

**400 Roles and Responsibilities**

This subchapter establishes the parties involved in developing and administering the LUDRs.

**4001 ZONING ADMINISTRATOR**

Includes language from Section 7.1 and 7.8 of adopted LUDRs. As per state statute (24 V.S.A. § 4448).

**4002 PLANNING COMMISSION**

Equivalent to Section 7.8 of adopted LUDRs. As per state statute (24 V.S.A. § 4321 - 4328).

**4003 DEVELOPMENT REVIEW BOARD**

4003.A Equivalent to Section 7.8 of adopted LUDRs. As per state statute (24 V.S.A. § 4460).

**410 Fees and Filing Requirements**

Think of this subchapter as a toolbox for administering the LUDRs. Not all the tools will be applied to each application. Some may be rarely used, while others will be used with almost all applications. By including them here, they are available to the ZA and DRB when needed and these provisions can replace duplicative language elsewhere in the LUDRs.

**4101 PERMIT FEES**

4101.A Equivalent to Section 7.8 of adopted LUDRs. As per state statute (24 V.S.A. § 4440).

**4102 IMPACT FEES**

4102.A New language with no equivalent in adopted LUDRs. This provision does not establish impact fees. The town would need to adopt a separate ordinance to activate this provision. This provision simply makes a linkage between the LUDRs and any future impact fee ordinance that the town may adopt. As per state statute (24 V.S.A. Chapter 131).

**4103 TECHNICAL OR LEGAL REVIEW COSTS**

Equivalent to Section 7.8 of adopted LUDRs. As per state statute (24 V.S.A. § 4440).

**4104 PERFORMANCE BONDS OR SURETIES**

No specific equivalent provision in adopted LUDRs. Performance bonds are referenced in several places (landscaping, subdivision, etc.). This umbrella provision will allow the ZA and DRB to require bonds as appropriate and does not require bonds to be

referenced in each individual section where they may be relevant. As per state statute (24 V.S.A. § 4464(b)(2)).

**4105 MONITORING OR INSPECTION COSTS**

No specific equivalent provision in adopted LUDRs, but inspection costs are referenced in the telecommunication provisions. This umbrella provision will allow the ZA and DRB to charge applicants for monitoring or inspection as appropriate and does not require language in each individual section where it may be relevant. As per state statute (24 V.S.A. § 4440).

**4106 AS-BUILT DRAWINGS**

4106.A New provision, no equivalent in adopted LUDRs. This is consistent with typical planning and development review practice.

**4107 OTHER PERMITS, APPROVALS AND CERTIFICATIONS**

No specific equivalent provision in adopted LUDRs, but submitting copies of other permits or approvals is referenced in several places (wastewater, curb cuts, etc.). This umbrella provision that will cover all such filing requirements. As per state statute (24 V.S.A. § 4414(13)(A)(ii) and 4449(a)(2)).

**420 Zoning Permits**

This subchapter lays out the zoning permit process. It is largely mandated by state statute (primarily 24 V.S.A. § 4449) unless otherwise noted.

**4201 SUBMITTING A ZONING PERMIT APPLICATION**

Includes language from Section 7.3 and 7.8 of adopted LUDRs. Paragraphs A(4) and (5) are specifically required by statute (24 V.S.A. § 4449(e) and 24 V.S.A. § 4449(a)(1), respectively).

Subsection C grants the ZA some discretionary authority with regard to application requirements. This is not mandated by statute, but is allowed under statute. Recommend this change to streamline the permitting and development review process.

Subsection D establishes a deadline for the ZA to determine whether an application is complete. This is not set by statute and the amount of time can be set as deemed appropriate by the town. There is no hard and fast rule on how much time is reasonable, there has been some case law and taking longer than 15 days would likely place the town in a difficult position if legally challenged.

Subsection E is as per statute (24 V.S.A. § 4465).

**4202 ACTING ON A COMPLETE ZONING PERMIT APPLICATION**

Equivalent to Section 7.3 of adopted LUDRs. As per statute (primarily 24 V.S.A. § 4449). Subsection B is as per statute (24 V.S.A. § 4448(d)). Subsection D specifically grants the ZA the authority to place conditions on permits, which is not mandated by statute but which is authorized. The period of time for which the ZA may grant a temporary permit

is not mandated by statute and can be set as the town deems appropriate. The energy certificate provision is mandated by statute for development that requires a certificate of compliance. Subsection G will be a rarely used provision, but recommend including it for reference (there are special permitting and review procedures that apply when the SB is considering an amendment to the LUDRs).

**4203 OBTAINING A ZONING PERMIT**

Equivalent to Section 7.3 of adopted LUDRs. As per statute (primarily 24 V.S.A. § 4449).

Subsection C is a change from current LUDRs, which require that development authorized by a permit substantially commence within 1 year, but which do not set a deadline for completing the development. Recommended change avoids future uncertainty with regard to whether permits and approvals are still valid if work was commenced but not completed, and would allow the town to enforce when development is abandoned in an unfinished state. The more rigorous permit tracking process also benefits property owners by ensuring a clear and clean property record and no clouds on the title when they are refinancing or selling. The length of time that a zoning permit would be valid is not mandated by statute. 1 to 3 years is common with the possibility of a 1- or 2-year extension. Would not recommend allowing more than 5 years in total.

**4204 AMENDING PERMITS OR APPROVALS**

Compare to Section 5.2 of adopted LUDRs. This section is not mandated by statute and can be crafted as deemed appropriate by the town. Recommend eliminating provision from adopted LUDRs that requires concurrence of the DRB chair as there is no statutory authority for that, while there is for delegating to the ZA.

**4205 REVOKING PERMITS OR APPROVALS**

New section, no comparable provision in adopted LUDRs. As per statute (24 V.S.A. § 4455).

**4206 INSPECTING DEVELOPMENT DURING CONSTRUCTION**

Includes language from Section 7.8 of adopted LUDRs.

**4207 OBTAINING A CERTIFICATE OF COMPLIANCE**

Compare to Section 7.4 of adopted LUDRs. As per statute (24 V.S.A. § 4449). Expands existing language to allow for the issuance of temporary certificates of compliance and certificates of compliance for phased development.

**430 Development Approvals**

This subchapter lays out the process for getting a site plan, sign, conditional use, PUD or subdivision approval.

4301

### **APPLICATION PROCESS**

Equivalent to Section 5.3 and includes some language similar to Section 6.2 of adopted LUDRs. Proposed changes would more clearly authorize the Zoning Administrator to manage the application process on behalf of the town by meeting with prospective applicants (rather than existing conceptual plan review by DRB), classifying applications, waiving unnecessary application requirements and determining whether applications are complete. The intent is to streamline the development review process by ensuring that incomplete applications are not sent to the DRB, which wastes time and/or money on the part of the town, board, applicant and interested parties.

4302

### **APPLICATION REQUIREMENTS**

Equivalent to Section 5.3 (site plan and conditional use) and Table 6.1 (subdivisions) of adopted LUDRs. It is not necessary to include application requirements in the regulations. If not included, the application requirements would be as established by the Zoning Administrator through creation of application forms or checklists.

Subsection C is required by statute (24 V.S.A. § 4416(b))

4303

### **SIGN REVIEW**

Compare to Section 3.15 of adopted LUDRs. Currently signs are allowed with a zoning permit. Proposed change would continue to have a zoning-permit equivalent process for signs except when part of a larger project that requires site plan approval. Then the sign review would be incorporated into the site plan approval.

4304

### **SITE PLAN REVIEW**

#### **A significant change is being proposed in this section.**

Equivalent to Section 5.4 of adopted LUDRs. As statute (24 V.S.A. § 4416).

To streamline the development review and permitting process, recommending two levels of site plan review. Minor site plan review would be done by the Zoning Administrator. Major site plan review would follow current process and require DRB hearing and approval. This approach is not mandated by statute and can be crafted as deemed appropriate by the town. The criteria for reviewing site plan applications are listed in Figure 4-1. This approach requires that the regulations include more specific technical standards that the ZA can apply. This section includes only the “process” language. The standards that proposed development would have to meet are in Chapter 3.

4305

### **CONDITIONAL USE REVIEW**

#### **A significant change is being proposed in this section.**

Equivalent to Section 5.5 of adopted LUDRs. As per statute (24 V.S.A. § 4414(3)).

To streamline the development review and permitting process, recommending allowing minor changes to existing conditional uses without requiring conditional use approval from the DRB. The ZA could issue zoning permits for minor changes and many applications would also require minor site plan review. This approach is not mandated by statute and can be crafted as deemed appropriate by the town. This section includes

only the “process” language. The standards that proposed development would have to meet are in Chapter 3.

**4306 PLANNED UNIT DEVELOPMENT REVIEW**

Equivalent to Section 5.6 of adopted LUDRs. As per statute (24 V.S.A. § 4417). Note that the term PRD (planned residential development) is no longer used in statute and would be eliminated from LUDRs as well. This section includes only the “process” language. The standards that proposed development would have to meet are in Chapter 3.

**4307 SUBDIVISION REVIEW**

Equivalent to Article 6 of adopted LUDRs. As per statute (24 V.S.A. § 4418). This section includes only the “process” language. The standards that a proposed subdivision would have to meet are in Chapter 3. To streamline subdivision review process, recommend delegating sketch plan authority to the Zoning Administrator and clarifying that appeals cannot be filed until the final subdivision approval. To avoid creating a loophole, the limit on the number of lots that can be subdivided before triggering major subdivision approval and the re-subdivision of lots need to have a time period associated with them. The filing requirements are as per statute. Otherwise, the classification and approval process is not mandated by statute and can be crafted as deemed appropriate by the town.

**4308 COMBINED REVIEW**

New section, no comparable provision in adopted LUDRs. As per statute (24 V.S.A. § 4461).

**4309 AMENDING APPROVED PLANS**

The process for amending subdivision plans is in 6.1 of adopted LUDRs, but there is not equivalent language for amendments that cannot be administratively approved for site plans and conditional use approvals. This clarifies the process and narrows the scope of the review to those aspects proposed to be amended rather than re-opening the entire plan to re-hearing.

Figure 4-01. **Development Review Criteria**

This replaces the general and specific standards found in several sections of the adopted LUDRs (5.4, 5.5, 5.6, 6.7). These criteria are bolstered by the development standards in Chapter 3.

**440 Appeals**

This subchapter lays out the process for appealing a decision of the ZA or DRB, or obtaining a waiver or variance.

**4401 WHO MAY APPEAL**

Equivalent to Section 7.5 of adopted LUDRs. As per statute (24 V.S.A. § 4465).

- 4402 APPEALS OF ZONING ADMINISTRATOR DECISIONS**  
Equivalent to Section 7.5 of adopted LUDRs. As per statute (24 V.S.A. § 4465).
- 4403 APPEALS OF DEVELOPMENT REVIEW BOARD DECISIONS**  
Equivalent to Section 7.5 of adopted LUDRs. As per statute (24 V.S.A. § 4471).
- 4404 WAIVERS**  
Compare to Section 3.14 of adopted LUDRs. As per statute (24 V.S.A. § 4414(8)). Dimensional waivers are authorized by statute but can be crafted as deemed appropriate by the town. Current waiver authority extends solely to setbacks. Proposed language would expand that authority to all dimensional standards, but would limit the maximum adjustment to 25%. Also clarifies when/where waivers cannot be granted.
- 4405 VARIANCES**  
Equivalent to Section 7.6 of adopted LUDRs. As per statute (24 V.S.A. § 4469).

Figure 4-02. **Waiver and Variance Review Criteria**

Comparable to language from Section 3.14 and Section 7.6 of adopted LUDRs. For variances, as per statute (24 V.S.A. § 4469).

- 450 Notice, Hearings and Decisions**  
This subchapter establishes the requirements for noticing and conducting DRB hearings and for the DRB making a decision following a hearing.
- 4501 NOTICE OF HEARING**  
Equivalent to Section 7.8 of adopted LUDRs. As per statute (24 V.S.A. § 4464)
- 4502 SITE VISITS**  
New language with no equivalent in adopted LUDRs. Reflects standard planning practice.
- 4503 CONDUCTING A HEARING AND TAKING EVIDENCE**  
New language with no equivalent in adopted LUDRs. Reflects standard planning practice.
- 4504 RECESSING OR CONTINUING A HEARING**  
Equivalent to Section 7.8 of adopted LUDRs.

4505

## **DECISIONS**

**A significant change is being proposed in this section.**

Compare to Section 7.8 of adopted LUDRs. As per statute (24 V.S.A. § 4464).

Recommend requiring the DRB to make decisions in deliberative session (this is authorized but not mandated by statute). This allows board members to deliberate and discuss more freely and to avoid feeling pressured to make a decision immediately following the close of a hearing.

460

## **Violations and Penalties**

This subchapter establishes the procedures for enforcing the regulations.

4601

### **APPLICABILITY**

Equivalent to Section 7.7 of adopted LUDRs.

4602

### **INVESTIGATION AND ACTION BY THE ZONING ADMINISTRATOR**

Equivalent to Section 7.7 of adopted LUDRs. As per statute (24 V.S.A. § 4452). This section enables use of municipal complaint tickets, an enforcement option the town is not currently using. The limitations on enforcement in Subsection C are mandated by statute (24 V.S.A. § 4454 (a) and (b)).

4603

### **LIABILITIES AND PENALTIES**

Equivalent to Section 7.7 of adopted LUDRs.

4604

### **MUNICIPAL CIVIL COMPLAINT TICKET**

New language with no equivalent in adopted LUDRs. As per statute (24 V.S.A. § 1974a).

4605

### **NOTICE OF VIOLATION**

Equivalent to Section 7.7 of adopted LUDRs. As per statute (24 V.S.A. § 4451).