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# Housing Regulations

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## Overview

Housing is the most common form of development in Vermont, yet housing shortages persist in many areas of the state. Supply is not keeping up with demand, especially for affordable units. Land, labor, and construction costs—determined largely by market forces—contribute significantly to rising housing costs. Regulations, however, can also present very real barriers to affordable housing development. Local bylaws and ordinances—to the extent that they regulate the type, location, density, and construction of housing—can be used to exclude, encourage, or require affordable housing development in a community. Municipalities that regulate residential development face the very real challenge of accommodating a variety of housing to meet local needs, while also protecting the community from the impacts of excessive or poorly designed development.

### Equal Treatment of Housing.

Amendments to the Vermont Planning and Development Act (24 V.S.A. Chapter 117), enacted in 2004, expanded upon longstanding statutory protections for affordable housing under local regulations. Under the act’s “equal treatment of housing” provisions (§4412[1]), zoning regulations cannot exclude, or in their application have the effect of excluding:

- housing to meet the needs of the community, as determined from the housing section of the municipal plan
- mobile homes and other forms of manufactured housing, which must be regulated in the same manner as conventional single-family dwellings
- mobile home parks
- multiunit or multifamily dwellings



**In areas with high property values, housing regulations can ensure that affordable housing is included and can offer density bonuses and other incentives in return for rent/price limits. Even a modest number of accessory units makes it possible for younger and older residents to remain in a neighborhood they might otherwise have to leave when they don’t need a large house.**

- (which are typically defined as three or more units per structure)
- dwellings such as granny flats or garage apartments that are accessory to owner-occupied single-family dwellings and meet related statutory definitions and requirements
- residential care or group homes, operated under state license or registration, which serve up to eight handicapped or disabled residents. Group homes must be regulated in the same manner as single-family dwellings, unless located within 1,000 feet of another group home

Bylaws that are challenged as exclusionary are subject to review by the state attorney general and a possible court action, which may overturn local regulations or decisions (§4453).

Planning commissions are also required to review all proposed bylaws and amendments to determine whether they conform to the municipal plan and to evaluate “the effect of the proposal on the availability of safe and affordable housing” (§4441). The housing section of the municipal plan should provide at least some information and guidance regarding:

- how much housing is needed in the community, including affordable housing;
- where new housing should be located, including higher-density multifamily units and mobile home parks;
- the types of regulations proposed to encourage or limit housing development, including regulatory incentives or mandates to promote or require affordable housing development; and
- related recommendations for financing and scheduling supporting infrastructure, facilities, and services (for example, to be included in a locally adopted capital budget and program).

## Advisory Housing Commissions

A local housing commission, established by the municipality by vote or through its land use regulations, can help the planning commission identify local housing needs and also review existing and proposed regulations that may affect housing development in the community. The commission is also authorized to serve in an advisory capacity to local development review panels, and the state in the review of proposed housing projects. (For more information on housing commissions, see the related topic paper, *Housing Programs*.)

If the plan does not address these areas in sufficient detail to support new or amended regulations, a more detailed assessment of housing needs and development options may be needed. Housing study recommendations should be incorporated in or appended to the plan, as amended, to support their use in drafting associated regulations.

## Statutory Considerations

At minimum, local regulations must allow for the types of housing identified under Chapter 117, as noted above. How housing is addressed and regulated will vary by municipality based on local conditions, priorities, and objectives, but again, no regulation may exclude, or have the effect of excluding, these types of housing. Municipal regulations are also subject to state and federal fair-housing standards, which are outlined in the accompanying topic paper, *Housing Programs*.

Reasonable regulations that protect the interests and safety of both occupants and the community are justified. The question is whether local regulations are reasonable: Do they represent the minimum necessary to ensure public health, safety, and welfare and meet adopted community objectives,

or are they so restrictive that they unnecessarily limit or add to the cost of housing or have the effect of excluding certain types of housing from the community?

Basic regulatory strategies for meeting local housing needs and avoiding exclusionary practices include the following options:

- 1. Reducing minimum (or maximum) lot size and frontage requirements** in districts intended for higher densities of development (for example, in residential neighborhoods adjacent to downtowns, or within growth center, village, or hamlet districts) especially where supported by centralized or shared (clustered) water or wastewater infrastructure. This could include eliminating merger requirements for preexisting small lots in these districts if they meet statutory thresholds for development (one-eighth acre, forty-foot width and depth). Lot size and frontage requirements should, at minimum, conform to traditional patterns of development to allow for compatible infill and redevelopment. Regulations also typically require excessively large lot sizes in rural areas to accommodate on-site water and septic systems, yet new state rules and evolving technologies for shared treatment systems may allow for smaller building lots that also preserve open space.
- 2. Providing for moderate to high densities of development** (such as three or more units per acre) in appropriate locations, including zoning districts targeted for higher-density residential and mixed-use development. In addition to districts noted above, these may extend to other residential districts supported by infrastructure, and older commercial and industrial areas scheduled for redevelopment, including brownfield sites. Allowed densities should be markedly higher (such as eight or more units per acre) in areas served by central water and wastewater

systems. In addition to lot sizes noted above, other density controls (for example, lot coverage, building heights, and floor area ratios, such as limits on total floor area per lot area) should be reevaluated as needed to allow for higher densities of residential development where called for in the municipal plan.

- 3. Allowing two-family dwellings (duplexes) in districts where single-family dwellings are allowed**, including rural residential and resource protection districts. This is a simple way to double the allowed density of residential development—with few additional impacts—in most districts.
- 4. Allowing for conversions, multi-family, and mixed-used development** (for example, apartments above storefronts) in appropriate locations, including districts designated for moderate to high densities of development. Smaller multifamily

### Common Regulatory Barriers to Affordable Housing Development

- Large minimum lot sizes (for example, less than 1 acre) and low densities of residential development (for example, 1 to 5 acres per unit) are required over a very large area of a community.
- Excessive restrictions on the location and allowed density of multifamily housing, including both new housing and conversions of existing single-family to multifamily units.
- Unreasonable or costly requirements for the siting, layout, and design of new or expanded mobile home parks.
- No provisions for mixed-use developments that include residential uses.
- Excessive public works standards, including design and construction standards for roads, sidewalks, recreation areas, and other required facilities.
- Complicated permitting requirements, extended hearing processes, and frivolous appeals.

## Density and Design

Higher densities of development are often needed to spread land, infrastructure, and construction costs over more units and thereby reduce development costs per unit to achieve desired levels of affordability.

However, density—the dreaded d-word—is often highly controversial and can result in considerable neighborhood opposition to a proposed housing project. Community outreach and project designs that reduce the visual and functional impacts of higher-density development are critical to allay common fears and to address valid concerns. For example, in villages and more rural residential areas, multi-family units can be designed to resemble larger single-family homes and outbuildings.

The U.S. Department of Housing and Urban Development website, “The Design Advisor,” includes case studies of well-designed affordable housing at a variety of densities of development ([www.designadvisor.org](http://www.designadvisor.org)).

The Vermont Forum on Sprawl has also sponsored projects in several communities that address housing density and design ([www.vt.sprawl.org](http://www.vt.sprawl.org)).

or mixed-use developments could also be allowed as permitted rather than conditional uses in these districts—possibly subject to site plan review as needed to address site layout, circulation, parking, and landscaping.

**5. Providing for new and expanded mobile home parks** at densities that allow for their development. Mobile home parks, because of the costs of land and supporting infrastructure, traditionally have been built at higher densities (up to eight units per acre). Municipalities can regulate the density and design of mobile home parks through zoning and subdivision regulations or under separately adopted park ordinances (24 V.S.A. Chapter 61), although the ordinance statute is outdated and

not recommended for review of new mobile home parks. Park design standards, including land area, parking, infrastructure, buffering, and open space requirements, should be adequate to serve the needs of the residents without unnecessarily adding to the cost of park development and maintenance and should be no more restrictive than regulations for any other type of housing.

**6. Accommodating replacement mobile homes on existing park sites.** Under Chapter 117, local regulations cannot treat mobile homes or mobile home sites within existing parks as nonconformities. The regulations can include reasonable setback or separation distances between homes, but these cannot have the effect of prohibiting replacement homes on existing mobile home sites.

**7. Allowing for accessory dwellings,** as permitted or conditional uses in all districts in which single-family homes are allowed, as required under Chapter 117 (see side bar) and also allowing for other, less-restricted types of accessory dwellings where appropriate (for example, in more rural residential areas). Local regulations may be less, but not more, restrictive than Chapter 117 accessory dwelling standards.

**8. Allowing for group homes, residential care facilities, and other types of congregate care, rooming, or boarding homes.** As noted earlier, local regulations must treat small group homes in most cases as single-family dwellings. Many regulations also allow for other types of group or congregate housing in specified zoning districts, subject to site plan or conditional use review.

**9. Allowing for the “adaptive reuse” of historic structures** (such as schools, factories, and barns) for multifamily or mixed-use development, regardless of the districts in

which they are located, or at higher densities than would normally be allowed. Conversions must retain the historical character of the structure.

**10. Allowing, or requiring, the clustering of development** under planned unit or planned residential development provisions. Clustering can be used, especially in rural residential or resource protection districts, to concentrate development on smaller lots and thereby reduce infrastructure and energy costs and protect open space. Clustering, however, does not necessarily allow

## Accessory Dwelling Units

24 V.S.A. §4412

Accessory dwellings offer a means of providing affordable housing that preserves community character by more efficiently using the existing housing stock, and by not requiring farm- or forestland conversion, or creating large, out-of-place housing complexes. They also add to the variety of housing available, including independent living options for family members, and can help homeowners meet rising housing costs.

At minimum local regulations must allow—as a permitted use—an accessory dwelling (efficiency or one-bedroom apartment) that is located within or appurtenant to an owner-occupied single-family dwelling, if the following requirements are met:

- The property has sufficient wastewater capacity.
- The unit does not exceed 30 percent of the total habitable floor area of the single family dwelling.
- Applicable setback, coverage, and parking requirements as specified in the bylaws can be met.

Conditional use review may be required if one or more of the following are involved in the creation of an accessory unit:

- A new accessory structure
- An increase in the height or floor area of the existing single family dwelling
- An increase in the dimensions of the parking area

for higher overall densities of development that reduce land and construction costs per unit.

## Incentive-Based Zoning

For communities that want to actively promote the development of affordable housing, there are a number of regulatory incentives that can be offered to help reduce development and housing costs. These include, but may not be limited to, the following incentives.

- 1. Defining “affordable housing” as a separate type of residential development,** to be accompanied by specific use standards that reduce lot size and setback requirements and allow for higher densities of development, if the criteria for affordability established in the regulations are met. These standards can then be applied to any type of residential development that meets the definition of affordability, including individual house lots, single-family homes, multifamily units, and larger residential subdivisions—as allowed within a particular zoning district. The town of Charlotte is trying this approach to promote more affordable housing development at different densities throughout the community.
- 2. Density bonuses.** Many communities allow for higher densities of development, in the form of density bonuses, to promote affordable housing under the planned unit or planned residential development provisions of their regulations. Chapter 117 once restricted such bonuses to a 50 percent increase in the total density or number of units allowed for such projects, but this is no longer the case. Density bonuses can be used to promote both affordable and mixed-income housing projects that offer low- to moderate-income and market-rate units. Bonuses can also be used in association with the transfer of development rights, if specified in the

### Applying Affordable Housing Definitions

Incentive-based regulations must reference “affordable housing” and “affordable housing development” as defined in Chapter 117 (§4303), but may also provide incentives for other income categories. To qualify as an affordable housing development, at least 20 percent of units or five units, whichever is greater, must be affordable for a minimum period of fifteen years or longer, as provided in the regulations.

regulations. It’s important, however, to consider the net effect of bonuses in relation to other density and open space requirements; if other restrictions significantly reduce the overall density of development that’s allowed, a density bonus may be of little value or use to the developer.

- 3. Allocation priorities.** In municipalities that require phased development—for example, through the allocation of permits or wastewater reserve capacity—affordable housing is often given a separate capacity allocation or a waiver from phasing requirements.
- 4. Waivers.** Local officials can also waive or modify application, connection, and impact fees; public works standards; and other site or design standards to help reduce the overall costs of development. Waivers are authorized under Chapter 117 for both zoning and subdivision standards and can be incorporated by the legislative body in associated ordinances and fee schedules. Allowed waivers or design modifications should not compromise public health or safety or forego basic amenities that are generally available to all residents of the community.  
Incentives are voluntary and as such need to reduce development costs enough to encourage affordable housing construction. Incentive-based regulations are common in Vermont but have not been widely applied.

This may be due to more onerous application and review requirements for higher-density development, the inability to achieve needed densities under other provisions of the regulations (or as an outcome of public opposition), or that the benefits are not sufficient to justify their use when significantly more money can be made from standard, market-rate development.

## Inclusionary Zoning

Unlike incentive-based zoning, inclusionary zoning is mandatory: developers are required to build a minimum percentage of affordable units, generally for housing projects over a certain size. As a type of regulatory mandate, inclusionary zoning has generated both controversy and legal challenges elsewhere in the country. It has also, however, been used to great effect in wealthier and rapidly growing communities that are struggling to develop and maintain affordable housing stock. Burlington is the only Vermont municipality to date that has adopted formal inclusionary housing provisions under its zoning regulations.

Inclusionary zoning, like impact fees, requires developers to assume some of the costs of development to the community. In a few legal cases from other states, the loss of profits mandated by the inclusion of below-market-rate housing has been ruled to constitute a taking of property. Key lessons from past legal challenges suggest that, for the adoption of inclusionary zoning:

- a state-enabling authority should exist;
- the regulations must be supported by clearly adopted public policies and be based on housing market studies that demonstrate the rationale for associated regulatory requirements;
- the regulations must include incentives or “cost offsets” to the developer; and
- the review process must be equitable.

The 2004 amendments to Chapter 117 specifically enable Vermont municipalities to adopt inclusionary zoning, in accordance with statutory provisions that address related legal concerns (§4414[7]). Inclusionary zoning must:

- conform with specific policies of the housing element of the municipal plan;
- be based on an analysis of the need for affordable rental and sale housing units in the community;
- include development incentives that contribute to the economic feasibility of providing affordable units (for example, density bonuses and reductions or waivers of minimum lot, dimensional, or parking requirements, applicable fees, or required public improvements); and
- require that affordable housing units, once built, be managed and maintained as affordable housing for the period of time specified in the regulations.

For inclusionary zoning only, municipalities may adopt definitions of *affordable housing* and *affordable housing development* that differ from the statutory (Chapter 117) definitions of these terms.

There are several related considerations in developing inclusionary zoning, as outlined below. The munic-

ipal plan should provide general guidance and recommendations, but a detailed housing assessment and market study will likely be needed to more specifically identify the types, numbers, and relative affordability of housing units to be required. This information can then be used to set development, income, and affordability thresholds, as applied under the regulations. (See section on Housing Needs Assessments in topic paper, Housing Programs.)

The types of incentives offered to developers should also be specified in the regulations. These may include standard incentives that allow for higher densities of development or help reduce costs. They may also include provisions that allow some flexibility in meeting affordability requirements (for example, to include the donation of land, the construction of affordable units elsewhere in the community, or the payment of a fee in lieu of construction to be used for housing development). The incentives agreed to by the developer for a particular project should be identified in the conditions of project approval and in associated development agreements with the municipality.

Long-term management of affordable units—to ensure that they remain affordable for the period specified in

the regulations—is also a very real consideration. Requiring that units remain affordable in perpetuity protects their long-term standing (and may be required for state funding assistance), but it may also discourage private development of affordable housing. Also, private developers who construct affordable units may not have the ability or expertise to manage them; often this becomes the community’s responsibility under the regulations. Management includes screening potential tenants and buyers to ensure that income requirements are met and making sure rents and resale prices remain affordable. Only a few communities have the staff and resources, such as a local housing authority, to manage affordable housing programs on their own. Most communities instead rely on one or more nonprofit housing organizations to manage affordable units on their behalf.

## Housing Codes

The planning commission—in addition to preparing the housing element of the municipal plan and associated land use regulations—is also authorized under Chapter 117 “to prepare and present to the legislative body recommended building, plumbing, fire, electrical, housing, and

### Key Questions for Inclusionary Zoning Provisions

**What’s covered?** Type of project (new construction, rehab, conversions) and minimum size of project (total number of units that triggers inclusion of affordable units), as determined from needs assessments and local development patterns.

**How much affordable housing?** The percentage of units within a development that must be affordable (for example, may range from 10 percent to 35 percent and vary by the type of unit), based on needs assessments and market analyses.

**Types of incentives/cost offsets?** May include density bonuses,

wavers (fees, lot size, setback, density, building height requirements), increases in lot coverage, floor area ratios, reduced parking requirements, land/cash donations or subsidies (such as from a housing trust fund), expedited permitting process, and so on.

**Flexibility?** For example, provisions that allow for donations of land, the off-site development of affordable units, or fees in lieu of affordable units.

**Management requirements?** To include the length of time units must be maintained as affordable units (for example, fifteen years to in perpetuity, which may vary based on the type

of unit), property management (including screening applicants under income limits), measures to maintain price controls (for rentals and for resale), monitoring responsibilities, taxing policies, and so on.

**Housing provider?** For example, a provision that designates a local nonprofit housing organization to purchase and/or manage affordable housing units on behalf of the community or developer

Sources: Adapted from Nicolas Brunick, *Zoning Practice: Inclusionary Housing Part Two*, American Planning Association (Issue 10, October 2004); and Edith M. Fetter, Esq. *Inclusionary Zoning: Guidelines for Cities and Towns*, Massachusetts Housing Partnership Fund (September 2004).

related codes and enforcement procedures, and construction specifications for streets and related public improvements” (§4325). Codes that regulate the design and construction of housing and related public works may also affect housing costs and should be reviewed for conformance with the municipal plan’s affordable housing recommendations prior to adoption.

**State Codes.** Two types of codes enacted by the state directly affect housing construction, alterations, and occupancy:

- *Fire and building safety codes*, administered by the Vermont Department of Public Safety (formerly Labor and Industry) or by municipalities authorized to administer codes on behalf of the state
- *Rental housing health codes*, adopted by the Vermont Department of Health, which are enforced mainly through local health officers

Public fire and safety code standards apply to all public buildings, including cooperatives, condominiums, and other buildings or portions of buildings in which people rent accommodations, including rented single-family dwellings. Owner-occupied single-family dwellings are excluded. Property owners are required to get construction permits for new construction and alterations and occupancy permits prior to occupancy or use of a building. The codes include life safety, electrical, plumbing, and boiler codes. There are also special provisions and guidance for meeting code requirements in historic buildings.

Given available staff and resources, state code inspections are infrequent and generally complaint-driven. A few communities—to date Barre City, Bellows Falls, Bennington, Brattleboro, Burlington, Hartford, and Winooski—have entered into cooperative agreements with the state to locally enforce state codes.

New buildings and alterations must also meet accessibility standards adopted by the State Access Board and state energy standards for resi-

### Code Assistance for Designated Downtowns

Special assistance and incentives for meeting state code requirements are available for property owners within downtowns designated under the Vermont Downtown Program. The Public Safety Department provides technical assistance for rehabilitation projects. Fire system rebates, tax credits, and priority funding under other state programs are also available for qualified code improvement projects.

dential construction. Energy standards, unlike other state codes, also apply to new and enlarged single-family dwellings.

Vermont’s Housing Rental Code applies to all rented dwellings, including dwelling units, rooming houses, rooming units, mobile homes that are used as a regular residence, and rented mobile home lots outside mobile home parks. The rental code generally covers sanitation facilities (kitchen, bathroom, water supply, and wastewater disposal facilities); insect and rodent prevention; heating, ventilation, lighting and electrical systems, and structural maintenance. Currently, the state code is enforced through local health officers, though there has been some discussion about transferring these responsibilities to the Department of Public Safety. The Vermont Department of Health also administers the state’s lead paint and asbestos programs and coordinates with the Department of Public Safety on projects within designated downtowns.

**Municipal Housing Codes.** Most communities rely on state codes to regulate housing construction and maintenance, but many of Vermont’s larger urban areas and a few smaller communities have adopted municipal housing ordinances that are more extensive than the state’s. Municipalities are authorized (under 24 V.S.A Chapter 123) to adopt local housing codes that reference national codes or include local minimum standards

with respect to:

- space (floor space per occupant, size of rooms, ceiling height, cellar or basement occupancy, egress)
- lighting, ventilation, heating and refrigeration (outlets, window areas, lighting, ventilation and heating systems)
- facilities and equipment (sinks, toilets, bathtubs, showers, cooking, garbage disposal facilities)
- structural maintenance and repair (weatherproofing, rodent proofing, flooring, walls, ceilings, foundations, chimneys and flues, stairs, porches)
- safety features (fire proofing, smoke detectors, fire suppression equipment)

The regulations may also assign rights and responsibilities to owners, lessees, mortgagees, operators, and occupants regarding the maintenance and use of dwellings and allow for inspections, notices of violation, declarations that dwellings are unfit for human habitation, and, in dire cases, structural demolition.

Local housing codes are administered by an enforcing officer and housing board of review appointed by the legislative body. The housing code must provide that:

- All orders issued under the regulations are recorded in the land records and are effective against any subsequent purchaser, mortgagee, creditor, lien holder, or other persons who claim interest in the property.
- A relocation program exists for persons displaced by any action taken under the regulations.
- Orders, once complied with, are cancelled by the enforcing officer.

Local housing and public safety codes help protect the quality of the housing stock and the health and safety of residents, but they also require qualified staff with the expertise to administer and enforce technical standards.

Housing codes that include excessive space or construction standards have been used to exclude or discriminate against certain income or

population groups and are therefore subject to federal and state fair-housing requirements. Local housing codes should also be made “rehab friendly” to promote, rather than hinder, the rehabilitation of historical structures for residential use.

## Expediting the Permit Process

Even more than regulatory standards, protracted and unpredictable permitting processes are often cited as major impediments to affordable housing development. Many larger housing projects require several types of local review (subdivision, planned residential development, site plan, or conditional use review) as well as Act 250 and other state agency approvals.

Each of these review processes may involve different review panels, sometimes contentious public hearings, and the issuance of potentially conflicting decisions that can be separately appealed to court. Time is money: multiple and extended hearings, court appeals, and other delays can drive up costs and make building affordable housing difficult. Changes to Chapter 117 enacted in 2004 were intended to expedite the local development review process, particularly for affordable housing projects. Developers, however, contend that local permitting remains unpredictable and is often difficult and costly to navigate, especially if there’s vocal opposition to a project. Common complaints include:

- vague regulatory standards that are open to a variety of interpretations by applicants, review boards, and other interested parties. Unclear standards can result in unjustified denials, costly conditions, and frivolous appeals;
- lack of coordination when more than one review process or review panel is involved;
- extended public hearings that may last for months or even years; and
- volunteer boards that lack the training needed to run effective and

impartial hearings and to fairly administer regulations under adopted standards. This is especially true in smaller communities without staff.

The following are now required under the Vermont Planning and Development Act, in large part to help clarify and streamline the local permitting process:

- The timing and sequence of development review processes must be specified in the regulations, and whenever feasible, reviews must be conducted concurrently. Joint hearings are authorized if review by more than one board is required.
- Proper notice must be given for all public hearings, including publication in a paper of general circulation, postings, and individual notices to abutters, without regard to public right-of-way.
- All decisions must be issued in writing within forty-five days of the date of hearing adjournment and include findings of fact under applicable review standards.
- Interested parties must participate in the local hearing process in order to have standing to appeal a decision to the Environmental Court.

Appeals to the Environmental Court must be filed within thirty days of the date a decision is issued, and the court may consolidate or coordi-

“Ask a Vermont developer why we can’t get more affordable housing built, and the chances are very good that the answer will begin with a lament—or perhaps a rant—about the permitting process.”

Source: John Fairbanks, *Vermont Housing Finance Agency Newsletter* (May 2006).

nate individual appeals, including Act 250 appeals, that pertain to the same project.

Communities also have several other options under Chapter 117 to help expedite the local review process without sacrificing local standards:

- 1. Establish a development review board.** A development review board assumes all development review responsibilities under local land use regulations, including those traditionally assigned to the planning commission and zoning board of adjustment. This in effect provides a “one-stop shop” for local approvals, makes it easier to conduct concurrent reviews, and helps eliminate potentially conflicting decisions or conditions of approval.
- 2. Adopt integrated, unified land use regulations.** Unified regulations, as authorized under Chapter 117, must at minimum incorporate zoning and subdivision regulations. Integrated regulations can help

### Rules of Conduct for Fair Hearings

Many hearing requirements are set forth in statute, but the following suggested “rules of conduct” also can help ensure that the local review process is fair to everyone involved:

- Be prepared and do your homework; review regulations and application materials prior to the hearing.
- Make sure that all participants in the hearing process are aware of the procedures and standards used to evaluate projects; it’s important that concerned neighbors understand when, and to what extent, their concerns can or cannot be addressed under local regulations.

- Conduct public hearings as efficiently as possible; unnecessary delays in reaching decisions are not a legitimate or effective way to manage growth.
- Limit information requests, the scope of review, findings and conditions to relevant standards under the regulations.
- Understand the bigger picture. Local regulations implement the municipal plan, including the plan’s affordable housing provisions. Refer to the plan as needed to help interpret and apply the regulations.

Source: Adapted from “Rules of Conduct for a Better Process” in *Growing Smarter: Making Smart Growth Work*, Vermont Forum on Sprawl (April 2001). This also includes rules for applicants and participants.

clarify the scope and relationship of each development review process, eliminate redundant processes and criteria, and ensure that standards and definitions are consistently applied.

**3. Consolidate review processes.**

For example, site plan review criteria can be included by reference under conditional use review to eliminate the need for a separate site plan review, or a site plan or conditional use review can be considered in association with final subdivision approval.

**4. Expand administrative review.**

Planning and zoning staff can be empowered under local regulations

to serve as the preliminary—or in specified cases, the only—review body. The administrative officer (zoning administrator) is generally responsible for coordinating the local permitting process. Staff may also perform initial reviews of project applications for board consideration. Boards without staff can use standard checklists to make sure applications are complete and that all applicable review criteria are addressed. Staff can also be authorized under local regulations to grant site plan approvals and permit amendments or other approvals for projects that clearly meet standards specified in the regulations.