

**Town of Putney, Vermont**  
**Proposed Zoning Ordinance Amendment - Waivers**

**Report per 24 V.S.A. § 4441:** The proposed amendment to Putney's Zoning Ordinance is to permit Waivers as defined in 24 V.S.A. 4414 (8). The amendment will allow the DRB to consider modifications to dimensional requirements of the Zoning Ordinance that may be found limiting to reasonable use or development of a property. Conformance with the municipal plan goals and policies (including any proposed future land use or density) are criteria for granting a waiver [Section 235 D (4)]. The amendment is not anticipated to have a direct effect on safe and affordable housing. The amendment does not carry out any specific proposals for any planned community facilities.

New text is indicated below in *underlined Italics*

**Section 110.2 Development Review Board.**

... The DRB shall have all the powers and duties specified in the Act and these zoning regulations, including, but not limited to, review and decisions regarding Site Plan Applications, Planned Residential Developments, Planned Unit Developments, Planned Educational Developments, development of lots without road frontage on Town or State maintained right-of-ways or the Connecticut River, requests for a Variance *or a Waiver* from the provisions of these regulations,...

**Section 110.4 Public Notice.** In accordance with the Section 4464 of the Act, a warned public hearing shall be required as follows:

A. Conditional use review (Section 220), variances *and waivers* (Sections 230 & 235)...

**Section 200.3 Application for a Zoning Permit.**

...C. All applicable local approvals that may be required by these regulations have been secured, including, but not limited to:

1. Site Plan Approval
2. Conditional Use Approval
3. Planned Residential Development, Planned Unit Development, or Planned Education Development approval
4. Variances *and Waivers*

**Section 235 WAIVERS**

- A. When the standards necessary to grant a variance cannot be met, a waiver may be considered to allow for the reduction of dimensional requirements that may limit the reasonable use or development of a property.
- B. Pursuant to 24 VSA 4414 (8), waivers to dimensional requirements of this Zoning Bylaw may be granted by the Development Review Board (DRB) after considering the Waiver Criteria below. The burden of proof is on the applicant to demonstrate that the waiver requested meets the Waiver Criteria.
- C. A waiver may be granted to any of the dimensional requirements in this Zoning Bylaw except to create a lot that does not meet applicable zoning district requirements, such as minimum lot size or frontage (unless part of a PUD, PRD, or PED).
- D. Waiver Criteria. The DRB may grant a waiver(s) to a dimensional requirement(s) after making findings on the following criteria:
  1. The waiver is helpful or necessary to allow for reasonable use of the property.

2. The waiver is the minimum reduction in the dimensional requirement that will enable the reasonable use of the property.
3. Any adverse effects of the waiver are mitigated by design, screening, or other remedies.
4. The proposed project will still conform to the Town Plan.
5. The proposed project will still conform to the purpose of the zoning district in which the land development is located.
6. The proposed project will not have an undue adverse effect on the following:
  1. Surrounding properties and property values
  2. The character and aesthetics of the neighborhood
  3. Traffic patterns and circulation
  4. Public health, safety, and utility services
  5. Stormwater management
  6. Water and wastewater capacity.
  7. Regulated Flood Hazard Areas
  8. Areas of Special Consideration (Section 700)

### **Section 235.1 WAIVER APPLICATION AND REVIEW PROCESS**

- A. Applicants seeking a waiver must file a complete a Zoning Permit Application (Section 200.3) and indicate what dimensional standards are to be considered for a waiver, and the specific modification(s) being requested.
- B. The application shall come to the DRB either from the applicant as an appeal of a decision of the administrative officer or a referral from the administrative officer.
- C. Requests for waivers shall be heard and decided on by the DRB at a properly warned public hearing.
- D. The DRB shall consider the opinion of abutters in deciding whether to grant the waiver.
- E. In granting a decision in favor of the applicant, the DRB may attach reasonable conditions, including mitigation by design, screening, or other remedy.
- F. Any waiver granted under this section shall be limited to the specific property to which it has been granted. A waiver on one property shall not be construed as a general guideline or standard for any other property.
- G. Expiration: Waiver approvals shall expire by limitation if work is not completed within two (2) years from the date they are approved. All work must be completed as shown on any approved plan before the expiration date. One year extensions of this deadline may be granted by the Administrative Officer prior to expiration. Requests for extensions must be made in writing.
- H. Appeals: Any request for a Waiver that is denied may be appealed per Section 250 of this bylaw.

## **ARTICLE IX DEFINITIONS**

**Waiver** – An adjustment to a specific dimensional requirement of the Zoning Ordinance.