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ARTICLE 2. ADMINISTRATIVE PROCEDURES

Chapter 2000. Roles and Responsibilities

 24 V.S.A. Chapter 147 (Shelburne Town Charter)

2001 ZONING ADMINISTRATOR

- 2001.A In accordance with the Shelburne Town Charter, the Town Manager is the administrative officer responsible for enforcement of these regulations and all other town laws and ordinances. With the approval of the Selectboard, the Town Manager may appoint an Assistant Zoning Administrator to exercise all powers and duties of the Zoning Administrator under these regulations.
- 2001.B The Zoning Administrator must:
- (1) Assist applicants in determining whether and which town permits and/or approvals will be needed for proposed land development.
 - (2) Provide applicants with application forms and checklists.
 - (3) Review applications for zoning permits and development approvals as specified in these regulations.
 - (4) Refer applications to advisory committees as required under these regulations.
 - (5) Refer applications to the Development Review Board as required under these regulations with an accompanying report evaluating compliance with these regulations.
 - (6) Inspect projects during construction when required as a condition of approval or to ensure compliance with these regulations.
 - (7) Maintain public records.
 - (8) Investigate complaints of alleged violations.
 - (9) Initiate enforcement action as required under these regulations.
 - (10) Perform all other tasks necessary to administer these regulations.
- 2001.C The Zoning Administrator must implement the provisions of these regulations strictly and may only issue a zoning permit or other development approval that conforms to these regulations.
- 2001.D The Zoning Administrator is subject to any personnel policies enacted by the Town of Shelburne.

 24 V.S.A. § 4321-4328

2002 PLANNING COMMISSION

2002.A The Selectboard appoints members to the Planning Commission in accordance with state statute and the town charter.

2002.B The Planning Commission may prepare amendments to these regulations and make recommendations to the Selectboard on the amendment of these regulations.

 24 V.S.A. § 4460

2003 DEVELOPMENT REVIEW BOARD

2003.A The Selectboard appoints members to the Development Review Board in accordance with state statute and the town charter.

2003.B The Development Review Board reviews applications for development approvals and appeals as specified in these regulations, state statute and its adopted rules of procedure.

 24 V.S.A. § 4433

2004 ADVISORY COMMITTEES

2004.A The Selectboard may create one or more advisory committees in accordance with state statute and the town charter.

2004.B As authorized by the Selectboard or under these regulations, advisory committees may advise the Zoning Administrator, Development Review Board, applicants and interested parties as development applications are being prepared or considered as specified in these regulations, state statute and their adopted rules of procedure.

Chapter 2100. Fees and Filing Requirements

 24 V.S.A. § 4440

2101 PERMIT FEES

2101.A The Selectboard may establish reasonable fees for the Zoning Administrator or other town employees to charge for administering these regulations. These fees may include, but are not limited to, the cost of posting and publishing notices, holding public hearings, recording documents, and conducting inspections.

2101.B An applicant must pay the applicable permit fees when submitting an application. The Zoning Administrator must not deem an application complete until all applicable permit fees are paid in full.

 24 V.S.A. § 4422 and 24 V.S.A. Chapter 131

2102 IMPACT FEES

2102.A The Town of Shelburne may require applicants to pay impact fees in accordance with any duly adopted impact fee ordinance and state statute.

2102.B An applicant must pay any applicable impact fees prior to obtaining a zoning permit or filing a subdivision plat.

 24 V.S.A. § 4440

2103 INDEPENDENT REVIEW COSTS

2103.A The Selectboard may establish procedures and standards authorizing the Zoning Administrator or Development Review Board to hire qualified professionals to provide an independent review of an application when deemed necessary to ensure compliance with these regulations.

2103.B The Zoning Administrator or Development Review Board must notify the applicant prior to hiring a consultant to conduct an independent review.

2103.C The applicant must pay the reasonable cost of any required independent review prior to obtaining a zoning permit or filing a subdivision plat.

 24 V.S.A. § 4464

2104 PERFORMANCE BONDS OR SURETIES

2104.A The Selectboard may establish procedures and standards authorizing the Zoning Administrator or Development Review Board to require an applicant to provide a performance bond or surety as a condition of approval to insure the:

- (1) Completion of proposed development in accordance with approved plans and applicable town or state specifications.

(2) Protection of any public facilities that may be affected by proposed development.

2104.B The Zoning Administrator or Development Review Board may require an applicant to provide a quote prepared by a qualified professional for the full project cost and then may base the amount of any bond or surety on that quote.

2104.C If the applicant does not either complete the proposed development within 3 years of obtaining the zoning permit or request a one-time extension for not more than 3 additional years, the bond or surety will be forfeited to the town.

2104.D The Town of Shelburne will only release a required bond or surety after certification by the applicant and determination by the Zoning Administrator that the proposed development has been satisfactorily completed.

 24 V.S.A. § 4440

2105 MONITORING OR INSPECTION COSTS

2105.A The Selectboard may establish procedures and standards authorizing the Zoning Administrator or Development Review Board to condition approval upon monitoring and inspection during construction or once the use has commenced when deemed necessary to ensure compliance with these regulations. The applicant must pay the reasonable cost of any required monitoring or inspection.

2106 AS-BUILT DRAWINGS

2106.A The Zoning Administrator or Development Review Board may require an applicant to file as-built drawings as a condition of approval.

2106.B The Town of Shelburne requires as-built drawings for any infrastructure to be built within town rights-of-way or to be turned over to the town.

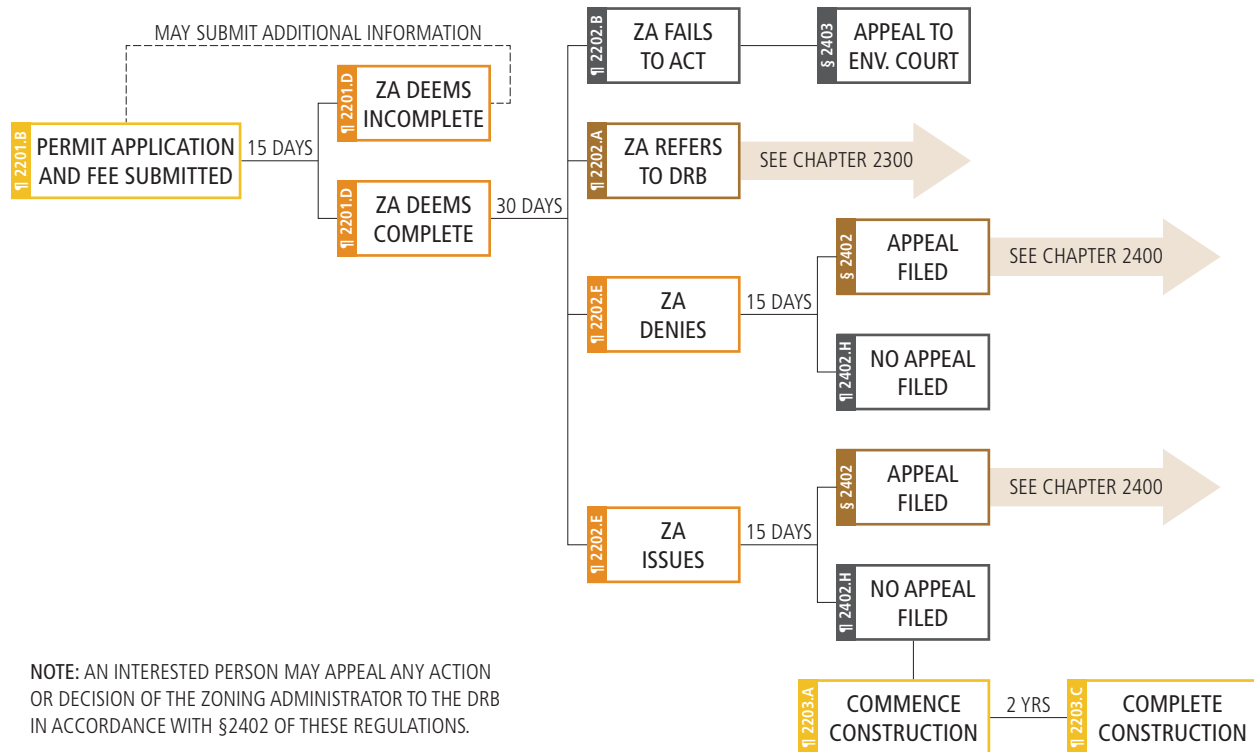
2106.C The Zoning Administrator must require an applicant to file revised plans or as-built drawings when approved site or subdivision plans are amended or when minor adjustments to approved plans are necessary to respond to unforeseen conditions that arise during construction.

 24 V.S.A. § 4414

2107 OTHER PERMITS, APPROVALS AND CERTIFICATIONS

2107.A The Zoning Administrator or Development Review Board may condition approval upon the applicant filing other permits, approvals or certifications required by the Town of Shelburne, the State of Vermont or other regulatory entities prior to the start of construction or the issuance of a certificate of compliance.

Figure 2-01. Zoning Permit Flow Chart



Chapter 2200. Zoning Permits

i 24 V.S.A. § 4448

2201 SUBMITTING A ZONING PERMIT APPLICATION

2201.A **Zoning Administrator.** The Zoning Administrator must assist prospective applicants by:

- (1) Determining whether a project requires a zoning permit, and any associated development approvals, under these regulations and keeping written documentation of any such determinations as part of the Zoning Administrator’s records.
- (2) Providing prospective applicants with the necessary form(s) to apply for the applicable permit(s) and approval(s).
- (3) Notifying prospective applicants of the fees or other charges that the town may charge in relation to the application or proposed development;
- (4) Informing prospective applicants that state permits may be required for the proposed development and recommending that applicants contact the Regional Office of the Vermont Department of Environmental Conservation.
- (5) Providing prospective applicants with copies of the state energy standards for residential or commercial buildings as applicable and informing them of the need to file energy certificates under Paragraph 2206.E.

2201.B **Applicant.** An applicant must:

- (1) Be the landowner or provide a letter from the landowner authorizing the applicant to be the landowner's designated agent for the purposes of seeking the requested zoning permit, and any associated development approval.
- (2) Submit all required forms, supporting materials and fees to the Zoning Administrator to apply for a zoning permit or development approval under these regulations.
- (3) Provide all the information necessary to demonstrate compliance with these regulations.
- (4) Certify, by signing the application form, that all the information provided is complete and accurate to the best of their knowledge.
 - (a) If the applicant is not the landowner, the landowner must also sign the application form.
 - (b) The Zoning Administrator or Development Review Board may reject an application that misrepresents any material fact.
 - (c) The town or other party who has incurred attorney's fees and costs in connection with an application that misrepresents any material fact may seek reasonable attorney's fees and costs from the applicant. i 24 V.S.A. § 4470a

2201.C **Application Requirements.** The Zoning Administrator:

- (1) May waive an application requirement upon written request by the applicant and finding the information is not necessary to determine compliance with these regulations.
- (2) May require an applicant to provide additional information as necessary to demonstrate compliance with these regulations.
- (3) May require an applicant to furnish a copy of the Agency of Natural Resources (ANR) [Permit Navigator](#) Results Summary and/or a Project Review Sheet completed by an ANR [Community Assistance Specialist](#).
- (4) Must keep written documentation of any application requirement waived or additional information requested as part of the Zoning Administrator's records.

2201.D **Determination of Completeness.** The Zoning Administrator must:

- (1) Determine whether an application is complete promptly and in no case more than 15 days after the applicant submits it unless the applicant agrees to a longer period.
- (2) Inform the applicant of the determination. If the application is incomplete, the Zoning Administrator must inform the applicant of what additional information is required.

 24 V.S.A. § 4449

2202 ACTING ON A COMPLETE ZONING PERMIT APPLICATION

- 2202.A **Time to Act.** Once the Zoning Administrator determines that an application for a zoning permit is complete, the Zoning Administrator must act within 30 days to approve, deny or refer it to the Development Review Board except that the time period within which the Zoning Administrator must act will not commence for a zoning permit application that requires:
- (1) One or more development approvals under these regulations until the applicant has obtained all those necessary approvals.
 - (2) Advisory committee review under these regulations.
 - (3) Notification of a state agency until the agency comments or the comment period elapses, whichever occurs first.
- 2202.B **Deemed Approval.** If the Zoning Administrator does not act on a complete application within 30 days, the applicant may file an appeal directly with the Environmental Division of the Vermont Superior Court to recognize that the Zoning Administrator's failure to act within the 30-day period resulted in a "deemed approval" of the application.
- 2202.C **Review Criteria.** The Zoning Administrator must administer these regulations strictly and must not approve an application for a zoning permit unless it conforms to all applicable provisions of these regulations.
- 2202.D **Amended Regulations under Consideration.** The Zoning Administrator must act on any application submitted while the Selectboard is considering amendments to these regulations in accordance with state statute.
- 2202.E **Decisions.** The Zoning Administrator must approve or deny applications in writing and specifically provide the following information:
- (1) **Approval.** When approving an application, the Zoning Administrator must inform the applicant that they must:
 - (a) Keep the provided notice of the zoning permit posted within view from the public right-of-way on the subject property (or within the right-of-way most nearly adjacent to the property, if no suitable frontage) for the entire 15-day appeal period under [Section 2402](#).
 - (b) Not commence the development authorized by the permit until the 15-day appeal period under [Section 2402](#) has ended and the applicant provides the Zoning Administrator with copies of any state permits or approvals under [Paragraph 2202.F](#).

- (2) **Denial.** When denying an application, the Zoning Administrator must:
 - (a) Inform the applicant that the denial may be appealed to the Development Review Board within 15 days of the date of the decision.
 - (b) Include a copy of [Section 2402](#) explaining the appeal process.

2202.F **Permit Issuance.** The Zoning Administrator:

- (1) **Conditions of Approval.** May issue a zoning permit with conditions as necessary to ensure compliance with these regulations.
- (2) **Temporary Permits.** May issue a zoning permit to allow a temporary use or structure for a specified period not to exceed 2 years. A temporary permit must include conditions requiring the use to terminate or the structure to be removed, or that applicant obtain a zoning permit for a permanent use or structure, prior to the expiration of the permit.
- (3) **Notification Prior to Use or Occupancy.** Must condition any zoning permit on the applicant notifying the Zoning Administrator when construction is completed and/or prior to the use commencing. A Certificate of Compliance may be required under [Section 2206](#).
- (4) **State Permits.** Must include a notice on any permit or approval that state permits may be required for the authorized development and that it is the permit holder's responsibility to obtain any necessary state permits prior to commencing construction or use.
- (5) **Energy Certificates.** Must condition any zoning permit for development that is subject to the state's residential or commercial building energy standards on the applicant providing the Zoning Administrator with a copy of an energy certificate for the building when construction is complete.
- (6) **Wastewater Permits.** Must condition any zoning permit for development that requires the construction, modification or replacement of a potable water supply or wastewater system, or that increases the design flow or modifies the operational requirements of a potable water supply or wastewater system on the applicant obtaining and providing the Zoning Administrator with a copy of a state Wastewater System and Potable Water Supply Permit prior to the start of construction. 📌 24 V.S.A. § 4414
- (7) **Stormwater Permits.** Must condition any zoning permit for development that requires a state stormwater permit on the applicant obtaining and providing the Zoning Administrator with a copy of that permit prior to the start of construction.
- (8) **Highway Access Permits.** Must condition any zoning permit for development that requires a new or modified access on the applicant obtaining and providing the Zoning Administrator with a copy of the state or town highway access permit, as applicable, prior to the start of construction.

- (9) **Shoreland Permits.** Must condition any zoning permit for proposed development within 250 feet of the mean water level of Lake Champlain or Shelburne Pond on the applicant obtaining and providing the Zoning Administrator with a copy of the state Shoreland Permit or Registration as applicable.
- (10) **Work within Navigable Waters.** Must condition any zoning permit for proposed development extending into or over navigable waters on the applicant obtaining and providing the Zoning Administrator with a copy of all applicable state and federal permits.

2202.G **Posting Requirements.** The Zoning Administrator must post a copy of the zoning permit in at least one public place within 3 days after issuing it. The copy must remain posted throughout the 15-day appeal period under [Section 2001](#).

2202.H **Filing Requirements.** The Zoning Administrator must:

- (1) Provide a copy of the permit to the Town Assessor within 3 days after issuing it;
- (2) Deliver an original, signed copy of the zoning permit or the notice of zoning permit to the Town Clerk for recording in the town land records within 30 days after issuing it, except that temporary permits do not have to be recorded; and
- (3) File a copy of the permit as part of Zoning Administrator's records within 30 days after issuing it.

2203 OBTAINING A ZONING PERMIT

2203.A **Permit Takes Effect.** A zoning permit takes effect on the 16th day after the Zoning Administrator issues it provided that no appeal is filed during the previous 15 days under [Section 2402](#) or that the applicant has not requested a delay under [Paragraph 2203.B](#). If an interested person files an appeal under [Section 2402](#), the zoning permit will not take effect until the appeal is decided.

2203.B **Delay in Effect.** The applicant may request that a zoning permit and any associated development approvals not take effect until all permits and approvals necessary to commence the development are obtained as follows:

- (1) The Zoning Administrator may delay the effective date of a permit and any associated development approvals for no more than 12 months.
- (2) The Development Review Board may approve a longer delay due to factors beyond the applicant's control.
- (3) It will be the applicant's responsibility to request that the zoning permit and any associated development approvals take effect.

- 2203.C **Permit Timeframe and Extension.** Zoning permits and any associated development approvals expire 2 years from the date the permit takes effect unless:
- (1) The development approval is for a subdivision and the plat is filed in accordance with [Paragraph 2313.G](#).
 - (2) The Development Review Board specifies otherwise as a condition of approval.
 - (3) The applicant commences any use and/or substantially completes any construction authorized by the permit prior to its expiration.
 - (4) Prior to the zoning permit's expiration, the applicant requests and receives from the Zoning Administrator a one-time extension of not more than 12 months upon the applicant demonstrating that any improvements completed to date conform to the conditions of the permit and any associated development approvals.
- 2203.D **Phased Projects.** If the Development Review Board approves a project to be developed in phases, the Zoning Administrator must issue zoning permits for that project in accordance with the approved phasing plan and schedule. Each zoning permit must be separately issued and administered in accordance with the provisions of these regulations.
- 2203.E **Projects with Multiple Units or Structures.** The Zoning Administrator may issue a zoning permit for each unit or structure within a project with multiple units or structures. Each zoning permit must be separately administered in accordance with the provisions of these regulations.
- 2203.F **Transfer of Permit.** Zoning permits and any associated development approval remain in effect as specified in these regulations irrespective of any change in change in ownership or tenancy of the subject property. All subsequent landowners or tenants are subject to the requirements and conditions of any zoning permit and associated development approvals.
- 2203.G **Expired Permits.** If a zoning permit expires before the permit holder substantially completes the construction or commences the use authorized by the permit, the permit holder must apply for a new zoning permit and any other associated development approvals under these regulations.
- 2203.H **Posting of Permit.** The permit holder must display a copy of the provided permit or permit notice in a location visible from a public portion of the subject property during construction. Locations that meet this requirement include, but are not limited to, along the street or driveway, at the front door or in a front window.

2204 AMENDING PERMITS OR APPROVALS PRIOR TO PROJECT COMPLETION

- 2204.A A permit holder may submit a written request for the Zoning Administrator to amend a zoning permit, and any associated development approval, prior to project completion. The permit holder must demonstrate that the proposed changes to the development meet the review criteria of [Figure 2-02](#).
- 2204.B The scope of the review will be limited to those aspects of the development affected by the proposed changes.
- 2204.C The Zoning Administrator may:
- (1) Approve a request to amend a permit, and any associated development approval, in writing and may condition any approval on the applicant submitting as-built plans when construction is complete.
 - (2) Refer the request to the Development Review Board for review under [Section 2315](#).
 - (3) Deny the request and require the applicant to submit a new application for the proposed development.
- 2204.D No notice or posting is required for an administratively approved amendment.
- 2204.E Approval of an amendment does not affect the expiration date of the original permit and any associated development approvals.

Figure 2-02. **Administrative Amendment Review Criteria Table**

REVIEW CRITERIA										
1	The proposed changes to the development are in conformance with all applicable provisions of these regulations, including but not limited to, the dimensional standards of the zoning district.									
2	The proposed changes to the development do not have the effect of materially or substantively altering any of the findings of fact of the permit and any associated development approvals.									
3	The proposed changes to the development do not change the scale, location, type, character or intensity of the approved development or use in excess of the extents specified below: <table border="0"><tr><td>a</td><td>Maximum change in structure height</td><td>10 feet</td></tr><tr><td>b</td><td>Maximum change in setback</td><td>20 feet</td></tr><tr><td>c</td><td>Maximum change in impervious surface</td><td>5,000 square feet</td></tr></table>	a	Maximum change in structure height	10 feet	b	Maximum change in setback	20 feet	c	Maximum change in impervious surface	5,000 square feet
a	Maximum change in structure height	10 feet								
b	Maximum change in setback	20 feet								
c	Maximum change in impervious surface	5,000 square feet								
4	The proposed changes to the development do not result in an increased requirement for parking or loading spaces under Chapter 4300 .									
5	Any proposed substitution of exterior materials or fixtures specified in the original application or approval must be similar in appearance and of equivalent durability to what was originally specified or approved.									
6	Any proposed substitution of plant materials specified in the original application or approval must not change the overall landscape design concept and function as originally described or approved.									

2205 INSPECTING DEVELOPMENT DURING CONSTRUCTION

2205.A The Zoning Administrator may inspect any development during construction as necessary to ensure compliance with these regulations and any permit or approval conditions.

 24 V.S.A. § 4449

2206 OBTAINING A CERTIFICATE OF COMPLIANCE

2206.A **Applicability.** The Zoning Administrator:

- (1) May require a certificate of compliance prior to occupying or commencing the use of any approved development.
- (2) Must require a certificate of compliance for:
 - (a) Any development subject to major site plan or conditional use approval.
 - (b) Any development requiring a new or amended wastewater permit or sewer allocation.
 - (c) Any structure with a footprint of 500 square feet or more that is located within 10 feet of a setback line.
- (3) Must require a certificate of compliance prior to issuing any permits for development within a subdivision or planned unit development approved on condition that the applicant construct public or private improvements.
- (4) Must not issue a certificate of compliance except to verify the substantial completion of work in accordance with an unexpired zoning permit or development approval. In accordance with Town of Shelburne policy, the Zoning Administrator will not issue letters of zoning compliance (commonly referred to as Bianchi letters).

2206.B **Application.** The Zoning Administrator must provide applicants with the necessary form to apply for a certificate of compliance. The applicant must submit the completed form prior to the expiration of the associated zoning permit or prior to submitting an application for land development on lots within a subdivision, as applicable.

2206.C **Time to Act.** The Zoning Administrator must act on a complete application for a certificate of compliance promptly and in all cases within 30 days. The Zoning Administrator may:

- (1) Require the applicant to submit as-built plans or other documentation from a qualified professional certifying that the development as constructed conforms to the approved plans.
- (2) Inspect the subject property and consult with other town or state personnel as necessary to determine compliance.

- 2206.D **Deemed Approval.** If the Zoning Administrator does not act on a complete application for a certificate of compliance within 30 days, the applicant may file an appeal directly with the Environmental Division of the Vermont Superior Court to recognize that the Zoning Administrator’s failure to act within the 30-day period resulted in a “deemed approval” of the application.
- 2206.E **Criteria.** Before receiving a final certificate of compliance, the applicant must certify and demonstrate to the Zoning Administrator that:
- (1) The development is substantially complete and conforms to the requirements of the zoning permit and/or development approvals, the filed plans, and the applicable provisions of these regulations.
 - (2) All commonly-owned or shared improvements and infrastructure connections are complete and conform to any applicable town or state specifications, the requirements of the zoning permit and/or development approvals, the filed plans, and the applicable provisions of these regulations.
 - (3) The applicant has recorded all required documents with the town including, but not limited to, as-built drawings, energy certificate, wastewater and potable water supply permit, access permit, stormwater permit, or shoreland permit/registration.
 - (4) The applicant has paid all required fees.
- 2206.F **Temporary Certificate.** The Zoning Administrator may issue a temporary certificate of compliance that conditions use or occupancy on full completion of all required improvements within not more than 180 days as follows:
- (1) The Zoning Administrator may require the applicant to submit a performance bond in accordance with [Section 2104](#) to insure full completion of the outstanding work.
 - (2) The Zoning Administrator must require the applicant to submit a performance bond in accordance with [Section 2104](#) if any commonly-owned or shared improvements or infrastructure connections remain incomplete.
 - (3) The applicant must apply for a final certificate of compliance prior to the expiration of the temporary certificate.
- 2206.G **Phased Development.** If the development will be phased, Zoning Administrator may issue certificates of compliance for individual phases as they are completed in accordance with the permit and associated conditions of approval.
- 2206.H **Decisions.** The Zoning Administrator must approve or deny applications for a certificate of compliance in writing as follows:
- (1) **Approval.** When approving an application, the Zoning Administrator must inform the applicant that the issuance of a certificate of compliance does not preclude the Town of Shelburne taking enforcement action in accordance with [Chapter 2600](#) for any violation of the zoning permit or associated development approvals.

- (2) **Denial.** When denying an application, the Zoning Administrator must:
 - (a) State the reasons for the denial.
 - (b) Inform the applicant that the denial may be appealed to the Development Review Board within 15 days of the date of the decision.
 - (c) Include a copy of [Section 2402](#), which explains the appeal process.
 - (d) Commence appropriate enforcement action under [Chapter 2600](#) if a violation of these regulations is found.
- (3) **Reapplication.** The applicant may submit another application for a certificate of compliance, including all applicable fees, after remedying any conditions identified as the reason for the denial.

2206.I **Posting Requirements.** The Zoning Administrator must post a copy of the certificate of compliance in at least one public place within 3 days after issuing it. The copy must remain posted throughout the 15-day appeal period.

2206.J **Filing Requirements.** The Zoning Administrator must:

- (1) Provide a copy of the certificate of compliance to the Town Assessor within 3 days after issuing it.
- (2) Deliver an original, signed copy of the certificate of compliance to the Town Clerk for recording within 30 days after issuing it, except that temporary certificates do not have to be recorded.
- (3) File a copy of the certificate of compliance as part of their office records within 30 days after issuing it.

 24 V.S.A. § 4455

2207 REVOKING PERMITS OR APPROVALS

2207.A The Zoning Administrator may petition the Environmental Division of Superior Court to revoke a zoning permit and any associated development approvals if an applicant:

- (1) Omitted or misrepresented a material fact on an application or at a hearing.
- (2) Violates the terms of the permit and any associated development approvals.

 24 V.S.A. § 4465

2208 APPEALING ADMINISTRATIVE ACTIONS OR DECISIONS

2208.A The applicant or other interested person may appeal any of the Zoning Administrator's actions or decisions under these regulations to the Development Review Board under [Section 2402](#).

Figure 2-03. **Development Approvals Table**

Section	Approval Type and Applicability	Approval By	Public Hearing	Criteria
2304	Design Review. Exterior modifications to buildings or property in the Design Review Overlay district.	ZA	No	Figure 2-07
2305	Environmental Review. Subdivision of land, establishment of development envelopes and conditional uses within the Environmental Review Overlay district.	ZA	No	Figure 2-08
2306	Sign Review. New or modified signs that are not part of a larger development project requiring site plan approval.	ZA	No	<u>Chapter 4800</u>
2307	Development Envelope Review. New or modified development envelopes on existing lots that are not part of a larger development project requiring site plan approval.	ZA	No	*insert cross ref
2308	Site Plan Approval, Minor. Proposed development other than single- or two-unit dwellings and any associated accessory structures or uses to such a dwelling. ZA will classify as major or minor under <u>Figure 2-10</u> .	ZA	No	Figure 2-11
2308	Site Plan Approval, Major. Proposed development other than single- or two-unit dwellings and any associated accessory structures or uses to such a dwelling. ZA will classify as major or minor under <u>Figure 2-10</u> .	DRB	Yes	Figure 2-11
2309	Conditional Use Approval. Commencing any use listed as conditional in [cross-reference use table] or as otherwise specified in these regulations. Major changes to existing conditional uses under <u>Paragraph 2309.B</u> also require approval.	DRB	Yes	<u>Figure 2-13</u>
2310	Planned Unit Development (PUD) Approval. Required for major subdivisions (4 or more lots) in the [rural] districts. May be proposed on any parcel that is three acres or more where residential uses are allowed.	DRB	Yes	<u>Figure 2-16</u>
2311	Lot Line Adjustments and Lot Mergers. Modification or elimination of lot lines between existing parcels that does not result in an increase in the total number lots.	ZA	No	<u>Paragraph 2311.B</u>
2312	Footprint Lots, on existing lots. May be legally necessary when property will be in condominium ownership.	ZA	No	<u>Paragraph 2312.C</u>
2312	Footprint Lots, on new lots. May be legally necessary when property will be in condominium ownership. To be approved as part of a subdivision.	DRB	Yes	<u>Paragraph 2312.D</u>
2313.C	Subdivision Approval, Sketch Plan. Required for all subdivisions.	ZA	No	Figure 2-16
2313.D	Minor Subdivision Approval. Required for minor subdivisions as classified under <u>Figure 2-15</u> .	ZA	No	Figure 2-16
2313.E	Major Subdivision Approval, Preliminary. Required for major subdivisions as classified under <u>Figure 2-15</u> .	DRB	Yes	Figure 2-16
2313.F	Major Subdivision Approval, Final. Required for major subdivisions as classified under <u>Figure 2-15</u> .	DRB	Yes	Figure 2-16

Chapter 2300. Development Approvals

2301 APPLICATION PROCESS

2301.A **Pre-Application Conference.** A prospective applicant may request a pre-application conference with the Zoning Administrator prior to submitting a complete application. A pre-application conference is an informal meeting that provides the prospective applicant with an opportunity to consult with and receive advice in order to save time and expense in the preparation of the application. Any comments or recommendations made are intended to provide general direction to the prospective applicant and will not be deemed binding in the preparation or review of any subsequent application for development approval.

2301.B **Zoning Administrator.** The Zoning Administrator must assist prospective applicants by:

- (1) Determining whether a project requires one or more development approvals under these regulations.
- (2) Providing applicants with the necessary forms to apply for the required approvals.
- (3) Notifying applicants of the fees or other charges that the town may charge in relation to the application or proposed development.
- (4) Informing applicants that state permits may be required for the proposed development and recommending that applicants contact the state permit specialist at the Regional Office of the Vermont Department of Environmental Conservation.

2301.C **Applicant.** The applicant must:

- (1) Submit all required forms, supporting materials and fees to the Zoning Administrator to apply for a development approval under these regulations.
- (2) Provide all the information necessary to demonstrate compliance with these regulations.
- (3) Certify, by signing the application form, that all the information provided is complete and accurate to the best of their knowledge.

2301.D **Determination of Completeness.** The Zoning Administrator must:

- (1) Determine whether an application is complete promptly and in no case more than 15 days after the applicant submits it.
- (2) Inform the applicant of their determination. If the application is incomplete, the Zoning Administrator must inform the applicant of what additional information is required.

2301.E **Application Requirements.** The Zoning Administrator:

- (1) **General Waiver.** May waive an application requirement upon written request by the applicant and upon the applicant demonstrating that the information is not necessary to determine compliance with these regulations.

- (2) **Site Plan Drawings.** Must waive requirements for site plan drawings under [Figure 2-05](#) for minor site plan applications that do not involve physical changes to the exterior of a structure or to the site.
- (3) **Boundary Survey.** Must waive the requirement for a full boundary survey of a:
 - (a) Lot subject to a lot line adjustment or lot merger if the lot is larger than 10 acres.
 - (b) Parent parcel provided that the retained portion is larger than 10 acres and is not less than 70% of the total acreage before subdivision.
- (4) **Additional Information.** May require an applicant to provide additional information as necessary to determine compliance with these regulations.
- (5) **Recordkeeping.** Must keep written documentation of any application requirement waived or additional material requested as part of their office records and submit that information to the Development Review Board with the application. The Development Review Board may require an applicant to provide material previously waived or additional information under [Paragraph 2503.G](#).

2301.F **Referral to Development Review Board.** Once the Zoning Administrator determines that an application is complete and the applicable fees have been paid, the Zoning Administrator must warn a public hearing on the application before the Development Review Board at their next available regularly scheduled meeting following the warning period required under [Section 2501](#).

2301.G **Referral for Technical Review.** The Zoning Administrator may send a copy of an application to other town departments or state agencies for review prior to the Development Review Board hearing.

2301.H **Appeal of Administrative Actions.** The applicant or other interested person may appeal any of the Zoning Administrator's actions or decisions under this section to the Development Review Board under [Section 2402](#).

2301.I **Deemed Approval.** If the Zoning Administrator does not determine whether an application is complete and, if applicable, classify the application within 30 days, the applicant may file an appeal directly with the Environmental Division of the Vermont Superior Court to recognize that the Zoning Administrator's failure to act resulted in a "deemed approval" of the application.

 24 V.S.A. § 4416 and 24 V.S.A. § 4418

2302 APPLICATION REQUIREMENTS

2302.A Applicants for a development approval must submit the materials listed in [Figure 2-04](#) through [Figure 2-06](#), as applicable, and any application checklists provided by the Zoning Administrator unless a specific requirement is waived under [Paragraph 2301.E](#). It is the applicant's responsibility to provide the information necessary to demonstrate compliance with these regulations. Under [Section 2301](#) and [Paragraph 2503.G](#), the Zoning Administrator or Development Review Board may require an applicant to provide additional materials.

Figure 2-04. **General Application Requirements Table**

APPLICATION REQUIREMENTS	
All applications for development approval under these regulations must conform to the following:	
1	Project Narrative. The applicant must submit a written statement demonstrating that the proposed development conforms to the applicable standards of these regulations by listing the facts and reasons why the application meets each of the applicable review criteria.
2	State Highways. The applicant must submit a letter of intent or an access permit from the Vermont Agency of Transportation with any application for proposed development that involves access to a state highway.
3	Drawing Standards. All plan drawings must be to scale. Plan drawings must be at a scale of 1 inch = 30 feet or less unless the development site cannot be portrayed on full-size sheet at that scale in which case the Zoning Administrator may approve a scale of not to exceed 1 inch = 200 feet. All plan drawings must have a title block that at a minimum includes a project title, plan title, location map, site address, zoning district, name of the landowner and the applicant, name, title and license number (when applicable) of the person who produced the plan, original plan date and modification date if a revised submittal, scale and north arrow. Full size plan drawings must not exceed a sheet size of 24 inches by 36 inches. Reduced size plan drawings must not exceed a sheet size of 11 inches by 17 inches. The Zoning Administrator will specify the number of full size and reduced size copies required. The applicant must also provide electronic files for all plan drawings at full and reduced scale in Adobe PDF or other format agreed to by the Zoning Administrator.
4	Lighting Plan Drawing(s). When outdoor lighting will be installed or modified, the applicant must submit a lighting plan drawing(s) that includes the location, height and initial output (measured in lumens) of all proposed outdoor light fixtures to be installed and existing outdoor light fixtures to be retained. Applicants must provide specifications for all proposed light fixtures including any shields, mounting hardware, pole types and heights, and bases.
5	Landscape Plan Drawing(s). When landscaping will be installed or modified, the applicant must submit a landscape drawing(s) that includes the location and species of all plant materials that will be used to meet landscaping or screening requirements under these regulations. The plan must also show existing and proposed site amenities including, but not limited to hardscapes, fencing, walls, recreation facilities, benches, trash receptacles, bike racks and public art.
6	Signage Plan. When signage will be installed or modified, the applicant must submit drawings and specifications that include the type, location, height, dimensions, area, text size, design, materials and colors of all existing and proposed signs. For illuminated signs, the plan must also include the location, type and initial output (measured in lumens) of all existing and proposed sign lighting.
7	Architectural Drawing(s). When the project involves construction of a new principal building or exterior modifications to an existing principal building, the applicant must submit building elevations and other architectural drawings and specifications for exterior materials.
8	Erosion Control Plan. When the project involves soil disturbance, the applicant must submit a plan and supporting drawings or specifications documenting the location, type and installation schedule of proposed erosion control measures.
9	Stormwater Management Plan. When the project involves creation of impervious surface, the applicant must submit a plan and supporting drawings or specifications documenting the location, type and storage/treatment capacity of existing and proposed stormwater practices.
10	Fire Protection Plan. For projects that will be served by municipal water, the size, pressure and location of existing and proposed fire hydrants. For all other projects, the source and quantity of water for fire protection.
11	Traffic Assessment. An estimate of the amount and type of vehicular traffic to be generated by the proposed development on a daily basis and at peak hours. For projects estimated to generate 150 or more vehicle trips per day, a professionally prepared traffic impact analysis.

Figure 2-05. **Site Plan Application Requirements**

APPLICATION REQUIREMENTS		
Applications for site plan approval must include the following as indicated:		
1	Boundaries and Setbacks. The location of all existing and proposed lot lines, development envelopes, setbacks, easements or rights-of-way, monuments or survey pins.	<input checked="" type="radio"/> Minor site plan <input checked="" type="radio"/> Major site plan
2	Project Information. A summary table of zoning district dimensional standards, proposed residential density for the project, number of dwelling units per building and number of bedrooms per unit, proposed non-residential uses and floor area per use.	<input checked="" type="radio"/> Minor site plan <input checked="" type="radio"/> Major site plan
3	Resources and Hazards. The location of natural, historic or archaeological resources including, but not limited to, watercourses, wetlands, flood hazard areas, steep slopes, primary agricultural soils, forest blocks, wildlife habitat, and rare, threatened or endangered species. Applicants may rely on the information available from the Shelburne Natural Resource Inventory and the Vermont Agency of Natural Resources or may provide field assessments and delineations prepared by a qualified professional.	<input type="radio"/> Minor site plan <input checked="" type="radio"/> Major site plan
4	Landform and Grading. Existing and proposed elevation contours at an interval of 5 feet or less. Applicants may rely on lidar generated contours available from the Vermont Center for Geographic Information or may provide a topographic survey prepared by a qualified professional.	<input type="radio"/> Minor site plan <input checked="" type="radio"/> Major site plan
5	Access and Infrastructure. The location and dimensions of all existing and proposed streets, sidewalks, walkways, bikeways, paths, trails, driveways, parking spaces, loading spaces, mechanicals and utilities, dumpster or waste storage locations, snow storage locations, points of access to surrounding streets, points of access to surrounding bike, sidewalk and trail networks, and associated easements.	<input type="radio"/> Minor site plan <input checked="" type="radio"/> Major site plan
6	Structures and Impervious Surfaces. The use, location, distance from setbacks, height and footprint of all buildings, structures and impervious surfaces. The total area of impervious surface existing and proposed.	<input checked="" type="radio"/> Minor site plan <input checked="" type="radio"/> Major site plan
7	Greenspace. The location and use of all greenspace, open space and green stormwater management practices. The total area and ownership of greenspace existing and proposed.	<input type="radio"/> Minor site plan <input checked="" type="radio"/> Major site plan

● = required | ○ = not required unless specifically requested

Figure 2-06. **Subdivision Application Requirements**

APPLICATION REQUIREMENTS		
Applications for subdivision approval must include the following as indicated. For major subdivisions, preliminary plan submissions may be at the 30% design level. Final engineered drawings are required with final plan submission.		
1	Site Information. Identification of the total acreage within the proposed subdivision and any contiguous parcels under common ownership, broken out by zoning district if land is in more than one district. A complete survey of the subdivision tract by a licensed land surveyor. A copy of any deed restrictions, easements, rights-of-way or other encumbrances on the property.	<input checked="" type="radio"/> Minor subdivision <input checked="" type="radio"/> Major subdivision
2	Vicinity Map. A map with an aerial photo base showing the relationship of the proposed subdivision to abutting properties at a scale of not more than 1inch = 400 feet with existing and proposed lot lines, streets, sidewalks, paths, trails, common land and open space.	<input type="radio"/> Minor subdivision <input checked="" type="radio"/> Major subdivision
3	Street Master Plan. If the proposed subdivision covers only a part of the owner's contiguous land holdings, an indication of how the street network within the proposed subdivision could be extended to serve the remaining buildable portions of the contiguous land holdings.	<input type="radio"/> Minor subdivision <input checked="" type="radio"/> Major subdivision

APPLICATION REQUIREMENTS

Applications for subdivision approval must include the following as indicated. For major subdivisions, preliminary plan submissions may be at the 30% design level. Final engineered drawings are required with final plan submission.

<p>4 Boundaries and Setbacks. The location, dimensions and area of all existing and proposed lot lines, street frontages, development envelopes, setbacks, easements or rights-of-way, monuments or survey pins, and zoning district boundaries. Lots within the proposed subdivision identified by number and blocks identified by letter. Permanent reference monuments identified by an 'X' and lot corner markers identified by an 'O'.</p>	<p>● Minor subdivision ● Major subdivision</p>
<p>5 Project Information. A summary table of zoning district dimensional standards, proposed residential density for the project, number of dwelling units per building and number of bedrooms per unit, proposed non-residential uses and floor area per use, and lot size.</p>	<p>● Minor subdivision ● Major subdivision</p>
<p>6 Resources and Hazards. The location of natural, historic or archaeological resources including, but not limited to, surface waters and buffers, wetlands and wetland buffers, flood hazard areas, steep slopes, primary agricultural soils, forest blocks, wildlife habitat, and rare, threatened or endangered species [*insert references to definitive reference maps of these features]. Applicants for major subdivision may be required to provide professionally prepared environmental assessments and field delineations.</p>	<p>● Minor subdivision ● Major subdivision</p>
<p>7 Landform and Grading. Existing and proposed elevation contours at an interval of 5 feet or less. Applicants may rely on lidar generated contours available from the Vermont Center for Geographic Information or may provide a professionally prepared topographic survey.</p>	<p>● Minor subdivision ● Major subdivision</p>
<p>8 Access and Infrastructure. The location and dimensions of all existing and proposed streets, curbs, sidewalks, walkways, bikeways, paths, trails, driveways, parking spaces, loading spaces, street lighting, storm drainage, above and below ground utilities, dumpster or waste storage locations, mechanicals, snow storage locations, points of access to surrounding streets, points of access to surrounding bike, sidewalk and trail networks, and associated easements.</p>	<p>○ Minor subdivision ● Major subdivision</p>
<p>9 Municipal Utilities. For subdivisions that will be served by municipal water, sewer and/ or stormwater, identification of the location, size and capacity of existing and proposed infrastructure that would serve the subdivision. Submission of ability to serve letters from the Shelburne Department of Public Works. Details of proposed connection to public infrastructure.</p>	<p>● Minor subdivision ● Major subdivision</p>
<p>10 Streets. Proposed streets identified by name with dimensions, bearings, radii, central angle and slope as necessary to determine the exact location, direction and length of every street and to establish these lines on the ground. Street centerline profiles including location of all utilities and drainage features placed within the street right-of-way. Cross-sections showing paving, crown, berm, shoulder, sidewalks or shared use paths, bike lanes, drainage features and right-of-way.</p>	<p>○ Minor subdivision ● Major subdivision</p>
<p>11 Greenspace. The location, dimensions and area of any open space to be preserved or common areas to be created. A general description of proposed ownership, improvement and management.</p>	<p>○ Minor subdivision ● Major subdivision</p>
<p>12 Public Dedications. The location, dimensions and area of any land, rights-of-way, infrastructure or facilities proposed to be turned over to the Town of Shelburne.</p>	<p>○ Minor subdivision ● Major subdivision</p>
<p>13 Covenants and Legal Documents. The applicant must submit draft covenants and other legal documents governing the ownership and maintenance of any proposed common property or infrastructure within the development including, but not limited to, governing documents of a condominium, planned unit development or other homeowners association, road maintenance agreements, shared well or septic agreements, and stormwater maintenance agreements.</p>	<p>○ Minor subdivision ● Major subdivision</p>

● = required | ○ = not required unless specifically requested

2303 TECHNICAL REVIEW

- 2303.A **Applicability.** Major site plan and major subdivision applications will require technical review under this section before a zoning permit or development approval may be approved. The Zoning Administrator may request technical review of other application for development approval when deemed necessary to determine compliance with these regulations.
- 2303.B **Authority.** Town of Shelburne department heads or their appointees are authorized to advise and make recommendations to the Zoning Administrator and Development Review Board on those aspects of proposed development subject to their jurisdiction. Such advice and recommendations will not be deemed binding and may not be appealed under [Chapter 2400](#).
- 2303.C **Review Process.** Technical review must occur prior to warning a public hearing on an application and must be completed within 60 days of the Zoning Administrator deeming the application complete unless the applicant agrees to a longer review period. The applicant must be provided a copy of any advice or recommendations received, including but not limited to, requests for specific design modifications or other changes to the proposed development. The Zoning Administrator or Development Review Board may condition approval of an application based on the technical review.

 24 V.S.A. § 4433

2304 DESIGN REVIEW

- 2304.A **Purpose.** The purpose of design review is to ensure that proposed development maintains and enhances those aspects of the built environment that contribute to Shelburne's historic character, architectural heritage and sense of place.
- 2304.B **Applicability.** Development within the Design Review Overlay District that involves exterior modifications to a structure or site will require design review under this section before a zoning permit or development approval may be approved. Interior alterations and changes of use that do not involve exterior modifications will not require design review.
- 2304.C **Authority.** The Historic Preservation and Design Review Commission is authorized to advise and make recommendations to the applicant, Zoning Administrator and Development Review Board. Such advice and recommendations will not be deemed binding and may not be appealed under [Chapter 2400](#).
- 2304.D **Review Process.** Applications will be reviewed based on the following process:
- (1) **Pre-Application Meeting.** An applicant may request a meeting with the Historic Preservation and Design Review Commission to obtain advice on project design prior to submitting a complete application.

- (2) **Time to Act.** The Historic Preservation and Design Review Commission must meet to review all complete applications subject to design review within 21 days of the Zoning Administrator deeming the application complete.
- (3) **Site Visit.** The Historic Preservation and Design Review Commission may request a site visit as part of the review process. A site visit is subject to the same warning and procedural requirements as any other meeting of the Historic Preservation and Design Review Commission.
- (4) **Meetings.** Meetings of the Historic Preservation and Design Review Commission are subject to Vermont's open meeting law (1 V.S.A. § 312), but are not subject to the hearing and notice requirements of [Chapter 2500](#). Historic Preservation and Design Review Commission meetings must be announced at least 24 hours before the meeting by:
 - (a) Notifying all commission members and the applicant.
 - (b) Posting the date, place and purpose of the hearing at the Town Office, on the town website and at least two other public places within Shelburne.
- (5) **Review Criteria.** The Historic Preservation and Design Review Commission review the application based on the criteria in [Figure 2-07](#).

2304.E **Advice and Recommendations.** The Historic Preservation and Design Review Commission:

- (1) Must advise the applicant in writing if it determines that the application fails to meet one or more of the criteria in [Figure 2-07](#).
- (2) May recommend specific design modifications or conditions of approval to the applicant, Zoning Administrator or Development Review Board when it determines that the application fails to meet one or more of the review criteria.
- (3) Must issue any advice and recommendations within 60 days of the Zoning Administrator deeming the application complete unless the applicant agrees to a longer review period.

2304.F **Administrative Permit.** When the proposed development does not require a development approval from the Development Review Board, the Zoning Administrator will review and act upon the application in accordance with [Chapter 2200](#). The Zoning Administrator may deny or condition approval of an application based on the Historic Preservation and Design Review Commission's advice and recommendations. The applicant or interested person may appeal those conditions to the Development Review Board as specified in [Section 2403](#).

2304.G **Development Approval.** When the proposed development requires a development approval from the Development Review Board, the advice and recommendations of the Historic Preservation and Design Review Commission will be forwarded to the Development Review Board with the application. The Development Review Board may deny or condition approval of an application based on the Historic Preservation and Design Review Commission's comments and recommendations.

Figure 2-07. **Design Review Criteria Table**

REVIEW CRITERIA	
1	District Standards. The proposed development conforms to the standards of [insert cross-reference to overlay district] and the guidelines provided in <i>Design Review in Shelburne</i> .
2	Historic Preservation. Exterior modifications to contributing historic structures will be in conformance with the practices recommended in the Secretary of the Interior’s <i>Standards for the Treatment of Historic Properties with Guidelines for Preserving, Rehabilitating, Restoring and Reconstructing Historic Buildings</i> .
3	Location. A new building or addition will be sited and designed to be compatible with the setback of existing buildings from the street, spacing between existing buildings, and alignment of existing buildings in the immediate area.
4	Bulk and Massing. The bulk and massing of a new or modified building will be appropriate in relation to existing adjacent buildings as viewed from the street or other public vantage points.
5	Height. The height of a new or modified building will be appropriate in relation to existing adjacent buildings as viewed from the street or other public vantage points.
6	Fenestration. The fenestration pattern of the front elevation of a new or modified building will be appropriate in relation to the fenestration pattern of the front elevation of existing adjacent buildings, and creates a compatible rhythm of alternating solid walls to window/door openings along the street.
7	Roofs. The shape, pitch, and direction of the roof on a new or modified building will be appropriate in relation to the design of roofs on existing buildings in the immediate area.
8	Materials and Textures. The proposed exterior materials and textures are high quality, durable and appropriate in relation to the materials and textures of existing development in the immediate area.
9	Architectural Features. New or modified buildings will incorporate architectural features that are raised above the wall plane to create shadow lines such as cornices, entablatures, friezes, pilasters, lintels or moldings.
10	Signs. The type, size, location, design, materials and lighting of new or modified signs will be complementary to the building, site and neighboring properties.
11	Utilities and Mechanicals. Utility lines will be installed underground whenever feasible given site conditions. Any above ground utilities or mechanicals will be located, designed and screened to minimize their visual impact from the street and neighboring properties.
12	Accessory Structures. The materials, scale, design, and placement of accessory structures on the site will be complementary to the principal building and neighboring properties.
13	Site Design and Landscaping. The materials, design and location of site features and landscaping will be complementary to the principal building and neighboring properties. Mature trees and landscape plants that contribute to the character of the property as viewed from the street will be preserved to the maximum extent feasible.

 24 V.S.A. § 4433

2305 ENVIRONMENTAL REVIEW

- 2305.A **Purpose.** The purpose of environmental review is to ensure that proposed development:
- (1) Maintains and enhances those aspects of the natural environment that contribute to Shelburne’s rural and scenic character.
 - (2) Does not adversely impact the health and integrity of the town’s natural resources and ecosystems.

2305.B **Applicability.** The following development within the Environmental Review Overlay District will require environmental review under this section before a zoning permit or development approval may be granted:

- (1) Minor or major subdivision.
- (2) Creation or modification of a development envelope.
- (3) Conditional uses, except that a change of use that will not extend the existing footprint of development on the site will not require environmental review.

2305.C **Authority.** The Natural Resources and Conservation Committee is authorized to advise and make recommendations to the applicant, Zoning Administrator and Development Review Board. Such advice and recommendations will not be deemed binding and may not be appealed under [Chapter 2400](#).

2305.D **Review Process.** Applications will be reviewed based on the following process:

- (1) **Pre-Application Meeting.** An applicant may request a meeting with the Natural Resources and Conservation Committee to obtain advice on project design prior to submitting a complete application.
- (2) **Time to Act.** The Natural Resources and Conservation Committee must meet to review all complete applications subject to environmental review within 21 days of the Zoning Administrator deeming the application complete.
- (3) **Site Visit.** The Natural Resources and Conservation Committee may request a site visit as part of the review process. A site visit is subject to the same warning and procedural requirements as any other meeting of the Natural Resources and Conservation Committee.
- (4) **Meetings.** Meetings of the Natural Resources and Conservation Committee are subject to Vermont's open meeting law (1 V.S.A. § 312), but are not subject to the hearing and notice requirements of [Chapter 2500](#). Natural Resources and Conservation Committee meetings must be announced at least 24 hours before the meeting by:
 - (a) Notifying all commission members and the applicant.
 - (b) Posting the date, place and purpose of the hearing at the Town Office, on the town website and at least two other public places within Shelburne.
- (5) **Review Criteria.** The Natural Resources and Conservation Committee must review the application based on the criteria in [Figure 2-07](#).

2305.E **Advice and Recommendations.** The Natural Resources and Conservation Committee:

- (1) Must advise the applicant in writing if it determines that the application fails to meet one or more of the criteria in [Figure 2-07](#).
- (2) May recommend specific plan modifications or conditions of approval to the applicant, Zoning Administrator or Development Review Board when it determines that the application fails to meet one or more of the review criteria.

- (3) Must issue any advice and recommendations within 60 days of the Zoning Administrator deeming the application complete unless the applicant agrees to a longer review period.

2305.F **Administrative Permit.** When the proposed development does not require a development approval from the Development Review Board, the Zoning Administrator will review and act upon the application in accordance with [Chapter 2200](#). The Zoning Administrator may deny or condition approval of an application based on the Natural Resources and Conservation Committee’s advice and recommendations. The applicant or interested person may appeal those conditions to the Development Review Board as specified in [Section 2403](#).

2305.G **Development Approval.** When the proposed development requires a development approval from the Development Review Board, the advice and recommendations of the Natural Resources and Conservation Committee will be forwarded to the Development Review Board with the application. The Development Review Board may deny or condition approval of an application based on the Natural Resources and Conservation Committee’s advice and recommendations.

Figure 2-08. **Environmental Review Criteria Table**

REVIEW CRITERIA	
1	District Standards. The proposed development conforms to the standards of [insert cross-reference to overlay district].
2	Soils and Slopes. The proposed development will be sited on soils that are suitable for development and that are well-drained. If development is proposed on moderate to steep slopes, it will be designed and engineered to avoid potential erosion, slope stability and runoff problems. Any topsoil removed during construction will be retained and re-applied on-site and any soil damage resulting from construction will be repaired.
3	Erosion Control and Stormwater Management. The proposed development will be designed and engineered to control erosion and manage stormwater in accordance with * and Chapter 4500 .
4	Hazards and Pollution. The proposed development will be sited and designed to limit exposure to natural hazards. Where proposed development will be at risk, it will be engineered and constructed to minimize the potential for loss of life or property damage. The proposed development will be designed and operated to avoid adverse impacts to public health and safety.
5	Water Resources. The proposed development will be sited and designed to avoid or mitigate adverse impacts to groundwater, surface waters and wetlands.
6	Vegetation. The proposed development will be sited and designed to minimize or mitigate adverse impacts to plant life and natural communities, to avoid introduction of invasive or nuisance plant species, and to repair damage to site vegetation resulting from construction activities.
7	Forest Blocks. The proposed development will be sited and designed to avoid or minimize fragmentation of forest blocks as shown on [insert reference to map].
8	Wildlife Habitat. The proposed development will be sited and designed to avoid or mitigate adverse impacts to necessary wildlife habitat as shown on [insert reference to map].
9	Unique Features. The proposed development will be sited and designed to avoid or minimize adverse impacts to unique features on the site, including but not limited to, significant natural communities, scenic views and landmark trees.
10	Energy Efficiency. The proposed development will be sited and designed to maximize opportunities for energy efficiency.
11	Climate Change Impacts. The proposed development will be sited and designed to minimize its direct and indirect contributions to climate change, and to withstand expected climate related changes during the development’s useful life.

2306 SIGN REVIEW

2306.A **Applicability.** The provisions of this section apply to an application for a new or modified sign associated with an existing use or with a use not subject to site plan review. All other signs are reviewed as part of the site plan review for the proposed development under [Section 2308](#).

2306.B **Review Process.** The Zoning Administrator:

- (1) May approve, deny or refer sign applications to the Development Review Board for review following the process established for major site plan applications under [Section 2308](#).
- (2) Must act on a complete sign application following the process established for zoning permit applications under [Chapter 2200](#).
- (3) Must find that the proposed sign conforms to the standards of [Chapter 4800](#) before approving a sign application.
- (4) May approve a sign application with conditions as necessary to ensure compliance with these regulations.

2306.C **Appeal of Administrative Actions.** The applicant or other interested person may appeal any of the Zoning Administrator's actions or decisions under this section to the Development Review Board under [Section 2402](#).

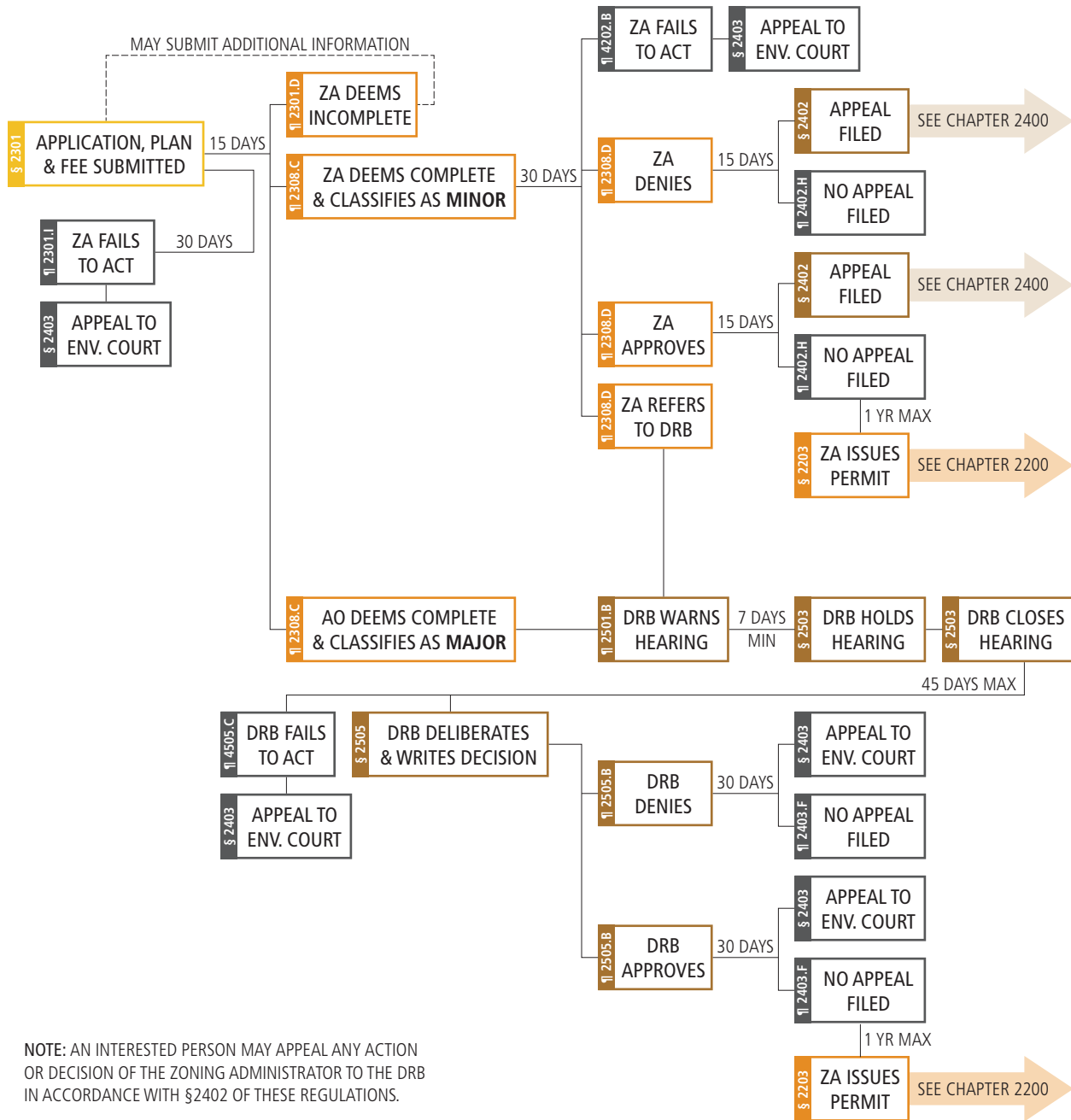
2307 DEVELOPMENT ENVELOPE REVIEW

2307.A **Administrative Review.** The Zoning Administrator may approve modifications or relocations of a previously approved development envelope, may approve the designation of a development envelope on a pre-existing lot when one is required under these regulations, and may approve the designation of a development envelope on a lot created through subdivision when the designation of the development envelope has been deferred under [*insert cross-reference]. Development envelope review will follow the process established for zoning permit applications in [Chapter 2200](#) and must be in accordance with the standards of [*insert cross-reference].

2307.B **Referral to the Development Review Board.** The Zoning Administrator may refer applications to the Development Review Board for review as an amendment to an approved plan under [Section Paragraph 4312](#).

2307.C **Filing Requirements.** Within 180 days after the Zoning Administrator or Development Review Board approves an application, the applicant must file a final subdivision plat for recording in the town's land records in accordance with [Paragraph 2313.G](#).

Figure 2-09. **Site Plan Review Flow Chart**



NOTE: AN INTERESTED PERSON MAY APPEAL ANY ACTION OR DECISION OF THE ZONING ADMINISTRATOR TO THE DRB IN ACCORDANCE WITH §2402 OF THESE REGULATIONS.

24 V.S.A. § 4416

2308 SITE PLAN REVIEW

2308.A **Purpose.** The purpose of site plan review is to ensure that proposed development:

- (1) Complies with all applicable provisions of these regulations.
- (2) Is appropriately sited and functionally integrated with surrounding development.
- (3) Makes a positive contribution to the streetscape.
- (4) Is constructed with good quality, durable materials.
- (5) Is adequately engineered and supported by infrastructure.

2308.B **Applicability.** All proposed development other than a single-unit or two-unit dwelling, and any accessory uses or structures to such a dwelling, requires site plan approval before the Zoning Administrator may issue a zoning permit.

2308.C **Classification.** The Zoning Administrator must classify applications that meet one or more of the criteria for major site plan under [Figure 2-10](#) as a major site plan and all other applications as minor site plans.

Figure 2-10. **Site Plan Classification Table**

	MINOR SITE PLAN	MAJOR SITE PLAN
1 New Use	Permitted use	Conditional use
2 Modified Use	Any change in a permitted use Minor change in a conditional use	Major change in a conditional use (see Paragraph 2309.B)
3 New Construction	Less than 3,000 square feet of gross floor area	3,000 square feet or more of gross floor area
4 Additions	Less than 20% increase in gross floor area	20% or more increase in gross floor area
5 Structural Renovation	Project costs are less than 50% of structure’s assessed value	Project costs are 50% or more of structure’s assessed value
6 Access	Any modification of an existing access	Any new access
7 Adding Dwelling Units	1 to 4 units in building (inclusive of all units in building)	5 or more units in building (inclusive of all units in building)
8 Adding Impervious Surface	Less than 5,000 square feet	5,000 square feet or more
9 Other	All other proposed development	n/a

2308.D **Minor Site Plans.** The Zoning Administrator:

- (1) Must act on a complete minor site plan application following the same process established for zoning permit applications in [Chapter 2200](#).
- (2) May approve, deny or refer minor site plan applications to the Development Review Board.

- (3) Must find that the proposed development meets all of the criteria in [Figure 2-11](#) before approving a minor site plan application.
- (4) May approve a minor site plan application with conditions as necessary to ensure compliance with these regulations.

2308.E **Major Site Plans.** The Development Review Board:

- (1) Must hold a public hearing and issue a decision on a site plan application under [Chapter 2500](#).
- (2) Must find that the proposed development meets all of the criteria in [Figure 2-11](#) before approving a site plan application.
- (3) May approve a site plan application with conditions as necessary to ensure compliance with these regulations.

2308.F **Appeal of Administrative Actions.** The applicant or other interested person may appeal any of the Zoning Administrator’s actions or decisions under this section to the Development Review Board under [Section 2402](#).

Figure 2-11. **Site Plan Review Criteria Table**

REVIEW CRITERIA	
1	The dimensional standards of the proposed development conform to the standards of the applicable district or of [insert cross reference] if a pre-existing nonconformity.
2	The proposed development will conform to any standards for the use specified in the applicable district and in [insert cross reference to specific use chapter], or of [insert cross reference] if a pre-existing nonconformity.
3	The impacts of the proposed development will not exceed the levels established in [cross reference performance standards section].
4	Outdoor use and activity areas associated with the proposed development will meet the standards of [insert cross reference to outdoor use standards].
5	The proposed development will provide safe and adequate access and circulation for motorists (including service and emergency vehicles), bicyclists and pedestrians that conforms to the standards of Chapter 4200 .
6	The proposed development will provide sufficient parking and loading areas that conform to the standards of Chapter 4300 .
7	The proposed development will implement low impact development, erosion control and stormwater management practices that conform to the standards of [insert cross references to erosion control section] and Chapter 4500 .
8	The proposed development will include landscaping, screening and buffers to add visual appeal and mitigate impacts that conform to the standards of Chapter 4600 .
9	The proposed development will provide exterior lighting where necessary for public safety and nighttime use that conforms to the standards of Chapter 4700 .
10	The proposed development will conform to town (or state, if applicable) specifications for construction of necessary improvements including but not limited to streets, sidewalks, driveways, utilities and emergency access.
11	The proposed development will not result in an undue adverse impact on the ability of adjacent landowners to utilize renewable energy resources.

Figure 2-12. Conditional Use Review Flow Chart

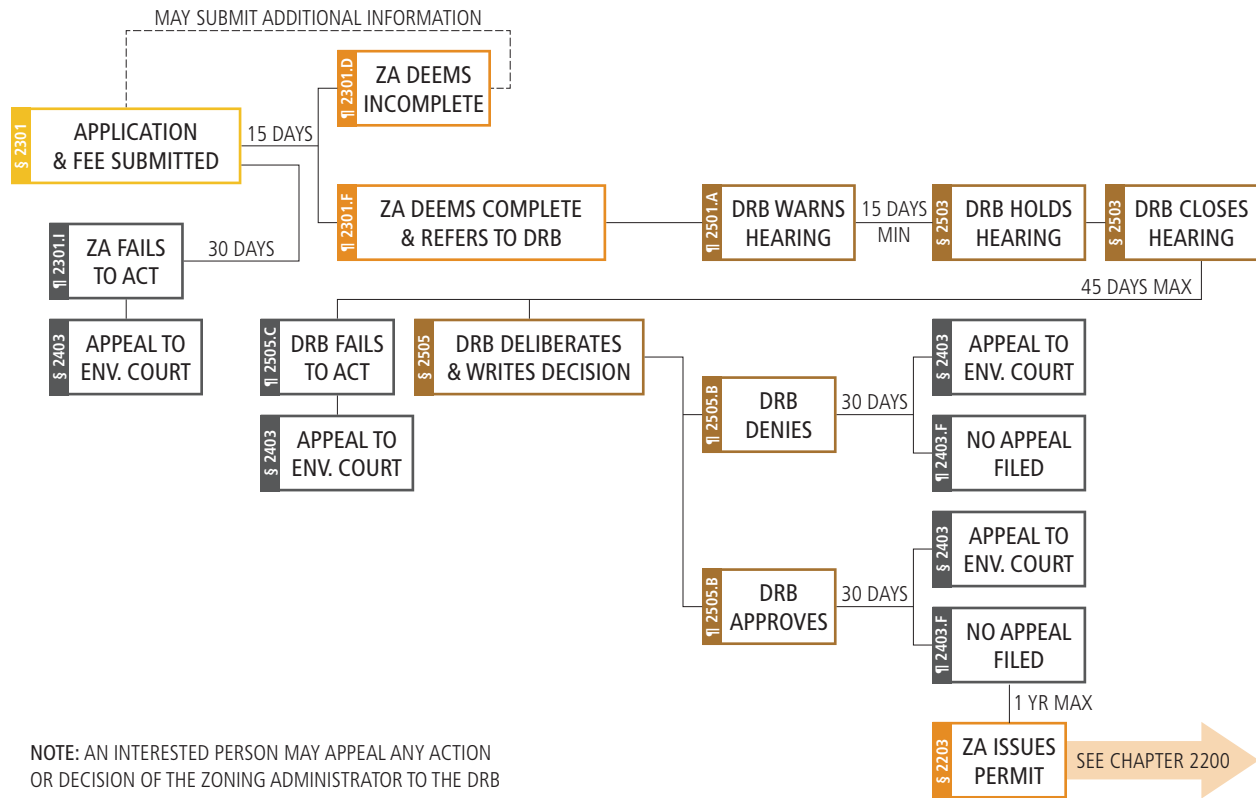


Figure 2-13. Conditional Use Review Criteria Table

REVIEW CRITERIA	
1	The proposed development will conform to any standards for the use specified in the applicable district and in [insert cross reference to specific use chapter], or of [insert cross reference] if a pre-existing nonconformity.
2	The demand for water supply, wastewater, educational, recreation, public safety, emergency response and other municipal services to serve the proposed development will be reasonable and will not create an undue adverse effect upon the capacity existing or planned (as established in any duly adopted capital budget and program) community facilities or services.
3	Traffic generated by the proposed development will not exceed the capacity of, unreasonably reduce the service level of, create congestion on, and/or contribute to unsafe conditions for motorists, bicyclists and pedestrians on streets, highways and intersections in the vicinity.
4	The proposed development will avoid, minimize and/or mitigate (listed in order of preference) undue adverse effects on significant natural resources and the environment.
5	The proposed development will not substantially or permanently impair the lawful use or development of adjacent property, the ability of adjacent landowners to utilize renewable energy resources.
6	For non-residential development, the proposed development will be compatible with and will not have undue adverse effects on the character of the area as defined in [insert cross reference].

 24 V.S.A. § 4414

2309 **CONDITIONAL USE REVIEW**

2309.A **Purpose.** The purpose of conditional use review is to ensure that the: (1) site is a suitable location for a use of the proposed type, scale and intensity, and (2) proposed use will not have undue adverse effects beyond the property.

2309.B **Applicability.** A landowner must obtain a development approval from the Development Review Board and then a zoning permit from the Zoning Administrator prior to commencing a new conditional use or making a major change to an existing conditional use.

2309.C **Major Change.** Proposed development that includes any of the following is a major change to a conditional use:

- (1) Modification of any limits on off-site impacts established as a condition of approval including, but not limited to, hours of operation, noise, lighting, or traffic.
- (2) Expansion of the floor area occupied by the conditional use by more than 500 square feet.
- (3) Increase in the number of dwelling units (this will not be interpreted to include an accessory dwelling under [insert cross reference]).
- (4) Construction of additional parking spaces or loading areas (this will not be interpreted to include construction of previously approved reserve parking or loading spaces).

2309.D **Acting on a Conditional Use Application.** The Development Review Board must hold a public hearing and issue a decision on a conditional use application under [Chapter 2500](#).

2309.E **Review Criteria.** To approve a conditional use application, the Development Review Board must find that the applicant has demonstrated that the proposed development meets the review criteria in [Figure 2-13](#).

2309.F **Conditions of Approval.** The Development Review Board may approve a conditional use application with conditions as necessary to ensure compliance with these regulations.

24 V.S.A. § 4417

2310 PLANNED UNIT DEVELOPMENT REVIEW

2310.A **Review Process.** A planned unit development (PUD) requires subdivision approval under [Section 2313](#). If proposed development within a PUD also requires site plan and/or conditional use approval, the Development Review Board will conduct those reviews concurrently under [Section 2314](#).

2310.B **Planning Standards.** A PUD must be designed in accordance with [insert cross reference].

27 V.S.A. § 341

2311 REVIEW OF LOT LINE ADJUSTMENTS AND LOT MERGERS

2311.A **Purpose.** The provisions of this section are intended to allow landowners to modify or eliminate the lot lines between existing, lawful parcels with no increase in the number of lots. This process is the only means to modify or eliminate lot lines shown on an approved plat lawfully filed in the town land records (filing a revised deed alone does not modify or eliminate lot lines or merge parcels for the purposes of these regulations).

2311.B **Administrative Review.** The Zoning Administrator may approve the realignment, relocation or elimination of a boundary line between abutting lots following the same process established for zoning permit applications in [Chapter 2200](#) provided that the proposed change will not:

- (1) Result in an increase in the number of lots.
- (2) Create a new nonconforming lot or structure.
- (3) Increase the degree of nonconformity of a pre-existing nonconforming lot or structure by more than 25%.
- (4) Violate any conditions of a prior permit or approval.

2311.C **Referral for Subdivision Review.** The Zoning Administrator may refer applications to the Development Review Board for review as a minor subdivision. The Development Review Board may approve lot line adjustments that will increase the degree of nonconformity of a pre-existing nonconforming lot or structure upon the applicant demonstrating that the proposed modification meets the criteria in [Figure 2-17](#).

2311.D **Filing Requirements.** Within 180 days after the Zoning Administrator or Development Review Board approves an application, the applicant must file a final survey plat for recording in the town's land records under [Paragraph 2313.G](#).

24 V.S.A. 4463

2312 REVIEW OF FOOTPRINT LOTS

2312.A **Purpose.** The provisions of this section are intended to allow landowners to file a plat creating or modifying one or more footprint lots on a parcel if required for legal or financing reasons.

2312.B **Interpretation.** A footprint lot will not be considered a separate, legal lot for the purpose of these regulations.

2312.C **Footprint Lots on Existing Parcels.** The Zoning Administrator may approve the creation or modification of footprint lots on existing parcels following the same process established for zoning permit applications under [Chapter 2200](#) provided that the proposed change:

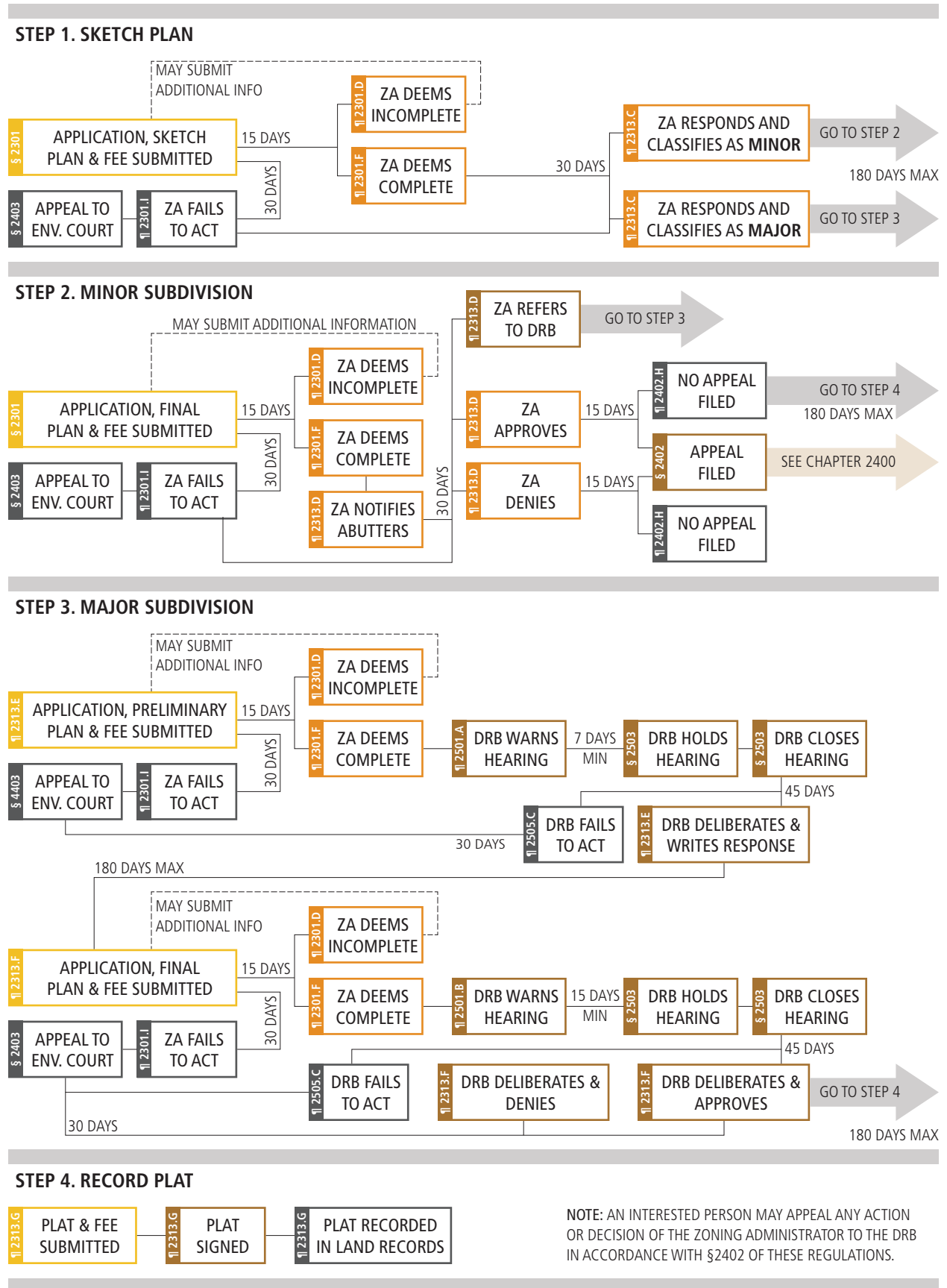
(1) Conforms to state statute regulating the formation and governance of condominiums. i 27 V.S.A. Chapter 15

(2) Does not violate any conditions of a prior permit or approval.

2312.D **Footprint Lots on New Parcels.** The Development Review Board may approve footprint lots on new lots being created through subdivision or within a planned unit development provided that the proposed plan conforms to state statute regulating the formation and governance of condominiums. i 27 V.S.A. Chapter 15

2312.E **Filing Requirements.** Within 180 days after the Zoning Administrator or Development Review Board approves an application, the applicant must file a final survey plat for recording in the town's land records under [Paragraph 2313.G](#). i 24 V.S.A. 4463


Figure 2-14. Subdivision Review Flow Chart



 24 V.S.A. 4418 and 24 V.S.A. 4463

2313 SUBDIVISION REVIEW

2313.A Applicability

- (1) A lot must be lawfully established by recording an approved survey plat in the town's land records prior to being sold, transferred or leased except that a landowner may:  27 V.S.A. § 341
 - (a) Lease land for farming or forestry purposes in accordance with [insert cross reference to ag exemption].
 - (b) Sell or grant rights-of-way or easements that do not create an undivided interest in land.
- (2) A landowner must not commence any clearing, site preparation, construction or land development except as authorized under [cross reference to provision related to site preparation] or exempted under [cross reference to ag/forestry] on land to be subdivided prior to recording an approved survey plat in the town's land records.
- (3) The Zoning Administrator must not issue any permits for land development on a lot created by subdivision until the landowner has recorded an approved survey plat in the town's land records.

2313.B Purpose. The purpose of subdivision review is to ensure that:

- (1) Subdivided lots are suitable for development without endangering public health, safety or welfare.
- (2) Appropriate provisions are made for necessary improvements including, but not limited to, water supply, sewage disposal, stormwater management, fire and emergency protection and access, and utilities.
- (3) Proposed subdivisions are complimentary to and functionally integrated with surrounding development and the town's street network to the greatest extent feasible.
- (4) Proposed subdivisions are designed to avoid, mitigate and/or minimize (listed in order of preference) adverse environmental impacts to the greatest extent feasible.

2313.C Sketch Plan Review and Classification

- (1) **Application.** The applicant must file a complete application and sketch plan for review by the Zoning Administrator.
- (2) **Notification.** There are no notification requirements for sketch plans.
- (3) **Classification.** The Zoning Administrator must classify an application that meets one or more of the criteria for a major subdivision in [Figure 2-15](#) as a major subdivision and all other applications as minor subdivisions.

Figure 2-15. **Subdivision Classification Table**

	MINOR SUBDIVISION	MAJOR SUBDIVISION
1 Total Cumulative Lots Resulting <i>Including all lots created from contiguous parcels in common ownership within the past 5 years and inclusive of the parent parcel(s).</i>	2 or 3 lots	4 or more lots
2 Street Creation or Improvement	No	Yes
3 Common Land or Infrastructure <i>Including, but not limited to, water supply, wastewater and stormwater.</i>	No	Yes

- (4) **Written Response.** The Zoning Administrator must send the applicant a written response to a complete sketch plan application within 30 days of its filing that:
 - (a) Indicates whether the subdivision as proposed generally conforms to the standards of these regulations.
 - (b) Makes recommendations to guide the applicant in preparation of more detailed plans for the next step of the subdivision review process.
 - (c) Requests any additional application materials deemed necessary to determine compliance with these regulations during the next step of the subdivision review process.
 - (d) Classifies the proposed subdivision as either a major or minor subdivision.
- (5) **Deadline to Act.** The applicant must file the materials required for the next step of the subdivision review process within 180 days of the Zoning Administrator issuing the written response to the sketch plan.
- (6) **Appeals.** The applicant or other interested person may appeal any of the Zoning Administrator’s actions or decisions under this section to the Development Review Board as specified in [Section 2402](#). The Zoning Administrator’s written response to the sketch plan application will not constitute a formal decision on the subdivision plan for the purposes of any subsequent appeal to the Environmental Division of the Vermont Superior Court.

2313.D **Final Plan Review for Minor Subdivisions**

- (1) **Purpose.** Minor subdivision approval offers landowners a simplified process for dividing a parcel into two or three lots.
- (2) **Application.** An applicant for minor subdivision approval must file a complete application and final subdivision plan for review by the Zoning Administrator.

- (3) **Notification.** The Zoning Administrator must notify the owners of all properties adjacent to the subject property (includes those across the street) in writing of the applicant's intent to subdivide the subject property. If a proposed subdivision is located within 500 feet of the town line, a copy of the notice must also be sent to the clerk of the adjoining municipality. The notification must include a description of the proposed subdivision and must clearly explain to the recipient where to obtain additional information.
- (4) **Administrative Review.** The Zoning Administrator may approve a minor subdivision following the same process established for zoning permit applications in [Chapter 2200](#) provided that the proposed subdivision:
 - (a) Proposes lots that fully conform to the dimensional standards of the district;
 - (b) Establishes development envelopes on each lot in accordance with [*insert cross reference].
 - (c) Provides for access to each lot from the existing street network in accordance with [*insert cross reference].
 - (d) Provides for water supply and wastewater treatment serving each lot in accordance with [*insert cross reference].
 - (e) Does not violate any conditions of a prior permit or approval.
- (5) **Referral for Major Subdivision Review.** The Zoning Administrator may refer applications to the Development Review Board for review as a major subdivision.
- (6) **Filing Requirements.** Within 180 days after the Zoning Administrator approves an application, the applicant must file a final survey plat for recording in the town's land records under [Paragraph 2313.G](#).
- (7) **Limitation on Re-Subdivision.** A lot created through minor subdivision after [*insert effective date] may not be further subdivided within 10 years of the date the survey plat was filed except as a major subdivision.
- (8) **Appeals.** The applicant or other interested person may appeal any of the Zoning Administrator's actions or decisions under this section to the Development Review Board as specified in [Section 2402](#).

2313.E **Preliminary Plan Review for Major Subdivisions**

- (1) **Application.** An applicant for major subdivision approval must file a complete application and preliminary subdivision plan for consideration by the Development Review Board. An applicant is not required to submit fully engineered plans or legal documents for preliminary review.
- (2) **Hearing and Notice.** The Development Review Board must hold a public hearing and act on a preliminary subdivision plan under [Chapter 2500](#).

- (3) **Written Response.** The Development Review Board must issue a written response to the preliminary plan that includes:
 - (a) Findings of fact that address each of the applicable criteria in [Figure 2-16](#).
 - (b) Any proposed conditions of approval to be placed on the final plan.
 - (c) Any specific changes requested in the final subdivision plan.
 - (d) The issues to be analyzed and addressed in the final subdivision plan review.
 - (e) Any modification or waiver of application requirements for final plan review.
The Development Review Board may:
 - (i) Request any additional application materials deemed necessary to determine compliance with these regulations.
 - (ii) Modify or waive application requirements deemed unnecessary to determine compliance with these regulations.
- (4) **Deadline to Act.** The applicant must file the final subdivision plan within 180 days of the Development Review Board issuing a written response to the preliminary plan.
- (5) **Appeals.** The written response to a preliminary subdivision plan is intended to provide direction to the applicant in preparing the final subdivision plan. It is not a binding decision on the subdivision application and therefore cannot be appealed under [Section 2403](#).

2313.F **Final Plan Review for Major Subdivisions**

- (1) **Application.** The applicant must file a complete application and final subdivision plan for consideration by the Development Review Board. An applicant must submit fully engineered plans and draft legal documents for final review.
- (2) **Purpose.** The purpose of final review is to evaluate the plan's conformance with the purposes and specific standards of these regulations and, for major subdivisions, to assure that the applicant has addressed the issues raised during the preliminary plan review.
- (3) **Hearing and Notice.** The Development Review Board must hold a public hearing and act on a final subdivision plan under [Chapter 2500](#). If a proposed subdivision is located within 500 feet of the town line, a copy of the hearing notice must be sent to the clerk of the adjoining municipality.
- (4) **Acceptance of Improvements.** The Development Review Board's approval of a final plan does not constitute the town's acceptance of any street, easement, open space or other feature shown on the plan. Action by the Selectboard is required to accept any street, easement, open space or other feature.

2313.G **Filing Requirements**

- (1) The applicant must submit a final survey plat for recording in the town's land records within 180 days of the Development Review Board approving the final subdivision plan. If the subdivision will be phased, the applicant must file a survey plat for the first phase within 180 days and for subsequent phases in accordance with any schedule or time period established in the conditions of approval.
- (2) The applicant must also provide the Zoning Administrator with a digital copy of the final survey plat as an Adobe PDF or other file type approved by the Zoning Administrator.
- (3) Landowners are advised to file new or revised deeds in accordance with state law for all lots created or modified by a development approval when filing a survey plat to ensure the lots have clear, marketable titles.
- (4) The Zoning Administrator may grant a 90-day extension to the filing deadline upon written request by the applicant if other local or state permits are still pending.
- (5) The final survey plat must meet all statutory requirements. § 27 V.S.A. 1403
- (6) The Zoning Administrator or the Chair of the Development Review Board must sign the final survey plat before it is recorded in the town land records.
- (7) No one must make any changes, erasures, modifications or revisions to a final survey plat after it has been signed. Lot boundaries cannot be adjusted or lots merged unless approved under [Section 2311](#).
- (8) Once lawfully filed, a final survey plat does not expire.
- (9) Failure to file a survey plat in accordance with this section nullifies the subdivision approval. An applicant who has failed to file a plat may request that the Development Review Board re-affirm the approval following a public hearing under [Chapter 2500](#) provided:
 - (a) The request is submitted within 2 years of of the Development Review Board approval of the final subdivision plan.
 - (b) There has been no amendment to these regulations that would have affected the outcome of the subdivision approval.

2313.H **Modification of Approved Subdivisions**

- (1) Except for lot line adjustments or lot mergers approved under [Section 2311](#) or footprint lots approved under [Section 2312](#), the Development Review Board must review any request to amend an approved subdivision plat in accordance with the process for final plan review under [Paragraph 2313.F](#).
- (2) The process for reviewing and issuing a decision on an amendment is the same as for the original approval except that the scope of the review will be limited to those aspects of the plat affected by the proposed amendment.
- (3) The applicant must file an approved, amended survey plat under [Paragraph 2313.G](#).

Figure 2-16. **Major Subdivision Review Criteria Table**

REVIEW CRITERIA	
1	The dimensional standards of the proposed development conform to the standards of the applicable district or of [insert cross reference] if a pre-existing nonconformity.
2	The proposed development will provide safe and adequate access and circulation for motorists (including service and emergency vehicles), bicyclists and pedestrians that conforms to the standards of Chapter 4000 and Chapter 4200 .
3	The proposed development will implement low impact development, erosion control and stormwater management practices that conform to the standards of *erosion control section and Chapter 4500 .
4	The proposed development will provide exterior lighting where necessary for public safety and nighttime use that conforms to the standards of Chapter 4700 .
5	The proposed development will provide exterior lighting where necessary for public safety and nighttime use that conforms to the standards of Chapter 4700 .
6	The proposed development will conform to town (or state, if applicable) specifications for construction of necessary improvements including but not limited to streets, sidewalks, driveways, utilities and emergency access.
7	The demand for water supply, wastewater, educational, recreation, public safety, emergency response and other municipal services to serve the proposed development will be reasonable and will not create an undue adverse effect upon the capacity existing or planned (as established in any duly adopted capital budget and program) community facilities or services.
8	The proposed development will be compatible with and will not have undue adverse effects on the character of the area as defined in [insert cross reference], and will not substantially or permanently impair the lawful use or development of adjacent property.
9	Traffic generated by the proposed development will not exceed the capacity of, unreasonably reduce the service level of, create congestion on, and/or contribute to unsafe conditions for motorists, bicyclists and pedestrians on streets, highways and intersections in the vicinity.
10	The proposed development will avoid, minimize and/or mitigate (listed in order of preference) undue adverse effects on significant natural resources and the environment.
11	The proposed development will logically extend existing settlement patterns and create interconnected street networks to the maximum extent feasible given the terrain and other characteristics of the land.
12	The proposed development will be designed and laid out to make efficient use of land and to minimize the amount of street, driveway and other infrastructure necessary to serve the lots.
13	Lots within the proposed development will vary in size and frontage (i.e., not a 'cookie-cutter' subdivision).

 24 V.S.A. § 4462

2314 COMBINED REVIEW

2314.A When proposed development requires more than one approval from the Development Review Board, a single hearing will be held for the purpose of reviewing and acting on the application unless the applicant requests separate hearings for each development approval.

2314.B The Zoning Administrator must identify applications appropriate for combined review and assist applicants in preparing and submitting combined applications.

- 2314.C The Development Review Board must hold a public hearing and act on combined applications in accordance with [Chapter 2500](#). In addition, the hearing notice must:
- (1) Include a statement that the hearing will be a combined review of the proposed development.
 - (2) List each type of review the Development Review Board will conduct.
- 2314.D The Development Review Board must find that the applicant has demonstrated that the proposed development meets the review criteria for each approval.
- 2314.E The Development Review Board must issue separate written decisions for each review conducted as part of the combined hearing.
- 2314.F All hearing and decision requirements and deadlines applicable to each review process will apply.

2315 AMENDING APPROVED SITE PLANS

- 2315.A The Development Review Board must review any request to amend an approved site plan that the Zoning Administrator cannot approve under [Section 2204](#).
- 2315.B The process for applying for an amendment is the same as for the original approval.
- 2315.C The process for reviewing and issuing a decision on an amendment is the same as for the original approval except that the scope of the review is limited to those aspects of the approved development affected by the proposed amendment.
- 2315.D The applicant must demonstrate that the proposed amendment is justified due to circumstances that were beyond the applicant's control or were not reasonably foreseeable at the time of the original application.
- 2315.E The Development Review Board may determine that the proposed amendment would change the approved development to such an extent that it needs to be reviewed as a new application, and may deny the amendment request and require the applicant to apply for a new zoning permit and any associated development approvals.
- 2315.F Approval of an amendment does not affect the expiration date of the original permit and any associated development approvals.

Chapter 2400. Appeals

 24 V.S.A. § 4465

2401 WHO MAY APPEAL

2401.A An applicant or other interested person may appeal an action taken or decision made under these regulations as specified in this chapter.

2401.B For the purposes of these regulations, an interested person is:

- (1) An applicant who alleges that these regulations impose unreasonable or inappropriate restrictions on the existing or future use of their property.
- (2) The Town of Shelburne or any adjoining municipality.
- (3) A person owning or occupying property in the immediate area of proposed development who can demonstrate:
 - (a) A physical or environmental impact on the person's interests; and
 - (b) That the action taken or decision made under these regulations is not in accord with the policies, purposes, or terms of these regulations or the Town Plan, as most recently adopted.
- (4) Any combination of at least 10 voters, residents or landowners in the Town of Shelburne who by signed petition allege that the relief an applicant is requesting under this chapter is not in accord with the policies, purposes, or terms of these regulations or the Town Plan, as most recently adopted.
- (5) Any department or administrative subdivision of the state that owns property or interest in property in the Town of Shelburne, and the Vermont Agency of Commerce and Community Development.

2401.C Decisions or actions on development applications that will create affordable housing as defined in (*add cross reference) may not be appealed on the grounds that the proposed development is not compatible with the character of the area.

2402 APPEALS OF THE ZONING ADMINISTRATOR

 24 V.S.A. § 4465

2402.A An interested person may appeal any action or decision of the Zoning Administrator to the Development Review Board by filing two copies of a notice of appeal and any applicable fees with the Town Clerk within 15 days of the date of the Zoning Administrator's action or decision.

2402.B The Town Clerk must forward one copy of the notice of appeal to the Development Review Board Chair and the other to the Zoning Administrator.

- i 24 V.S.A. § 4466
- 2402.C A notice of appeal must be in writing and must include all of the following information:
- (1) The name and address of the appellant (the person filing the appeal).
 - (2) A statement that demonstrates that the appellant qualifies as an interested person under [Section 2401](#).
 - (3) A copy of the Zoning Administrator’s decision or description of the action (if appealing a zoning permit, also include a copy of the permit application).
 - (4) A brief description of the subject property.
 - (5) A reference to the section(s) of these regulations that the appellant alleges the Zoning Administrator has not properly followed or applied.
 - (6) A statement of the relief the appellant is requesting and why the appellant believes the requested relief to be appropriate under the circumstances.
- 2402.D If an appeal is filed by a group of interested persons, then the notice of appeal must designate one person to serve as a representative of the group regarding all matters related to the appeal.
- 2402.E The appellant may request a stay of enforcement as part of the notice of appeal by including a sworn statement that irremediable damage will directly result if the Development Review Board does not grant the stay.
- i 24 V.S.A. § 4468
- 2402.F Upon receipt of a notice of appeal, the Development Review Board must either:
- (1) Schedule a public hearing within 60 days and act on the appeal under [Chapter 2500](#).
 - (2) Reject the appeal without a hearing and render a decision within 10 days of the appellant filing the notice, if the Development Review Board determines that:
 - (a) It decided the issues in an earlier appeal; i 24 V.S.A. § 4470
 - (b) The appellant failed to establish interested person status under [Section 2401](#); or
 - (c) The notice of appeal does not meet the requirements of [Paragraph 2402.C](#).
- 2402.G An appeal to the Development Review Board is the exclusive remedy for an interested person with respect to an action or decision of the Zoning Administrator.
- 2402.H If no interested person appeals the Zoning Administrator’s action or decision to the Development Review Board within 15 days, the action or decision cannot be contested at a later time.

 24 V.S.A. § 4471

2403 APPEALS OF THE DEVELOPMENT REVIEW BOARD

- 2403.A Any interested person who participated in a hearing on a matter before the Development Review Board may appeal the board's action or decision to the Environmental Division of the Vermont Superior Court within 30 days of the date of the board's action or decision.
- 2403.B All final hearings for site plan, conditional use and subdivision applications, and for appeals (including variances and waivers) before the Development Review Board are subject to on the record appeal in accordance with the Vermont Rules of Civil Procedure.
- 2403.C The appellant must send a notice of appeal to every interested person who participated in the hearing by certified mail. The Zoning Administrator must provide a prospective appellant with the interested person list upon request.
- 2403.D If the Zoning Administrator has issued a zoning permit based on a Development Review Board approval, the appeal of that approval will be considered an appeal of the zoning permit as well and the applicant must not commence any use or development authorized by the zoning permit until the appeal is resolved. An interested person cannot use the procedures of [Section 2402](#) to appeal the Zoning Administrator's issuance of a zoning permit implementing a Development Review Board approval.
- 2403.E An appeal to the Environmental Division of the Vermont Superior Court is the exclusive remedy for an interested person with respect to an action or decision of the Development Review Board except as otherwise provided by state statute.
- 2403.F If no interested person appeals a Development Review Board action or decision to the Environmental Division of the Vermont Superior Court within 30 days, all interested persons will be bound by that action or decision and will not be able to contest it at a later time.

 24 V.S.A. § 4472

 24 V.S.A. § 4414

2404 WAIVERS

- 2404.A The Development Review Board:
- (1) May approve waivers as specifically authorized in these regulations.
 - (2) May approve waivers that authorize an adjustment of not more than 50% to a dimensional standard of these regulations.
 - (3) Must not approve waivers within the Flood Hazard Overlay District.
 - (4) Must not approve waivers to reduce any shoreland, riparian or wetland setback or buffer required under these regulations.

- (5) Must not approve a waiver to allow a prohibited use, an increase in residential density, or the subdivision of a lot that does not conform to the applicable provisions of these regulations.
- 2404.B The applicant must file a complete zoning permit application and a written request for a waiver with the Zoning Administrator that includes all of the following:
- (1) A brief description of the subject property and proposed development.
 - (2) A reference to the standard(s) of these regulations that the applicant is requesting a waiver from.
 - (3) The specific modification(s) that the applicant is requesting.
 - (4) A response to each of the review criteria in [Figure 2-17](#).
- 2404.C The Development Review Board must hold a public hearing and act on the waiver request under [Chapter 2500](#). If the applicant is requesting a waiver from the required setback from a state highway, notice of the hearing must also be sent to the Vermont Secretary of Transportation.
- 2404.D To approve a waiver, the Development Review Board must find that all the review criteria in [Figure 2-17](#) have been met.

Figure 2-17. **Waiver Review Criteria Table**

CRITERIA	
1	The proposed development will not alter the character of the area in which the property is located.
2	The proposed development will not impair the lawful use or development of nearby property.
3	The proposed development will not be detrimental to public health, safety or welfare.
4	The proposed development is reasonable and similar to development on other properties in the area.
5	The applicant is proposing adequate mitigation through design, screening or other remedy.

 24 V.S.A. § 4469

2405 VARIANCES

- 2405.A The Development Review Board:
- (1) May approve variances that authorize adjustments to the dimensional standards of these regulations under the specific circumstances described in this section.
 - (2) Must not approve a variance to allow a prohibited use, an increase in residential density, or the subdivision of a lot that does not conform to the applicable provisions of these regulations.

- 2405.B The applicant must file a complete zoning permit application and a written request for a variance with the Zoning Administrator that includes all of the following:
- (1) A brief description of the subject property and proposed development.
 - (2) A reference to the specific provision(s) of these regulations that the applicant is requesting a variance from.
 - (3) The specific modification(s) that the applicant is requesting.
 - (4) A response to each of the review criteria in [Figure 2-18](#).
- 2405.C The Development Review Board must hold a public hearing and act on the variance request in accordance with [Chapter 2500](#). If the applicant is requesting a variance from the required setback from a state highway, notice of the hearing must also be sent to the Vermont Secretary of Transportation.
- 2405.D To approve a variance, the Development Review Board must find that all of the applicable criteria specified in [Figure 2-18](#) have been met as follows:
- (1) If the variance is for a renewable energy structure, only the criteria specific to a renewable energy variance apply.
 - (2) If the variance is for development within the Flood Hazard Overlay District, only the criteria specific to a flood hazard variance apply.
 - (3) For all other variances, the general variance criteria apply.

Figure 2-18. **Variance Review Criteria Table**

CRITERIA	GENERAL VARIANCE	RENEWABLE ENERGY VARIANCE	FLOOD HAZARD VARIANCE
1 The proposed development will not alter the essential character of the area in which the property is located.	Yes	Yes	Yes
2 The proposed development will not substantially or permanently impair the lawful use or development of adjacent property.	Yes	Yes	Yes
3 The proposed development will not be detrimental to public health, safety or welfare.	Yes	Yes	Yes
4 The applicant has not created the unnecessary hardship.	Yes	Yes	Yes
5 The applicant is proposing the least deviation possible from these regulations that will afford relief.	Yes	Yes	Yes
6 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. These conditions, and not the circumstances or conditions generally created by the provisions of these regulations in the district in which the property is located, have created an unnecessary hardship for the applicant. These physical circumstances or conditions prevent the property from possibly being developed in strict conformity with these regulations and a variance is necessary to enable reasonable use of the property.	Yes	No	Yes
7 It would be unusually difficult or unduly expensive for the applicant to build a renewable energy structure in conformance with these regulations.	No	Yes	No
8 The proposed development will not reduce access to renewable energy resources on adjacent property.	No	Yes	No
9 The proposed land development meets all applicable federal and state rules for compliance with the National Flood Insurance Program.	No	No	Yes

Chapter 2500. Notice, Hearings and Decisions

 24 V.S.A. § 4464

2501 NOTICE OF HEARING

2501.A The Zoning Administrator must notify the public at least 15 days before a hearing for all conditional use, variance, appeal, and final subdivision or planned unit development applications by all of the following:

- (1) Publishing the date, place and purpose of the hearing in a newspaper of general circulation in Town of Shelburne.
- (2) Posting the date, place and purpose of the hearing at the Town Office, on the town website and at least one other public place within Town of Shelburne.
- (3) Providing the applicant with a sign with the date, place and purpose of the hearing to be posted within view from the public right-of-way most nearly adjacent to the subject property.
 - (a) It will be the applicant's responsibility to ensure that the notice remains posted for the entire warning period and to remove the sign within 2 days of the close of public hearing.
- (4) Notifying the owners of all properties adjoining the subject property (including those across the street) in writing.
 - (a) The notification must include a description of the proposed project and must clearly explain to the recipient where to obtain additional information and that participating in the hearing is a prerequisite to having the right to any subsequent appeal.

2501.B The Zoning Administrator must notify the public at least 7 days before a hearing for site plan, waiver, preliminary subdivision and any other applications before the Development Review Board by all of the following:

- (1) Posting the date, place and purpose of the hearing at the Town Office, on the town website and at least two other public places within the Town of Shelburne.
- (2) Notifying the owners of all properties adjoining the subject property subject (including those across the street) in writing by standard mail or electronic service. The notification must:
 - (a) Include a description of the proposed project.
 - (b) Identify where the recipient can obtain additional information.
 - (c) Explain that the recipient must participate in the hearing in order to have the right to any subsequent appeal.

2501.C A defect in the form or substance of the public notice requirements does not invalidate any action or decision under these regulations when a reasonable effort has been made to provide adequate posting and notice.

2502 SITE VISITS

2502.A The Zoning Administrator or Development Review Board may require an applicant to grant access to a site in order to better understand the proposed development and its potential impacts prior to making a decision on an application.

2502.B Development Review Board members may visit a site individually or as a group. A site visit must be noticed in accordance with [Section 2501](#) and open to the public if a quorum of Development Review Board members will be present.

2502.C Observations made and information obtained during the site visit will not be part of the evidentiary record of a Development Review Board hearing unless a Development Review Board member or an interested person requests to have the observations or information entered into the record during the hearing on the application.

 [24 V.S.A. Chapter 36](#)

2503 CONDUCTING A HEARING AND TAKING EVIDENCE

2503.A The Development Review Board must conduct public hearings, hear testimony and take evidence according to state statute, the provisions of this section and their adopted rules of procedures. All hearings must be recorded.

2503.B The Development Review Board must hold a public hearing within 60 days of the Zoning Administrator determining that an application is complete unless otherwise specified in these regulations or the applicant agrees to a later hearing date.

2503.C All hearings must be open to the public as follows:

- (1) Any individual or group may appear and participate in a public hearing in person, through electronic means or by authorized representative or counsel, or may submit written testimony in advance of the hearing. All testimony must be made under oath or affirmation.
- (2) The Development Review Board must give all those wishing to participate an opportunity to be heard as is relevant to the proceeding.
- (3) The Development Review Board must give all those wishing to establish interested person status the opportunity to do so and must record the name, address and participation of each of those people. Only an interested person under [Section 2401](#) who has participated in a hearing by presenting oral or written testimony will have a right to appeal the resulting Development Review Board decision under [Section 2403](#).

- 2503.D In taking evidence during a hearing, the Development Review Board may:
- (1) Exclude irrelevant, immaterial, or unduly repetitious evidence.
 - (2) Receive evidence in written form, including copies and excerpts.
 - (3) Allow parties to conduct cross-examinations and compare copies of written evidence with the original.
 - (4) Take notice of generally recognized facts.
- 2503.E The applicant or an authorized representative must be present (in person or by electronic means) at any public hearing on their application.
- (1) The Development Review Board may recess or continue its consideration of an application to its next regularly scheduled meeting if the applicant or an authorized representative is not present.
 - (2) In the case of such a recess or continuation, the intervening days do not count as part of any time period within which the Development Review Board is required to act.
- 2503.F Development Review Board members must not communicate directly or indirectly with any applicant, interested person or their representative regarding a matter that is under consideration except during a properly noticed site visit or hearing.
- 2503.G It is the applicant's responsibility to demonstrate compliance with the applicable standards and review criteria. The Development Review Board may recess or continue a hearing and require an applicant to provide additional information as necessary to determine compliance with these regulations.
- 2503.H The Development Review Board must close the hearing promptly, once all those wishing to give testimony have been heard and Development Review Board members have had an opportunity to ask questions of those who offered testimony.

2504 RECESSING OR CONTINUING A HEARING

- 2504.A The Development Review Board may recess or continue a hearing on any application pending submission of additional information necessary to determine compliance with these regulations or upon the applicant's request.
- 2504.B If the Development Review Board recesses or continues a hearing to a specific time, date and location, the hearing will not have to be warned again when reconvened.

 24 V.S.A. § 4464

2505 DECISIONS

- 2505.A **Deliberations.** The Development Review Board must deliberate on an application in a closed deliberative session unless all Development Review Board members agree that no deliberative session is required prior to voting on the application.
- 2505.B **Time to Act.** Within 45 days of closing a hearing, the Development Review Board must issue a written decision to approve, approve with conditions or deny the application.
- 2505.C **Deemed Approval.** If the Development Review Board does not issue a decision within 45 days of closing a hearing, the applicant may file an appeal directly with the Environmental Division of the Vermont Superior Court to recognize that the board's failure to act resulted in a "deemed approval" of the application.
- 2505.D **Findings.** The written decision must include a statement of the facts upon which the Development Review Board is basing its decisions and a statement of conclusions relating to the applicable review criteria and standards of these regulations.
- 2505.E **Conditions of Approval.** The Development Review Board:
- (1) May attach any conditions it deems necessary to an approval to achieve the purposes of these regulations including, but not limited to:
 - (a) Specific performance standards such as limitations on hours of operation, noise, light or other off-site impacts.
 - (b) Specific mitigation measures such as screening or buffering.
 - (c) Required improvements to public facilities or infrastructure to serve the proposed development.
 - (d) Scheduling or phasing of development.
 - (e) Inspection or monitoring under [Section 2105](#).
 - (f) Performance bonds under [Section 2104](#).
 - (2) Must not attach conditions to residential development that:
 - (a) Require a larger lot size than the minimum required under these regulations.
 - (b) Require more parking than the minimum required under these regulations.
 - (c) Limit the size of a building to less than the maximum height or footprint allowed under these regulations.
 - (d) Limit density to less than the maximum allowed under these regulations.
 - (3) May attach conditions to residential development that would otherwise be prohibited by Paragraph (2) above if the decision includes a written finding that the condition of approval:

- (a) Is necessary to conform to other federal, state or municipal regulations or to a non-discretionary standard of these regulations.
 - (b) Will not result in an unequal treatment of housing or an unreasonable exclusion of housing otherwise allowed under these regulations.
- (4) Must specifically describe any conditions or limitations in the written decision. Any conditions attached to the Development Review Board approval will be considered part of any subsequent zoning permit issued by the Zoning Administrator for the approved development.

2505.F **Submittal of Revised Plans.** If the Development Review Board attaches conditions on an approval that require amendments to a plan, the applicant must submit an amended plan that satisfies those conditions prior to Zoning Administrator issuing a zoning permit for the proposed development.

2505.G **Notification and Filing.** The Development Review Board must:

- (1) Send a copy of the decision to applicant by certified mail unless the applicant agreed to electronic service.
- (2) Send a copy of the decision to all others who participated in the hearing by standard mail unless the person agreed to electronic service.
- (3) File a copy of the decision with the Zoning Administrator.

2505.H **Effect and Expiration.** If the approved development is:

- (1) Not substantially completed or commenced before the zoning permit expires as established in [Paragraph 2203.C](#), the development approval will expire with the zoning permit, except that approved subdivision plats lawfully filed under [Paragraph 2313.G](#) will not expire.
- (2) Substantially completed or commenced before the zoning permit expires as established in [Paragraph 2203.C](#), the development approval will remain in effect unless the use is discontinued as established under [insert cross reference]. Development approvals and any related conditions run with the land and remain in effect irrespective of whether the property changes ownership or tenancy.

Chapter 2600. Violations and Penalties

 24 V.S.A. § 4452

2601 APPLICABILITY

2601.A The Zoning Administrator must enforce these regulations in accordance with state law and the provisions of this chapter. Violations of these regulations include, but are not limited to:

- (1) Commencing land development for which zoning permit or development approval is required without first obtaining such permit or approval.
- (2) Failing to comply with all requirements, representations and conditions of any permit or approval.
- (3) Commencing or continuing land development if the permit or approval authorizing the work has expired.
- (4) Commencing clearing, site preparation or other land development prior to subdivision approval.
- (5) Selling, transferring or offering to sell or transfer land unless an approved survey plat has been approved and filed.

2601.B A violation of these regulations constitutes a civil offense.

2601.C Nothing in this chapter will be interpreted to prevent the Town of Shelburne from exercising its authority to abate or remove risks or hazards to public health, safety and welfare, or to respond to emergencies or disasters.

 24 V.S.A. § 4454

2602 COMPLAINTS, INVESTIGATION AND ACTION

2602.A **Complaints.** Complaints about alleged violations of these regulations must be made in writing (electronic service is acceptable). Complaints must include:

- (1) The name and address of the complainant.
- (2) The address of the property subject to the alleged violation.
- (3) A description of the alleged violation.
- (4) A reference to the specific provision(s) of these regulations and/or the conditions of a permit or development approval that the complainant alleges are being violated.

2602.B **Investigation.** The Zoning Administrator must investigate all written complaints.

2602.C **Inspection.** The Zoning Administrator may ask the landowner for permission to inspect the property. If the landowner refuses to grant permission to inspect the property, the Zoning Administrator:

- (1) May enter the public portions of any property in town (i.e., drive up driveway, walk to the door, etc.) and may use any observations made as evidence.
- (2) May enter private portions of the property if invited by anyone who is lawfully on the premises (i.e., occupant, tenant, etc.) and may use any observations made as evidence.
- (3) May obtain a search warrant to enter the property. § 13 V.S.A. § 4701

2602.D **Burden of Proof.** The Zoning Administrator does not have to directly observe that a violation exists and may enforce these regulations as long as there is reason to believe a violation exists. Reasons may include, but are not limited to, a complaint from a neighbor or tenant, evidence of materials being hauled/delivered, observations made from adjacent property or the street, and/or refusal to allow inspection.

2602.E **Action.** Upon determining that a violation exists or is reasonably believed to exist, the Zoning Administrator must take appropriate action in an effort to enforce these regulations including, but not limited to any combination of the following:

- (1) Contacting the landowner to resolve the violation informally.
- (2) Issuing a municipal civil complaint ticket under [Section 2604](#) or a notice of violation under [Section 2605](#).
- (3) Issuing a stop-work order.
- (4) Requiring the landowner to apply for a curative zoning permit.
- (5) Requiring the immediate removal of a violating structure or cessation of a violating use.
- (6) Denying a certificate of compliance under [Section 2206](#).
- (7) Imposing fines and penalties to the maximum extent allowed under state statute until the landowner remedies the violation.

2602.F **Limitations on Enforcement.** The Zoning Administrator must not enforce any violation:

- (1) That has existed for more than 15 years.
- (2) Of a zoning permit that was issued after July 1, 1998 but was not filed in the town's land records. § 24 V.S.A. § 4454

2603 LIABILITIES AND PENALTIES

2603.A The landowner will be held responsible for any violation and be subject to any penalties imposed under these regulations.

2603.B Each day that a violation exists constitutes a separate offense under [Section 2604](#) and [Section 2605](#). The Zoning Administrator or other authorized town staff may issue separate tickets and impose fines for each day that a violation exists.

2603.C If any enforcement action results in the need for a new or amended zoning permit or development approval, the Town of Shelburne may impose penalties in addition to the standard permit fees as established by the Selectboard in the fee schedule.

 24 V.S.A. § 1974a

2604 MUNICIPAL CIVIL COMPLAINT TICKET

2604.A The Zoning Administrator or other authorized town staff may issue a municipal complaint ticket for any violation of these regulations in accordance with the Judicial Bureau's procedure for municipal complaint tickets.

2604.B A violation ticketed under this section is be punishable by a fine of:

- (1) \$200 for a first offense, with a waiver fee of \$100.
- (2) \$400 for a second offense ticketed for the same violation within 12 months, with a waiver fee of \$200.
- (3) \$800 for a third and any subsequent offense ticketed for the same violation within 12 months, with a waiver fee of \$400.

2604.C Upon the fourth offense, the Town of Shelburne may request that the case be transferred from the Judicial Bureau to the Environmental Division of Superior Court or another court of competent jurisdiction.

 24 V.S.A. § 4451

2605 NOTICE OF VIOLATION

2605.A The Zoning Administrator may issue a notice of violation for any violation of these regulations. Prior to issuing a notice of violation in accordance with [Paragraph 2605.B](#), the Zoning Administrator may seek to resolve a violation informally or may issue a ticket under [Section 2604](#).

2605.B The Zoning Administrator must:

- (1) Send a notice of violation to the landowner by certified mail that:
 - (a) Describes the violation.
 - (b) Identifies the specific provision(s) of these regulations being violated.
 - (c) States the specific action(s) required to cure the violation (see [Paragraph 2602.E](#)).
 - (d) States that the landowner has 7 days to cure the violation, after which time the town may institute court proceedings to obtain a court order directing compliance with these regulations and awarding fines up to the maximum amount allowed under state statute for each day that the violation continues from the date of the notice.
 - (e) States that further enforcement may occur without notice and an opportunity to cure if the violation occurs again within the next 12 months.

(f) States that the notice of violation may be appealed as per [Section 2402](#).

- (2) Deliver a copy of a notice of violation to the Town Clerk for recording in the town's land records.
- (3) Upon failure of the landowner to cure a violation of these regulations, the Town of Shelburne may institute appropriate court action.

2605.C A notice of violation issued under this section is be punishable by a fine of up to \$200 for each offense (each day a violation continues to exist beyond the 7-day notice period counts as a separate offense).