

**TABLE 1.1 MUNICIPAL PERMITS & APPROVALS**

<b>Permit/Approval</b>	<b>Required for</b>	<b>Issued by</b>	<b>See</b>
<b>Zoning Regulations</b>			
Zoning Permit [§4449]	All development, as defined in Section 10.2, including signs, on-site sewage disposal systems, conversions and changes of use, unless specifically exempted from these regulations under Section 9.1	Zoning Administrator	Section 9.1
Access approval [§4412(3)]	Development without frontage on a maintained public road or public waters	Planning Commission	Section 3.2
Site Plan Approval [§4416]	All development except for forestry, agriculture, single and two family dwellings, unless specifically exempted	Planning Commission	Section 5.3
Conditional Use Approval [§4414(3)]	All uses classified as "conditional uses" by district, for all uses within the flood hazard area overlay district, or as otherwise specified in these regulations	Board of Adjustment	Sections 5.4, 5.5
Variance Approval [§4469]	Requests on appeal for a variance from the provisions of these regulations	Board of Adjustment	Section 9.4
Planned Unit Development (PUD) Approval [§4417]	Subdivisions of land which incorporate variances from the provisions of these regulations as specified for PUDs to be approved simultaneously with approval of a subdivision plan	Planning Commission	Article 8
Certificate of Occupancy [§4449(a)(2)]	Use of a dwelling or structure constructed after the effective date of these regulations for which a zoning permit has been issued	Zoning Administrator	Section 9.2
<b>Subdivision Regulations</b>			
Subdivision Approval [§4418(1)]	All subdivisions of land, as defined in Section, including boundary or lot line adjustments	Planning Commission	Article 6
Sketch Plan Approval [§4418(1)]	All applications for subdivision approval	Planning Commission	Section 6.3
Preliminary Plan Approval [§4418(1)]	All applications for major subdivisions [the creation of four or more lots]	Planning Commission	Section 6.4
Final Plan Approval [Including plat approval] [§4418(1)]	All applications for the subdivision of land	Planning Commission	Section 6.5
Plat Recording [§4463]	All approved subdivisions of land, including boundary or lot line adjustments	Planning Commission	Section 6.6
Certificate of Compliance [§4449(a)(2)]	Improvements required by the Planning Commission in association with subdivision approval, prior to further land development	Zoning Administrator	Section 9.2
<b>Other Municipal Approvals</b>			
Access Approval	All development requiring access onto municipal highways	Legislative Body	Road Ordinance
Wastewater Connections	Connections to the municipal wastewater treatment system	Legislative Body	Wastewater Ordinance
Road Acceptance, Upgrade, Naming [§4463]	The naming of roads, the upgrade of municipal roads, or municipal acceptance of private development roads	Legislative Body	Local Ordinances

- b. the proposed revision is not in the public interest of the Town and Village of Swanton; and/or,
- c. the proposed revision would not be in conformance with the municipal plan.

(D) Requests for amendments that are supported by a petition signed by not less than 5% of citizens registered to vote in the Town and Village of Swanton shall be reviewed in accordance with the Act [§4403].

**Section 1.5 Effective Date**

(A) In accordance with the Act [§4442], these regulations and any amendments thereto shall take effect 21 days after the date of their adoption by the Joint Legislative Body, unless, within 20 days of adoption, 5% of the voters petition for a meeting to consider the bylaw or amendment. In that case a meeting shall be warned for the purpose of acting on the bylaw or amendment by Australian ballot.

(B) The zoning regulations, zoning map(s) and subdivision regulations for the Town and Village of Swanton in effect prior to the adoption of these regulations and map(s) are hereby repealed as of the effective date of these regulations and map(s).

**Section 1.6 Severability**

The provisions of these regulations are severable. If any provision of these regulations or the application thereof is held invalid, the invalidity does not affect other provisions or applications of these regulations which can be given effect without the invalid provision or application.

- (1) The submission of an application for amendment to these regulations which includes:
  - a. the name and address of the person making the request, and the name and address of any firm, agency or corporation represented by that person; and,
  - b. a narrative describing the nature of the amendment or repeal, and in the case of a proposed revision to zoning district boundary, a legal description of all parcels affected by said revision.
- (2) The payment of a fee, the amount to be determined in accordance with Section 9.6(B), to defray expenses associated administrative, legal and publication expenses associated with review by the Planning Commission and the Joint Legislative Body.
- (3) The submission of written report, prepared at the applicant's expense, which addresses:
  - a. the suitability of the area proposed for the zoning change, after consideration of other available land in the municipality with similar capabilities, alternative uses for the area under consideration, and the impact on other areas similarly designated;
  - b. the amount of vacant land which is already subject to the proposed new designation, and is actually available or needed for that purpose;
  - c. the probable impact on the surrounding area and overall pattern of land use, including the environment and character of the area, and the use and potential development of all abutting properties;
  - d. the long-term cost or benefit to the municipality, including the probable impact on land values, the tax base and municipal revenues, on public services, facilities and utilities, and on the municipality's capital budget and expenditures; and,
  - e. the compatibility of the change with the municipal plan and other bylaws and ordinances currently in effect.

(C) In the event the Planning Commission acts to consider requests for amendments that are not supported by a petition signed by not less than 5% of registered voters, the Commission shall hold a minimum of one public hearing within 90 days of receipt of the materials set forth in Subsection (B). Such hearing shall be held in accordance with the Act [§4441] and Section 9.6(D) of these regulations. After the final public hearing to consider the proposed amendments, the Commission may:

- (1) approve the proposed amendments and make such recommendation to the Joint Legislative Body; or
- (2) approve the proposed amendments with revisions and make such recommendation to the Joint Legislative Body; or
- (3) deny the proposed amendments and decline to pass the proposal to the Joint Legislative Body for consideration. Generally, the Commission shall deny a request for an amendment in the event:
  - a. the proposed revision would serve to single out a small parcel of land for special and privileged treatment; and/or

- to facilitate the adequate and efficient provision of transportation, water and wastewater facilities, roads, highways and pedestrian facilities, schools, parks and other public facilities and services, and to ensure that the rate and scale of development do not overburden the municipality’s ability to provide necessary public services and facilities;
- to encourage the most desirable, appropriate and efficient use of land, while minimizing conflict between incompatible land uses, and to provide for the amelioration of undesirable conditions; and
- to encourage the conservation of energy and the development of renewable energy resources.

**Section 1.3 Application & Interpretation**

(A) The provisions of these regulations shall be the minimum requirements adopted for the promotion of the public health, safety, comfort, convenience, and general welfare.

(B) The application of these regulations is subject to all subchapters of the Act as most recently amended. In accordance with the Act [§4446], no land development or subdivision of land, as defined herein, shall commence within the Town and Village of Swanton except in compliance with these regulations.

(C) Land development, as defined in Section 10.2, shall not include customary maintenance and repair activities. Any land development and/or subdivision of land not specifically authorized under this regulation, unless otherwise exempted under the Act or Section 9.1 of these regulations, is prohibited.

(D) These regulations are not intended to repeal, annul nor in any way impair any regulation or permit previously adopted or issued. In accordance with the Act [§4413(c)], where these regulations impose a greater restriction upon the use of a structure or land than that required by any other statute, ordinance, rule, regulation, permit, easement, or agreement, the provisions of these regulations shall control.

**Land Development:** the construction, reconstruction, conversion, structural alteration, relocation or enlargement of any building or structure, or of any mining, excavation, or landfill, any change in use of any building or other structure, or land or extension of use of lands.

**Subdivision of Land:** the division of any parcel of land into two or more parcels for the purposes of sale, conveyance, lease, or development. The term “subdivision” includes re-subdivision involving the adjustment of boundaries between two or more existing parcels.

**Section 1.4 Amendment**

(A) These regulations and associated zoning map(s) may be amended or repealed in accordance with the requirements and procedures established in the Act [§§ 4441, 4442].

(B) Requests for amendments to these regulations, including changes to the Official Zoning Map (see Section 2.1), that are not initiated by the Planning Commission or supported by a petition signed by not less than 5% of citizens registered to vote in the Town and Village of Swanton may be acted upon at the discretion of the Planning Commission. In considering such requests, the Planning Commission may require the following:

---

## **ARTICLE 1. AUTHORITY & PURPOSE**

---

### **Section 1.1 Enactment**

In accordance with the Vermont Municipal and Regional Planning and Development Act [24 V.S.A., Chapter 117], hereinafter referred to as the “Act,” there are hereby established zoning and subdivision regulations for the Town and Village of Swanton. These regulations shall be known and cited as the **“Land Use and Development Regulations for the Town and Village of Swanton.”**

### **Section 1.2 Purpose**

It is the purpose of these regulations to further the goals and purposes established in the Act [§4302], to integrate all administrative and regulatory provisions of municipal zoning and subdivision regulations as authorized by the Act [§4411 and §4418] into a single set of land use regulations, to implement the Swanton Municipal Plan as most recently amended, and to achieve the following specific objectives:

- to provide for orderly growth and coordinated development in the Town and Village of Swanton to assure the comfort, convenience, safety health and welfare of the people;
- to provide sufficient land area in appropriate locations for forestry and agriculture, residential, recreational, commercial and industrial development, and public and semi-public facilities, in an integrated and complementary manner, in accordance with their respective environmental and land use requirements;
- to protect Swanton’s natural resources and environmental quality, including soils, surface waters and groundwater, for the benefit of future generations;
- to enable the mitigation of the property tax burden on farmland, forests and other open space;
- to protect and preserve the historic features of Swanton’s landscape, preserve open space and provide for the economic basis necessary to maintain open space, facilitate growth and development in a manner that enhances Swanton’s rural and village character, provide for an orderly and efficient pattern of development, promote a high quality of design, and in particular, to improve Swanton’s attractiveness and desirability as a place to live, visit and conduct business;
- to encourage the healthy and efficient distribution of population, employment opportunities and other social activities, and to protect agricultural areas and residential neighborhood from undue concentration of population and overcrowding of land and buildings, traffic congestion, inadequate parking, and the loss of peace, quiet and privacy;
- to encourage appropriate architectural and site design;
- to secure public safety against fire, explosions, flooding and other unsafe conditions;
- to protect public health through the reduction or avoidance of undue noise, air pollution, water pollution, and other unsafe, unsanitary or obnoxious conditions and to maintain public access to air and light;