

CODE MOCKUP 1

2-Column format

Sans serif font

9 pt font size

Left-justified text

Numbering Format:

3.0, 3.1, 3.2 = Section numbers

A, B, C = Topics (matches current code format)

Navigation Features:

Half-page Table of Contents at start of each article

Running Footer shows current Article and Section

Bolded text for Subsection topics

Color-coded Articles and Sections

ARTICLE 3 PERMITS AND APPROVALS

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3.1 Zoning Permits

- A. Applicability.** A zoning permit must be issued by the ZA prior to any land development unless the activity falls under exemptions from land development under Section 3.1(J) below.
- When an application for a zoning permit seeks approval of a structure, the ZA shall provide the applicant with a copy of the applicable building energy standards under 21 V.S.A. §266 (residential building energy standards) and §268 (commercial building energy standards). However, the ZA need not provide a copy of the standards if the applicant certifies that the structure will not be heated or cooled. The ZA may provide a copy of the Vermont Residential Building Energy Code Book published by the Department of Public Service or a web link to the code book in lieu of the full text of the residential building energy standards..
- B. Prior and/or Additional Approvals Necessary.** All required approvals from the Development Review Board (conditional use review, site plan review, subdivision review, variance, PUD, etc.) shall be obtained before the Zoning Administrator may issue a zoning permit.
- C. Application.** Any application for a zoning permit shall, at the expense of the applicant, show that the proposal conforms to all provisions of these Regulations and contain a plan that shall show the following information in sufficient detail to determine whether the proposal is in conformance with these Regulations:
1. The dimensions of the lot, including property boundaries;
 2. The location, size, shape, and height of existing and proposed buildings and structures;
 3. The location of existing and proposed easements, rights-of-way, sidewalks, and utilities;
 4. The location of natural features such as watercourses, wetlands, floodplains, rock outcroppings, and stands of trees;
 5. The setbacks from property boundaries, rights-of-way, surface waters, and wetlands; and

6. Any other information that may be needed to determine compliance with these Regulations.

An application is not complete unless all necessary information is provided and any fee, if applicable, is paid. The ZA is responsible for making the determination that an application is complete. If the ZA fails to act with regard to a complete application for a zoning permit within 30 days of the date a complete application is received, a permit will be deemed issued on the 31st day. 24 V.S.A. § 4448(d).

- D. Effective Dates.** A zoning permit will not take effect until 15 days after issuance by the ZA, or, in the event that a notice of appeal is properly filed, such permit will not take effect until final adjudication of the appeal and the time for taking an appeal to the Environmental Division has passed without an appeal being taken. Each zoning permit issued will contain a statement of the period of time within which an appeal may be filed.

- E. Procedures After Issuance.** Within three business days following the issuance of a zoning permit, the ZA shall:

1. Deliver a copy of the permit to the Assessor; and
2. Post a copy of the permit in at least one public place in the Town until the expiration of 15 days from the date of the issuance of the permit; and
3. Upon receiving a zoning permit, the applicant shall post a notice of the zoning permit on a form prescribed by the ZA within view from the public right-of-way most nearly adjacent to the subject property until the expiration of 15 days from the date of the issuance of the permit.

- F. Impact Fee.** No zoning permit for land development which is subject to payment of an impact fee pursuant to any impact fee ordinance in effect will be issued until all applicable impact fees, as established by the Town of Georgia Selectboard, are paid to the Town of Georgia and the Georgia School District.

- G. Permit Expiration and Extension.**

1. Expiration. Zoning permits shall expire one year from the date of issue unless extended as described in these Regulations.
2. Extension. An extension of a zoning permit approval for principal structures and principal uses for one year may be granted by the ZA if substantial construction

(if application is for a structure) or due diligence (if application is for a use) is evident, provided a written request for extension is submitted prior to expiration of the permit. Zoning permits for accessory structures shall not be extended beyond the original one-year permit period. Substantial construction shall be established by the installation of at least all footings and foundation walls and/or slab, installation of the septic system (which shall have been inspected and approved), and installation of the driveway (in accordance with a valid Right-of-Way permit). A second extension shall not be granted.

3. An extension of a zoning permit granted for a structure shall not be required if construction has progressed to the point where the structure can reasonably be used for its intended purpose. At a minimum, the structure shall have functional water and wastewater services, an operational heating system, and electricity, and shall be sufficiently closed in (roof, windows, and doors) to provide protection from the elements.
4. Commercial uses in the I-1, I-2, SV or B district. If the DRB has granted an extended permit expiration date under conditional use or site plan review approval, that expiration date shall also apply to any building permits required as part of the approved development.

- H. Access to Property.** The ZA shall be allowed reasonable access to private or public property for the purpose of inspecting and investigating conditions relating to any zoning permit or application for a zoning permit. An application for a zoning permit may be denied if reasonable access is not provided.

3.2 Conditional Use Review

- A. Application.** It shall be unlawful to use or occupy or permit the use or occupancy of any land or structure or part thereof which requires a zoning permit under these Regulations until a Certificate of Occupancy is issued therefor by the ZA, stating that the proposed use of the structure or land conforms to these Regulations. Provision of a certificate as required by 30 V.S.A. § 51 (residential building energy standards) or 53 (commercial building energy standards) shall also be a condition precedent to the issuance of any Certificate of Occupancy.

1. An application for a Certificate of Occupancy shall be on the form prescribed by the ZA along with any

required fee. The application shall contain a statement under oath by the permit holder certifying compliance with these Regulations and all conditions imposed by Town boards, and shall, at applicant's expense, be accompanied by such supporting documentation as the ZA may reasonably require. Such documentation may include written statements under oath by tenants, contractors, or appropriate licensed professionals.

B. Exemptions. The following types of land development are specifically exempt from municipal permitting. Where land development is exempt from these Regulations, property owners must notify the ZA of the project in writing to ensure compliance. The following types of land development are exempt and a zoning permit shall not be required:

1. State Exemptions. These Regulations shall not regulate the following types of land development exempt in state statute:

3.3 Site Plan Review

A. Applicability. The following section shall apply to any land development on a property with a principal use subject to site plan review per Table 2.2 (excluding single or two-household dwelling units, certain accessory uses, home occupations, seasonal conversions, and exempt uses). This section shall also apply to all excavation, filling or grading that involves 100 or more cubic yards of material and/or any excavation, filling, or grading located within a setback area, 100-year floodplain, and/or river corridor.

B. Site Plan Review Process. A complete application for site plan review shall be filed with the Zoning Administrator. The Zoning Administrator shall determine if the site plan review may be completed administratively or if the site plan review shall be conducted by the DRB. If the application is determined to require DRB review, the Zoning Administrator shall schedule a hearing with the DRB at the next available date but not sooner than fifteen (15) days.

C. Administrative Review. In accordance with 24 V.S.A. §4464, the Zoning Administrator may review and approve minor amendments to previously approved site plans that do not have a substantial impact under any of the standards set forth in these Regulations and do not

substantially alter any of the findings of fact of the most recent site plan approval.

3.4 Variances

A. Application. Pursuant to 24 V.S.A. Section 4469(a), an applicant may request a variance from these Regulations for a structure which is not primarily a renewable energy resource structure. The application for a variance shall contain all materials required in Table 3.2.

B. Standards. The DRB may grant such a variance after public hearing only if all of the following facts are found in the affirmative:

1. That there are unique physical circumstances or conditions, including irregularity, narrowness, or shallowness of lot size or shape, or exceptional topographical or other physical conditions peculiar to the particular property, and that unnecessary hardship is due to such conditions and not the circumstances or conditions generally created by the zoning regulation in the neighborhood or district in which the property is located;
2. That because of such physical circumstances or conditions, there is no possibility that the property can be developed in strict conformity with these Regulations and that the authorization of a variance is therefore necessary to enable the reasonable use of the property;

3.5 Planned Unit Development

A. Purpose. In accordance with 24 V.S.A. Section 4417, Planned Unit Developments (PUD) are allowed in order to encourage flexibility in design and use of land, adequate and economic provision of roads and utilities, and the preservation of natural resources. Accordingly, the DRB may modify the density and dimensional requirements of these Regulations.

B. PUD Review Process

1. All PUD applications shall be reviewed using the same process as a major subdivision (sketch, preliminary, final) as outlined in Section 4.4. All PUDs involving the subdivision of land shall have their PUD application and subdivision application reviewed concurrently.