

Meet Me at The Zoning Fair

On July 8, 2009, land use officials from around the state attended the Municipal Assistance Center's first Zoning Fair to discuss zoning application forms and procedures. Participants represented a wide range of experience and variety of skills. The Fair provided a forum where administrative officers (AOs) could sit together, exchange ideas, and work collectively to improve the administration of their local review process. Participants provided copies of their development review forms to VLCT, which are now available in the resource library, <http://resources.vlct.org/>.

At the beginning of the event, we discussed each administrative officer's role in his or her respective community. Most AOs provide support to one or both municipal land use boards in their towns to varying degrees, such as warning meetings and hearings, drafting appropriate municipal panel (AMP) decisions, determining whether applications are complete, and general administrative assistance. Surprisingly, many fulfill their duties as part-time employees of the town, including one individual who volunteers his time as the administrative officer.

We discussed that Vermont law does not prescribe the form or content of development applications, process or submissions requirements. It is up to individual municipalities to define procedures and create documents that result in efficient administration of the land use program. The devil is, of course, in these details, and many AOs said they inherited forms that needlessly complicated the development review process for both staff and applicants.

Some common problems included confusing instructions, requests for information that could not be adequately addressed on an application form, and requests for irrelevant or duplicate information. Participants noted that the plans themselves contained a substantial amount of information (e.g. setbacks, lot size and coverage) and questioned the benefit of requiring that this information be on the form as well. Sometimes, providing the information on a plan and a form resulted in contradictory information and led to difficulty in enforcing a permit.

Another common occurrence was placing the burden on applicants to provide information that should be the responsibility of the AO, such as zoning district or flood plain determinations and required requisite reviews. According to Vermont law (24 V.S.A. § 4448 (d)), the AO determines what requisite reviews are necessary, and bylaws likely place district designation with the AO. A better practice is to include this information in a section clearly indicated "for office use only," along with fields for date received, payment received, and application number.

The size of a municipality and its development review bylaws may also dictate what information is necessary on the form. The group noted that an urban municipality could request setback information on a zoning permit application – most lots are relatively small and rectilinear. However, rural towns are more likely to have large, irregularly shaped lots, and this information could be clearly depicted on a plan. Some local land use

regulations allow an AO to approve a “minor subdivision” (defined by the bylaw) the first time one is requested. Subsequent subdivision requests may require requisite review by an AMP. Therefore, tracking this information is important but should be the responsibility of the AO and not the applicant.

In many municipalities, the permit application form also serves as the issued “municipal land use permit.” 24 V.S.A. § 4449 (a) (1). This may lead to documents that do not necessarily reflect what the AMP approved being recorded in the land records. 24 V.S.A. § 4449 (c) (1) (A). Attendees agreed that a better practice is to have separate documents – an application form and a permit – so that the document that is filed in the land records succinctly and accurately reflects what was approved.

After reviewing a few application forms, the group arrived at some best practices for what zoning permit application forms should include:

- name and contact information of property owner;
- name and contact information of applicant;
- physical address of subject property; and
- location for signatures.

Information in a “for office use only” section could include:

- zoning district designation;
- type of prerequisite review required;
- date received and date determined to be complete;
- a docketing or tracking number; and
- contact information for the Administrative Officer.

Of course, a request for information does not end with a simple form answering who, what, and where. Your bylaws dictate what, if any, additional information is necessary, and it follows that more complex applications will require more information. Checklists that correspond to maps, data, and other information required by the bylaws, in addition to the simple application form, could be a “double check” that the application includes all the necessary information before scheduling a hearing before the AMP.

Hinesburg is an example of a community that uses one application form for development review. Depending on the type of requisite review, the AO then distributes the applicable checklist (subdivision, conditional use, or site plan) describing what additional documentation must be submitted along with the application form.

Most attendees found it helpful to confer with others who hold the same position in local government and who struggle with similar issues. They, and we, look forward to the discussion of more ideas in future MAC-sponsored land use workshops.

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