

# APPLICATION FOR ZONING PERMIT

## TOWN OF DERBY

124 Main St, Derby, VT 05829

Property Owners Name: \_\_\_\_\_ Daytime Phone: (\_\_\_\_) \_\_\_\_\_

Mailing Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip Code: \_\_\_\_\_

Email Address: \_\_\_\_\_

E-911 Locatable Address: \_\_\_\_\_

Adjacent Property Owners: \_\_\_\_\_

Estimated Completion Date: \_\_\_\_\_ Estimated Construction Value: \_\_\_\_\_

Parcel ID#: \_\_\_\_\_ SPAN #: 177-056-\_\_\_\_\_ Zoning District: \_\_\_\_\_

Proposed Use and/or Construction Narrative: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Building Setbacks	Building Dimensions
Front: _____ Rear: _____	Length: _____ Width: _____ Height: _____

Left Side: \_\_\_\_\_ Right Side: \_\_\_\_\_

Lot Size: \_\_\_\_\_ Road Frontage: \_\_\_\_\_

Source of Water: \_\_\_\_\_ Sewage Disposal Method: \_\_\_\_\_

**I, the undersigned, request a zoning permit for the use and/or construction stated, to be issued on the basis of the representation contained in this application and any required submission materials. I fully understand that any incorrect or misleading representations may result in the permit becoming void and legal action instituted by the Town of Derby. I further understand that the permit may contain conditions with which I will be required to comply.**

Owner's Signature: \_\_\_\_\_ Date: \_\_\_\_\_

<b>For Administrative Use Only – 04/22</b>		
Application Number: _____	Submitted on: _____	Fee: _____
Referred to Development Review Board on _____ - Meeting Date: _____		
<input type="checkbox"/> Site Plan Review	<input type="checkbox"/> Subdivision Review	
<input type="checkbox"/> Variance	<input type="checkbox"/> Conditional Use	
<input type="checkbox"/> Appeal		
Granted: _____	Denied: _____	By: _____
Chairman, Development Review Board		
Upon the representations contained herein this Zoning Permit is hereby -		
Granted: _____	Denied: _____	By: _____
Administrative Officer		
Reasons for Denial or Conditions: _____		
_____		
_____		

*A copy of the complete permit is on file in the Zoning Administrator's Office.*

An interested person may appeal any decision by the Administrative Officer to the Development Review Board in accordance with 24 VSA, Chapter 117, §4465, in writing, within 15 days of the date of such decision. The fee is \$200.

An interested person who has participated in the municipal regulatory proceeding may appeal the decision rendered in that proceeding by the Development Review Board to Environmental Court in Accordance with 24 VSA, Chapter 117, §4471, in writing, within 30 days of the date of such decision. The fee is \$250.

If you fail to appeal a decision, your right to challenge the decision at some future time may be lost because you waited too long. You will be bound by the decision, pursuant to 24 V.S.A. §4472(d).

**A Certificate of Occupancy from the Town of Derby is required for all persons desiring to occupy and use any building, structure, lot or part thereof following construction, erection, relocation, alteration, repair, extension, removal, demolition, or structural changes wholly or in part; or to change the use of an existing building or part thereof; or to change the use of land to any other use; or to change the tenancy of a building or part thereof. This does not apply to single family dwellings, two family dwellings, residential accessory structures or uses, and exempt agricultural structures.**

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**THIS IS A LOCAL PERMIT APPLICATION ONLY. OTHER PERMITS MAY BE NECESSARY. TO DETERMINE IF STATE PERMITS ARE REQUIRED, CONTACT THE STATE REGIONAL PERMIT SPECIALIST AT (802) 477-2241 AND THE STATE DEPT. OF LABOR AND INDUSTRY AT (802) 828-4000.**

Contact the Village of Derby Line (802) 873-3420 or Village of Derby Center (802) 766-2844 if municipal water or sewer is required.

Any project requiring new entry onto Town roads or alters the public right of way requires an Access Permit issued by the Town Road Commissioner, application forms are available from the Zoning Administrator and may be submitted in conjunction with the zoning permit application.

### **ACKNOWLEDGMENT OF RESPONSIBILITY**

I hereby affirm that I am the fee title owner or the owner's agent\* of the property for which this application has been made. I am the party whom the Town should contact regarding any matter pertaining to this application and it is my responsibility to keep myself informed of the progress of the application.

I further understand that additional information such as a survey of the property, traffic analysis, or expert testimony may be required for analysis of the application, and that upon my written authorization, fees for such additional information will be my responsibility.

I agree to allow Town personnel access to the property to review all aspects of this application and for tax assessment purposes.

Property Owner's Signature: \_\_\_\_\_

\*NOTE: Written documentation must be submitted and approved by the Zoning Administrator proving that the agent is legally authorized to act on the property owner's behalf.

It is **HIGHLY RECOMMENDED** that applicants discuss the application and requirements with the Zoning Administrator prior to submission to ensure that all necessary information is submitted and to ensure efficient and timely processing of the application. The Zoning Office phone number is (802) 766-2017.

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**APPLICATION FEES (effective July 28, 2008)**  
(ALL FEES ARE NONREFUNDABLE)

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Zoning Permit Base Fee:

Certificate of Occupancy	\$100.00
Temporary Certificate of Occupancy	\$ 50.00 + \$10.00 per month (up to 12 months)
Signs	\$ 60.00 per sign
One or Two Family uses	\$ 60.00 + \$ 0.05 per square foot <sup>1</sup>
All Other Uses	\$ 60.00 + \$ 0.10 per square foot <sup>1</sup>
No Permit Required (in writing)	\$ 30.00

Additional Fees:

Subdivisions	\$ 50.00 per lot
Development Review Board Review	\$200.00

**All fees are doubled if the proposed use or construction has begun prior to submitting a complete application.**

<sup>1</sup> Square footage is base on the increase in building area. Building area is defined as the total of all areas taken on a horizontal plane at the main finished grade level of the principal building and all accessory buildings, exclusive of uncovered porches, terraces and steps. All dimensions shall be exterior measurements. The square footage fee for applications requiring Development Review Board approval must be paid within 30 days of such approvals.

Accepted agricultural practices, including the construction of farm structures, as those practices are defined by the Secretary of Agriculture, Food and Markets, in accordance with Title 24 VSA §4413(d) are exempt from all zoning fees provided;

- (1) Written notification, including a sketch plan showing structure setback distances from road rights-of-way, property lines, and surface waters shall be submitted to the Administrative Officer, as required for accepted agricultural practices; and
- (2) All such structures shall meet all setback requirements under these regulations, unless specifically waived by the Secretary of Agriculture, Food and Markets.

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Application fee calculation

Base fee	\$ 60.00	
Sq ft fee	+ _____	
Per lot fee	+ _____	( \$50.00 x number of lots, subdivisions only )
DRB review	+ _____	( \$200.00 if applicable )
<b>Total</b>	_____	

#### **Application Requirements:**

- **An application for a zoning permit shall be filed with the Administrative Officer on form(s) provided by the municipality.**
- **Required application fees, as set by the Legislative Body, also shall be submitted with each application.**
- **All applications shall include a sketch plan, no smaller than 8.5" x 11", that depicts the following:**
  - **The dimensions of the lot, including existing property boundaries,**
  - **The location and footprint of existing and proposed structures or additions,**
  - **The location of existing and proposed accesses (curb cuts), driveways and parking areas,**
  - **The location of existing and proposed easements and rights-of-way,**
  - **Setbacks from property boundaries, road rights-of-way, surface waters and wetlands,**
  - **The location of existing and proposed water and wastewater systems, and**
  - **Other such information as required by the Administrative Officer to determine conformance with these regulations.**

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#### **Additional requirements for applications requiring Conditional Use review, Variance requests, or Appeals of the Administrative Officer:**

- **A list of the names and addresses of all adjoining property owners, without regard to any public right-of-way;**
- **Addressed stamped envelopes for all abutters.**

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#### **Additional requirements for applications requiring Site Plan Review:**

- **The applicant needs to submit a letter of intent from the Agency of Transportation confirming that the Agency has reviewed the proposed site plan and is prepared to issue an access permit under 19 VSA §1111. The applicant should contact VTrans Permit Coordinator Nathan Covey at 802-498-7055 or [nathan.covey@vermont.gov](mailto:nathan.covey@vermont.gov).**
- **The applicant shall submit at least 8 (eight) sets of site plan maps and supporting data to the Development Review Board which shall include the following information presented in drawn forms and accompanied by written text to the satisfaction of the Development Review Board:**
  - **Present conditions showing:**
    - **Existing features including contours if required by the Development Review Board, structures and their setbacks from property lines;**
    - **Existing lighting, large trees, streets, utility easements, rights of way, land use, deed restrictions,**
  - **Proposed changes showing:**
    - **proposed structures including elevation drawings and their setbacks to the property lines;**
    - **Proposed lighting plan;**
    - **Proposed land use areas;**
    - **Proposed driveways and traffic circulation;**
    - **Proposed parking and loading spaces;**
    - **Proposed pedestrian walks;**
    - **Proposed landscaping and green strip plans including site grading, landscape design and screening.**
  - **The Supporting Data Addendum shall include the following:**
    - **A narrative of the relevant characteristics of the proposal which shall include if applicable: Hours of operation, estimated customer and employee counts, details of the proposed use or structure;**
    - **A list of the names and addresses of all abutting property owners;**
    - **Addressed stamped envelopes for all abutters;**
    - **Estimates of delivery and service traffic; and**
    - **Any other information requested by the Development Review Board and the Administrative Officer for the proper deliberation of the application.**

## MINIMUM LOT REQUIREMENTS

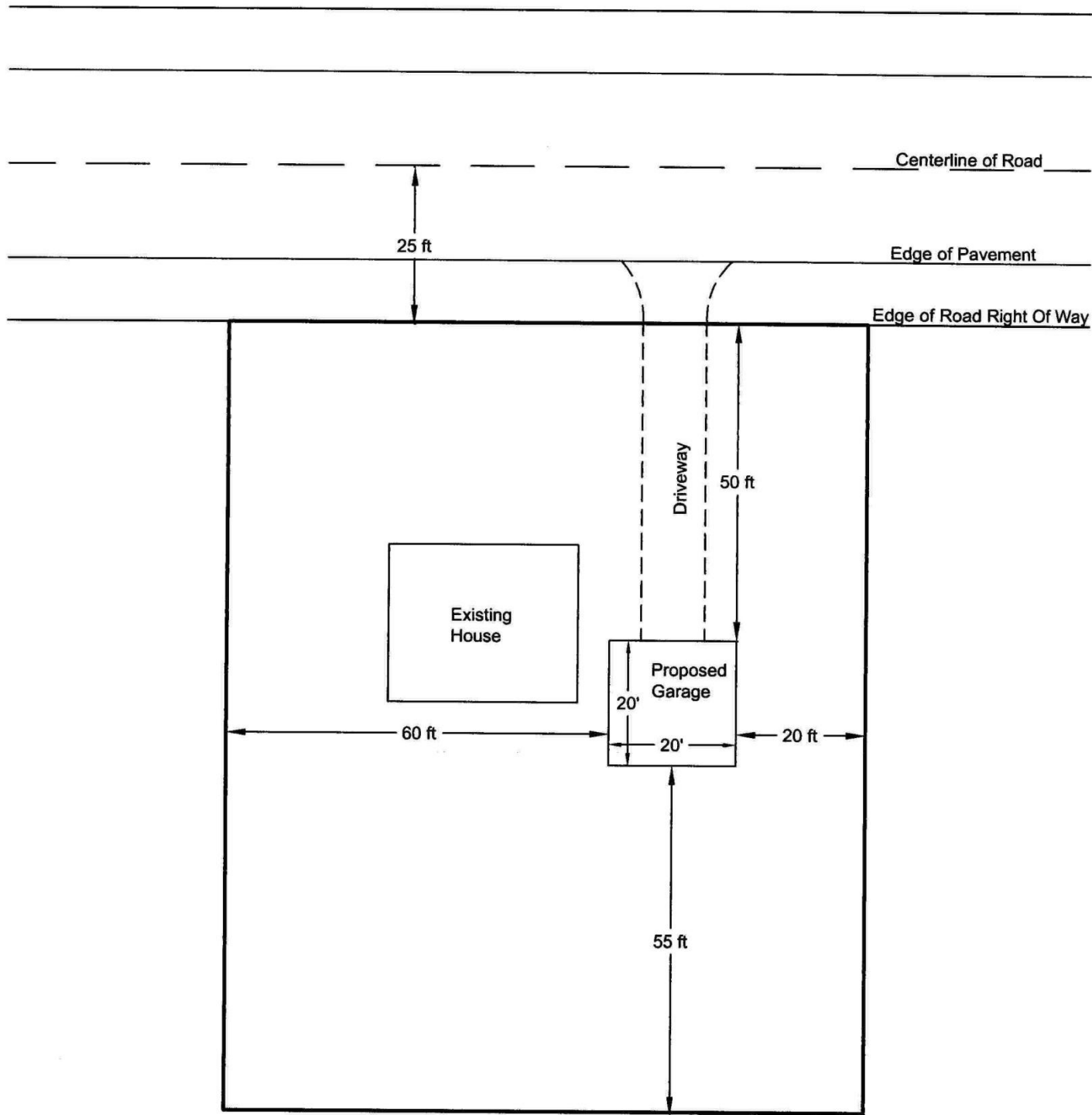
Zoning District	Lot Class	Lot Area	Lot Frontage	Lot Depth	----Building Set Backs----			Building Height
					Front	Side	Rear	
<u>IND - Industrial</u>	1 & 2	20,000 sf	100'	100'	25'	10'	10'	75'
	3	40,000 sf	100'	100'	25'	10'	10'	75'
	<u>Abutting a Residential District</u>				25'	30'	30'	75'
<u>COM/IND - Commercial/Industrial</u>	1 & 2	20,000 sf	100'	100'	25'	10'	10'	75'
	3	40,000 sf	150'	150'	25'	10'	10'	75'
	<u>Abutting a Residential District</u>				25'	30'	30'	75'
<u>COM - Commercial</u>	1 & 2	20,000 sf	100'	100'	25'	10'	10'	75'
	3	40,000 sf	150'	150'	25'	10'	10'	75'
	<u>Abutting a Residential District</u>				25'	30'	30'	75'
<u>R-HD - Residential High Density</u>	1	10,000 sf	100'	100'	30'	20'	25'	35'
	2 & 3	20,000 sf	150'	150'	30'	20'	25'	35'
	<u>Accessory Structures</u>				25'	10'	10'	35'
<u>R-MD - Residential Medium Density</u>	1, 2 & 3	20,000 sf	150'	150'	30'	20'	25'	35'
	<u>Accessory Structures</u>				30'	10'	10'	35'
<u>R-1 - Residential One Acre</u>	1, 2 & 3	1 acre	150'	150'	30'	25'	25'	35'
	<u>Accessory Structures</u>				30'	10'	10'	35'
<u>R-2 - Residential Two Acre</u>	1, 2 & 3	2 acres	200'	200'	30'	25'	25'	35'
	<u>Accessory Structures</u>				25'	10'	10'	35'
<u>RR - Rural Residential</u>	1, 2 & 3	5 acres	200'	200'	30'	25'	25'	35'
	<u>Accessory Structures</u>				25'	10'	10'	35'
<u>SD - Shoreland District</u>	1, 2 & 3	20,000 sf	100'	100'	25'	25'	25'	35'
	<u>Accessory Structures</u>				25'	10'	10'	35'
<u>SL - Special Lands</u>	1, 2 & 3	10 acres	200'	200'	50'	25'	25'	35'
<u>Derby Line</u>								
<u>VC/DL - Village Commercial</u>	1 & 2	12,500 sf	100'	100'	0'	0'	0'	35'
	3	20,000 sf	100'	100'	0'	0'	0'	35'
<u>VR-1/DL - Village Residential-One</u>	1 & 2	12,500 sf	100'	100'	30'	20'	25'	35'
	3	20,000 sf	100'	100'	30'	20'	25'	35'
	<u>Residential Accessory Structures</u>				30'	10'	10'	35'
<u>VR-2/DL - Village Residential -Two</u>	1 & 2	12,500 sf	100'	100'	10'	10'	10'	35'
	3	20,000 sf	100'	100'	10'	10'	10'	35'
<u>Derby Center</u>								
<u>VC/DC - Village Commercial</u>	1 & 2	15,000 sf	100'	100'	30'	20'	20'	75'
	3	20,000 sf	100'	100'	30'	20'	20'	75'
<u>VR/DC - Village Residential</u>	1 & 2	12,500 sf	100'	100'	30'	20'	25'	35'
	3	20,000 sf	100'	100'	30'	20'	25'	35'
	<u>Residential Accessory Structures</u>				30'	10'	10'	35'
<u>VR-MF/DC - Village Residential MF</u>	1, 2 & 3	12,500 sf	100'	100'	30'	20'	20'	35'
	<u>Accessory Structures</u>				30'	10'	10'	35'

## TIME LIMIT FOR CONSTRUCTION

Permits are valid for two years and construction must commence in that time period. There is no penalty for a failure to begin a permitted project; however you must obtain a new permit to begin construction after the expiration of the two-year time limit.

## STRUCTURES NOT REQUIRING PERMITS

Small accessory structures that are: not permanently anchored to the ground or not on a permanent foundation; and are thirty-two square feet or less in area; and are five feet or less in height, do not require zoning permits. Inflatable pools requiring no additional supports or framing do not require zoning permits; however any permanent decking that may be constructed does require zoning permits. Fences six feet in height or less that meet front yard setback requirements are exempt from permitting.



Sample Sketch Plan