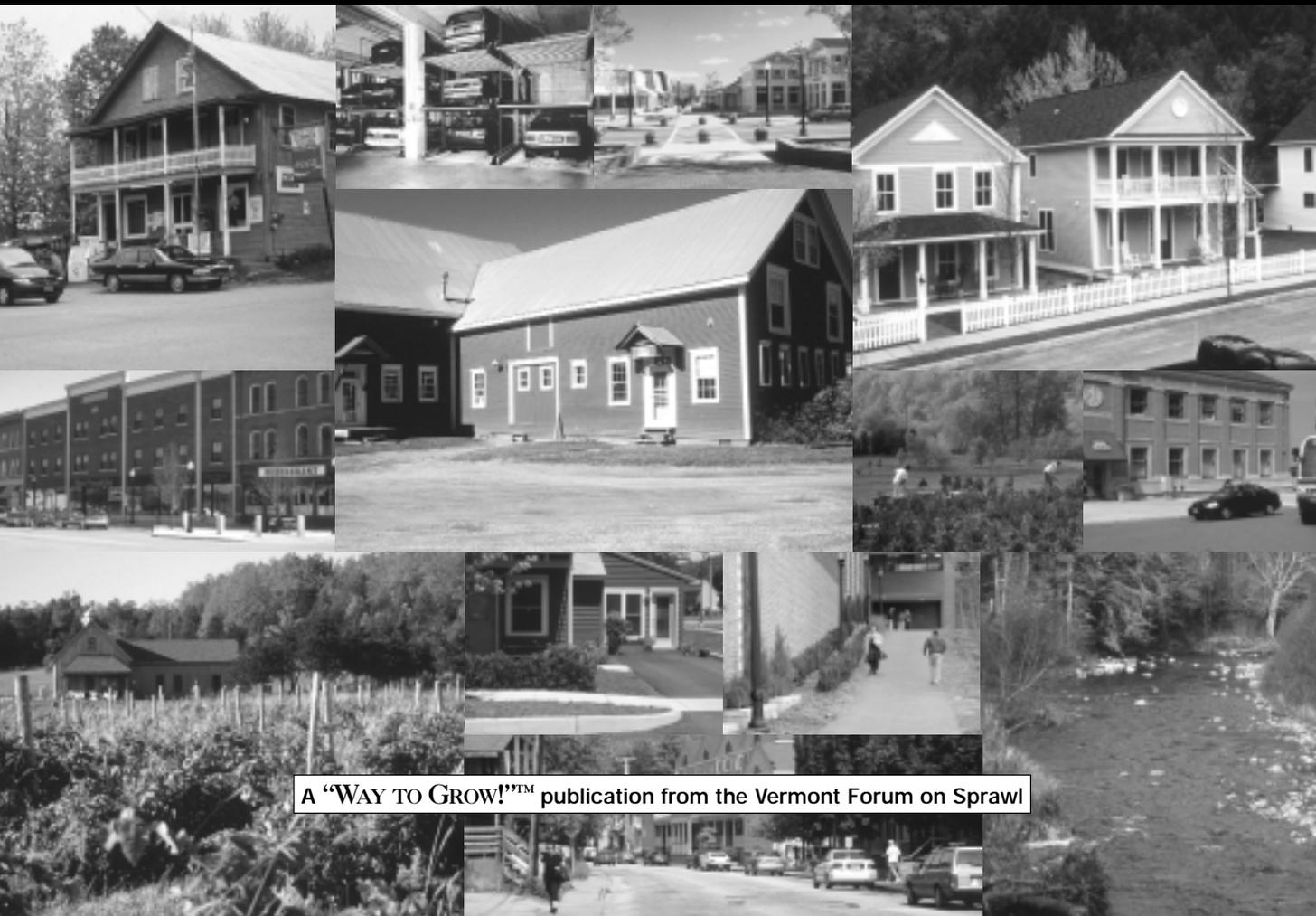




GROWING SMARTER

Making Smart Growth Work



A "WAY TO GROW!"™ publication from the Vermont Forum on Sprawl

GROWING SMARTER: MAKING SMART GROWTH WORK

prepared by

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“Way to Grow!” is a series of publications by the Vermont Forum on Sprawl designed to help communities plan for growth. *Growing Smarter: Making Smart Growth Work* is the second in the series. The first part of *Growing Smarter* contains *Best Site Planning for Residential, Commercial & Industrial Development*. The second part of this series discusses ways for making smart growth work through the permit process. Other publications include *The Vermont Smart Growth Scorecard* and *Better Bylaws, Better Communities*. For details, see resources on page 7. Additional copies of this publication are available from the Vermont Forum on Sprawl at \$2.50 each.

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GROWING SMARTER: MAKING SMART GROWTH WORK

To grow smarter, the social, economic and political obstacles to smart growth need to be identified and those within our control minimized. Many of the barriers to smart growth involve a variety of individuals, institutions and government policies and programs. Overcoming those barriers will require a concerted effort on the part of many, including local planners, landowners and developers and citizens concerned about the future of their communities.

The greatest barriers — and most difficult to overcome — involve personal decisions we each make in our daily lives concerning where, and how, we choose to live. Others, however, relate to the way in which our communities plan for their future and regulate development. The processes we put in place for citizens to decide upon a common community vision, and the rules and regulations we enact to achieve that vision, can either help or hinder smart growth.

Better Planning, Fewer Barriers

In a study of eight sample communities to determine local causes of sprawl, the Vermont Forum on Sprawl identified a pattern of inconsistency between town plans and associated land use regulations. The town plan, by statute, provides the framework for local zoning and other regulations, and should establish a clear vision for community growth. This is not always the case, however, for a variety of reasons.

Too often, citizens don't participate in the process of developing a plan for their community. Planning commissions need to reach out to local residents and landowners and provide meaningful opportunities to participate. The direct link between the plan and policy — including development regulations — must be clear so that those who exercise their right to participate in the regulatory process have exercised their responsibility to participate in the planning process.

A municipal plan that results from a comprehensive and inclusive planning process can define and articulate a vision for a community's future. The location, scale, character and rate of development desired by the community are all topics to be addressed in the plan, which should serve as the framework — or blueprint — for zoning bylaws, as well as other development regulations and a host of municipal policies and programs related to natural resource protection, transportation, housing, economic development and capital facilities and services.

Much has been written on tools and techniques for involving citizens in the planning process. The more focused that process is with regard to where and how the community should grow, the stronger will be the link to development regulations. In addition to common — and still very useful — public participation tools such as community surveys, neighborhood meetings, focus groups and pot-luck suppers, other tools that take advantage of modern technologies and focus on design and development issues can help make the link between planning and smart growth. These include:

Community **design workshops**, or charrettes, can be a useful technique for citizens to understand how the individual choices of landowners and developers can contribute to — or detract from — a vibrant, healthy community. Design charrettes serve as a forum for all citizens and landowners interested in the future of the entire community — or a particular district, site or neighborhood — to roll up their sleeves and lay out the types, patterns and densities of development that will enhance their community. A common result of such processes is the emergence of a vision for the future that would be difficult to achieve under existing rules and regulations.

Visual preference surveys allow citizens and landowners to view images of various land uses and development patterns and rank those images in order of preference. In addition to defining desired characteristics of community growth, this process often leaves participants with new perspectives regarding how development can affect their community. For example, it is not uncommon for participants who, prior to taking the survey, expressed concern over allowing “too much density” in village centers to rate images of traditional, compact village development much higher than images of low density, large lot suburban residential development.

Visualization techniques, used during the planning process, also can better educate the public regarding the implications and benefits of smart growth principles. With increased accessibility to computer technology, planners no longer need to imagine how developing a vacant lot in the center of the village, or burying those unsightly power lines, will change the look and feel of the community. A “snapshot of the future” can be made to help citizens and planners visualize a variety of policy and development proposals, better informing decisions concerning planning and regulatory policies.

Conducting **build-out studies** to predict future development of a community or area based upon physical constraints, market trends and existing regulations, can shed a great deal of light on the long term outcome of keeping, or revising, current development regulations. Computer mapping and data base programs (e.g., GIS) — accessible to most Vermont communities — can make the process of conducting a build-out study fairly straightforward. While not without pitfalls — predicting the future is never easy — a build-out study is most useful when conducted for a well defined study area, such as a single zoning district.

Neighborhood, or growth center, plans can describe in detail the community's long term growth objectives, including the desired type, pattern and density of development, and strategies for providing infrastructure and services to support that growth. By providing detail early in the process, developers will have greater guidance as to what is acceptable in the community, and neighbors will have a clear indication of the type of development to anticipate in the future.

Through these, and other, planning techniques — which are being used with greater frequency in Vermont — community planning can become more relevant for citizens and planners, and can strengthen the link between planning for the future and actually building the future.

The Hidden Design in Land Use Regulations

Zoning bylaws and other development regulations often discourage, or outright prohibit, many Best Development Practices, as they are described in *Growing Smarter: Best Site Planning for Residential, Commercial and Industrial Development*. Oversized lot size requirements in village centers and rural areas, large setbacks, rigid segregation of uses, excessive parking requirements, and vague review criteria are common examples of how regulations discourage smart growth.

Among the most important strategies for eliminating regulatory barriers to smart growth is to evaluate your community's regulations to understand the type and pattern of development being fostered. Do the regulations allow for concentrated development? A mix of uses? Is development permitted that will discourage transportation options or lead to scattered, sprawling development in rural areas far from town centers? A hard look at many current regulations — perhaps through a build-out study described above — reveals that rules intended to protect the community actually undermine its character and promote sprawl. Revising standards to encourage — or require — the use of Best Development Practices is a critical smart growth strategy.

At a minimum, local regulations should include standards that are:

- Context specific— allowed uses, development densities and standards should vary markedly in different areas of the community (e.g., in village or agricultural zones);
- crafted to address clear community goals as set forth in the municipal plan;
- clearly articulated — there should be little room for interpretation of the meaning of the standards; and
- able to be administered fairly and efficiently given the level of expertise and administrative capacity available in the community.

For guidance on how smart growth practices can be translated into regulatory standards; and for examples of smart growth development regulations, the Vermont Forum on Sprawl and the Conservation Law Foundation are preparing *Better Bylaws, Better Communities*, a guidebook on smart growth regulations.

Putting Best Development Practices to Work

In addition to better standards, the administrative processes used to apply standards can also encourage or discourage the use of Best Development Practices. Just as there are “best development practices” for smart growth, it is useful to think of “best development processes.” Fair and efficient review processes, and incentives to reward good development, should be key features of local regulations which promote smart growth.

An important characteristic of smart growth is the ability of citizens, landowners and interest groups to participate in shaping the future of their own community. How different players interact, and the processes used to make decisions regarding our common future, deserve careful consideration

Simply explained, local regulations are the vehicle for bringing the community, as represented by the local review board, the developer, and interested citizens and neighbors together to consider a proposed development. Each of these participants comes to the table with specific rights and responsibilities spelled out in

local regulations and state statutes. Each of the parties can help to make the local process fair and efficient to promote smart growth, and each can undermine that fairness and efficiency by their respective actions.

The way in which parties conduct themselves during the process, however, can influence the end result. The roles of the municipality (local review boards and support staff) and the developer (or applicant seeking local approval) are generally prescribed in local regulations. Less well defined are the roles of neighbors and citizens with an interest in the outcome.

Not in My Back Yard

During a series of three focus groups held by the Vermont Forum on Sprawl in October 2000, developers, housing and economic development interests, local and state planning and regulatory officials, environmental organizations and citizen groups, were asked to identify the greatest local barriers to smart growth. Despite the different backgrounds and perspectives of these groups, neighborhood opposition to new development was commonly identified as a significant barrier.

As one representative from an environmental organization noted, “too often local review boards are responding to citizens’ fears rather than their legitimate concerns.” A challenge all communities face is conducting a regulatory process that is open, accessible, and addresses the legitimate concerns of local citizens, while not holding developers hostage to unreasonable fears of change.

Not surprisingly, neighbor opposition to new development often occurs where there are the most neighbors — in village centers and downtowns. Ironically, these are the most desired locations for smart growth. In these areas it is most critical that developers incorporate smart growth practices — especially high quality site design — into development design, and that citizens distinguish between development which enhances the character and fabric of their community from that which will truly undermine it.

Ultimately, all Vermonters share a common backyard. We can't afford to continue forcing new houses, shopping centers and office parks to those locations with the fewest neighbors, or tossing out smart growth with bad growth.

Best Development Processes

Many of the procedures used in local development and land use regulation are prescribed by statute. In Vermont, state law establishes the parameters for adopting, administering and enforcing regulations at the municipal level. Within this framework, there are a number of options available to communities to streamline regulatory processes and encourage smart growth. Several relatively simple options are not specific to smart growth, but can be used to make local regulatory processes more predictable for all participants. Others are intended to facilitate smart growth, and to provide incentives for projects that incorporate Best Development Practices into the project design.

Make local review processes more efficient

Establish a Development Review Board to place all municipal regulatory authority traditionally shared between the planning commission and board of adjustment into the hands of a

single review body — a development review board or DRB. Not only does a development review board avoid duplicative processes and allow “one-stop-shopping” for applicants, it also frees planning commissions to focus their energy on their most important responsibility — planning for the future. Across the state, the popularity of development review boards has grown steadily, with few communities regretting the decision.

Eliminate redundant or overlapping review processes.

It's not uncommon in Vermont for many development projects to be subject to two or more different local review processes (e.g., subdivision, site plan, conditional use and design review). Where no development review board has been established, this typically requires that both the board of adjustment and planning commission review a single development. By better coordinating review processes, and eliminating duplication, applicants can save time and avoid the potential for receiving contradictory decisions from boards that don't see eye to eye.

Alternatives include:

- choosing either subdivision, conditional use or site plan review as the primary review process for certain types or categories of development;
- allowing a choice of processes (e.g., allowing developers to apply for PUDs and exempting those projects from conditional use review);
- making a clear distinction between the scope of different review processes (e.g., by limiting the focus of site plan review standards to site design, and conditional use review standards to impacts on the surrounding area);
- allowing for concurrent review processes where appropriate; and
- eliminating duplicate or inconsistent standards under different review processes.

As the local planning commission and interested citizens undertake the evaluation and update of local development standards to make them smart growth friendly, the most efficient and effective “delivery vehicle” for those standards should be established.

Empower town staff to serve as the preliminary, or only, review body in certain situations. With clear standards, room for discretion and subjectivity can be minimized, allowing greater administrative review authority. For example, planning and zoning staff can be authorized to grant site plan approval for certain types of development, as defined in local bylaws. While several communities grant such authority for minor projects and amendments, staff could be authorized to grant approval for projects meeting smart growth criteria. This ensures a speedy review process, and limits the possibility that good development projects will get bogged down in contentious hearings.

At a minimum, review bodies can initiate “consent agendas” to accept staff recommendations regarding projects that incorporate Best Development Practices into the overall design without additional review. This, in effect, creates a presumption that a project meets local standards unless a member of the review body questions that presumption.

Communities without staff can benefit from project review checklists. Such checklists, which typically include the list of application requirements as well as a list of specific review standards, can guide the process and help document a project's compliance

Rules of Conduct for a Better Process

We can all support better review processes by abiding by basic “rules of conduct” — formal rules which are required by statute, and other more voluntary rules which govern how we participate in the process.

Local review boards and municipal officials can:

- Make sure all participants in regulatory proceedings are aware of the procedures and standards used to evaluate proposals — it's important that concerned neighbors understand when, and to what extent their concerns can or cannot be addressed through local regulations.
- Limit the review of projects to information relevant to the standards and criteria that are in place.
- Conduct public hearings as efficiently as possible — unnecessary delay in reaching a decision is not a legitimate or effective growth management tool.
- Be prepared — do your homework and understand your regulations.
- Understand the big picture — local regulations are intended to implement the municipal plan. Understanding the plan — its vision, policies and objectives — will help in the interpretation and application of your regulations
- Advocate for smart growth development in your community.

Landowners and developers can:

- Understand that the review process requires adequate time for staff review, public notices, hearings and fair deliberations by volunteer boards — and your project is not the only one under consideration.
- Be forthcoming with adequate information — the review process may not start until you have submitted a complete application; respond promptly to requests for clarifications or additional information or delays in the permitting process will likely result.
- Recognize that poorly conceived development will diminish the quality of life of a neighborhood or community — design projects according to smart growth principles and practices that contribute to the fabric of the community.
- Participate in the local planning process, not just the regulatory process.
- Provide opportunities for neighborhood involvement in project design—e.g., through a neighborhood charrette process.
- Advocate for, and build, smart growth projects.

Citizens can:

- Participate in development of municipal plans and regulations — address up front how your neighborhood will be developed before an application is filed.
- Offer constructive solutions to legitimate concerns. Like it or not, developers have the right to use their property in accordance with local and state regulations — simply leaving a particular property undeveloped may not be a reasonable option, for the developer or the community.
- Recognize that the entire community is your backyard — identify how your concerns relate to the needs of the larger community.
- Take advantage of opportunities to address issues outside of the hearing process — by meeting with the developer and keeping an open mind, you may find an easy solution to a concern before sides become entrenched. At a minimum, you will have a better understanding of the proposed development.
- Understand that the review board has specific criteria to use when reviewing projects, and that those criteria may not allow them to address all your concerns.
- Advocate for smart growth development in your community.

with local smart growth standards with a minimum of discretion.

Define “smart growth” as a permitted use. For example, a proposed land use (e.g., multi-family dwellings, mixed commercial) could be categorized as a “permitted use” if it incorporates best development practices — as determined through locally devised criteria — and would be issued a permit by the zoning administrator with little or no board review. Similar development that did not incorporate best development practices would be classified as a conditional use subject to board review according to conditional use (and, perhaps, smart growth) criteria. This establishes clear standards, and allows the smart growth developer to avoid an unnecessary local review process that incorporates a higher level of public scrutiny.

Allow Flexibility for Smart Growth

Make better use of Planned Unit and Planned Residential Developments (PUDs & PRDs) that provide greater flexibility of design in accordance with smart growth standards in appropriate zoning districts. In effect, PRDs and PUDs allow review boards to set aside inappropriate zoning standards to achieve a better project design than would otherwise be possible. By adopting Best Development Practices as guidelines — or PUD and/or PRD development standards — communities can offer developers a smart growth alternative to the strict application of standards related to lot sizes, building dimensions and land use. PUDs and PRDs can be used to maintain traditional development patterns in appropriate areas and help maintain open space.

Municipalities should also be careful to establish an application and review process that encourages, rather than discourages — developers to choose the PUD or PRD option. Too often, the additional burden placed on applicants with regard to hearing and application requirements and review standards is viewed as an unnecessarily high hurdle that is not worth the effort to achieve the greater flexibility.

Create Incentives for Smart Growth

Establish smart growth overlay district(s) to encourage higher density in-fill development and allow uses and/or standards that are *less* restrictive than the underlying district. By creating a smart growth overlay district, for example that encompasses a downtown area or village, greater densities or dimensional standards can be allowed, or uses can be exempted from certain local review processes (e.g. treats a use as “permitted” rather than a “conditional” use), in exchange for the integration of Best Development Practices into the project design.

Provide density bonuses for smart growth projects.

Vermont statute specifically authorizes local review boards to grant density bonuses of up to 25% in planned residential developments (PRDs). These bonuses can be granted for a variety of purposes, such as the provision of affordable housing, good site design, or the protection of open space. In addition, density may be increased up to 50% in PRDs and Planned Unit Developments (PUDs) providing the project incorporates a variety of housing types, including affordable housing, into the project mix.

Beyond the density bonuses specifically authorized for PRDs and PUDs, communities can create standards that allow higher densities for mixed use and/or multi-story development in downtowns and villages. Higher densities for the adaptive re-use of historic structures (e.g. old mills), or in exchange for the provi-

sion of specific “smart-growth features” (e.g. mix of uses, design elements, provision of public space or transportation options), may also be allowed under creative zoning bylaws.

Incorporate Best Development Practices into permit allocation programs, administered with a scoring system, that gives higher priority to smart growth projects under zoning permit or wastewater capacity permit allocation systems. Many communities struggle with the demands of rapid growth by regulating the rate of development. Often, permit or wastewater capacity allocation formulas regulate the timing of development without addressing broader land use concerns. By tying allocation and phasing programs to smart growth principles, and rewarding projects that incorporate Best Development Practices, the community can strengthen its land use policies while accommodating a predictable growth rate.

Encourage Productive Citizen Involvement

Require early notification of neighboring landowners for pending applications, and encourage applicants to meet with them to identify concerns prior to the formal hearing process. It should be noted, however, that pre-hearing negotiations can place applicants at risk should neighbors not be informed of the standards that will be applied to the project. Notification of neighboring landowners should therefore include a description of the proposed development *and* a description of the standards and criteria that will be applied to the proposal.

Run public hearings effectively, efficiently and fairly.

Prepare and adopt rules of procedure to guide local reviews, and to explain that process to applicants and other interested participants. Board members should periodically evaluate their processes — how meetings are conducted, whether deliberations are fair and efficient — and make adjustments as needed. Finally, members should take advantage of training programs sponsored by regional planning commissions and other agencies or organizations. Being a volunteer is a time consuming and often thankless job, but it is also one that carries a high level of responsibility to the community.

Publish design guidelines or local best development practices to document and illustrate how smart growth principles apply within your community; and to advise applicants and interested parties (e.g. neighbors, citizen groups). By graphically articulating desired development standards, the community will send a clear message regarding desired types and patterns of development, and developers can respond with clear documentation that a project is designed to meet local standards. Ultimately, amending local regulatory standards to require smart growth is the most effective form of encouragement. Illustrated guidelines can help increase public acceptance — and support — for smart growth standard.

Be Fair and Consistent

Adopt the Municipal Procedures Act (MAPA) in addition to locally prepared rules of procedure. Using MAPA, as authorized by 24 VSA Chapter 36, results in greater formality in how hearings are run and, because hearings held under MAPA must be recorded and transcriptions made available upon request, greater expense. Appeals of most decisions made by local review boards are heard “de novo” by the Vermont Environmental Court, in which the court effectively applies local standards

without consideration of the hearing process and associated evidence and testimony received by the local board. Appeals heard “on the record” under MAPA are limited to the specific issue under appeal, in relation to the record of local proceedings. This is a means of strengthening local decisions and discouraging unfounded appeals.

Adopting MAPA also offers municipalities the option of establishing local Act 250 review. Under this option, a development review board determines a proposed project’s compliance with certain Act 250 criteria, including conformance with the municipal plan. The board’s determination cannot be appealed to court, and must be taken into consideration under state Act 250 proceedings.

Commit to an ongoing training program for local board members and staff. Serving on a local review board can be thankless and time consuming. Taking on the responsibility involves more than going to meetings, as it involves a responsibility to make informed decisions in a fair and consistent — and legal — manner. It is important that such decisions are guided by an understanding of both the statutory and procedural rules that apply to all parties to the regulatory process, as well as the planning principles and design concepts that help define smart growth. In Vermont, the University of Vermont, Vermont League of Cities and Towns, and Regional Planning Commissions are all sources of training and assistance to local planning and regulatory officials.

Promote Smart Growth

In addition to local planners, developers and citizens, other groups and organizations can contribute to a local regulatory process that fosters smart growth. Many organizations currently advocate positions and policies related to development regulations, environmental protection and smart growth. Some groups approach this topic from a perspective that places a high value on the rights of property owners to manage their affairs with minimal — or no — interference from any level of government. Others strongly advance the notion that strict regulation is necessary to protect the environment, maintain community character and preserve the quality of life enjoyed by Vermonters. Despite obvious differences, these groups may find broad areas of consensus. If disparate — and often conflicting — organizations were to identify areas of agreement and opportunities for cooperation, a **smart growth coalition** might be organized to promote smart growth through the following.

Celebrate smart growth development by offering annual awards to projects that best advance smart growth principles. Categories, such as “best in-fill” or “best mixed-use” project, might be identified. Not only would this give recognition where it is due, it would highlight real examples of smart growth in our communities.

Advocate for smart growth development by acting as an advocacy group during local and state review processes in support of development projects that meet an agreed upon smart growth criteria. The role of the coalition could be to educate regulators regarding smart growth, and to counter NIMBYism. The Greenbelt Alliance’s Compact Development Endorsement Program is an effective model for such a program. Dedicated to

Keeping Score of Smart Growth

The use of scoring systems to facilitate smart growth development is a relatively novel concept in most communities. If carefully crafted to meet local needs, such a system can provide a quantitative measure for local review board or planning staff to evaluate whether a particular development meets regulatory standards and/or qualifies for available incentives. In Vermont, scoring systems could be used to determine whether a project proceeds down a traditional regulatory review process or, upon earning a specified score, is permitted under a more streamlined process. Such a system also can help local officials and citizens understand how a project might fulfill their community’s smart growth objectives

There are several examples of scoring systems in use around the nation. Typically, these systems share similar features. According to research conducted for the Congress for New Urbanism, 10 critical elements should be included in such a scoring system. These include

- 1) Proximity to Existing/Future Development and Infrastructure
- 2) Mix and Balance of Uses
- 3) Site Optimization and Compactness
- 4) Accessibility and Mobility Choices
- 5) Community Context and Site Design
- 6) Fined-Grained Block, Pedestrian and Park Network
- 7) Environmental Quality
- 8) Diversity
- 9) Reuse and Redevelopment Options
- 10) Process Collaboration and Predictability of Decisions

Under each element, the municipality can identify the characteristics that best advance local smart growth goals, and can establish a weighted scoring system to place the highest relative value on those characteristics that are most valuable to the community.

For example, under accessibility and mobility choices, the presence of sidewalks, direct street connections, transit shelters, bicycle racks and lockers, connections to regional path networks, and transportation demand management programs (e.g. ride sharing, van pools) can serve as quantitative indicators of a project’s compliance with smart growth goals. A project which provides one or more of these features would receive points, as determined by the community, which would contribute to the cumulative smart growth score.

Preparing a scoring system can seem complicated and confusing, but it does not need to be. Such a system can be a simple checklist with key elements — or Best Development Practices — that are most important to the community, and best serve as indicators of smart growth.

protecting the San Francisco Bay Area’s Greenbelt, the Greenbelt Alliance recognizes that encouraging in-fill housing and mixed use development in appropriate urban and suburban settings is an effective strategy. They have developed guidelines and a process for endorsing development projects based upon smart growth criteria. Administered by the Alliance’s Compact Development Team, projects that meet the criteria receive assistance in the form of active endorsements during local regulatory processes.

GLOSSARY OF VERMONT REGULATORY TERMS

The authority of Vermont communities to plan for their future and regulate land use and development is established in state statute. The Vermont Planning and Development Act [24 V.S.A., Chapter 117] sets forth many of the processes and mechanisms that are commonly used to regulate development. The most common of these include conditional use review, site plan review, design review, subdivision review and Planned Unit Developments (PUD) and Planned Residential Developments (PRD) review.

Depending upon the process, one of three review boards (Planning Commission, Development Review Board, Board of Adjustment) will be responsible for reviewing applications for development to determine whether the proposal complies with standards and criteria included in local regulations. Where Development Review Boards have been created, that body (which replaces the Board of Adjustment) is responsible for all regulatory functions in the community. Without a Development Review Board, regulatory functions are shared by Planning Commission and Board of Adjustment. Planning Commissions also fulfill many planning functions, including drafting town plans and new and revised bylaws. The Board of Adjustment (or Development Review Board) also considers appeals of decisions made by the Administrative Officer.

The following describes some common terms associated with local regulations.

Administrative Officer (Zoning Administrator): The Administrative Officer, appointed by the Planning Commission with approval of the Legislative Body [§4442], is responsible for literally administering and strictly enforcing the provisions of zoning bylaws. This involves issuing zoning permits, inspecting developments, maintaining records, and performing other associated tasks as is necessary and appropriate.

Bylaws: Zoning regulations, subdivision regulations or an official map adopted in accordance with the Vermont Planning and Development Act.

Conditional Use: A use permitted in a particular zoning district only upon a finding by the Zoning Board of Adjustment or Development Review Board that such use in a specified location will comply with the conditions and standards set forth in the bylaws. Such conditions and standards must include standards set forth in §4407 (2). Such approval may only occur after the conclusion of a warned public hearing, and may be appealed by an Interested Person to the Vermont Environmental Court.

Design Review: A process in which development within a particular zoning district, designated to encompass an area containing structures of historical, architectural or cultural merit, is subject to review by the Planning Commission or Development Review Board, and may be subject to review by a Design Review Board acting in an advisory capacity. Design review may address a wide range of architectural and site design details, depending upon the design issues and associated design criteria adopted by the municipality. Typically, design review processes are adopted in accordance with statute which authorizes Design Control Districts [§4407(6)] of Historic Districts [§4407(15)].

Interested Person: As defined in statute [§4464(b)], interested persons, who have the right to participate in local regulatory processes and to appeal decisions of the Administrative Officer and local review bodies, includes the following:

- The municipality or an adjoining municipality;
- A person owning or occupying property in the immediate neighborhood of a property which is the subject of a decision or act taken under these regulations, who alleges that the decision or act, if confirmed, will not be in accord with the policies, purposes or terms of the plan or regulations of the Town;
- Any ten (10) persons owning real property within the Town who, by signed petition, allege that any relief requested by a person under this section, if granted, will not be in compliance with the plan or regulations of the Town;
- Any department or administrative subdivision of the State owning property or any interest therein within the Town or adjoining municipality, and the Vermont Agency of Commerce and Community Development; and
- The local Conservation Commission, if one exists.

Overlay District: A zoning district that encompasses one or more underlying district and that imposes additional requirements or standards than otherwise required by the underlying district(s).

Permitted Use: A use permitted in a particular zoning district, typically upon the issuance of a zoning permit by the Administrative Officer. Permitted uses generally do not require review and approval of local review boards (e.g. Planning Commission, Development Review Board, Board of Adjustment) providing they meet dimensional and density standards for the district within which they are located. Permits for permitted uses are subject to appeal by Interested Persons to the Board of Adjustment or Development Review Board within 15 days of issuance.

Planned Residential Development (PRD): An area of land, controlled by a landowner, to be developed as a single entity for a number dwelling units; the plan for which does not correspond in lot size, bulk, or type of dwelling, density, lot coverage, and/or required opens space under local bylaws these regulations except as a PRD (see also Planned Unit Development).

Planned Unit Development (PUD): An area of land, controlled by a landowner, to be developed as a single entity for a number of dwelling units and commercial and industrial uses, if any; the plan for which does not correspond in lot size, bulk, or type of dwelling, commercial or industrial use, density, lot coverage, and required opens space under local bylaws except as a planned unit development.

Site Plan Review: A review process that may be required for any use other than a 1 or 2 family dwelling. Site plan review is administered by the Planning Commission or Development Review Board, if such a Board has been established. Historically, site plan review standards were limited to circulation and parking, traffic access, landscaping and screening, and protection of renewable energy resources. Statute [§4407(50)] was changed in 1993 to allow the regulation of "other matters specified in the bylaws." Many communities do not require a warned public hearing for site plan review, for which a decision must be issued within 60 days of the submission of the application. Decisions may be appealed by an Interested Person to the Vermont Environmental Court.

MORE RESOURCES

From the Vermont Forum on Sprawl

Exploring Sprawl, a six-part series on sprawl research in Vermont:

1. *Vermonters' Attitudes on Sprawl*
2. *What is Sprawl in Vermont?*
3. *The Causes and Effects of Sprawl in Vermont Communities*
4. *The Impacts on Sprawl of State Investment and Policies*
5. *The Costs of Development: Downtown vs. Open Spaces*
6. *Economic, Social, and Land Use Trends Related to Sprawl in Vermont*

More in the "Way to Grow!" series:

No. 1: The Vermont Smart Growth Scorecard

This community self-assessment tool provides questions local planners and citizens can ask themselves to see where their town stands on the sprawl to smart growth continuum. It is a valuable guide for updating town plans and regulations and encouraging citizen involvement. \$10.00

Education partner: The Orton Institute

Available in: now.

No. 2: Growing Smarter: Best Site Planning for Residential, Commercial & Industrial Development

This handbook provides communities, developers, non-profit groups and others interested in smart growth with a set of best development practices for residential, commercial and industrial development—practices that characterize and promote "smart growth" as a viable alternative to sprawl. Examples are included to illustrate that smart growth is happening in Vermont and around the country. \$10.00

Education partner: The Orton Institute

Available in: now.

No. 3: *Better Bylaws, Better Communities*

This guidebook, co-authored by the Vermont Forum on Sprawl and the Conservation Law Foundation, provides standards for regulations that reinforce smart-growth principles in town centers, suburban settings, and rural communities. It contains examples of good zoning, ideas on how to get certain provisions accepted, and the techniques for applying standards.

Project partner: The Conservation Law Foundation.

Education partner: The Orton Institute

Available in: May, 2001.

No. 4: *How to Determine Your Town's Infill Potential.*

This report describes how to find and identify the room for growth in your town center (or centers). Often, communities are unaware of the places where they could expand without sprawl — such as, for example, by filling in vacant land and parking lots, renovating empty buildings, or increasing the number of floors in buildings.

Project partner: The University of Vermont Historic Preservation Program.

Available in: summer, 2001.

No. 5: *New Models for Compact Commercial and Industrial Development*

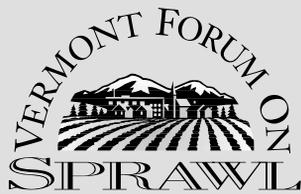
Designed to counter today's trends toward strip commercial development and spread-out, isolated industrial lots, these new models reflect smart-growth principles and reinforce Vermont's state policy of compact settlements surrounded by rural countryside.

The models are developed for four settings:

- urban and village centers
- older, vacant and/or underused industrial areas near downtowns and village centers
- new growth centers
- older, vacant and underused industrial areas.

Project partner: The Vermont Business Roundtable.

Available in: 2001.



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