

Section F - Certification

All owners of the property must sign. If there is a co-applicant, he/she must also sign.

Other Permits and Authorizations

Neither making application to the Town of Enosburgh for a Zoning Permit, nor the issuance of such Permit, releases the landowner from his/her obligation to identify, apply for, obtain, and comply with all other municipal, state, or U. S. government permits and authorizations that may also be required in connection with the property or the development proposed.

Some other permits and authorizations that may be required include:

MUNICIPAL : -

- Wastewater Disposal
- Driveway Permit

STATE : -

- Act 250
- Highway Access
- Water Supply
- Wastewater Disposal
- Subdivision
- Labor & Industry
- Health
- Agriculture
- Transportation

The above list is not intended to be complete, but only to serve as a guide as to what additional permits and authorizations may be required.

Town of Enosburgh

Zoning Permit - Application Information

General Information about the Zoning Permit Process

In order to guide land development so as to protect environmental resources, encourage appropriate economic growth, preserve the agricultural heritage of the community, and ensure the health, welfare, and safety of the citizens of Enosburgh, the Zoning Bylaws of the Town of Enosburgh require that all 'land development' within the Town comply with the regulations and requirements set out in those Bylaws.

'Land development' is defined to include (1) the division of a parcel of land into two or more parcels (subdivision); (2) the construction, substantial improvement, replacement, or relocation of any building or of a structure subject to regulation; (3) any mining, excavation, or landfill activity; (4) any change in the use of an existing building or regulated structure; and (5) any change or expansion in the use of land.

Structures subject to regulation under the Zoning Bylaws are all things erected or placed in a fixed location on the ground in order to be used, but not sidewalks, driveways, fences, and planters or similar minor landscaping items.

No 'land development' as above defined (except that involving less than 100 square feet of new floor space or building area) may begin without a Zoning Permit issued by the Town Zoning Administrator, and it is the responsibility of the landowner to obtain that Permit.

If the proposed project for 'land development' is for a one or two family dwelling on a single lot, or is minor in nature, the Zoning Administrator may be able to review it directly. However, in most cases, 'land development' requires review and approval by the Zoning Board of Adjustment (ZBA) and/or the Planning Commission (PC) before the Zoning Administrator may issue a Zoning Permit. Examples are: Conditional Uses and Variances (ZBA), and commercial, industrial, or larger scale residential developments (PC). The Zoning Bylaws should be consulted to determine if the proposed project will involve the ZBA and/or the PC.

In addition to any specific zoning requirements that may apply, all buildings, structures, and uses of land must comply with, and maintain compliance with, all of the general performance standards of the Zoning Bylaws.

After a Zoning Permit is issued by the Zoning Administrator, there is a 15-day period during which the issue of the Permit may be appealed by interested parties to the ZBA. The Permit does not become effective until that period has expired without appeal, or, if an appeal is made, until the ZBA has heard the appeal and decided that the Permit should be issued. No 'land development' may proceed during the appeal period.

Decisions of the ZBA and the PC may be appealed to the Environmental Court by the applicant or an interested party within 30 days. Landowners who proceed with 'land development' while an appeal to the Court is pending do so at their own risk.

Once construction is complete, and so long as the building, structure or the proposed use of the property conforms to the requirements of the Zoning Bylaws and all Permit conditions have been complied with, the Zoning Administrator may, on application, issue a Certificate of Occupancy.

The Zoning Administrator cannot issue a Certificate of Occupancy or a Zoning Permit where a Wastewater Disposal Permit is required unless the wastewater disposal system design has previously been approved by the Town of Enosburgh as being in accordance with the design required by the Zoning Bylaws, and the system has been inspected by the Town's representative prior to being covered with earth.

A Wastewater Disposal Permit is required for any new use, building or structure which generates wastewater, or for any expansion of an existing use, building or structure which generates substantially increased

wastewater, unless the lot on which the use, building, or structure is located is 10 acres or more in area.

A Zoning Permit, once effective, remains valid for 12 months. An extension of that period will only be granted if active construction did begin, but was not completed, within the first 12 months.

A Zoning Permit "runs with the land," and is valid for, and binding upon, all persons acquiring the property during the period of its validity.

In addition to a Zoning Permit, some projects/developments may require permits or authorizations from other municipal or state authorities. It is the landowner's obligation to identify, apply for, and obtain all relevant municipal and state permits and authorizations. It is strongly recommended that the landowner contact the appropriate Town authority, and the regional permit specialist employed by the state agency of natural resources, in order to assure timely action on any related permits or authorizations. A listing of some of the other permits or authorizations that may be required can be found on the last page of this brochure.

Applying for a Zoning Permit

An application for a Zoning Permit must be made on the Application Form provided, together with any attachments that may be necessary to provide complete information (do not forget to sign and date the Form and all attachments), and submitted in original and two copies to the Zoning Administrator along with payment of the appropriate fees required by the Fee Schedule attached to this brochure.

Where Zoning Board of Adjustment or Planning Commission review and approval is required before a Zoning Permit may be issued by the Zoning Administrator, an application may be made directly to those bodies. Contact the Zoning Administrator or a member of the relevant body for information about the procedure for making such an application, for advice concerning the body's rules, and for guidance in preparing the application.

Completing The Application Form

Follow the instructions in the Application Form, using this brochure as a guide.

All sections of the Application Form must be completed, and the Zoning Administrator may require additional information to ensure that the provisions of the Zoning Bylaws are met.

Section A - Owner/Applicant Identification

The application for the Zoning Permit must be made in the name of the owner (title holder) of the property on which the proposed development is to occur. However, a lessee, holder of a signed purchase and sale agreement, or an authorized agent of the owner may be a co-applicant.

In this section of the Form must be entered the name, current mailing address and telephone number of the owner(s). The name should be entered as it appears in the Title Deed for the property.

If there is a co-applicant, his/her name, current mailing address and telephone number must also be entered, and his/her interest in the property must be set out and evidence of it attached to the Form.

Section B - Property/Lot Identification/ Description

In this section of the Form the location of the property on which the proposed development is to occur, its "legal" description, its dimensions and area, and the applicable Zoning District must be identified. This information can be obtained at the Enosburgh Town Clerk's Office, and from the Zoning Bylaws and Zoning Map also at the Town Clerk's Office.

For the "legal" description, a copy of the description in the Title Deed may be attached to the Form, but the area and dimensions of the property (length of all property lines) must nonetheless be entered on the Form.

Section C - Proposed Buildings/Structures/Uses

In this section of the Form the changes to the property which the proposed development will make are described.

The information entered must describe (1) the proposed buildings/structures for which the application is being made, (2) the type of project involved (e.g. total new construction, addition, alteration, enlargement, or demolition), and (3) the use proposed for the completed development (e.g. commercial-retail store for children's clothing, industrial-widgit factory, or residential-single family dwelling).

- (1) In describing the proposed buildings or structures, attach floor or other plans (if available).
- (2) In describing the type of project, state the estimated cost of the work (labor & materials).
- (3) In describing the proposed use or activity, include sufficient detail to reveal the exact nature of the proposal, i.e. "Forestry" is not sufficient, but "Forestry-sawmill for logs grown on the property for commercial sale" would be. For a general description of the uses (permitted and conditional) for each of the Town's zoning districts, consult Section 420 of the Zoning Bylaws.

Section D - Present Buildings/Structures/Uses

In this section of the Form the existing (before the proposed development) state of the property is described. The information entered must describe all buildings and structures that are already on the property, as well as mention how long those buildings/structures have existed in their present state. If the lot is undeveloped or unimproved, this should be stated.

The present use made of the property and the buildings/structures on it must also be described, and a statement made as to how long that present use has continued.

For example, an entry might read: "A two-storey single family dwelling with a detached 2 car garage has been on the lot without change for at least 10 years. It has been used as a principal residence all that time."

Review and approval will be based on the descriptions and/or plans submitted, and any deviation will require resubmission prior to commencement.

Section E - Site Plan

Submission of a Survey or Site Plan prepared by a Surveyor or Engineer is preferred but not required. However, the map or plot plan must be clear, accurate, and reasonably to scale.

The information entered in this section of the Form is necessary to determine whether the proposed development will comply with the area, dimensional, and setback requirements of the zoning district in which the property is located. It is therefore important to clearly show not only the size of the lot and its boundaries, but also the location, in exact relation to all property lines, waterways, and roads, streets or rights-of-way, of any building or structure already on, or proposed to be on, the lot.

The location of each building or structure (actual and proposed) on the lot in relation to the others on it must also be indicated.

In general, a setback is the distance from the nearest "face" of the building or structure to the nearest point on the property line, road, street, waterway, or right-of-way. However, the setback requirements vary from one zoning district to another, and also depend upon the feature (road, waterway, etc.) concerned. Therefore, it is important to consult the Zoning Bylaws in each case.

On the Site Plan, the location and dimensions of driveways, off-street parking areas, and public or private rights-of-way should be indicated, as should the location of potable water sources and sewer or septic systems.

On the Site Plan, or separately if space is not sufficient, must be shown the location and the names and mailing addresses of all adjoining property owners, including those across the road, street or waterway.

When review and approval by the Zoning Board of Adjustment and/or the Planning Commission is required, a more detailed Site Plan and additional documentation must be submitted. Sections 350, and 610 of the Zoning Bylaws list the requirements for these submissions.