

1 H.604

2 Introduced by Representatives Koch of Barre Town and McFaun of Barre

3 Town

4 Referred to Committee on

5 Date:

6 Subject: Land use; zoning; agriculture

7 Statement of purpose: This bill proposes to allow a local zoning bylaw to  
8 regulate the raising, feeding, or management of nonequine livestock, poultry,  
9 or fish that occurs: in a residential area that is at least medium density and  
10 borders a downtown, village center, or other district that is more densely  
11 developed; within a downtown or village center; adjacent to an existing  
12 apartment or condominium that has more than nine dwelling units; or in a  
13 commercial or industrial district. This authority would apply to existing uses.

14 An act relating to local zoning bylaws and agricultural uses

15 It is hereby enacted by the General Assembly of the State of Vermont:

16 Sec. 1. 24 V.S.A. § 4413 is amended to read:

17 § 4413. LIMITATIONS ON MUNICIPAL BYLAWS

18 \* \* \*

19 (d) A bylaw under this chapter shall not regulate accepted agricultural and  
20 silvicultural practices, including the construction of farm structures, as those

1 practices are defined by the secretary of agriculture, food and markets or the  
2 commissioner of forests, parks and recreation, respectively, under subsections  
3 1021(f) and 1259(f) of Title 10 and section 4810 of Title 6.

4 (1) For purposes of this ~~section~~ subsection, “farm structure” means a  
5 building, enclosure, or fence for housing livestock, raising horticultural or  
6 agronomic plants, or carrying out other practices associated with accepted  
7 agricultural or farming practices, including a silo, as “farming” is defined in  
8 subdivision 6001(22) of Title 10, but excludes a dwelling for human  
9 habitation.

10 (2) A person shall notify a municipality of the intent to build a farm  
11 structure and shall abide by setbacks approved by the secretary of agriculture,  
12 food and markets. No municipal permit for a farm structure shall be required.

13 (3) A municipality may enact a bylaw that imposes forest management  
14 practices resulting in a change in a forest management plan for land enrolled in  
15 the use value appraisal program pursuant to 32 V.S.A. chapter 124 only to the  
16 extent that those changes are silviculturally sound, as determined by the  
17 commissioner of forests, parks and recreation, and protect specific natural,  
18 conservation, aesthetic, or wildlife features in properly designated zoning  
19 districts. These changes also must be compatible with 32 V.S.A. § 3755.

1           (4)(A) For the purpose of this subsection, the term “accepted  
2 agricultural and silvicultural practices” excludes the raising, feeding, or  
3 management of domestic animals that is:

4                   (i) in a district that is zoned residential or mixed use with a  
5 planned density equivalent to a minimum lot size of no more than two acres,  
6 and that borders a downtown, new town center, or village center as those terms  
7 are defined in section 2791 of this title or another district with a planned  
8 density equivalent to a minimum lot size of no more than one acre;

9                   (ii) within a downtown, new town center, or village center as those  
10 terms are defined in section 2791 of this title;

11                   (iii) adjacent to a parcel with an existing structure that contains  
12 more than nine dwelling units; or

13                   (iv) in a district that is zoned commercial or industrial with a  
14 planned density equivalent to a minimum lot size of no more than one acre.

15           (B) For the purpose of this subdivision (4):

16                   (i) “Domestic animal” is as defined in section 1151 of Title 6 but  
17 does not include equine animals.

18                   (ii) “Dwelling unit” means an individual and discrete residence  
19 within a dwelling, condominium, or cooperative project, including an  
20 apartment within an apartment building.

