



# 10-Acre Municipality Checklist

## Act 250

### Purpose

This document provides information to municipal officials when preparing requests to the Land Use Review Board (“Board”) to modify its [List of 1-Acre and 10-Acre Municipalities](#). In the event of a conflict between the information on this checklist and any statute or rule, the statute or rule shall control.

### 1. Municipal Plan Requirements

- The municipality has a duly adopted municipal plan. [24 V.S.A. §§ 4410 and 4441\(a\)](#).

### 2. Zoning Bylaw Requirements

#### Consistency with the municipal plan. [24 V.S.A. § 4411](#).

- The bylaws are consistent with the municipal plan.
- If the bylaws are an amendment to the municipality’s existing bylaws, the planning commission has prepared and approved the written report required by [24 V.S.A. § 4441](#).
- The bylaws apply to all land except for exemptions governed by specific standards. [24 V.S.A. § 4411\(b\)](#).

#### Affordable housing and housing for protected classes. [24 V.S.A. § 4412\(1\)\(A\)](#).

- The bylaws don’t contain any provisions that exclude housing that meets the needs of the population as determined in the housing element of its municipal plan as required under [24 V.S.A. §4382\(a\)\(10\)](#) or discriminate in the permitting of housing as specified in [9 V.S.A. § 4503](#).

#### Mobile homes, modular housing, and prefabricated housing. [24 V.S.A. § 4412\(1\)\(B\)](#).

- The bylaws under review don’t contain any provisions that exclude mobile homes, modular housing, or prefabricated housing from the municipality, except upon the same terms and conditions as conventional housing is excluded.

#### Mobile home parks. [24 V.S.A. § 4412\(1\)\(C\)](#).

- The bylaws under review don’t contain any provisions that exclude mobile home parks from the municipality.

#### Multiunit and multifamily dwellings. [24 V.S.A. § 4412\(1\)\(D\)](#).

- The bylaws under review don’t contain any provisions that exclude multiunit or



multifamily dwellings from the municipality.

**Accessory dwelling units. [24 V.S.A. § 4412\(1\)\(E\)](#).**

- The bylaws don't exclude as a permitted use one accessory dwelling unit that is located within or appurtenant to a single-family dwelling on an owner-occupied lot.

**Single-family residential use group homes for persons with disabilities or recovery residences for 8 persons or less. [24 V.S.A. § 4412\(1\)\(G\)](#).**

- The bylaws consider a residential care home or group home to be operated under State licensing or registration, serving not more than eight persons who have a disability as defined in [9 V.S.A. § 4501](#), or a recovery residence serving not more than eight persons, a permitted single-family residential use of property.

**Existing small lots. [24 V.S.A. § 4412\(2\)](#).**

- The bylaws allow any lot that is legally subdivided, is in individual and separate and nonaffiliated ownership from surrounding properties, and is in existence on the date of enactment of any bylaw, including an interim bylaw, to be developed for the purposes permitted in the district in which it is located, even though the small lot no longer conforms to minimum lot size requirements of the new bylaw or interim bylaw.

**Home occupations. [24 V.S.A. § 4412\(4\)](#).**

- The bylaws do not infringe upon the right of any resident to use a minor portion of a dwelling unit for an occupation that is customary in residential areas and that does not have an undue adverse effect upon the character of the residential area in which the dwelling is located.

**Single-family residential use in-home childcare facilities with less than 6 children. [24 V.S.A. § 4412\(5\)](#).**

- The bylaws consider a family childcare home serving six or fewer children to constitute a permitted single-family residential use of property. A family childcare home serving no more than six full-time children and four part-time children, as defined in 33 V.S.A. § 3511(7), is considered to constitute a permitted use of property but may require site plan approval based on local zoning requirements.

**If wind turbines less than 20 feet in diameter or rooftop solar less than 10 feet high on a sloped roof are regulated, specific standards for regulation are included in the bylaws. [24 V.S.A. § 4412\(6\)](#).**

- The bylaws do not regulate the height of wind turbines with blades less than 20 feet in diameter, or rooftop solar collectors less than 10 feet high on sloped roofs, mounted on complying structures; or alternatively, the bylaws provide specific standards for regulation.

**Nonconformities. [24 V.S.A. § 4412\(7\)](#).**

- The bylaws address nonconforming uses, nonconforming structures, and nonconforming lots. [24 V.S.A. § 4412\(7\)](#).

**Communications antennae and facilities.** [24 V.S.A. § 4412\(8\)](#).

- The bylaws don't regulate telecommunications antennae with faces less than 15 square feet in area that do not extend more than 12 feet above the roofline, or antennae less than 20 feet in height if used for commercial, industrial, institutional, nonprofit, or public purposes and located within the boundaries of a downhill ski area.

**Telecommunications towers.** [24 V.S.A. §§ 4412\(8\) and 4414\(12\)](#).

- The bylaws don't impermissibly regulate telecommunications towers that the Public Utility Commission has asserted jurisdiction over.

**Power generating and transmission facilities.** [24 V.S.A. § 4413\(b\)](#).

- The bylaws don't regulate power generating and transmission facilities that the Public Utility Commission has jurisdiction over.

**Floodplain or related flood hazard area or river corridor vegetation planting projects** [24 V.S.A. § 4412\(10\)](#).

- The bylaws don't require a permit for a floodplain or related flood hazard area or river corridor vegetation planting project considered to have a permit by operation of [24 V.S.A. § 4424\(c\)](#).

**Accessory on-farm businesses.** [24 V.S.A. § 4412\(11\)](#).

- The bylaws don't prohibit accessory on-farm businesses

**Government buildings, schools, churches, hospitals, solid waste facilities, and hazardous waste facilities.** [24 V.S.A. § 4413\(a\)](#).

- The bylaws don't impermissibly regulate government buildings, schools, churches, hospitals, solid waste facilities, or hazardous waste facilities.

**Required agricultural practices, accepted silvicultural practices, forestry operations, and farm structures.** [24 V.S.A. § 4413\(d\)](#).

- The bylaws don't impermissibly regulate required agricultural practices, accepted silvicultural practices, forestry operations, or farm structures.

**Hunting, fishing, trapping, or traps and firearms.** [24 V.S.A. § 4413\(e\)](#).

- The bylaws don't impermissibly regulate hunting, fishing, trapping, or traps and firearms.

**Solar panels, clotheslines, and other energy saving resources.** [24 V.S.A. § 4413\(g\)](#).

- The bylaws don't regulate solar panels on flat roofs or prohibit solar panels on other roofs, or prohibit clotheslines or other energy saving resources.

**Structures with a footprint of less than 300 square feet that are less than 10 feet high. [24 V.S.A. § 4413\(h\)](#).**

- The bylaws don't impermissibly regulate structures that have a footprint of less than 300 square feet that are less than 10 feet high.

**Electrical distribution or communications cables or wires on existing poles or replacement poles less than 10 feet in height. [24 V.S.A. § 4413\(h\)](#).**

- The bylaws don't impermissibly regulate electrical distribution or communications cables or wires on existing poles or replacement poles less than 10 feet in height.

**Airport hazard area. [24 V.S.A. § 4414\(1\)\(C\)](#).**

- If there is an airport hazard area, the bylaws comply with VTTrans airport zoning guidelines.

**Design review district. [24 V.S.A. § 4414\(1\)\(E\)](#).**

- If the municipality has a design review district, the bylaws comply with the process for establishing a design review district.
- If the municipality has a design review district, the planning commission prepared the report required by [24 V.S.A. § 4414\(1\)\(E\)](#).

**Historic districts and landmarks. [24 V.S.A. § 4414\(1\)\(F\)](#).**

- If the municipality has a historic district, the historic district complies with [24 V.S.A. § 4414\(1\)\(F\)](#).

**Conditional uses. [24 V.S.A. § 4414\(3\)](#).**

- If the municipality has conditional uses, the bylaws comply with [24 V.S.A. § 4414\(3\)](#).

**Inclusionary zoning. [24 V.S.A. § 4414\(7\)](#).**

- If the bylaws provide for affordable housing, they include incentives that contribute to the economic feasibility of providing affordable housing and ensure that affordable housing will continue to be available once built.

**Planned unit developments. [24 V.S.A. § 4417\(c\)](#).**

- If there are planned unit development regulations, they include a statement of purpose, describe the development review process including any conditional use and subdivision review, contain application specifications, contain standards of review, include standards for required public improvements, address phased development, and address the

sequencing of other permitting processes.

**Administrative review. [24 V.S.A. § 4464\(c\)](#).**

- If the bylaws allow administrative review, they include standards for what is reviewed administratively.

**Flood hazard area and river corridors. [24 V.S.A. § 4424\(a\)\(2\)\(D\)](#).**

- The Flood hazard area and river corridor bylaws require that the application be served on ANR and that 30 days elapse before a permit is issued.

**Preparation and adoption of bylaws and related regulatory tools. [24 V.S.A. §§ 4441-42 and 4444](#). and [24 V.S.A. §§ 4447 and 4474](#).**

- The municipality followed the procedures in [24 V.S.A. §§ 4441-42 and 4444](#) in preparation of its bylaws, and can provide a clerk's certificate as presumptive evidence that these procedures were followed. [24 V.S.A. §§ 4447 and 4474](#).

**3. Municipal Subdivision Bylaw Requirements:**

- The bylaws require that lots either have frontage on, or access to, public roads, class 4 town highways, or public waters, or have a permanent easement or right of way at least 20 feet wide providing access to such a road or waters. [24 V.S.A. § 4412\(3\)](#).
- The bylaws contain procedures and requirements for the design, submission, and processing of plats, any drawing and plans, and any other documentation required for review of subdivisions. [24 V.S.A. § 4418\(1\)\(A\)](#).
- The bylaws contain standards for the design and layout of streets, sidewalks, curbs, gutters, streetlights, fire hydrants, landscaping, water, sewage and stormwater management facilities, and utilities. [24 V.S.A. § 4418\(1\)\(B\)](#).
- The bylaws contain standards for the configuration of parcel boundaries and the location of associated improvements necessary to implement the municipal plan and achieve the desired settlement pattern for the neighborhood, area, or district in which the subdivision is located. [24 V.S.A. § 4418\(1\)\(C\)](#).
- The bylaws contain standards for the protection of natural resources, cultural features, and open space. [24 V.S.A. § 4418\(1\)\(D\)](#).

**4. Municipal Zoning and Subdivision Bylaw Requirements**

**Transfer of development rights. [24 V.S.A. § 4423](#).**

- If the bylaws allow the transfer of development rights, the bylaws comply with the special requirements of [24 V.S.A. § 4423](#).