▶ Forestry
- ▶ On-farm businesses
- ▶ Accessory dwelling units
- ▶ Cell towers
- ▶ Renewable energy generation including rooftop solar
- ▶ Outdoor hydronic heaters

Advisory and Sub-Committees



Town plans can recommend creation of advisory committees or assign tasks to existing committees



Advisory committees cannot be delegated quasi-judicial or legislative authorities



Subcommittees make recommendations to full committees



Some committees have special powers/procedures*

▶ Other Common committees

- ▶ Advisory Budget
- ▶ Capital planning
- ▶ Design Advisory
- ▶ Buildings/Infrastructure Planning
 - ▶ Water/Wastewater
 - ▶ New facility (firehouse, town office, garage)

Other Misc. Regulators in the Community

Fire warden
holds local
authority for
state burning
regulations

Town Health
Officer with
Board of
Health (Select
Board) issue
health orders

Fence Viewers
can make
binding
decisions on
fence disputes

Tree Wardens
can order
removal of
dead/hazard
trees

Cooperating for better regulatory implementation

- ▶ Some issues can be addressed with multiple regulatory tools, others one, and others require nonregulatory implementation
- ▶ Ensure regulations are consistent with government capacity
- ▶ Both Select Board and Planning Commission should understand the scope of regulatory and nonregulatory tools in their toolbox
- ▶ Planning Commission should have working relationship with utilities board and/or operator(s)



Part 2: Tools Other Than Regulations

Municipal Plan

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graph TD; MP[Municipal Plan] --- R[Regulations]; MP --- OA[Other Actions];
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Regulations

- Zoning and Subdivision Bylaws
- Flood Hazard Bylaws
- Local Ordinances
- Official Map

Other Actions

- Improving Public Facilities
- Capital budgets & Plans
- Supplemental Plans
- Commissions & Committees

Impact of Town Plan Policies & Actions

- Identify the guiding principles the municipality will follow
- Guide town staff and committees on how they should act to reach municipal goals
 - “Shall cooperate with”, “Shall assist”, “Shall monitor”, etc
- Will be used in the review of statewide permitting processes including Act 250, Section 248 (energy projects) and Section 248a (telecommunications towers)

Managing Staff and Volunteer Time

- Town Administrator/Town Manager and other staff
- Volunteer Committees and Commissions
- Communications between Selectboard and volunteer committees

Other Commissions and Committees



Housing Committee

- Housing needs assessment
- Education & advocacy



Energy Committee

- Enhanced energy plans
- Advise on energy/climate elements of capital planning



Conservation Commission

- Natural resource inventories
- Manage town forest/conservation areas

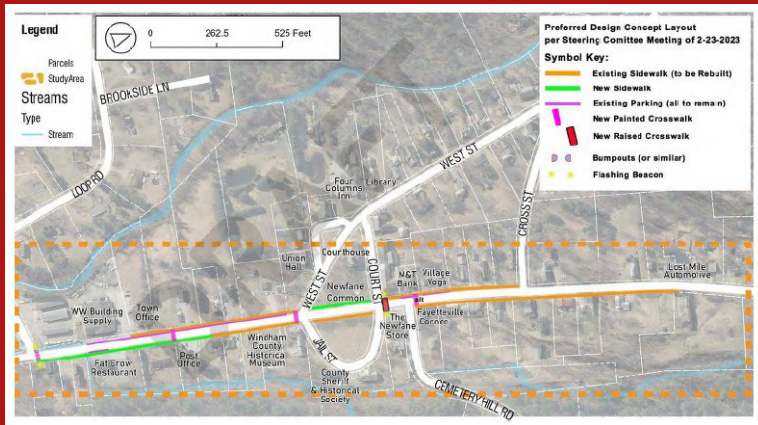


Recreation Committee

- Manage and plan for recreation areas and programming

Additional Plans and Studies

Sidewalks & Bicycle Infrastructure Plans



Newfane Village Sidewalk Scoping Study

Recreation & Trail Plans

Dover Trails & Recreation Master Plan
Dover, Vermont

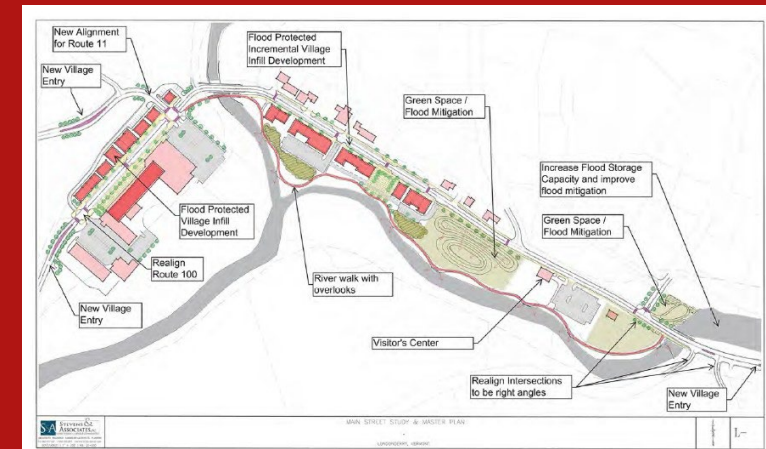
Master Plan
August 2020

Weston & Sampson
Weston & Sampson Engineers, Inc.
1 Winners Circle, Suite 130
Albany, New York 12205
tel: 518-463-4400

In conjunction with:
MORTON TRAILS

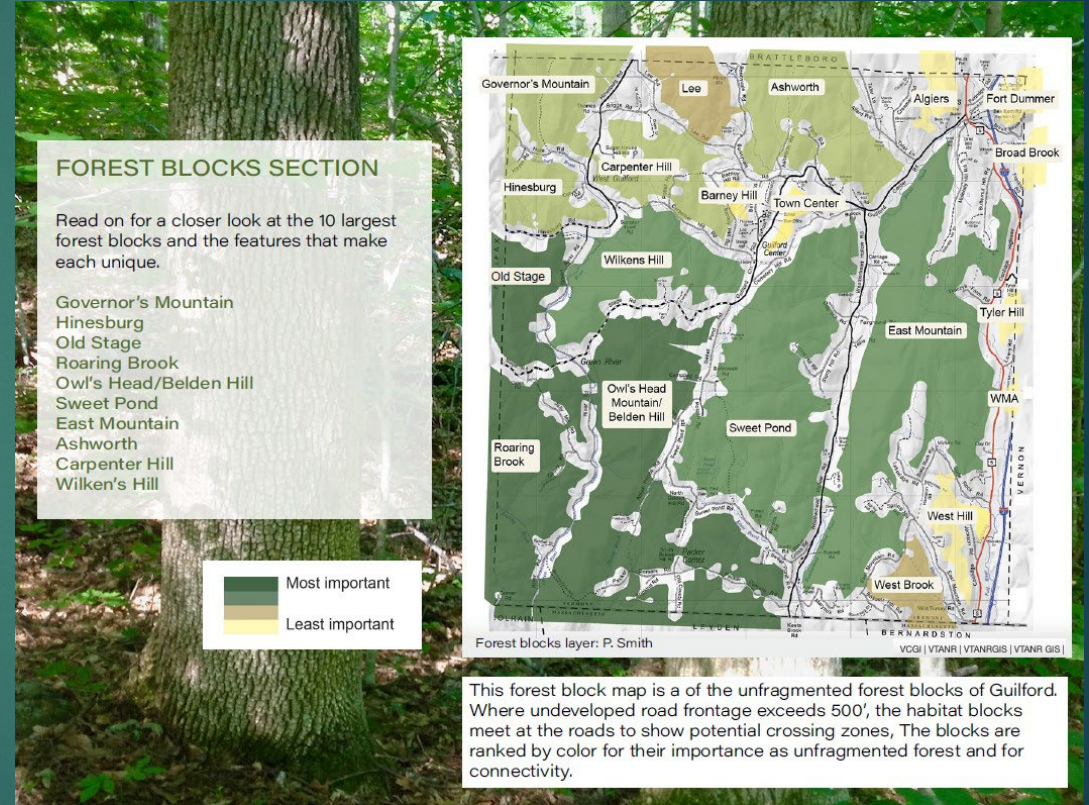
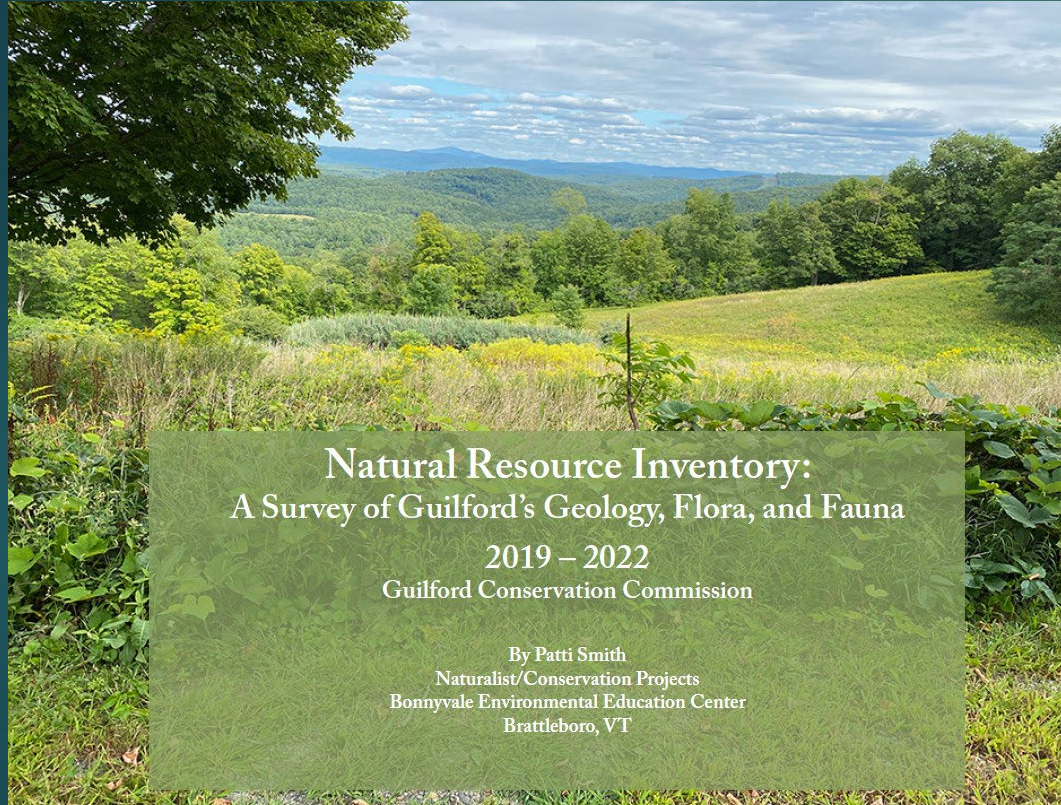
Dover, Vermont
home of mount snow

Village/Downtown Master Plans



North Londonderry Village Plan

Natural Resources Inventory



Capital Plans and Budgeting

- Capital plans consider the long-term replacement needs for capital assets- like municipal buildings, vehicles and utility infrastructure
- A capital plan & budget allows you to save a little bit each year towards the replacement cost
- Capital plans can be prepared by the Planning Commission or Selectboard

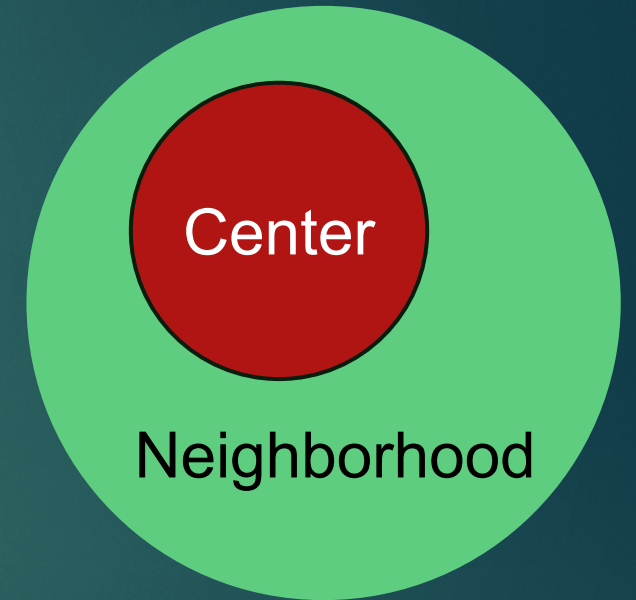
When we will need to replace this?

How much might a replacement cost?



Center & Neighborhood Designations

- Neighborhood and Center Designations are based on the Regional Future Land Use Map
 - Town Plans are used to help determine these boundaries
- Having a Town Plan is required to have a neighborhood designation
- Designations provide benefits such as tax credit programs, priority for certain grants and more



Community and Housing Infrastructure Program (CHIP)

- CHIP is a program to support development of public infrastructure needed to build housing and grow the Grand List
- CHIP allows municipality to retain a portion of the property tax otherwise sent to the Education Fund to pay for these improvements
- Municipalities are the only group able to apply for CHIP funds, developers must partner with municipalities

WRC Upcoming Trainings

- **What Can Towns do to Support More Housing?**
Wednesday, June 10 from 6:00 – 7:00 p.m. via Zoom
- **Land Use Application Review and Decision Making Process**
Tuesday, June 16 from 6:00 – 7:00 p.m. via Zoom

Questions and Discussion

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