

Rutland Town Subdivision Bylaws Report

Brief Explanation

This repeal and replacement of the Rutland Town Subdivision Ordinance (last amended on May 24, 1999) propose new bylaws to govern subdivisions in Rutland Town in conformance with 24 VSA §4441. The new Rutland Town Subdivision Bylaws clarify the definitions of minor and major subdivisions; include a more detailed definition and review process for boundary line adjustments; and, for the first time, require a Certificate of Subdivision Compliance for both minor and major subdivisions with infrastructure improvements (such as to roads, utilities or drainage) and may require a Performance Bond to ensure the project is completed as proposed.

The replacement bylaws also conform with and further the goals of the Rutland Town Municipal Plan (adopted October 15, 2019) and is compatible with the proposed future land uses and densities of said municipal plan.

A map (or description) of the geographic areas affected is included, as is a table of contents (or list of section headings) and a description of a place in the municipality where the full text may be examined.

Statement of Purpose

This repeal and replacement of the Rutland Town Subdivision Ordinance (last amended on May 24, 1999) propose new bylaws to govern subdivisions in Rutland Town in conformance with 24 VSA §4441. The new Rutland Town Subdivision Bylaws clarify the definitions of minor and major subdivisions; include more a detailed definition and review process for boundary line adjustments; and, for the first time, require a Certificate of Subdivision Compliance for both minor and major subdivisions with infrastructure improvements (such as to roads, utilities or drainage) and may require a Performance Bond to ensure the project is completed as proposed.

The replacement bylaws are also compatible with and further the goals of the Rutland Town Municipal Plan (adopted October 15, 2019), including the effect of the proposal on the availability of safe and affordable housing, and §§§4412, 4413, and 4414 of this title.

Pursuant to 24 VSA §4412, the bylaws and the municipal plan require equal treatment of housing and required provisions for affordable housing; recognize existing small lots; specify land development regarding required frontage on, or access to, public roads, class 4 town highways, or public waters; protects home occupations; recognize small childcare homes or facilities; do not regulate heights of renewable energy resource structures; address nonconformities; address communications antennae and facilities; allow for no impact or de minimus telecommunications impacts; do not require permitting for planting projects in flood hazard or similar areas; do not prohibit accessory on-farm businesses; do not establish lot and building dimensional standards in any area served by municipal sewer and water infrastructure that allows residential development; permit affordable housing development in any area served

by municipal sewer and water infrastructure that allows residential development; do not have the effect of prohibiting unrelated occupants from residing in the same dwelling unit.

Pursuant to 24 VSA §4413, the bylaws and municipal plan adhere to the limitations on municipal bylaws; regulate land uses for compliance with the National Flood Insurance Program and with municipal ordinances regulating development in a flood hazard area; do not regulate electric generation facilities, energy storage facilities, transmission facilities, required agricultural practices, or accepted silvicultural practices; allow for reasonable conditions to protect wildlife habitat, threatened or endangered species, or other natural, historic, or scenic resources; do not regulate the installation, operation, and maintenance of flat roof solar energy devices; do not prohibit the installation of solar collectors and; does not regulate communications facilities except to comply with the National Flood Insurance Program.

Pursuant to 24 VSA §4414, the bylaws and municipal plan do not regulate zoning districts, overlay districts, or include conditional uses, parking and loading facilities; do not specify performance standards, other than requiring a Certificate of Subdivision Compliance for both minor and major subdivisions with infrastructure improvements (such as to roads, utilities or drainage) and possibly require a Performance Bond to ensure the project is completed as proposed; encourage access to renewable energy resources; do not require inclusionary zoning; does allow for waivers; do not require stormwater management and control; do not regulate time-share projects; do not regulate archaeological resources; do not regulate wireless telecommunications facilities and ancillary improvements; prohibit the initiation of construction until and unless there is a State of Vermont wastewater and potable water supply permit; do not encourage green development incentives and; do not require solar plants and screening.

The Rutland Town Subdivision Bylaws are compatible with the proposed future land uses and densities of said municipal plan. The bylaws also carry out, as applicable, any specific proposals for any planned community facilities in the municipal plan.