



**Statutory Authorization:** 24 V.S.A. §§4401, 4402, 4410, 4411–4414 / **Type:** REGULATORY

**Related Topic Areas:** Design Review; Home Occupations; Housing Regulations; Land Use & Development Regulations; Open Space & Resource Protection Regulations; Performance Standards; Planned Unit Development; Subdivision Regulations; Transfer of Development Rights

# Zoning Regulations

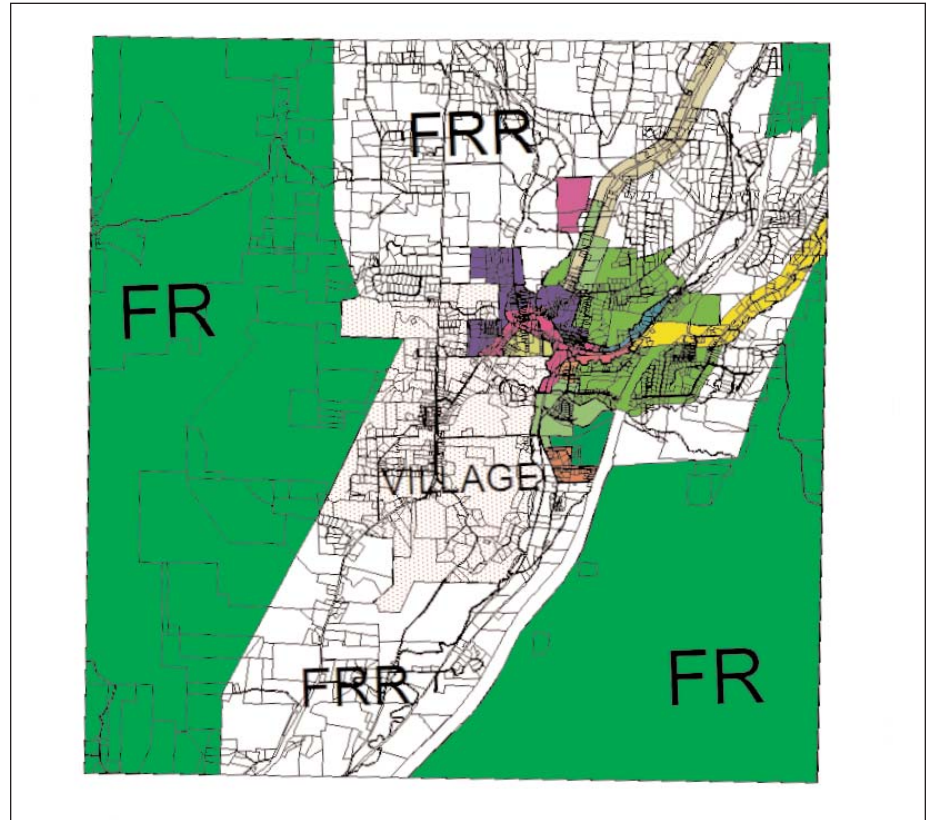
## Overview

Zoning regulations are the most common regulatory tool used by local governments throughout the country to manage land use and development. According to the most recent survey by the Vermont Department of Housing and Community Affairs, 206 municipalities, or more than 80 percent of Vermont municipalities, have adopted zoning regulations.

Zoning evolved out of urban reform movements of the early twentieth century to address overcrowding and blight and to protect existing residential and commercial neighborhoods from encroaching development. The Standard State Zoning Enabling Act—the first model legislation adopted by many states—was issued by the U.S. Department of Commerce in 1924. The constitutionality of local zoning, which involves the use of local police power to regulate and restrict property use, was first upheld by the U.S. Supreme Court in the 1926 landmark case *Village of Euclid v. Ambler Realty Company* (272 U.S. 365 [1926]).

Vermont’s first zoning statutes were enacted in 1931, though a few municipalities such as St. Johnsbury adopted earlier regulations under their municipal charters. The 1931 statutes authorized a “zoning commission” to write bylaws and create a zoning map for local adoption. Bylaws were then administered by a separate zoning board. At the time, there was no direct connection between local plans prepared by planning commissions, as authorized by the state in 1921, and local zoning.

The need to link zoning to local plans so that comprehensive plans formed the basis for local regulation



**Many zoning maps, like this one from Manchester, were first adopted decades ago under different circumstances and before good mapping data existed. Some aspects of the map still fit well with the town’s current planning goals, such as the Forest Recreation District (FR) covering the national forestland and other areas with steep and rocky terrain or the concentration of commercial activity in the dark-colored districts in and around the village. Other aspects, such as zoning boundaries that split parcels and districts defined as Farming and Rural Residential (FRR), may need to be reevaluated to provide landowners with greater clarity and to better achieve the town’s land use goals.** Map courtesy of Manchester Planning and Zoning Office.

was soon recognized under national models and related case law. However, this connection was not addressed in Vermont until 1968, under a comprehensive revision of the state’s planning and zoning statutes. The 1968 revisions resulted in the Vermont Planning and Development Act (24 V.S.A., Chapter 117), which is still in effect today. The connection between plans and bylaws was strengthened under 2004 amendments to Chapter 117 (Act 115). Local zoning regula-

tions must now conform to the municipal plan, including the plan’s land use goals and recommendations and proposed land use map.

Planning commissions are now responsible for preparing zoning regulations—and for reviewing and commenting on regulations prepared by others—for consideration by the legislative body. Under Chapter 117 provisions, zoning regulations may be adopted by the municipality as a separate bylaw or as part of a unified

development bylaw that also includes subdivision regulations.

## Application

Zoning is used to regulate the location, type, and density of development within a community through the delineation of one or more zones or zoning districts, as depicted on a zoning map. There is no “right” way to craft or organize a zoning bylaw; local regulations are as varied as the communities that adopt them. Zoning regulations usually include the following, in some form:

**Statutory Authorizations**, including adoption and effective dates, applicability and use for local regulation, and bylaw amendment and “severability” provisions that apply in the event that portions of the regulation are deemed by the courts to be invalid.

**Zoning Districts**, including lists of uses allowed within each zoning district (for example, permitted uses requiring only administrative review and conditional uses requiring additional board approval), related dimensional and density standards (for example, minimum lot size, frontage, setback, and coverage requirements), and any other standards that are specific to each district.

**General or Supplemental Regulations** that apply to all uses, as applicable. These often include standards for nonconformities, access and parking, performance, lighting, signs, and so on.

**Use Standards** that apply only to specified uses as allowed within one or more zoning districts to include, for example, standards for home-based businesses, telecommunications facilities, extraction operations, and industrial and mobile home parks.

**Development Review Procedures**, including the types of review procedures adopted for local use (for example, site plan, conditional use, local Act 250, flood hazard area, or design review) and related standards and application requirements. Regulations must specify the types and se-

quence of review to coordinate permitting activities and also the appropriate municipal panel (the planning commission, board of adjustment, or development review board) who is authorized to conduct each type of review.

**Administrative Requirements**, including municipal appointments, powers, and duties; the issuance of permits and approvals; appeals and variances; variance requirements; hearing and notice requirements; recording requirements; and violation and enforcement provisions.

**Definitions**, which should include definitions for all listed uses and for technical and legal terms. Statutory (Chapter 117) definitions, where applicable, must be used.

**Zoning Map**—typically a copy of the official zoning map(s), located in the municipal clerk’s office, that is adopted and incorporated by reference in the regulations. Boundary descriptions also may be included in the regulations or noted on or appended to the zoning map.

Information should be presented so that it’s easy to find and use. A table of contents or index is helpful.

Tables—for example, zoning district or use tables—are a useful way to highlight and summarize information. Graphics can and should be used to help illustrate terms and definitions. Often statutory requirements are incorporated by reference. This may shorten the length of the document, but it may also leave out information that’s important for local officials, applicants, and neighbors who don’t have ready access to state statutes.

## Zoning Districts

Zoning districts can include *standard districts* as delineated on the zoning map, *overlay districts* that are layered or superimposed on one or more underlying zoning districts (e.g. flood hazard area districts), and *floating zones* that are not mapped but apply only to specified uses in locations where siting and performance standards defined in the regulations can be met.

Zoning districts should correspond to the proposed land use map and related recommendations found in the comprehensive plan. District boundaries may be more specifically delin-

### Types of Zoning Districts

24 V.S.A. §4414(1)

Chapter 117 authorizes several types of zoning districts including, but not limited to, the following, some of which are addressed in more detail in related topic papers (indicated by numbers).

**Downtown, Village, New Town Center, and Growth Center Districts**, including compact, higher-density, mixed-use districts that may correspond with state-designated districts under Vermont’s Downtown and Growth Center Programs. #7, #9

**Agricultural, Rural Residential, Forest, and Recreational Districts** intended to limit development to protect rural areas, recreational uses, and a community’s working landscapes. The Vermont Supreme Court has upheld zoning regulations that prohibit residential development

in some districts (for example, upland conservation or forest reserve districts), as long as landowners are allowed some reasonable use of their land, such as logging and outdoor recreation. #19

**Airport Hazard Area Districts** to limit development in and around airports as needed for safe airport operation and to allow for airport expansion. #24

**Shoreland and Flood Hazard Area Districts** to protect water quality and riparian habitat, provide access to public waters, and limit encroachments. #10

**Historic and Design Review Districts** that protect the historical, architectural, or visual character of development within designated historic or design review districts, through the application of building renovation and design standards. #11

## What's the "Right" Lot Size?

### Questions to consider:

- Is it consistent with historic lot sizes and traditional patterns of development?
- Does it allow for desired densities of development?
- Is it large enough to accommodate on-site parking, water, and/or wastewater systems where needed?
- Will it result in the creation of a large number of nonconforming parcels?
- Will it result in the unnecessary fragmentation of large tracts of land?
- Is it large enough to allow for functional use, such as farming and forestry operations?
- Are there other, better ways to define density or achieve other goals than to use a minimum lot size?

ated—for example, using lot lines; setbacks from roads, rivers, and streams; and other features that are easily identified on the ground. Some districts, including overlay districts, may be delineated based on the location of natural features, such as elevation contours, designated floodplains and wetlands, or primary agricultural soils. The zoning map is normally amended through the bylaw amendment process—requested changes should be submitted to the planning commission for review. Some district boundaries, if incorporated by reference—such as flood hazard area boundaries delineated under the National Flood Insurance Program—may change as updated versions are released.

Zoning regulations often include different types of commercial, residential, and industrial districts that vary in the types or densities of development allowed. For example, many regulations include high-, moderate-, and low-density residential districts, which correspond with the availability of supporting water, wastewater, or other infrastructure.

Each zoning district should include a *purpose statement* that incorporates municipal plan objectives for the district and supports allowed uses and related district standards. The purpose statement is considered in the review of development—for example to determine a project's compatibility with the existing or planned "character of the area" as defined in the zoning regulations and the municipal plan. The purpose statement demonstrates what the intended character of the area is, which may differ from its existing character. As such, the purpose statement is especially relevant to the review panel and to those who are potentially affected by development and seek interested-party status in local hearings.

## Uses

Uses, commonly listed by zoning district, define the types of development allowed within a particular district. Listed uses typically include a mix of compatible, mutually supportive uses, which may be quite extensive in mixed-use districts. A few districts, however, as noted above, may severely restrict allowed uses to avoid hazards, conserve natural resources, or to accommodate resource-based industries such as agriculture and forestry. It's important to make sure that more restrictive zoning districts are not so overly restrictive that they unnecessarily preclude or prohibit reasonable use of the land, nor require such large lots that they could be considered intentionally exclusionary.

Many local regulations define general categories of use, rather than specific use types. For example, "commercial use" is a commonly listed use in rural zoning regulations, which allows for many types of retail, office, restaurant, service, or other revenue-generating enterprises. Defining general categories of use may be appropriate where flexibility is desired, but more specificity may be needed to clearly differentiate between the types of uses allowed in more complex or restrictive zoning districts. In either

case, all uses listed should be clearly defined in the regulations.

Uses are typically further defined as *permitted uses*, or uses by right, that require only review by the zoning administrator (though site plan review may also be required) and *conditional uses* that require review and approval by an appropriate municipal panel (typically the board of adjustment or development review board) prior to the issuance of a permit. Chapter 117, under a *de minimus provision* (§4446), now also authorizes municipalities to exempt from local regulation certain structures or uses that are determined to have minimal or no impact, such as home offices, occasional yard sales, dog or tree houses, and other small accessory structures.

As noted above, additional standards that are specific to certain types of use may also be included in the regulations. For example, zoning may include standards for home-based businesses, telecommunications facilities, extraction and quarrying operations, and mixed-use development. Some use standards may be applied under administrative review, but are generally considered by local boards under site plan or conditional use review (see below).

## Standards

**Dimensional Standards.** Traditional zoning districts typically include dimensional standards that apply district-wide or to particular types of use that are allowed within the district. Common dimensional standards are listed in the accompanying figure. Many of these standards, which are presented as minimums, can also be defined as maximums (and vice versa) to include, for example, maximum setbacks or minimum building heights.

*Don't borrow zoning standards from neighboring communities without some scrutiny; they may not be a good fit!* Some design considerations are inherent in even the most basic zoning standards, including minimum lot size and setback requirements. Many existing



## Common Dimensional and Density Standards

**Minimum Lot Size.** A basic density control based on lot area.

**Maximum Use Density.** A density standard based on the type of use (for example, specifying the maximum number of dwelling units allowed per acre).

**Minimum Frontage.** A linear density control based on road (river or shoreland) frontage used to separate uses and manage access.

**Minimum Front, Side, and Rear Setbacks.** As measured from road right-of-way and property lines, to require separation between structures, travel ways, and adjoining uses for

access management and fire protection, or to limit impacts or intrusions on adjoining properties. In the absence of other standards, setbacks define the area—the building or development “envelope”—in which structures may be located on a lot.

**Maximum Height.** Used to cap the height of structures within a zoning district (for example, 35 feet is almost a universal standard for residential districts, but is likely too low for both historic and modern commercial districts). Height requirements may also vary by type of structure, such as for principal and accessory structures, telecommunications towers, church steeples, and so on.

**Maximum Building or Lot Coverage.** Defined as the ratio (or percent) of total building footprint or impervious surface area to total lot area. Coverage requirements are used to control the density of development on a lot, in relation to the amount of undeveloped yard or open space area. Lot coverage is mainly useful for managing stormwater retention and runoff on-site.

**Maximum Floor Area Ratio.** Another type of density standard, more commonly used in urban or densely developed districts that is defined as the ratio of the total or gross floor area of a building (which may be quite high for multistory buildings) to the total land area of a lot.

zoning regulations don't reflect historical patterns of development, resulting in too many nonconforming parcels and incompatible infill or redevelopment. A review of existing, as built, dimensions is especially important in developed areas such as historic villages and downtowns where the intent is to preserve the character of the built environment. In urban and village settings, it's best to take measurements of actual development—existing or desired—before drafting dimensional standards.

Likewise, in rural areas where lower densities or larger lot sizes are being considered, it's helpful to look at existing patterns of land subdivision using the community's parcel or tax

maps. These can be used to evaluate proposed lot size and density requirements and the potential impacts that zoning or rezoning may have on individual landowners.

**Other District Standards.** These often include performance or construction standards that are specific to a particular zoning district. For example, a flood hazard district, under federal and state requirements, must include construction and flood proofing standards for new or substantially improved structures within the district. A conservation or resource district may include siting or design standards that limit the environmental and visual impacts of development on district resources within the district.

District standards may apply to all uses within the district or only to uses that require site plan or conditional use review.

**General or Supplemental Standards.** These types of standards usually apply to any development regardless of the district in which it is located; though such standards can also vary by district. General standards often include, but may not be limited to:

- *Access and frontage requirements*, including access management and design standards, and statutory requirements for allowing access to lots lacking frontage on public roads or public waters.
- *Parking requirements* that specify the

## How Dense Is “Dense”?

There are many measures of density, but how density is defined locally is highly subjective and varies in relation to context. In many rural communities, a minimum lot size of one acre (or a maximum residential density of one unit per acre)—typically linked to on-site water and sewer systems—is considered a small lot. In most parts of the country, however, including Vermont's urban and village centers, a one-acre lot is a pretty big lot. Historic village densities generally start at four to five units per acre. Anything less than three to four units per acre is often

associated with suburban sprawl. Higher densities of development also are generally required to support affordable housing development.

In agricultural districts, an agricultural lot should be large enough to support viable agricultural use (for example, twenty-five or more acres); in Vermont, this is often tied to eligibility for enrollment in the state's current use tax abatement program acres. Twenty-five acre residential lots, however, could result in the unnecessary fragmentation of agricultural land. In this case, if residential uses are allowed at all, it may be more appropriate to differ-

entiate between residential densities (one unit per twenty-five acres) and residential lot sizes (minimum or maximum of one acre). (For more information, see topic paper, Open Space & Resource Protection Regulations.)

Again, it's important to measure, evaluate, and consider plan recommendations and potential impacts. Build-out analyses that consider a number of density factors and site limitations are especially useful in evaluating and quantifying density. Visual surveys and design exercises are also useful in identifying related design considerations and visual impacts.

minimum (or maximum) number of off-street parking spaces required by use type and standards for parking lot layout and design.

- *Sign requirements* that regulate the number, type, size, lighting, and materials of exterior signs allowed by use type or zoning district.
- *Performance or protection standards*, which are intended to minimize the impacts of potential nuisances on neighboring properties and uses (for example, noise, glare, or emissions standards) or potential adverse impacts to resources identified in the municipal plan (for example, stream setback and buffer requirements).

Many of these standards, such as parking, sign, nuisance, water and wastewater system, and access standards, may be adopted by a municipality under separate ordinances. Where this is the case, applicable ordinances should be referenced under the zoning regulations.

## Development Review

The review of development under local zoning generally includes one or more of the following types of review procedures, as enabled under Chapter 117 and specified under local regulations:

**Administrative Review** by the administrative officer (zoning administrator) in association with the issuance of zoning permits for permitted uses. This is intended to ensure that a proposed development meets basic regulatory standards, including lot size and setback requirements. Recent amendments to Chapter 117 now allow for expanded administrative review, as specified in the regulations. For example, some communities allow the zoning administrator to conduct site plan reviews or to approve amendments to development that has been approved by their zoning or development review board, as long as the amendments are consistent with board findings and conditions of approval.

**Site Plan Review** by the appropriate municipal panel (usually the planning commission or development review board), which evaluates site layout and design, traffic and pedestrian circulation, landscaping and screening, and other site factors included in the regulations. Under Chapter 117, site plan review may be required for all uses, including permitted uses, with the exception of single- and two-family dwellings and other types of development that, by statute, are exempted from site plan review.

**Conditional Use Review** by an appropriate municipal panel (typically the board of adjustment or development review board) to evaluate the impacts of proposed development on the capacity of existing and planned community facilities, the character of the area affected, traffic, the use of renewable energy resources, regulations currently in effect, and other criteria specified in the regulations. Conditional use review can also incorporate site plan review criteria to reduce the number of hearings and decisions required and the potential for appeal and to eliminate potentially conflicting findings and conditions of approval. Conditional use standards may also include state Act 250 criteria for local application.

**Design Review** by an appropriate municipal panel (usually the board of adjustment or development review board) to regulate the design of structures within designated historic or design review districts. Often the board will rely on the recommendations of a local historic commission or design review committee, which, if authorized under the regulations, may serve in an advisory capacity to the board, applicants and other interested parties. (See topic paper, Design Review.)

**Local Act 250 Review** by the development review board to evaluate Act 250 applications for conformance with the municipal plan and potential impacts to the municipal and educational facilities. In order to conduct local Act 250 reviews, a municipality

### “On the Record” Review

V.S.A. §4471(c)

Local zoning regulations may specify that certain types of development or development review proceedings shall be heard “on the record.” This requires that the municipality adopt the Municipal Administrative Procedures Act (MAPA—24 V.S.A Chapter 36) for use in these proceedings to establish an adequate hearing record at the local level. In the event of an appeal to the Environmental Court, the local record—including related board findings and determinations—can be considered in the court’s review of the case.

must adopt both zoning and subdivision regulations that reference Act 250 definitions, and the Municipal Administrative Procedures Act (MAPA) governing board hearings. Findings of the board cannot be appealed, but become rebuttable presumptions in related state regulatory proceedings.

**Planned Unit Development (PUD).** PUD regulations are separately enabled under Chapter 117 (§4417), but are typically included under local zoning or unified development regulations, and applied in association with subdivision or conditional use review. PUD provisions allow the review board (usually the planning commission or development review board) to modify or waive zoning requirements that would otherwise apply to a particular development in order to achieve municipal plan objectives—for example to promote higher density mixed use development, provide affordable housing, or to protect open space (see topic paper on Planned Unit Development).

Development review procedures for each of these types of review are governed by Chapter 117 requirements that apply to all municipal land use regulations. Local zoning regulations should incorporate or reference statutory requirements for public notices, hearings, the issuance and

## Site Plan or Conditional Use Review?

	<b>Site Plan Review</b> 24 V.S.A., §4416	<b>Conditional Use Review</b> 24 V.S.A., §4414(3)
<b>Local Options</b>	<ul style="list-style-type: none"> <li>• May be adopted as a separate bylaw (new in 2004)</li> <li>• May be adopted as a separate development review process in zoning (traditional), or</li> <li>• May be incorporated under conditional use review (now specifically authorized).</li> </ul>	<ul style="list-style-type: none"> <li>• Must be adopted as a separate development review process zoning</li> <li>• May incorporate site plan review criteria</li> <li>• May include one or more Act 250 criteria</li> </ul>
<b>Application</b>	<b>Regulates internal site layout and design</b> , including site access and circulation, parking, landscaping and screening, exterior lighting, signs, and other site factors specified in the regulations.	<b>Regulates the external impacts of development</b> on neighboring properties, the character of the area and neighboring properties, community facilities, traffic, roads, renewable energy resources, etc., as specified in statute and local regulations.
	May apply to all but single- and two-family dwellings, including permitted (administratively approved) and/or conditional uses.	Applies only to uses identified as conditional uses within the bylaw.
	Site plan review criteria may be incorporated under conditional use review to avoid duplicative, potentially redundant development reviews, and the need for two separate applications, notices, hearings and decisions.	
<b>Administration</b>	Administered by an appropriate municipal panel as specified in the regulations, usually the planning commission or the development review board. Some regulations also authorize administrative site plan review by the zoning administrator.	Administered by an appropriate municipal panel as specified in the regulations, usually the zoning board or development review board.
	Requires a public hearing, but with more limited public notice (e.g., 7 days).	Requires a warned public hearing with full public notice.
	Hearings may be held concurrently with site plan review hearings, as long as all requirements for each are met.	
	Decisions must be issued within 45 days from the date of hearing adjournment	
Decisions may be appealed by interested persons who participated in the local hearing to the Vermont Environmental Court.		

recording of decisions, appeals and enforcement. When more than one review process applies to a particular development, the timing and sequence of review must be specified in the regulations. Since similar public notice and hearing requirements apply to most types of development review, review processes often can be conducted concurrently. Chapter 117 also allows site plan review criteria to be incorporated under conditional use review—thereby eliminating the need for two hearings and the issuance of two decisions that could be separately appealed to court.

Decisions of the zoning administrator must be issued within 30 days, and may be appealed to the zoning board of adjustment or development review board within 15 days of the date the decision is issued. The appeal may be accompanied by a request for a variance from the dimensional requirements of the regulations. Decisions of a municipal review panel—the planning commission, board of adjustment or development review board—must be issued within 45 days of the date of final hearing adjournment, may be appealed to the Vermont Environmental Court within 30 days of the decision date.

## Variances

24 V.S.A., §4469(a)

State law allows variances to be granted only if all of the following five conditions are met:

- there are unique physical circumstances or conditions;
- because of these physical circumstances, the property cannot be developed in strict conformance with the bylaws;
- unnecessary hardship has not been created by the applicant;
- the variance will not alter the essential character of the neighborhood; and
- the variance represents the minimum alteration that will grant the relief requested.

## Considerations

**Exclusionary and Spot Zoning.** Zoning, as discussed above, is typically used to regulate the location, type, and density of development through the delineation of one or more “zones” or zoning districts. Initially used to separate incompatible uses—for example, to exclude residential uses from industrial districts—zoning evolved over time to more generally require the separation of uses (and sometimes populations) into single-use residential, commercial, and industrial zoning districts. In some cases this is justified, as noted, to separate physically incompatible uses. Broad-based land use segregation, however, prohibits historic forms of mixed-use development and, in the extreme, results in discriminatory or exclusionary zoning practices. Single-use districts also often result in *over-zoning* or zoning more land than needed for a particular use, such as an overly large industrial zone, and *spot zoning* or rezoning individual parcels within a district, such as allowing commercial development on a lot in a residential neighborhood. Exclusionary and spot zoning are illegal if used to either discriminate against or benefit particular groups or individuals beyond any clearly established public purpose.

**Statutory Restrictions and Limitations.** Chapter 117 is broadly enabling when it comes to the content of zoning regulations (§4414); but it also includes some required provisions, as well as limitations on the local regulation of certain kinds of development (§§4412, 4413)—in large part to avoid exclusionary zoning practices. These include:

- “*Equal treatment of housing*” requirements that prohibit the complete exclusion of mobile and modular homes, mobile home parks, multi-family, and accessory dwellings and group homes from the municipality.
- *Protections for home occupations* and home child-care facilities.

## Waivers

24 V.S.A., §4414

Chapter 117 authorizes the use of “waivers” under zoning to grant reductions in applicable dimensional requirements. These may be applied, in lieu of variance criteria, under standards and review procedures specified in the regulations.

- *Protections for nonconforming lots, structures and uses.*
- *Limitations on the local regulation of public facilities*, including state and community-owned facilities, public and private schools, churches and other places of worship, public and private hospitals, and regional solid and hazardous waste management facilities.
- *Prohibitions on the local regulation of accepted agricultural and forestry management practices* (including farm structures) as defined by the state.
- *Prohibitions on the local regulation of power generation and transmission facilities* regulated by the Vermont Public Service Board.

**Regulatory Takings.** Zoning regulations are often controversial in that they affect property uses and values. In a very few cases zoning may result in a regulatory “taking” of property if, under the regulation, a property owner retains no economically viable use of the property. Takings law under federal and state constitutional protections is complex, but regulatory takings that require landowner compensation are extremely rare and case specific.

When a zoning bylaw is adopted or amended existing uses—including nonconforming lots, uses and structures—are grandfathered to the extent that there are no changes or modifications. Municipalities are allowed to restrict modifications or expansions of nonconformities (§4412).

The variance provisions of Chapter 117 (§4469) also allow municipalities to address potential takings



## More Information

To learn more about the required and optional provisions of zoning bylaws, see the *Chapter 117 Bulletins and Essentials of Land Use Planning and Regulation*, available at [www.vpic.info](http://www.vpic.info), or contact your regional planning commission for copies.

See topic paper #16, *Land Use & Development Regulations*, for information on bylaw adoption and administration.

by granting a variance of the regulation's dimensional requirements based on the physical circumstances of a particular site. Variances essentially authorize the bending or breaking of local laws. As such, statutory variance criteria are designed to be very difficult to meet.

**Summary.** The planning commission—or anyone else involved in drafting zoning regulations—needs to consider:

- *Municipal plan policies and recommendations.* The regulations must conform to the municipal plan.

- *The application and potential interpretation of regulatory standards*, including the use of words and punctuation and the meanings they convey.
- *The potential effect of proposed regulations on individual parcels and property owners*, such as the potential creation of nonconformities or undevelopable lots.
- *Related legal standards and requirements*, including federal and state limitations on the local regulation of development. This requires some familiarity with Chapter 117 and related case law.
- *The types of resources needed to administer proposed regulations.* More complicated review processes and technical standards may require additional staff support, equipment, and technical or legal assistance to administer and enforce.

There are many examples of local zoning regulations available online for use as references in preparing your zoning bylaw. Access to municipal websites and local bylaws can be found through [www.vpic.info](http://www.vpic.info), or contact your regional planning commission for assistance.

## Alternative Zoning Models

Most traditional zoning emphasizes uses allowed within each zoning district, however alternative forms of “flexible” zoning have been developed that emphasize potential impacts or district design rather than use. These include *performance* and *form-based* zoning models.

**Performance Zoning**, in its purest form, does not specify allowed uses, but evaluates proposed uses based on the density or intensity of development, and associated impacts. Performance zoning includes an extensive list, by district, of performance or technical criteria that are used to evaluate and regulate the density and intensity of development, site design, and related environmental, fiscal, transportation, and public facility impacts.

**Form-based Zoning**, developed and promoted by urban designers and

architects, emphasizes form over function. District standards regulate the physical aspects of development and include related design standards for structures, streets, parks, and other public and private space. Design standards are typically described and presented graphically.

These types of zoning offer flexibility in that they allow for a variety of potential uses. They generally require a fairly high degree of technical skill and knowledge to develop and administer. In reality, most zoning regulations are hybrids that incorporate aspects of these models along with more traditional provisions—including use tables and dimensional standards; performance standards that may apply to all development within particular districts or to specified uses; and design standards that regulate building design, for example within designated historic or design districts.