

NOTICE OF PUBLIC HEARING
TOWN OF SUDBURY
PLANNING COMMISSION

The Town of Sudbury Planning Commission, in accordance with State Statutes, will hold a Public Hearing at the Sudbury Meeting House, in Sudbury, VT, beginning at 7:00 p.m. on Tuesday, September 14, 2021, for review and comments of all interested persons on proposed amendments to the "Town of Sudbury Unified Development Ordinance (UDO)."

The Geographic Area affected by this NOTICE and HEARING, is the Town of Sudbury, in the County of Rutland, and State of Vermont.

The following is the Table of Content of the Sudbury Unified Development Ordinance:

Article I:	Enactment, Objectives, Purpose, and Scope
Article II:	Definitions
Article III:	Zoning Districts
Article IV:	General Regulations
Article V:	Conditional Uses
Article VI:	Non-Conforming Uses & Dimensional Non-Conformities
Article VIIa:	Development Review Standards
Article VIIb:	Subdivision & PUD Review Standards
Article VIII:	Administration and Enforcement
Article IX:	Other Provisions

The proposed amendments are to Article II, Article III, Article IV, and Article VIII. All interested parties are invited to attend and provide comments on the proposed amendments to the Town of Sudbury Unified Development Ordinance. The Planning Commission will carefully consider all comments and prepare appropriate revisions, if necessary, and give to the Sudbury Selectboard for action.

A copy of the Unified Development Ordinance and/or a copy of the proposed amendments may be obtained from the Sudbury Town Clerk, Sudbury, Vermont 05733 during business hours, or by calling (802) 623-7296.

SUDBURY PLANNING COMMISSION
Town of Sudbury
36 Blacksmith Lane
Sudbury, VT 05733
802-623-7296 (Tel. & Fax)

DRAFT
Proposed Amendments to the Sudbury Unified Development Ordinance (UDO)
August 13, 2021

ARTICLE II: DEFINITIONS

Section 201. Definitions

Accessory Dwelling Unit: A dwelling located within or appurtenant to an owner-occupied single-family dwelling that is clearly subordinate to a single-family dwelling, and has facilities and provisions for independent living, including sleeping, food preparation and sanitation.

Airstrip / Helipad, Private: (The existing definition would remain the same.)

Temporary Structure: A structure designed for use as a shelter or storage space while a permanent dwelling is under construction, undergoing substantial repairs or reconstruction, or for use as a social gathering place for residential or communal events.

ARTICLE III: ZONING DISTRICTS

Section 305: Table II - Table of Uses

Airstrip, Helipad: (The existing conditions of use in each of the five (5) districts would stay the same.)

ARTICLE IV: GENERAL REGULATIONS

Section 414. Accessory Buildings and Dwelling Units

(B) An accessory dwelling unit shall be permitted wherever an owner-occupied single-family dwelling is permitted, provided there is sufficient wastewater capacity, the unit does not exceed 30 per cent of the total habitable floor area of the single-family dwelling or 900 square feet, whichever is greater, and that it complies with the required lot setbacks, coverage and parking requirements.

ARTICLE VIII. ADMINISTRATION & ENFORCEMENT

Section 805. Zoning Permit

(B) Temporary Use Permits. Temporary use permits may be issued by the Zoning Administrator for the following, except for (2) (c), as noted below, provided all setbacks and dimensional requirements of this Ordinance are met, and any necessary State permits are obtained.

(1) **Temporary Shelters, Storage Spaces or Living Quarters** on properties on which new construction, substantial repairs or reconstruction of principal dwellings is taking place for a period of one (1) year, provided such permits are conditioned upon agreement by the owner to remove the structure or convert it to an alternative conforming use upon expiration of the permit or completion of the construction. Such permits may be renewed upon application for a period not exceeding one (1) additional year.

(2) Special Events

- (a) Charitable events (e.g. concerts, festivals, fairs, trade shows and antique shows) for a period of one (1) year provided that off-street parking and circulation, sanitary and trash collection facilities are provided on site during the term of use, and that the use will be discontinued and any temporary structures associated with it removed upon expiration of the permit.
- (b) Family or household events (e.g. garage or yard sales or auctions or family reunions, weddings and wedding receptions) are exempt from this provision as stipulated in subparagraph (C) (18) of this Ordinance, and shall not require a zoning permit.
- (c) Special events of a commercial nature - for profit - and expected to draw a crowd in excess of one-hundred (100) people or extending more than seven (7) days within a twelve (12) month period, shall be subject to conditional use review and approval by the Zoning Board of Adjustment under provisions of Section 810 of this Ordinance, prior to the issuance of a temporary zoning permit therefor.

(C) Exemptions

- (18) Garage sales, yard sales or auctions or family events (e.g. family reunions, weddings and wedding receptions) lasting not more than three (3) consecutive days and not more than a total of twelve (12) days per calendar year.

Section 806. Certificate of Occupancy

- (A)** A Certificate of Occupancy issued by the zoning administrator shall be required prior to the use or occupancy of any permitted structure or part thereof constructed after the effective date of this bylaw.
- (B)** An application for a certificate of occupancy shall be provided with the zoning permit issued by the ZA, or upon request. The applicant shall submit the application and associated fee upon the completion of permitted improvements, but prior to the occupancy or use of the structure.
- (C)** Notwithstanding the preceding, a Certificate of Occupancy shall not be required for (1) alterations, additions and renovations which do not create additional dwelling units, provided such alterations, additions and renovations are consistent with all other requirements of these regulations, (2) any structure that does not have more than six hundred (600) square feet of Gross Floor Area and, does not contain any water facilities or sewage facilities, or (d) is a temporary building used in connection with a work site while work is ongoing. These provisions apply to all land development in the town of Sudbury commenced with 15 years prior to the date of adoption of the provision.
- (D)** The application for the certificate of occupancy shall include a copy of all required state and federal permits.
- (E)** Within 14 days of the date of receipt of a complete application and associated fees for a certificate of occupancy, the ZA or designee will:
 - 1. Review the application and other available documentation to ensure that all required municipal, state and federal permits have been obtained.
 - 2. Inspect the premises to ensure that all work has been completed in conformance with the zoning permit and associated approvals, including all applicable permit conditions, and

3. Ensure that a Vermont Residential or Commercial Building Energy Standards certificate has been recorded in the Town land records pursuant to 24 .V.S.A. Section 4449(a)(2), if applicable.

(F) Based on these findings the ZA may:

1. Find that the permit conditions have been met and issue the Certificate of Occupancy.
2. Find that the permit conditions have not been met and, if the development conforms to all applicable provisions of this Ordinance, require the applicant submit an amended application for the project as constructed before issuing a certificate of occupancy.
3. Find that the permit conditions have not been met and, if the development does not conform to all applicable provisions of the Ordinance, the ZA shall deny the Certificate of Occupancy and follow the procedures set forth in Section 821 for violations of this Ordinance.

(G) If the ZA fails to either grant or deny the certificate of occupancy within 30 days of the submission of a complete application, the certificate shall be deemed issued on the 31st day.

(H) The ZA may issue a temporary certificate of occupancy for a structure that is substantially complete (suitable for occupancy or its intended use), for a period not to exceed one year from the date of issuance. The temporary certificate shall specify the remaining improvements to be completed in accordance with permit requirements prior to the issuance of a permanent certificate of occupancy.

(I) The ZA shall deliver a Memorandum of Municipal Action (MOMA) to the Town Clerk for recording within 30 days after issuing a certificate of occupancy. The ZA shall also file a copy of the certificate of occupancy as part of the ZA's records in the Town office.

Section 809. Waivers

(C)

- (1) The proposal is for an addition to an existing principal or accessory structure.