

Chapter 1

Authorities Purposes - Basic Principles

This chapter cites the statutory authorities for the adoption of this bylaw and states its purposes. It also adopts basic principles that guide the administration of this bylaw.

1.1 Authority

1.1.1 What is the legal authority for adoption of this bylaw? Vermont law provides abundant authority for the adoption of this bylaw. 24 V.S.A. § 4401, 4402, and 4410 authorize the regulatory implementation of municipal plans. 24 V.S.A § 4402 and 4419 specifically authorize the adoption of a unified development bylaw. 24 V.S.A. § 4419 states:

Any bylaws authorized under this chapter may be integrated into a unified land development bylaw that combines the separate requirements into a consolidated review and permitting process.

1.1.2 What is a unified development bylaw? This unified development bylaw integrates zoning, as authorized by 24 V.S.A. §§ 4411-4414; site plan review, as authorized by 24 V.S.A. § 4416; planned unit development regulations, as authorized by 24 V.S.A § 4417, subdivision regulations, as authorized by 24 V.S.A. § 4418; requirements for adequate public facilities and growth management, as provided by 24 V.S.A. § 4423; the transfer of development rights, as authorized by 24 V.S.A. § 4423; and the regulation of shorelands and flood hazard areas, as authorized by 24 V.S.A. § 4424. Citations of authority for specific portions of this bylaw are given where needed.

1.2 Purposes. This bylaw is adopted for the purposes established by 24 V.S.A. § 4292 and to implement the regulatory policies of Williston's *Town Plan*. Policy 11.1 of that plan states:

The Town of Williston will revise its bylaws to be consistent with the policies adopted in this plan. These revisions will take the form of a unified development bylaw.

The requirements of this bylaw are the minimum necessary to ensure that individual land use decisions are consistent with the *Town Plan*, as required by 24 V.S.A. § 4410.

1.3 Basic Principles Applicants Should Understand. Your signature on an application for a permit is an acknowledgement of the following basic principles.

1.3.1 State and federal regulations may apply. Applicants should understand that state and federal regulations apply to many projects. Where those regulations are not as restrictive as this bylaw, this bylaw applies. State and federal regulations may also be more restrictive than this bylaw, in which case both the requirements of this bylaw and the state or federal regulation apply. You should not submit an application for a permit to the town until you have a clear understanding of how state and federal regulations affect your project. If you obtain a permit from the town, then make a substantial change in the approved final plans to comply with state or federal regulations, you must apply for and obtain a new or amended town permit.

1.3.2 Private agreements may apply. Applicants should be aware that covenants, deed restrictions, easements, and similar private agreements affect many projects. Those agreements may be more restrictive than this bylaw. You should not submit an application for a permit to the town until you have a clear understanding of how private agreements affect your project. If you obtain a permit

from the town, then make a substantial change in the approved final plans to comply with a private agreement, you must apply for and obtain a new or amended town permit.

1.3.3 Burden of proof. Applicants should understand that the burden of demonstrating compliance with this bylaw rests with them. Be sure you understand the relevant requirements of this bylaw before submitting an application for a permit. It is important to submit a clear, complete application. The town provides application forms and checklists, but most applicants will need to retain qualified professional help to prepare their application.

1.3.4 Representations are binding. All representations made on application forms and checklists, and in the drawings and other materials that accompany an application, are binding. What does 'binding' mean? It means that the applicant must build the project as it is described and depicted in the materials approved by the Administrator or the DRB. Minor changes in approved final plans may be permitted by WDB 5.6. Substantial changes require a new administrative permit and may require the amendment of a discretionary permit or, possibly, a new discretionary permit

1.4 Severability. If any provision of this bylaw or the application of this bylaw in specific circumstances is held invalid by any court, the remainder of the bylaw and/or its application in other circumstances shall be unaffected.

1.5 Effective Date. These regulations became effective on June 22, 2009.

1.6 Title and Citation. This bylaw should be referred to as the *Williston Development Bylaw*. Sections should be cited as "WDB, (chapter number), (section number), (subsection number), (sub-subsection number).

1.7 About Text Boxes. The text boxes provide information that supplements this bylaw. They are not part of the bylaw, however, and the Administrator may edit them as necessary.