

Halifax Planning Commission Report on Proposed Repeal of Zoning Bylaws

The Halifax Planning Commission has received a petition “to repeal zoning regulations in the town of Halifax, Vermont.” Section 4441 of the Vermont Municipal and Regional Planning and Development Act Title 24 VSA Chapter 117 requires that the Commission prepare a report that includes findings of how the proposal (1)(a) Conforms with or furthers the goals and policies contained in the municipal plan, (b) including the effect of the proposal on the availability of safe and affordable housing; (2) Is compatible with the proposed future land uses and densities of the municipal plan; and (3) Carries out, as applicable, any specific proposals for any planned community facilities. The following are the Commission’s findings:

(1)(a) Repealing the Zoning Bylaws would not conform with or further the goals and policies of the Halifax Town Plan. The Zoning Bylaws provide a means to ensure that the location, type, and density of development are consistent with the districts described in the Town Plan. The Zoning Bylaws provide Halifax with a mechanism to ensure that more specific aspects of land use are consistent with sound planning practice, providing for orderly physical and economic growth to further the goals of the Town Plan. Without Zoning Bylaws, the exercise of one person’s property rights without bounds or rules could subsequently diminish the privacy and property value of others. Zoning Bylaws require notification of abutters and others in the community, providing all involved with an open and public process to address both concurrence and concern associated with proposed development. Zoning Bylaws give the Halifax community a framework to have public discussion about proposed development and to apply standards that the voters have agreed upon by adopting the Town Plan.

For example, goal 14 on page 5 in the Town Plan Statement of Goals, states, “To ensure that any land development proceeds in an orderly fashion”. Without Zoning Bylaws there would be no mechanism available to ensure that development proceeds in an orderly fashion.

As an example of how the repeal of the Zoning Bylaws does not conform with the goals and policies of the Halifax Town Plan, the repeal of the Zoning Regulation would stop the applications for Town of Halifax planning permits. Without these planning permit applications, the Town of Halifax Zoning Administrator will not be informed about new construction in an orderly fashion. As a consequence of not having planning permits, the Listers would not have a systematic approach to knowing about new construction projects. Without this systematic approach to new construction projects, the Listers would not be informed about new building projects. They would have to hunt out these projects. Having to hunt out projects will require more time, more cost to the Town for Listers time and probably result in less property tax revenues for the Town of Halifax.

(1)(b) It is unlikely that repealing the Bylaws would ensure availability of safe and affordable housing.

2) Repealing the Bylaws would not be compatible with future land uses and densities provided in the Town Plan because, without zoning, there would be no standards by which to implement compliance with the Plan. Also, repeal of the Zoning Bylaws would end Halifax’s eligibility for the National Flood Insurance Program and qualification for state matching for the Emergency Relief and Assistance Fund.

(3) Given that Halifax presently does not have proposals for planned community facilities, repeal of the Zoning Bylaws would not have an immediate effect on such facilities.

Recommendation of the Planning Commission: The Planning Commission does not recommend that Halifax’s Zoning Bylaws be repealed. Zoning Bylaws are not immutable. Voters can amend Zoning Bylaws to accommodate changes in state law and the needs of the town. Repealing the Zoning Bylaws altogether would sever the mechanism that allows Halifax to openly and fairly comply with the Town Plan.