

ARTICLE 6 Permits and Approvals

Article Contents

6.1	Zoning Permit	6-2
6.1.1	Application	6-2
<u>6.1.2</u>	<u>Appeal Period</u>	<u>6-2</u>
6.1.3	Procedures After Issuance	6-3
6.1.4	Permit Expiration and Extension	6-3
6.1.5	Certificate of Occupancy	6-3
<u>6.1.6</u>	<u>Change of Use</u>	<u>6-4</u>
6.1.7	Exemptions	6-4
6.1.8	Limits on Permits for New Residential Construction	6-6
6.1.9	Conditional Use Review	6-7
6.2	Site Plan Review	6-10
6.2.1	Site Plan Review Process	6-10
6.2.2	Application Requirements	6-12
6.2.3	Standards	6-12
6.2.4	Expiration	6-12
6.3	Variances	6-15
6.4	Planned Unit Development	6-16
6.4.1	PUD Review Process	6-16
6.4.2	Application Requirements	6-16
6.4.3	PUD Dimensional Requirements	6-16
6.4.4	PUD Standards	6-16
6.4.5	Density Bonus	6-19
6.5	Waivers	6-20

6.1 Zoning Permit

[xx ADD FLOW CHARTS AND REFERENCE TABLE FOR EACH APPROVAL PROCESS]

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.

6.1.1 Application

A. 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).

B. 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.

[## note: relocated this here]

C. 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. [## note: relocated this here]

6.1.2 Appeal Period

A. Effective Dates of Permit. A zoning permit will not take effect until 15 days after issuance by the ZA in order to provide time for a required appeal period. ~~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.

- B. Construction Limitations.** During the appeal period, no permanent construction shall take place. (Refer to definitions for ‘Construction, Permanent’ and ‘Construction, Start’)

6.1.3 Procedures After Issuance

- A.** 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.

6.1.4 Permit Expiration and Extension

- A. Expiration.** Zoning permits shall expire one year from the date of issue unless extended as described in these Regulations.
- B. 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.

1. 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.

- C. 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.

6.1.5 Certificate of Occupancy

- 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.

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. Authority to Inspect.** The ZA, accompanied by appropriate Town officials or consultants, shall have the authority to inspect any property prior to the issuance of a Certificate of Occupancy. Refusal to provide reasonable access to the ZA or Town representative for the purpose of inspecting compliance with these Regulations, a zoning permit or applicable conditions constitutes grounds for denial of a Certificate of Occupancy.
- C. Decisions.** The ZA shall issue or deny a Certificate of Occupancy within thirty (30) days of the date that a complete application for a Certificate of Occupancy is submitted, including written certification as described in [Section 5.11\(A\)\(2\)\(c\) \(Wastewater and Potable Water Supply Permit\)](#) of these Regulations and provision of a Vermont Building Energy Standards Certificate as required by 30 V.S.A. § 51 (residential building energy standards) or 53 (commercial building energy standards). Failure of the ZA to act within this time shall constitute deemed approval on the thirty-first day.
- D. Conditional Certificate of Occupancy.** Conditional Certificates of Occupancy may be issued if part of a building is ready for occupancy before the completion of the entire structure, provided that the requirements of [Section 3.1 \(I\)\(1\) \(Application\)](#) have been met for the portion of the building to be occupied, or if weather conditions at the time of completion of the development are such that landscaping cannot be installed or would be unlikely to survive. Conditional Certificates of Occupancy may also be issued in the event that actual operation of a septic disposal system is needed to demonstrate compliance with the Vermont Environmental Protection Regulations or the Performance Standards in [Section 5.7 \(Performance Standards\)](#) of these Regulations. A Conditional Certificate of Occupancy is not to exceed 180 days.

6.1.6 Change of Use

- A. Change from One Use Category to Another.** A zoning permit is required, as well as any applicable development approvals, for any change of use if the proposed use is not of the same general use category as the prior use, (e.g. a change from a personal service use to a restaurant use) as determined by the Zoning Administrator.
1. [\[##Do we want to define the use categories here?\]](#)
- B. Change Within the Same Use Category.** A zoning permit and development approvals are not required for a change of use if the proposed use is of the same general use category as the prior use (e.g. a change from a retail use to a different retail use) as determined by the Zoning Administrator.

6.1.7 Exemptions

- A.** 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:
 - a. Required Agricultural Practices as those practices are defined by the Secretary of Agriculture, Food and Markets. Violations of the Required Agricultural Practice Rules may be reported by the municipality to the Commissioner of Agriculture, Food and Markets for enforcement.
 - b. Farm structures associated with required agricultural or farming practices are exempt. However, the Town of Georgia shall be notified of the intent to build a farm structure associated with a required agricultural or farming practice according to 24 V.S.A. §4413(d)(3) of the Act and the provisions below:

- For purposes of these Regulations, “farm structure” means a building, enclosure, or fence for housing livestock, raising horticultural or agronomic plants, or carrying out other practices associated with accepted agricultural or farming practices, including a silo, as “farming” is defined in 10 V.S.A. §6001(22), but excludes a dwelling for human habitation.
 - A person shall notify the Zoning Administrator in writing of the intent to build a farm structure, shall provide a plan with the proposed facility, and a letter of determination from the Agency of Agriculture, Food and Markets indicating that the proposed structure is a farm structure. The structure shall abide by setbacks approved by the Secretary of Agriculture, Food and Markets. No municipal land use permit for a farm structure shall be required. The Zoning Administrator shall provide a copy of the intent to build a farm structure to the Assessor.
 - All farm structures within the Flood Hazard Area Overlay District (see Article 9) shall be constructed and maintained in accordance with the requirements of the rules established by the Vermont Agency of Natural Resources.
- c.** Accepted silvicultural practices, as defined by the Commissioner of Forests, Parks and Recreation, including practices in compliance with the Acceptable Management Practices for Maintaining Water Quality on Logging Jobs in Vermont, as adopted by the Commissioner of Forests, Parks and Recreation.
- d.** Forestry operations as defined in 10 V.S.A. §2602.
- e.** Public utility power generating plants and transmission facilities that are regulated by the Vermont Public Utility Commission (under 30 V.S.A. §248), including net-metered wind generation facilities and solar panels.
- f.** Hunting, fishing or trapping on public or private land as specified under 24 V.S.A. §2295. This does not include facilities that may support such activities as firing ranges, rod and gun clubs, and fish and game clubs, which are subject to these Regulations.
- 2. Local Exemptions.** The following types of land development are exempt from local regulation (unless located in the Flood Hazard Area Overlay District):
- a.** Modifications of building interiors if no change of use is proposed; repairs and minor alterations (including, but not limited to, chimneys, window or door replacement, re-roofing or re-siding) to existing structures not resulting in any change to any exterior dimensions or height of the structure.
 - b.** Any residential fence or wall less than five (5) feet in height which does not extend into or obstruct public rights-of-way or interfere with corner visibility or sight distances for vehicular traffic.
 - c.** Any minor accessory structure, such as a doghouse, child’s playhouse, tree house, shed or similar structure, which meets all of the following requirements:
 - A floor area of one hundred (100) square feet or less;
 - A height of 10 feet or less; and
 - Located at least 5 feet from a property line and 35 feet from the edge of a public or private road right of way.
 - d.** Handicap ramps.
 - e.** Stairs to access single-household dwellings and two-household dwellings.
 - f.** Garage sales, yard sales, auctions or other similar types of sales not exceeding three (3) consecutive days, nor more than six (6) days per calendar year total.
 - g.** Exemptions from sign regulations as indicated in [Section 5.9\(E\) \(Exemptions\)](#).

- h. The stabilization of damaged structures to prevent imminent hazards to public health and safety, and to adjoining properties; or for the repair, restoration or reconstruction of damaged structures to the extent of their prior condition and use per [Section 5.1](#).
- i. Gardening and other non-commercial agricultural activities, excavations in cemeteries, and the removal or extraction of topsoil, rock, sand, gravel or other similar material in connection with the construction of a permitted structure or other allowed use.
- j. Construction or improvement of driveways not shown on an approved site plan or subdivision plat. Driveway permits shall be secured from the Town of Georgia Road Foreman or Agency of Transportation, and driveways and related right-of-way improvements shall meet municipal and State standards.
- k. Roadside stands for agricultural products, provided they meet requirements of [Section 6.9 \(Roadside Stands\)](#).
- l. Electric vehicle charging stations and associated infrastructure.
- m. Resurfacing and/or re-paving of an existing impervious surface (e.g., resurfacing a driveway).
- n. Excavation, filling and grading involving less than 100 cubic yards of material and/or new at-grade patio and driveway areas less than 100 square feet in size, which meet the following requirements:
 - The location of the proposed excavation, filling and/or grading is not located within a 100-year floodplain, river corridor, or in an area with rare, threatened, or endangered species as identified by the Vermont Agency of Natural Resources.
 - The proposed excavation, filling, and grading action is not located within the setbacks for the applicable zoning district, unless it

constitutes re-surfacing or re-paving under [Subsection 3.1\(J\)\(2\)\(m\)](#), above.

6.1.8 Limits on Permits for New Residential Construction

- A. The Georgia Municipal Plan clearly sets forth objectives related to balancing the rate of residential growth with the ability of the Town to provide services and facilities and concentrating new residential development in the southern residential zoning districts of the Town. To achieve these objectives, no zoning permit for new residential construction may be issued except in strict compliance with the following provisions which shall be in addition to the requirements in [Section 3.1 \(A\)\(Applicability\)](#) and [Section 3.1\(G\) \(Permit Extension\)](#).

For the purposes of this sub-section, “new residential construction” is defined as construction which creates a new year-round dwelling unit(s).

Conversion of seasonal dwelling units to year-round dwelling units, additions to existing dwelling units, reconstruction or significant renovation to existing dwelling units, the creation of accessory dwelling units or multi-tenant housing for older persons, the creation of dwelling units in the South Village Core Zoning District, or the replacement of existing mobile home parks per 24 V.S.A. §4412(1)(B) shall require zoning permits, but shall not be subject to the limitations in [Section 3.1\(K\)\(1\)-\(5\) \(Permits for New Residential Construction\)](#).

- 1. Commencing at the beginning of each calendar year, the ZA shall accept applications for zoning permits for new residential construction, which may only be submitted by lot owner(s) of record. When each application is deemed to be a complete application, it shall be labeled with the date and time of acceptance. The application shall also be labeled with the number of dwelling units to be constructed (one household, two household, three household, or multi-household as defined in these Regulations).

2. Unless authorized by [Section 3.1\(K\)\(3\)](#), zoning permits for new residential construction of no more than thirty-five (35) new dwelling units may be permitted in any calendar year. Commencing at the beginning of each year, the ZA shall issue such permits on a first come-first-served basis (based on the date and time each application was accepted) until permits for new residential construction of all thirty-five (35) dwelling units have been issued, at which point the ZA shall not issue any more zoning permits for new residential construction until the beginning of the next year. New residential construction of dwelling units is subject to the following:
 - a. Permits for no more than five (5) new dwellings may be issued to an individual landowner in any calendar year.
 - b. In any single subdivision in the AR-2 or AR-3 Districts, permits for no more than ten (10) new dwelling units may be issued in the calendar year.
 - c. For any single subdivision not in the AR-2 or AR-3 Districts, permits for no more than five (5) new dwelling units may be issued in any calendar year.
3. If, in any year, the ZA does not issue all 35 permits for new residential construction, the unissued permits shall not be added to the allocation for any future years, except as follows:
 - a. If, no later than January 15 of the following year, the PC determines that the reason for the shortfall in the previous year is that a major subdivision that furthers many of the objectives in the goals and policies of the Comprehensive Municipal Plan was approved too late in the year to begin construction but will be in construction the following year, then the PC may recommend to the Selectboard that up to five (5) of the unused permits from the previous year be carried forward for one year, but under no circumstances may permits for new residential construction of more than forty (40) new dwelling units be authorized for any single calendar year. Upon recommendation of the PC, the Selectboard may authorize the ZA to carry forward permits for up to five (5) new dwellings for one year. Under no circumstances may permits for new residential construction of more than forty (40) new dwellings be authorized for any single calendar year.
4. Of the thirty-five (35) new dwelling units of new residential construction to be constructed each year, no more than twenty-one (21) may be constructed on lots in the AR-2, AR-3 (as per district requirements), and B Zoning Districts, and no more than fourteen (14) may be constructed on lots that are located in the AR-1, L-1, L-2, R-1 and N-1 Zoning Districts.
5. If, in any year, the ZA does not issue all permits for new residential construction within the AR-1, L-1, L-2, R-1 and N-1 Zoning Districts, the unused permits shall not be added to the allocation for any future years, except as follows:
 - a. If unused permits are allowed to be carried forward as in [Section 3.1 K\(3\)\(a\)](#), no more than 40(forty) percent of the permits carried forward (rounded to the nearest whole number) may be issued for new residential construction of new dwelling units located in the AR-1, L-1, L-2, R-1 and N-1 Zoning Districts.
6. The ZA shall maintain records showing the number of zoning permits which have been issued each year for new residential construction of new dwellings in the AR-1, AR-2, AR-3, B, L-1, L-2, N-1, and R-1 Zoning Districts.

6.1.9 Conditional Use Review

- A. **Applicability.** The regulations in [Section 3.2](#) shall apply to all development requiring conditional use review per [Table 2.2](#). Expansion or alteration of an existing conditional use also requires approval under this section. Except as provided by [Section 3.2\(C\)\(1\)](#), a zoning permit for any use or structure that requires conditional use review will not be issued by the ZA until the DRB grants such approval according to

these Regulations. The change of a permitted use to a conditional use requires approval under this section.

B. Application. Application materials for Conditional Use Review shall be submitted to the ZA who will notify the applicant in writing when the application is complete. No public hearing for Conditional Use Review will be scheduled with the DRB until complete application materials are received. Conditional Use Review hearings will be warned in accordance with [Section 8.4 \(Public Hearings\)](#). A complete application for conditional use review shall include all the information requested on the Town of Georgia conditional use application form, all the information required in [TABLE 6.1 - Conditional Use, Site Plan, and Variance Application Plan Requirements](#) on page 6-13 ~~Table 3.2~~ and the application fee. Notwithstanding the foregoing, the DRB may require additional information to be submitted as part of the Conditional Use Review Process.

C. Conditional Use Review Process

1. Administrative Review. In accordance with 24 V.S.A. §4464, the Zoning Administrator may review and approve minor amendments to previously approved conditional use approvals 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.

a. Types of Land Development. The following types of land development subject to conditional use review may be reviewed administratively:

- Additions less than five hundred (500) square feet in size to a principal structure that will be used to expand an existing conditional use;
- Construction of accessory structures less than five hundred (500) square feet in size to be used to expand an existing conditional use;

The authority to approve an application administratively does not mean that the Zoning Administrator is required to use this authority. The Zoning Administrator may choose to refer any conditional use review application to the DRB.

b. Review and Notice

- **Review.** Upon determination that a conditional use application may be reviewed administratively, the Zoning Administrator shall review the application and draft a written decision. The draft written decision shall comply with the requirements of [Section 8.5](#).
- **Notice.** A copy of the draft written decision shall be sent to the applicant and all adjacent property owners. The draft written decision shall be accompanied with a notice indicating that all parties may request a public hearing on the application within 15 days of the issuance of the draft written decision. If no interested parties request a public hearing within the 15-day notice period, the Zoning Administrator shall approve the written decision.
- **Request of Public Hearing.** An interested party may request a public hearing of an administrative conditional use application within 15 days of the issuance of the draft written decision. If requested, the conditional use application shall be referred to the DRB for review. Public notice, public hearing, and decision requirements in [Section 8.4](#) and [Section 8.5](#) shall apply.
- **Decision.** The Zoning Administrator shall inform the DRB of all administrative conditional use amendment decisions.
- **Appeal.** All administrative conditional use review decisions are subject to appeal per [Section 8.7](#).

2. DRB Review. Conditional use review applications that cannot be reviewed administratively shall be

reviewed by the DRB. For conditional use review applications, the DRB shall hold a public hearing before issuing a decision on whether the proposed land development shall receive conditional use approval. Public notice, public hearing, and decision requirements in [Section 8.4](#) and [Section 8.5](#) shall apply.

D. General Standards for Approval. The DRB shall approve an application for conditional use only if it finds that the following standards, in addition to other applicable standards in [Article 2](#), [Article 5](#), [Article 6](#) and [Article 7](#), have been met:

1. The proposed land development shall not result in an undue adverse effect on the capacity of existing or planned community facilities.
2. For all conditional uses other than multi-household dwellings of 4 units or less, the proposed land development will not result in an undue adverse effect on the character of the area affected, as defined by the purpose or purposes of the zoning district within which the project is located, and

specifically stated policies and standards of the [Comprehensive Municipal Town Plan](#).

3. The proposed land development shall not result in an undue adverse effect on traffic on roads and highways in the vicinity. The DRB may require the applicant to provide a traffic study to demonstrate compliance with this standard.
4. The proposed land development shall not result in an undue adverse effect on bylaws and ordinances then in effect.
5. The proposed land development shall not result in an undue adverse effect on the utilization of renewable energy resources.

E. Permit Conditions. The DRB may condition its conditional use approval in order to ensure that the standards of these Regulations will be met. These conditions may include, but are not limited to, the following:

1. The DRB may limit the scale or dimensions of the proposal;

Figure 6.1 - Determining Undue Adverse Effect

The following analysis shall be used by the DRB when the bylaw requires the DRB to determine whether a proposal creates an undue adverse effect:

- A.** First, the DRB shall determine if a proposed project will have an adverse effect upon the resource, issue and/or facility in question. The DRB shall make this determination such by responding to the following question:
 1. Will the project have an unfavorable impact upon the resource, issue and/or facility in question?
- B.** If the DRB determines that an adverse effect will be created by a project, the DRB shall then determine if the adverse effect is “undue.” To determine whether or not an adverse effect is undue, the DRB shall respond to the following two questions:
 1. Will the project violate or conflict with a clear, written standard in these Regulations or the Municipal Plan applicable to the resource, issue or facility in question?
 2. Can the unfavorable impact be avoided through site or design modifications, or mitigation, or other conditions of approval?

The DRB shall conclude that adverse effect is “undue” if the answer to B(1) is **YES** OR the answer to B(2) is **NO**.

2. The DRB may require increased setbacks for commercial, industrial, municipal, or outdoor recreation uses contiguous to residential districts, recreation, or natural areas districts and/or uses;
3. The DRB may require limits on days and hours of operation of a business;
4. The DRB may limit the outside storage of goods or materials and equipment;
5. The DRB may require that storage of goods, parts, supplies, vehicles or machinery being worked on or finished or partially finished will be inside a building or behind screening;
6. The DRB may attach conditions with regard to size and location of parking areas, landscaping, screening, lighting and signs;
7. The DRB may require the submittal of a performance bond to ensure completion of any improvements deemed necessary to operation of the conditional use; and
8. Other reasonable conditions necessary to meet the standards of these Regulations.

F. Expiration

1. Approval from the DRB allowing a conditional use will expire two years from date of issue if construction has not progressed to the point where the structure can reasonably be used for its intended purpose, as defined in Section 3.1(B) (Permit Extension). An extension of one year to these permits may be granted by the ZA if application for extension takes place before the approval has expired. At the end of three years, the above permits will permanently expire unless the DRB grants a further extension.
2. For commercial uses in the I-1, I-2, SV, and B districts, the DRB may approve an expiration date beyond what is otherwise allowed in the Regulations if the applicant demonstrates, and the DRB concludes, that this is necessary to allow orderly completion of the development. Any such expiration date shall be noted as a permit condition.

6.2 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.

6.2.1 Site Plan Review Process

- A.** 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.

- B. 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.

- 1. Types of Land Development.** The following types of land development subject to site plan review may be reviewed administratively:

- a.** A change of use from a conditional use to a permitted use requiring site plan review, or from a permitted use requiring site plan review to another permitted use requiring site plan review, provided that there are no proposed changes to the exterior dimensions of the principal structure five hundred (500) square

feet or more, or the exterior of the property (access, parking, landscaping, etc.);

- b.** Additions to structures less than five hundred (500) square feet in size;
- c.** Construction of accessory structures less than five hundred (500) square feet in size;
- d.** Structural alterations required to comply with the Americans with Disabilities Act and/or the Vermont Fire and Building Safety Code;
- e.** Minor changes to the approved location of sidewalks or bike paths due to unanticipated physical obstacles (e.g., ledge, utility lines, etc.) discovered during construction;
- f.** Substitution of proposed landscaping materials from the approved planting list provided that the substitution does not change the overall design concept approved by the DRB;
- g.** Changes in the location of structures if the DRB previously defined a building envelope on the property; and
- h.** Changes in four (4) or less parking spots that does not conflict with the minimum parking requirements set forth in these Regulations.

The authority to approve an application administratively does not mean that the ZA is required to use this authority. The ZA may choose to refer any site plan review application to the DRB.

2. Review and Notice

- a. Review.** Upon determination that a site plan application may be reviewed administratively, the Zoning Administrator shall review the application and draft a written decision. The draft written decision shall comply with the requirements of [Section 8.5](#).
- b. Notice.** A copy of the draft written decision shall be sent to the applicant and all adjacent property owners. The draft written decision shall be accompanied with a notice indicating that all parties may request a public hearing on the application within 15 days of the issuance of the draft written decision. If no interested

parties request a public hearing within the 15-day notice period, the Zoning Administrator shall approve the written decision.

- c. Request of Public Hearing.** An interested party may request a public hearing of an administrative site plan application within 15 days of the issuance of the draft written decision. If requested, the site plan application shall be referred to the DRB for review. Public notice, public hearing, and decision requirements in [Section 8.4](#) and [Section 8.5](#) shall apply.
- d. Decision.** The Zoning Administrator shall inform the DRB of all administrative site plan amendment decisions.
- e. Appeal.** All administrative site plan review decisions are subject to appeal per [Section 8.7](#).

- C. DRB Review.** Site plan review applications that are not reviewed administratively shall be reviewed by the DRB according to the following process:

- 1. Concept Plan Discussion.** An applicant shall schedule a Concept Plan discussion with the DRB. The purpose of the Concept Plan discussion is to enable the applicant to present a conceptual proposal without having to provide detailed designs or engineering specifications in order to receive comment and input from the DRB as to conformance of the project with these Regulations and such specific submission requirements that the DRB may require, or waive, for submission of a complete application for Site Plan Review. The Concept Plan discussion is intended to be an informal exchange of ideas. Concept Plan discussion will clarify issues and submission requirements and streamline the site plan review hearing process. **Concept plan review does not constitute site plan review application or approval.** The DRB may make written recommendations based on its review of the Concept Plan for the submission of the site plan review application. Although not considered a public hearing, the notification requirements in [Section 8.4](#) shall apply.

- 2. Site Plan Review.** For site plan review applications, the DRB shall hold a public hearing before issuing a decision on whether the proposed land development shall receive site plan approval. Public notice, public hearing, and decision requirements in [Section 8.4](#) and [Section 8.5](#) shall apply.

6.2.2 Application Requirements

An application for site plan review shall consist of the following:

- A. Concept Plan Discussion.** A complete application for concept plan review shall include all information requested on the Town of Georgia concept plan review application form. The applicant must also submit eight sets of concept plans, which may show un-surveyed property boundaries but should be drawn neatly and accurately, and shall include scale, north arrow, legend, and title block. The concept plans shall be created on paper that is at least 11" X 17" in size and shall show land use areas, proposed structures, roads, driveways, parking and loading spaces, pedestrian walkways, general landscaping plans, signs and lighting.
- B. Site Plan Review Application Submission.** A complete application for site plan review shall include all information requested on the Town of Georgia site plan review application form. The applicant must also submit eight copies of the site plan maps and the information required in [TABLE 6.1 Table 3.2](#). The DRB may require that the site plan review application be prepared by a registered landscape architect and/or registered civil engineer if the proposed project includes land development affecting greater than 3,500 square feet of land or is a complex proposal that may have impacts on surrounding property owners, major roads, or important resources.

6.2.3 Standards

Site plan review applications shall meet the following standards:

- A. District and Specific Use Standards.** The activity or use proposed in the site plan review application shall meet the district dimensional standards identified in [ARTICLE 2 - Zoning Districts](#), [ARTICLE 5 - General Regulations and Standards](#) and, as applicable, the specific use standards under [3.3 Specific Use Requirements](#) of these Regulations.
- B. Planning and Design Standards.** All site plan review applications shall show conformance with applicable standards in [ARTICLE 4 - Planning and Design Standards](#).
- C. South Village Standards.** Applications for site plan review in the South Village Core District must conform to ~~the South Village Core Design Criteria and Standards in Section 3.6~~ [section 2.8.4 South Village Core Design Standards](#), which are intended to implement the purposes of the South Village Core District and the South Village Core Strategic Plan, dated November, 2009, and the Georgia South Village Transportation Master Plan, dated May, 2019. If there is a conflict between the [specific district](#) standards in ~~Section 3.6~~ and ~~the standards in Article 7 (Planning and Design Standards)~~, and [ARTICLE 4 - Planning and Design Standards](#), the more stringent standard shall apply.

6.2.4 Expiration

- A.** Site Plan approvals from the DRB expire two years from date of issue if construction has not progressed to the point where the structure or site can reasonably be used for its intended purpose, as defined in [Section 3.1\(G\)](#). If the site plan has not been implemented within the two-year period, an extension of one year may be granted by the DRB upon written request prior to expiration of the approval, which shall include a statement of why the site plan has not been implemented and the basis of the request for the extension.
- B.** For commercial uses in the I-1, I-2, SV, and B districts the DRB may approve an expiration date beyond

what is otherwise allowed in these Regulations if the applicant demonstrates, and the DRB concludes, that this is necessary to allow orderly completion of the development. Any such expiration date shall be noted as a permit condition.

TABLE 6.3 - Conditional Use, Site Plan, and Variance Application Plan Requirements

Item	Information Required
Copies	The applicant shall provide eight (8) 11" x 17" copies, 1 full size copy, and 1 digital copy of plans submitted with the application. If the plan sets have been produced in color, please provide the Town of Georgia with color copies.
Owner and Preparer Information	Name and address of the owner of record and adjoining landowner, including those across public and private roads; Name and address of person or firm preparing the site plan or application.
Location, Scale, and Date	Site location map; Scale of map (including graphic scale); North arrow; A legend containing information about all lines and symbols on plan set; and Date of preparation or revision
Features of Existing Site	Contours (2 feet), vegetation, and natural features (steep slopes, wetlands, rivers, streams); Structures, access points, easements, rights-of-way, parking areas, signs, and utilities (water, wastewater, stormwater, electric); Property, easement and zoning district boundaries; Distances from existing structures to property lines.
Features on Adjacent Sites	Structures, access points, culverts, wells, and other features that have the potential to impact or be impacted by the proposal including those directly across a public or private road.

Continued on next page

TABLE 6.3 - Conditional Use, Site Plan, and Variance Application Plan Requirements

Item	Information Required
Proposed Site Improvements	<p>Structures, including principal structure elevations;</p> <p>Parking areas, access points, loading docks and service areas, and outside storage areas;</p> <p>Sidewalks and other walkways;</p> <p>Utilities, stormwater management, and anticipated easements;</p> <p>Lighting;</p> <p>Landscaping and screening;</p> <p>Signs;</p> <p>Areas of excavation, filling, and grading; and</p> <p>Distances from proposed structures to property lines.</p>
Landscaping Details	Detailed specifications of the planting and landscaping materials to be used.
Construction Sequence and Schedule	Construction sequence and timing scheduled for completion of buildings, parking spaces, landscaped areas and other site improvements, including any phasing schedule.
Traffic Generation	<p>Estimate of daily and peak hour traffic generated. Uses that will generate more than one hundred and fifty (150) vehicle trip-ends per day (estimates shall be based on the most recent Institute of Transportation Engineers Trip Generation Manual for the proposed uses) shall include a traffic study conducted by a professional traffic engineer at the Applicant's expense. The study will include details of existing and proposed ingress and egress, expected traffic volumes, turning movements, existing and resulting levels of service, proposed traffic control measures and proposed accommodations for pedestrian, bike and transit. The DRB may require a traffic study for projects generating less than 150 vehicle trip-ends where it finds there is a potential traffic safety issue with roads or highways in the vicinity of the project.</p>
Emergency Services	A letter from the Georgia Fire Chief indicating any fire and rescue concerns with the proposed project.
South Village Standards	If the proposed land development is located in the South Village Core District, an explanation of how the project conforms to each of the criteria in Section 3.6 (South Village Core Design Criteria) shall be provided.
State Highway Access Permit	Whenever a proposed site plan involves access to a State highway, the application for site plan approval shall include a letter of intent from the Agency of Transportation confirming that the Agency has reviewed the proposed site plan and is prepared to issue an access permit under 19 V.S.A. § 1111, and setting out any conditions that the Agency proposes to attach to the Section 1111 permit
Waiver Request	At the request of the applicant, the DRB may waive any of the above application requirements, but only where it finds that the size and scope of the application is such that the requirements represent an undue burden on the applicant and are clearly not necessary for the DRB to make findings and render conclusions on the application consistent with the requirements of these Regulations.
Other Information	Any other information or data that the DRB may reasonably require.

6.3 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~~ **TABLE 6.1**.

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. That the unnecessary hardship has not been created by the applicant;
4. That the variance, if authorized, will not alter the essential character of the neighborhood or district in which the property is located, substantially or permanently impair the appropriate use or development of adjacent property, reduce access to renewable energy resources, or be detrimental to the public welfare; and
5. That the variance, if authorized, will represent the minimum variance that will afford relief and will represent the least deviation possible from these Regulations and from the **Comprehensive Municipal Town** Plan.

C. When the variance requested is for a structure which is primarily a renewable energy resource structure, the DRB may grant the variance only if it finds that all of the facts listed in 24 V.S.A. Section 4469(b) are found in the affirmative.

In no case will the DRB grant a variance for a use, or for a structure which contains a principal use that is not permitted or conditionally permitted in the applicable district.

D. Variance Procedure in the Flood Hazard Area Overlay District. Variances will be granted by the DRB only in accordance with the above procedures and the standards in **Article 9**.

6.4 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.

6.4.1 PUD Review Process

- A.** 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.
- B.** Major subdivisions shall be submitted as PUD applications in the AR-1, AR-2, AR-3, and L-2 districts. The DRB may waive this requirement at Sketch Plan Review if it determines the goals of the zoning district and the standards of the bylaws will be met by a conventional subdivision.
- C.** Minor subdivisions may be submitted as a PUD in the AR-1, AR-2, AR-3 and L-2 districts at an applicant's discretion, provided:
- 1.** Minor Subdivisions classified by the DRB as Major Subdivisions (cumulatively creating four or more new residential building lots within a five-year period), and later phases may be required to be submitted as a PUD at the discretion of the DRB.
 - 2.** Minor Subdivisions where lots are created and not built within a five-year period, and any further subdivision creating four or more cumulative building lots, shall be considered a Major Subdivision and submitted as a PUD in the districts listed above.

What is a Planned Unit Development?

A PUD is a development designed and planned as an integral unit which may contain various commercial, industrial and residential uses and may consist of individual lots or structures that do not satisfy the dimensional requirements otherwise contained in these Regulations.

6.4.2 Application Requirements

- A.** PUD applications shall include all application requirements for a major subdivision as outlined in [Section 4.3](#).
- B.** PUD applications shall include a statement setting forth the nature of all proposed waivers/modifications of these Regulations and justification for why the DRB should grant such waivers/modifications. The preliminary PUD application shall also include draft deed language for each lot subject to waivers/modifications to the dimensional requirements.
- C.** A narrative describing the intended use of open space land within the PUD.

6.4.3 PUD Dimensional Requirements

- A.** All PUDs shall meet the dimensional requirements in [Table 3.3](#) **TABLE 6.2 - PUD (Planned Unit Development) Requirements** on page 6-17.

6.4.4 PUD Standards

To be approved, all PUD applications shall meet the following standards:

- A. General Regulations.** All PUD applications shall meet the applicable standards in [Article 5 \(General Regulations\)](#).

TABLE 6.4 - PUD (Planned Unit Development) Requirements

Where Allowed	AR-1, AR-2, AR-3, B and L-2 Districts
Allowed Uses	Permitted and conditional uses allowed in the zoning district where the PUD is proposed are allowed.
Minimum Lot Size in a PUD	AR-1 and L-2: 0.75 acres AR-2, AR-3, and B: 0.5 acres
Density (Maximum allowed number of lots)	Total size of the subject parcel divided by the minimum lot size for the zoning district in Table 2.3(a), except in the case where a density bonus is applied.

- B. Planning and Design Standards.** All PUD applications must conform to applicable standards in [Article 7 \(Planning and Design Standards\)](#).
- C. Subdivision Review Standards.** All PUDs that include a subdivision shall meet the [Subdivision Review Standards \(Section 4.9\)](#).
- D.** PUDs shall not place an unreasonable burden on the ability of the Town to provide municipal or governmental services. Any phasing of the development proposed by the applicant or required by the DRB will be consistent with the goals and policies of the [Comprehensive Municipal Town Plan](#) and Capital Budget and Program and will take place over a sufficient period of time so that adequate Town facilities and services may be provided.



Figure 6.2 - Planned Unit Development.

An example of a typical PUD where the minimum lot size is reduced to cluster uses on a smaller amount of land, allowing for the preservation of open space.

E. The PUD provides an integrated approach to the development of the project site so that: developed areas are coordinated in layout and design, there is a clear distinction between developed and undeveloped areas, and the undeveloped areas provide for open space in accordance with standards in these Regulations. All buildings and roadways will be grouped/clustered together, be located close to buildings on adjacent parcels or at the edge of tree lines or forest blocks to minimize the appearance of strip development. PUDs shall not have undue adverse impacts on the following resources:

1. Primary agricultural soils ([Section 7.2](#));
2. Rare, threatened, and endangered species as identified by the Vermont Agency of Natural Resources;
3. Significant geological areas as identified in the Town of Georgia Comprehensive Municipal Plan;
4. Scenic areas as identified in the Town of Georgia ~~Comprehensive Municipal~~ [Town](#) Plan;
5. Historic resources as identified in the Town of Georgia Historic Sites and Structures Survey; and
6. Flood hazard areas ([Article 9](#)).

F. Open Space Land. Open space land within a PUD shall be identified and used for recreation, wildlife habitat, agriculture and/or forestry. Open space land will be in a location and of a size and shape approved by the DRB. Provision of open space land will meet, but will not be limited to, the following standards:

1. The DRB shall require 20% of the parent parcel, but no more than 50 acres (whichever is greater), be reserved for open space land. The open space land will provide for the protection of resources on the site that have been identified in the goals and policies of the Comprehensive Municipal Plan, including agricultural land, woodland, significant habitat, geologic areas, scenic areas, and historic sites. Land that is already conserved through a conservation easement or enrollment in the current use program cannot be used to meet the minimum open space land requirement. In

addition, land containing wetlands regulated in [Section 5.12](#), and/or the flood hazard area regulated in [Article 9](#), cannot be used to meet the minimum open space land requirement.

2. Open space land shall be located so as to conform with and extend existing and potential open space land on adjacent parcels, especially pedestrian walks, trail networks, contiguous forest blocks and protection of significant habitats. The location, shape, size, and character of the open space land will be suitable for its intended use. Open space land should provide for large expanses of contiguous resource lands where such resources are present on a parcel.
3. A parcel containing open space land shall not be required to meet the frontage requirement for the zoning district in which it is located provided that the open space land is accessible via a right-of-way or easement connected to a public or private road at least 20 feet in width.
4. Areas in common ownership by tenants' or property owners' associations that are used for rights-of-way, parking, loading, vehicular or railway access, sewage disposal or water supply do not meet the open space land requirements of this section.
5. Open space land shall be maintained for its intended use. Provisions will be made to enable lands designated for agriculture and forestry to be utilized for these purposes. The applicant shall develop and implement a management plan for open space.

G. Legal Requirements for the Open Space Land.

An open space lot shall only be used for agricultural, forestry, wildlife habitat, and/or recreational uses. The future use of the open space lot shall be protected in perpetuity by a binding legal instrument that is recorded with the deed. A note shall also be added to the subdivision plat and/or site plan indicating the existence of the deed restriction. The open space lot may be owned and managed through the following means:

1. Held in single fee-simple ownership by a private individual, a land trust or similar conservation-oriented non-profit organization, or a governmental entity, such as the Town of Georgia (if authorized by the Selectboard).
 2. Held in common ownership by a homeowners' association provided the conserved lot is subject to a covenant or deed restriction addressing use and maintenance of the conserved lot.
 3. In addition to the outlined types of ownership, the applicant may propose that the conserved lot be protected by a permanent conservation easement held by a land trust or similar conservation-oriented non-profit organization (with legal authority to accept such easements), or a permanent conservation easement provided to a governmental entity (such as the Town of Georgia). If the easement is provided to a land trust or similar organization, the applicant shall provide documentation that the organization is organized to be in perpetual existence and the conveyance instruments shall contain an appropriate provision for re-transfer in the event the organization becomes unable to carry out its functions.
- H.** Additional measures that may be imposed to protect significant natural resources identified on the parcel include, but are not limited to, restrictions on building sites through designation of building envelopes and clearing limits.
- I.** The DRB may request input from the Georgia Conservation Commission regarding the appropriateness of the location, size, and quality of the designated open space for its intended purpose (see 24 V.S.A. §4505(8)).

6.4.5 Density Bonus

The DRB may, at the request of the applicant, grant one or more density bonuses according to the following standards if the applicant clearly demonstrates that the developable portion of the parcel(s) and supporting roads, infrastructure, facilities and services can accommodate

higher densities of development. Density bonuses, as applied in combination, shall not increase the overall density of development by more than 150%, based on the number of dwelling units for residential development and/or the maximum building coverage for non-residential development.

A. Renewable Energy Access or Development.

Density bonuses for development that promotes renewable energy development will be considered as follows:

1. **Energy Efficient Siting.** A density bonus of 50% may be considered for a PUD in which 60% of the building lots or units are oriented to maximize energy efficiency under [Section 7.1 \(Energy Efficient Design\)](#).
2. **Group Net Metering.** A density bonus of up to 50% may be considered for a PUD that incorporates the installation of a group net-metered renewable energy facility (e.g., solar collectors, wind turbines) that is designated to provide at least fifty percent of the average annual energy consumption of each unit within the development, subject to facility approval by the VT Public Utility Commission.

B. Energy Efficient Building Design. A density bonus of up to 50% may be considered for PUDs that incorporate one or more of the following design elements, as certified by a qualified professional architect or engineer licensed by the State:

1. Energy efficient building design that exceeds minimum state energy efficiency requirements for residential and commercial buildings (e.g., LEED, Energy Star Homes, Vermont Builds Greener Program).
2. Residential development in which single household dwelling units do not exceed 1,500 square feet of habitable floor area, and/or two household and multi-household dwelling units do not exceed 1,200 square feet of habitable floor area per unit.

6.5 Waivers

A. Setback Waiver. In conjunction with a subdivision and/or site plan application, the DRB may waive setback standards up to 50% in any district to allow for single story attached garages, decks, porches, and/or accessory structures if all of the following conditions are satisfied:

1. The property has circumstances or conditions which prevent the applicant from meeting the setback requirement. Such circumstances or conditions may include, but are not limited to, irregular lot size, poor soil conditions, existing vegetation or historic structures, and the location of pre-existing structures.
2. Due to such circumstances or conditions, the property cannot reasonably be developed in conformance with the setback standard and the authorization of a waiver is necessary to enable the permitted use of the property. The applicant must show that other possible alternatives have been considered before the DRB will consider granting a waiver.
3. No waiver shall be granted which would have an undue adverse effect on adjacent property, the character of the area, or on public health and safety.
4. In the issuance of waivers, the DRB:
 - a. Shall consider and may require design features, screening, or some other remedy in order to mitigate anticipated impacts of any such waiver. The design feature should have a minimum height of five (5) feet above grade level and shall provide adequate privacy to the surrounding use(s). Options shall include but not be limited to a wall, a solid fence, a densely planted hedge or natural and/or man-made landforms.
 - b. May require that all outdoor storage of materials and equipment, including waste storage facilities, not be located within the reduced setback area.

c. Shall provide only the minimum waiver that is necessary.

5. Applications for waivers shall be considered by the DRB after a public hearing held in accordance with [Section 8.4 \(Public Hearing/Public Notice Requirements for Development Review Board Approvals\)](#).

B. Lot Frontage Waiver. In conjunction with a proposed subdivision and/or subdivision application, the DRB may waive the minimum lot frontage standard up to 50% in any district to allow for flexibility in subdivision design if all of the following conditions apply:

1. The property has unique physical circumstances or conditions that were not created by the applicant, which prevent the applicant from meeting the frontage requirement. Such unique physical circumstances or conditions may include, but are not limited to, irregular existing lot shape or poor soil conditions.
2. Due to such physical circumstances or conditions, there is no possibility that the property can be developed in conformance with the frontage standard and the authorization of a waiver is necessary to enable the reasonable use of the property. The applicant must show that all other possible alternatives have been considered before the DRB will consider granting a waiver.
3. No waiver shall be granted which would have an undue adverse effect on adjacent property, the character of the area, or on public health and safety.
4. In the issuance of waivers, the DRB:
 - a. Shall consider and may require design features, screening, or other features to mitigate anticipated impacts of any such waiver;
 - b. Shall provide only the minimum waiver that will afford relief while representing the least deviation from these Regulations.
5. Applications for waivers shall be considered by the DRB after a public hearing held concurrently with a subdivision and/or site plan application

in accordance with Section 8.4 (Public Hearing/
Public Notice Requirements for Development
Review Board Approvals).

