

## PLANNING COMMISSION PROPOSAL FOR ADMINISTRATIVE REVIEW

October 25, 2021

➤ *Vermont statute allows zoning administrators to approve some projects without bringing them to the DRB for a full hearing. It's in Title 24, Section 4464(c) below:*

(c) **Administrative review.** In addition to the delegation of powers authorized under this chapter, any bylaws adopted under this chapter may establish procedures under which the administrative officer may review and approve new development and amendments to previously approved development that would otherwise require review by an appropriate municipal panel. If administrative review is authorized, the bylaws shall clearly specify the thresholds and conditions under which the administrative officer classifies an application as eligible for administrative review. The thresholds and conditions shall be structured such that no new development shall be approved that results in a substantial impact under any of the standards set forth in the bylaws. No amendment issued as an administrative review shall have the effect of substantively altering any of the findings of fact of the most recent approval. Any decision by an administrative officer under this subsection may be appealed as provided in section 4465 of this title.

➤ *The Planning Commission is considering allowing some uses in some districts to be approved by Administrative Review. The proposed Village 12 or "Village Green" district is one such area. Here is part of the proposed zoning page outlining which uses are eligible for Administrative Review:*

### **2101 VILLAGE 12 (V12)**

**2101.A Purpose.** The Village 12 district encompasses Chester Village's historic business district. The purpose of this district is to:

- (1) Promote the long-term vitality of Chester Village;
- (2) Ensure that new construction and renovations are compatible with and enhance the historic character, scale and settlement pattern of the village;
- (3) Provide for economic development and housing opportunities;
- (4) Encourage investment that maintains or rehabilitates historic buildings; and
- (5) Provide an attractive streetscape and a pedestrian-friendly environment.

**2101.B Permitted Uses<sup>1</sup>.** The following land uses and activities require a zoning permit issued by the Zoning Administrator under Section 420 and must meet all other relevant zoning provisions. Definitions for these uses are found in Section 2112.

- (1) Dwelling, single unit
- (2) Dwelling, two unit
- (3) Accessory dwelling unit
- (4) Accessory structure
- (5) Accessory use (e.g., Home Child Care Facility)
- (6) Family childcare home
- (7) Home occupation
- (8) Home business

<sup>1</sup> More than one principle use per lot and/or mixed used buildings are allowed under Section 2004.D.

**2101.C Administrative Review.** The following land uses and activities require administrative review by the Zoning Administrator under Section 403X.

- (1) Arts & entertainment
- (2) Civic/Institutional
- (3) Commercial broadcast facility
- (4) Dwelling, multi-unit
- (5) Family childcare facility
- (6) Mixed use building
- (7) Personal service shop
- (8) Private broadcast facility
- (9) Professional office
- (10) Recreation
- (11) Restaurant
- (12) Retail Store

**2101.D Conditional Uses.** The following land uses and activities require conditional use review by the Development Review Board (see Section 4305) before the Zoning Administrator issues a zoning permit (see Section 420). Definitions for these uses can be found in Section 2112.

- (1) Construction of any new principal structure or any substantial replacement of existing or damaged principal building
- (2) Health care facility
- (3) Tourist lodging
- (4) Senior housing

➤ *The Planning Commission proposes that Administrative Review be implemented and conducted by the Zoning Administrator using the following process that would be included under the development review procedures section of the zoning bylaws.*

## **XX ADMINISTRATIVE REVIEW**

**XX.A Applicability.** To streamline the permitting process, the Zoning Administrator may review and approve land uses and activities as specified in Section 2101.C pursuant to 24 V.S.A. §4464(c).

**XX.B Application Requirements.** An applicant shall submit a complete application along with the accompanying site plan, associated fees, and all necessary information about how the project meets the review criteria.

**XX.C Review Criteria.** All developments subject to Administrative Review must meet the following review criteria:

- 1) Adequacy of traffic access and circulation for pedestrians and vehicles;
- 2) Landscaping and screening;
- 3) Protection of the utilization of renewable resources;
- 4) Exterior lighting;
- 5) Size, location and design of signs;
- 6) Performance standards (Section 3105); and,

7) All other applicable provisions in these Bylaws.

**XX.D Decisions.** The Zoning Administrator will confer with the Development Review Board Chair before granting administrative approval. No new development shall be approved that results in an undue adverse impact under any applicable standards set forth in these Bylaws. No amendment issued under Administrative Review shall have the effect of substantively altering any findings of fact of the most recent approval. All decisions, whether to approve, approve with conditions, or disapprove an application under Administrative Review shall be based upon the review criteria in these Bylaws.

**XX.E Appeal.** Decisions rendered under Administrative Review are subject to appeals under Section 4402.

**XX.F Referral to Development Review Board.** The authority to render an administrative decision does not mean that the Zoning Administrator is required to do so. The Zoning Administrator may refer any application to the Development Review Board where board review or interpretation is appropriate or necessary. In such cases, the applicant shall be responsible for any additional fees or submittals needed for board review.

➤ *Proposed Village 12 or "Village Green" district:*

