MEMO From the Office of the Town Manager

To: Colchester Selectboard
From: Aaron Frank, Town Manager & Cathyann LaRose, Planning and Zoning Director
Date: March 6, 2024
Re: Review of Planning and Zoning Fees for Service

Issue: Shall the Colchester Selectboard approve the warned changes to Chapter 6 ½ of the Town's Code of Ordinance related to development fees?

Background: In June 2023, the Selectboard asked the Town Manager and Planning and Zoning Director to come up with a method of adjusting planning and zoning fees on an annual basis instead of waiting 3-5 years whereby a larger increase would be necessary. This followed approval of a larger evaluation of planning and zoning fees that is documented here.

By increasing the fees annually they would better keep up with inflationary costs and would better address the first section of the Colchester Code of Ordinances, Chapter 6 ½ states, "The purpose of this chapter is to insure that the taxpayers do not bear the costs involved in the areas of development, public notices, stenographic records, investigations and inspections."

Proposal: To increase planning and zoning fees for each fiscal year, by the Consumer Price Index, Urban, Northeast, for the prior calendar year. In other words, the FY 25 Planning and zoning fees would be based on calendar year 2024's CPI-U, northeast, rounded up to the nearest dollar, except for per square foot and per copy charges, which would be to the penny, and rounded up to the nearest penny as they are currently calculated to the penny. Here is the calculation, for example:

CPI-U, Northeast	
Dec. 2023	185.979
Dec. 2022	182.457
Change	3.522
% Change	1.9%

The complete system of changes is included as attachment 1.

Statewide recording fees are accounted for and included within each of the listed fees where they are applicable and are not charged in addition to what is listed in the fee schedule. At any such time that the State of Vermont should adjust the statewide recording fees, including those for recording mylars, and those fees outpace the Town's development fee schedule increases based on inflation, the fee schedule shall be adjusted accordingly.

This system would be implemented by the Planning and Zoning Director annually with a written notice of the update to the Selectboard to be placed in the Selectboard Packet between March 1, and April 30. These changes would become effective after such communication, on July 1 of the same year. The Planning and Zoning Department would provide notice of the updated fees on their web site and permitting documents no later than June 1.

Proposed Motion: Shall the Colchester Selectboard warn a public hearing for April 9, 2024 for changes to Chapter 6 ½ of the Town's Code of Ordinance related to development fees as outlined in a memo dated March 6, 2024 from Town Manager Aaron Frank and Planning and Zoning Director Cathyann LaRose and as shown in the attached copy of Chapter 6 1/2?

Attachment 1
Proposed Fee Changes

		Current Fee (USD)	Proposed Fee (Effective 7/1/2024) (USD)	Notes
Building and Zoning Permits	Accessory Dwelling Unit (ADU)	$200	$204	
	Conversion of seasonal dwelling to year round	$200	$204	
	Deck	$140	$143	
	Demolition	$150	$153	
	Fence	$85	$87	
	Home Occupation/Home Business	$100	$102	
	Mobile Home Relocation	$150	$153	
	New Residential construction	$150 +$0.75/sq ft	$153 +$0.76/sq ft	
	New Non-Residential Construction	$500 +$0.75/sq ft	$510 +$0.76/sq ft	
	Shed	$85	$87	
	Swimming Pools	$8/$1000 estimated cost of construction	$8.15/$1000 estimated cost of construction	Minimum fee of $87.00
	Construction and renovation required by Ch. 4 of this code	$8/$1000 estimated cost of construction	$8.15/$1000 estimated cost of construction	Minimum fee of $87.00
	Site Development (including street construction, sidewalks, site infrastructure, parking lots)	$8/$1000 estimated cost of construction	$8.15/$1000 estimated cost of construction	Minimum fee of $87.00
	De minimis permit /amendment	$40	$41	
Certificate of Occupancy (Inspection)	First	$0	$0	
	Repeat or failed (each time)	$125	$127	Shall be paid prior to issuance of final Certificate of Occupancy
	Temporary	$125	$127	
	If obtained more than 18 months after permit issuance	$25	$26	
	If after expired temporary CO	$250	$255	
	If human occupancy is taken prior to CO	$200/unit	$204/unit	
Bianchi Letter (compliance letter)	Residential			
	Standard	$125	$127	
	For requests with less than two (2) weeks to process	$225	$229	
	For updates to letters less than two (2) years old	$75	$76	
	Non-Residential	$225	$229	
Subdivision	Technical Review Committee (TRC) meeting	$150	$153	
	Sketch Review	$525+$10/unit	$535+$10/unit	
	Preliminary Plat Review	$1200 base fee plus tiered cost per unit plus $50/acre	$1223 base fee plus tiered cost per unit plus $51/acre	
		Tiered cost per unit: Units 1-10: $150/unit Units 11-20: $100/unit Units 21+: $70/unit	Tiered cost per unit: Units 1-10: $153/unit Units 11-20: $102/unit Units 21+: $72/unit	
	Final Plat Review	$800+ $10/unit	$815+ $10/unit	
	Final Plat Amendment	$525 plus $500 per additional unit	$535 plus $510 per additional unit	
Site Plan	Administrative Amendment	$350	$357	
	Amendment	$425	$433	
	Site Plan (incl seawall)	$525	$535	
	In conjunction with Final Plat	$250	$255	
Conditional Use		$425	$433	
	In conjunction with Site Plan	$200	$204	
Recess/Continuance of DRB Meeting	If at applicant's request	$100	$102	per occurrence
Variance		$450	$459	
Appeal		$350	$357	
Boundary Line Adjustment		$350	$357	
Permit Extension	Building and zoning permit	$50	$51	
	DRB decision	$150	$153	
Mylar Recording		$25	$25	per page
Third Party Review	Including but not limited to engineering and legal reviews	varies	varies	To be reimbursed by applicant at full cost
Planning and Zoning Printing	Photocopies or letter sized prints	$0.25	$0.25	per page
	Large color prints up to 48"	$30	$31	
Sign Permits	Permanent	$125	$127	
	Temporary- monthly	$20	$21	
	Temporary- annual	$50	$51	

Chapter 6½ FEES FOR PERMITS AND LICENSES GENERALLY [1]

ARTICLE I. - IN GENERAL

ARTICLE II. - IMPACT FEES

FOOTNOTE(S):

-- (**1**) ---

Editor's note— Ord. of July 26, 1977 amended this Code by adding provisions designated as Ch. 13. In order to preserve the alphabetical sequence of chapters within the Code, and in accord with the preface to this volume (see page v), the editors have re-designated such provisions as Ch. 6½. (Back)

ARTICLE I. IN GENERAL

Sec. 6½-1. Purpose.

Sec. 6½-2. Title.

Sec. 6½-3. Definitions.

Sec. 6½-4. Fees enumerated.

Sec. 6½-5. Permits and licenses required.

Sec. 6½-6. Separability.

Sec. 6½-7. Penalties and fines.

Sec. 6½-8. Variances and waivers.

Sec. 6½-9. Delinquent taxes.

Sec. 6½-10. Appeals.

Sec. 6½-11. Permit to obstruct street or sidewalk; fee.

Sec. 6½-12. Permits for curb cuts; fee.

Secs. 6½-13—6½-19. Reserved.

Sec. 6½-1. Purpose.

[The purpose of this Ordinance is] to ensure that the taxpayers do not bear the costs involved in the areas of development, public notices, stenographic records, investigations and inspections.

(Ord. of 7-26-77; Ord. of 7-24-12; Ord. of 12-8-15; Ord. of 1-23-18)

Sec. 6½-2. Title.

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This Ordinance shall be known and entitled as an "Ordinance Regulating Fees for Permits and Licenses and Providing Penalties for Violations thereof in the Town of Colchester, County of Chittenden, State of Vermont."

(Ord. of 7-26-77; Ord. of 12-8-15; Ord. of 1-23-18)

Sec. 6½-3. Definitions.

For the purpose of this Ordinance the following terms, phrases, words, and their derivatives shall have a meaning as given below:

(a) *Town* is the Town of Colchester.

(b) *Selectboard* is the Selectboard of the Town of Colchester.

(c) *Administrative Officer* is the Zoning Administrator for the Town of Colchester.

(d) *Health Officer* is the legally designated health officer of the Town of Colchester or his/her authorized representative.

(e) *Town Manager* is the Town Manager for the Town of Colchester or his/her agent or representative.

(f) *Permit* is a written document issued by the Town of Colchester giving a designated person permission to construct, alter or renovate.

(g) *License* is a written document issued by the Town of Colchester to a designated person or corporation granting permission to operate or conduct business.

(h) *Affordable housing:*

(1) Owner occupied dwelling unit that has a purchase price at the time of the first sale that does not exceed eighty-five (85) percent of the new construction, targeted area purchase price limits established and published annually by the Vermont Housing Finance Agency; or

(2) Rental dwelling unit that has a duration of affordability of not less than fifteen (15) years and for which the total annual cost of renting (including rent, utilities and association fees) does not exceed thirty (30) percent of the gross annual income of a household at eighty (80) percent of the county median income as defined by the U.S. Department of Housing and Urban Development.

(i) *Multifamily dwelling:* A building designed for or occupied by two (2) or more families with the number of families in a residence not exceed the number of dwelling units provided. For the purposes of accessory apartments authorized by Title 24 VSA Section 4412(1)(E), the accessory apartment shall be considered as a multifamily unit whereas the principal dwelling shall be considered a single-family unit.

(j) *Single-family dwelling:* A detached dwelling unit designed for and occupied by one (1) family. Dwelling units converted from seasonal to year-round occupancy shall be considered a new single-family dwelling.

(k) *Dwelling unit:* One (1) or more rooms, designed, occupied or intended for occupancy as separate living quarters, with cooking, sleeping and sanitary facilities provided within the dwelling unit for the exclusive use of a single household. A dwelling unit excludes dormitories, nursing care homes and institutions, inns, hotels, motels, extended stay hotels, and other similar facilities as determined by the Administrative Officer.

(Ord. of 7-26-77; Ord. of 12-8-15; Ord. of 1-23-18)

Sec. 6½-4. Fees enumerated.

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The following fees shall be charged for the purposes indicated. Where required, the fees listed are inclusive of legal noticed fees (in the town's designated paper of record) and recording fees. Certain fees are mandated or set by the State of Vermont and may or may not be included here. All fees are listed in US dollars.

a) ~~Building and Zoning Permits~~Planning and Zoning Fees. ~~As per Table 6a.~~

1) Planning and Zoning fees shall be payable as per Table 6a below.
2) Fees and shall be increased each fiscal year according to the Consumer Price Index, Urban, Northeast, for the prior calendar year.
3) Fees shall be rounded up to nearest dollar, except for per square foot and per copy charges, which be to the penny.
4) Statewide recording fees are accounted for within each listed fee. At any such time that the State of Vermont should adjust the statewide recording fees, and those fees outpace the Town's development fee schedule increases based on inflation, the fee schedule shall be adjusted accordingly.
5) This system is to be implemented by the Planning and Zoning Director annually with written notice of the update provided to the Selectboard between March 1 and April 30. Changes shall become effective after such communication, on July 1 of the same calendar year.
6) Updated fee schedules shall be posted to town websites and provided with permitting documents no later than June 1st of each calendar year.

Table 6a.

-	-	~~Fee (USD)~~	~~Notes~~
~~Building and Zoning Permits~~	~~Accessory Dwelling Unit (ADU)~~	~~$200~~	-
	~~Conversion of seasonal dwelling to year round~~	~~$200~~	-
	~~Deck~~	~~$140~~	-
	~~Demolition~~	~~$150~~	-
	~~Fence~~	~~$85~~	-
	~~Home Occupation/Home Business~~	~~$100~~	-
	~~Mobile Home Relocation~~	~~$150~~	-
	~~New Residential construction~~	~~$150 +$0.75/sq ft~~	-
	~~New Non-Residential Construction~~	~~$500 +$0.75/sq ft~~	-
	~~Shed~~	~~$85~~	-
	~~Swimming Pools~~	~~$8/$1000 estimated cost of construction~~	~~Minimum fee of $85.00~~
	~~Construction and renovation required by Ch. 4 of this code~~	~~$8/$1000 estimated cost of construction~~	~~Minimum fee of $85.00~~
	~~Site Development (including street construction, sidewalks, site infrastructure, parking lots)~~	~~$8/$1000 estimated cost of construction~~	~~Minimum fee of $85.00~~
	~~De minimis permit /amendment~~	~~$40~~	-
-	-	-	-
~~Certificate of Occupancy~~ (~~Inspection~~)	~~First~~	~~$0~~	-
	~~Repeat or failed (each time)~~	~~$125~~	-
	~~Temporary~~	~~$125~~	-

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	If obtained more than 18 months after permit issuance	$25	Shall be paid prior to issuance of final Certificate of Occupancy
	If after expired temporary CO	$250	
	If human occupancy is taken prior to CO	$200/unit	
-	-	-	-
Bianchi Letter (compliance letter)	Residential	-	-
	Standard	$125	-
	For requests requiring less than two (2) weeks to process	$225	-
	For updates to letters less than two (2) years old	$75	-
	Non-Residential	$225	-
-	-	-	-
Subdivision	Sketch Review	$525+$10/unit	-
	Technical Review Committee (TRC) meeting	$150	-
	Preliminary Plat Review	$1200 base fee plus tiered cost per unit plus $50/acre	Tiered cost per unit: Units 1-10: $150/unit Units 11-20: $100/unit Units 21+: $70/unit
	Final Plat Review	$800+ $10/unit	-
	Final Plat Amendment	$525 plus $500 per additional proposed unit	-
-	-	-	-
Site Plan	Administrative Amendment	$350	-
	Amendment	$425	-
	Site Plan (incl seawall)	$525	-
	In conjunction with Final Plat	$250	-
Conditional Use	-	$425	-
-	In conjunction with Site Plan	$200	-
Recess/Continuance of DRB Meeting	If at applicant's request	$100	per occurrence
Variance	-	$425	-
Appeal	-	$350	-
Boundary Line Adjustment	-	$350	-
Permit Extension	Building and zoning permit	$50	-
	DRB decision	$150	-
Mylar Recording	-	$25	per page
Third Party Review	Including but not limited to engineering and legal reviews	varies	To be reimbursed by applicant at full cost
Sign Permits	Permanent	$85	-

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	~~Temporary- monthly~~	~~$20~~	~~-~~
~~**Planning and Zoning Printing**~~	~~Temporary- annual~~	~~$50~~	~~-~~
	~~Photocopies or letter sized prints~~	~~$0.25~~	~~per page~~
	~~Large color prints up to 48"~~	~~$30~~	~~-~~
~~**Credit Card Use**~~	~~A surcharge will be added to payments made with credit cards, in order to recover costs charged to the Town.~~	~~3%~~	

	FY25 FEES	Fee (USD)	Notes
Building and Zoning Permits	Accessory Dwelling Unit (ADU)	$204	
	Conversion of seasonal dwelling to year round	$204	
	Deck	$143	
	Demolition	$153	
	Fence	$87	
	Home Occupation/Home Business	$102	
	Mobile Home Relocation	$153	
	New Residential construction	$153 +$0.76/sq ft	
	New Non-Residential Construction	$510 +$0.76/sq ft	
	Shed	$87	
	Swimming Pools	$8.15/$1000 estimated cost of construction	Minimum fee of $87.00
	Construction and renovation required by Ch. 4 of this code	$8.15/$1000 estimated cost of construction	Minimum fee of $87.00
	Site Development (including street construction, sidewalks, site infrastructure, parking lots)	$8.15/$1000 estimated cost of construction	Minimum fee of $87.00
	De minimis permit /amendment	$41	
Certificate of Occupancy (Inspection)	First	$0	
	Repeat or failed (each time)	$127	Shall be paid prior to issuance of final Certificate of Occupancy
	Temporary	$127	
	If obtained more than 18 months after permit issuance	$26	
	If after expired temporary CO	$255	
	If human occupancy is taken prior to CO	$204/unit	
Bianchi Letter (compliance letter)	Residential		
	Standard	$127	
	For requests with less than two (2) weeks to process	$229	
	For updates to letters less than two (2) years old	$76	
	Non-Residential	$229	
Subdivision	Technical Review Committee (TRC) meeting	$153	

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	Sketch Review	$535+$10/unit	
	Preliminary Plat Review	$1223 base fee plus tiered cost per unit plus $51/acre	
		Tiered cost per unit: Units 1-10: $153/unit Units 11-20: $102/unit Units 21+: $72/unit	
	Final Plat Review	$815+ $10/unit	
	Final Plat Amendment	$535 plus $510 per additional unit	
Site Plan	Administrative Amendment	$357	
	Amendment	$433	
	Site Plan (incl seawall)	$535	
	In conjunction with Final Plat	$255	
Conditional Use		$433	
	In conjunction with Site Plan	$204	
Recess/Continuance of DRB Meeting	If at applicant's request	$102	per occurrence
Variance		$459	
Appeal		$357	
Boundary Line Adjustment		$357	
Permit Extension	Building and zoning permit	$51	
	DRB decision	$153	
Mylar Recording		$25	per page
Third Party Review	Including but not limited to engineering and legal reviews	varies	To be reimbursed by applicant at full cost
Planning and Zoning Printing	Photocopies or letter sized prints	$0.25	per page
	Large color prints up to 48"	$31	
Sign Permits	Permanent	$127	
	Temporary- monthly	$21	
	Temporary- annual	$51	

b) Penalties. Permits issued after construction or change of use (includes zoning/building permit, site plan, conditional use, variance, home occupation, etc.): Penalty fee of two (2) times the normal permit cost will be charged.

c) Other fees. As per table 6b.

Table 6b.

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		Fee (USD)
Amusement license	Full term	$100
	Limited term	$55
Carter's permit		$60 plus $35 per vehicle
Peddlers license		$80
Borrow Pit permit		$125
Excavation within public right of way	Major work such as installation of public utilities along or across the public highway	$500 plus escrow to cover full restoration cost
	Other minor work	$100

(Ord. of 1-12-88; Ord. of 3-14-89; Ord. of 9-12-89; Ord. of 5-22-90; Ord. of 6-17-95; Ord. of 2-13-96; Ord. of 2-25-97; Ord. of 7-8-97; Ord. of 3-24-98; Ords. (two) of 12-22-98; Ord. of 4-8-03; Ord. of 2-22-05; Ord. of 2-27-07; Ord. of 6-26-11; Ord. of 7-24-12; Ord. of 12-8-15; Ord. of 1-23-18)

Cross reference— Cross References: Borrow pits and quarries, Ch. 3; building permits and fees, § 4-20 et seq.

Sec. 6½-5. Permits and licenses required.

No activity shall be commenced within the areas covered by this ordinance without a permit or license issued by the Selectboard or Administrative Officer of the Town of Colchester. Municipal organizations are exempt from fee enumerated herein.

(Ord. of 7-26-77; Ord. of 5-22-90; Ord. of 6-27-95; Ord. of 12-8-15; Ord. of 1-23-18)

Sec. 6½-6. Separability.

The invalidity of any provision of this ordinance shall not invalidate any other part.

(Ord. of 7-26-77; Ord. of 12-8-15; Ord. of 1-23-18)

Sec. 6½-7. Penalties and fines.

Any person or corporation not obtaining the proper permit or license in violation of this ordinance shall be subject to a fine pursuant to Chapter 1, Section 1-9(b). If any violation continues, each day's violation shall be deemed a separate violation.

(Ord. of 7-26-77; Ord. of 9-10-96; Ord. of 12-8-15; Ord. of 1-23-18)

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Sec. 6½-8. Variances and waivers.

Where the Selectboard finds that extraordinary and unnecessary hardships may result from strict compliance with this ordinance or where there are special circumstances, they may vary this ordinance in the public interest.

(Ord. of 7-26-77; Ord. of 12-8-15; Ord. of 1-23-18)

Sec. 6½-9. Delinquent taxes.

No permits or licenses will be issued until such time as all property taxes are current.

(Ord. of 6-27-95; Ord. of 12-8-15; Ord. of 1-23-18)

Sec. 6½-10. Appeals.

Appeals from the requirements of this ordinance shall be heard and decided by the Selectboard.

(Ord. of 6-27-95; Ord. of 12-8-15; Ord. of 1-23-18)

Sec. 6½-11. Permit to obstruct street or sidewalk; fee.

The fee for a permit for a week or part thereof shall be forty dollars ($40.00).

(Ord. of 10-10-95; Ord. of 4-8-03; Ord. of 12-8-15; Ord. of 1-23-18)

Sec. 6½-12. Permits for curb cuts; fee.

The fee for each curb cut and/or driveway application/permit shall be forty dollars ($40.00).

(Ord. of 10-10-95; Ord. of 4-8-03; Ord. of 12-8-15; Ord. of 1-23-18)

Secs. 6½-13—6½-19. Reserved.

ARTICLE II. IMPACT FEES

Sec. 6½-20. Purpose.

Sec. 6½-21. Authority.

Sec. 6½-22. Compliance with the impact fee statute.

Sec. 6½-23. Establishment of impact fees.

Sec. 6½-24. Payment of fees.

Sec. 6½-25. Appeals.

Sec. 6½-26. Accounting; refund.

Sec. 6½-27. Applicability of this chapter.

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Sec. 6½-20. Purpose.

The purpose of this article is to:

(1) Provide for the payment by beneficiaries of new development of their proportionate share of the cost of municipal and school capital projects which benefit or are attributable to them;

(2) To require the beneficiaries to pay for or mitigate the negative effects of construction; and

(3) To provide for the proper accounting for and expenditure of impact fees collected by the Town of Colchester.

(Ord. of 11-11-97; Ord. of 12-8-15; Ord. of 1-23-18)

Sec. 6½-21. Authority.

This article is adopted pursuant to 24 V.S.A. Chapter 59 and 24 V.S.A. Chapter 131 and shall be known as the "Colchester Impact Fee Ordinance." The terms used in this article shall have the same meanings as those terms set forth in 24 V.S.A. Chapter 131.

(Ord. of 11-11-97; Ord. of 12-8-15; Ord. of 1-23-18)

Sec. 6½-22. Compliance with the impact fee statute.

The formula for each impact fee imposed by this article is intended to comply with the provisions of 24 V.S.A. Chapter 131. Notwithstanding anything to be contrary in this article, each fee imposed by this article shall be equal to or less than the portion of the capital project which will benefit or is attributable to the development for which the permit is being issued and shall not include costs attributable to the operation, administration, or maintenance of the capital project. The fees shall be based upon a formula which reflects the level of service for the capital project to be funded and a means of assessing the impact associated with the development, such as square footage or numbers of bedrooms.

(Ord. of 11-11-97; Ord. of 12-8-15; Ord. of 1-23-18)

Sec. 6½-23. Establishment of impact fees.

(a) *Recreational impact fee.* A recreational impact fee shall be paid for all land development in the Town of Colchester that includes the construction of one (1) or more new residential dwelling units and/or the conversion of an existing structure, in whole or in part, for use as a residential dwelling unit including those converted from seasonal to year-round use as defined in the Colchester Development Regulations. The recreation impact fee shall be payable according to the following formula:

Fiscal Year (July 1—June 30)	Fee per Single-Family Dwelling Unit	Fee per Multifamily Dwelling Unit
2018	$994.00	$735.00
2019	1,247.00	923.00

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2020	1,501.00	1,110.74
2021	1,755.00	1,298.70
2022	2,009.00	1,486.66

* For each fiscal year beyond 2022, the fees per respective unit shall increase two and one-half (2.5) percent each year unless otherwise amended.

(b) *Educational impact fee.* An education impact fee shall be paid for all land development in the Town of Colchester that includes an increase in the number of residential bedrooms on the land, including, but not limited to, construction of new buildings and renovations and additions to existing buildings, the installation of mobile homes and the conversion of dwelling units from seasonal to year-round use as defined in the Colchester Development Regulations. The educational impact fee shall be payable according to the following formula: Six hundred dollars ($600.00) per each new or additional bedroom including those converted from seasonal to year-round. The enactment of any new impact fee or change in the amount of an existing fee shall be established by resolution or by ordinance. If by resolution, the resolution shall be adopted in the same manner required for the adoption of an ordinance under 24 V.S.A. Chapter 59.

(Ord. of 11-11-97; Ord. of 12-8-15; Ord. of 1-23-18)

Sec. 6½-24. Payment of fees.

(a) Prior to issuance of a zoning permit for land development subject to payment of impact fees under this article, the permit applicant shall pay to the Administrative Officer the impact fee or fees established pursuant to this article.

(b) The Selectboard may accept in lieu of the recreation impact fee:

(1) Suitable land; and/or

(2) Monetary or in-kind donations of amenities for completion of projects defined in the Town's approved capital plan and/or official map.

(c) The Selectboard may accept payment of fees pursuant to a reasonable installment schedule with a reasonable rate of interest.

(d) Recreation impact fees for affordable units as defined herein are subject to a fifty (50) percent discount. Proof of affordability shall be submitted prior to reduction in fee.

(Ord. of 11-11-97; Ord. of 12-8-15; Ord. of 1-23-18)

Sec. 6½-25. Appeals.

Appeals from the requirements of this article shall be made to the Selectboard.

(Ord. of 11-11-97; Ord. of 12-8-15; Ord. of 1-23-18)

Sec. 6½-26. Accounting; refund.

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Upon receipt of fees, the Administrative Officer shall promptly deliver to the Town Treasurer all fees collected. The Treasurer shall maintain the fees in a separate interest bearing account for impact fees and shall enter in a register the name of the payor, the amount of each fee, the land development for which each fee is collected, the capital project(s) for which the fee is intended, and the expenditure of the fee on a capital project, if any. Annually, the Treasurer shall render an accounting showing the total amounts collected, the sources of the fees, the capital projects for which each fee was expended, and the amount of impact fees spent, the total amount spent on each project, and a breakdown of the sources of funding for each project. If the fee is not spent on the capital project(s) for which the fee was intended within six (6) years of when the fee was collected, upon the request by the owner of the property for which the fee was paid pursuant to 24 V.S.A. Section 5203(e), the municipality shall refund the owner's proportionate share of the fee.

(Ord. of 11-11-97; Ord. of 12-8-15; Ord. of 1-23-18)

Sec. 6½-27. Applicability of this Ordinance.

All the general provisions of this ordinance shall apply to this Article II.

(Ord. of 11-11-97; Ord. of 12-8-15; Ord. of 1-23-18)

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Chapter 6½ FEES FOR PERMITS AND LICENSES GENERALLY [1]

ARTICLE I. - IN GENERAL

ARTICLE II. - IMPACT FEES

FOOTNOTE(S):

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Secs. 6½-13—6½-19. Reserved.

Sec. 6½-1. Purpose.

[The purpose of this Ordinance is] to ensure that the taxpayers do not bear the costs involved in the areas of development, public notices, stenographic records, investigations and inspections.

(Ord. of 7-26-77; Ord. of 7-24-12; Ord. of 12-8-15; Ord. of 1-23-18)

Sec. 6½-2. Title.

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This Ordinance shall be known and entitled as an "Ordinance Regulating Fees for Permits and Licenses and Providing Penalties for Violations thereof in the Town of Colchester, County of Chittenden, State of Vermont."

(Ord. of 7-26-77; Ord. of 12-8-15; Ord. of 1-23-18)

Sec. 6½-3. Definitions.

For the purpose of this Ordinance the following terms, phrases, words, and their derivatives shall have a meaning as given below:

(a) *Town* is the Town of Colchester.

(b) *Selectboard* is the Selectboard of the Town of Colchester.

(c) *Administrative Officer* is the Zoning Administrator for the Town of Colchester.

(d) *Health Officer* is the legally designated health officer of the Town of Colchester or his/her authorized representative.

(e) *Town Manager* is the Town Manager for the Town of Colchester or his/her agent or representative.

(f) *Permit* is a written document issued by the Town of Colchester giving a designated person permission to construct, alter or renovate.

(g) *License* is a written document issued by the Town of Colchester to a designated person or corporation granting permission to operate or conduct business.

(h) *Affordable housing:*

(1) Owner occupied dwelling unit that has a purchase price at the time of the first sale that does not exceed eighty-five (85) percent of the new construction, targeted area purchase price limits established and published annually by the Vermont Housing Finance Agency; or

(2) Rental dwelling unit that has a duration of affordability of not less than fifteen (15) years and for which the total annual cost of renting (including rent, utilities and association fees) does not exceed thirty (30) percent of the gross annual income of a household at eighty (80) percent of the county median income as defined by the U.S. Department of Housing and Urban Development.

(i) *Multifamily dwelling:* A building designed for or occupied by two (2) or more families with the number of families in a residence not exceed the number of dwelling units provided. For the purposes of accessory apartments authorized by Title 24 VSA Section 4412(1)(E), the accessory apartment shall be considered as a multifamily unit whereas the principal dwelling shall be considered a single-family unit.

(j) *Single-family dwelling:* A detached dwelling unit designed for and occupied by one (1) family. Dwelling units converted from seasonal to year-round occupancy shall be considered a new single-family dwelling.

(k) *Dwelling unit:* One (1) or more rooms, designed, occupied or intended for occupancy as separate living quarters, with cooking, sleeping and sanitary facilities provided within the dwelling unit for the exclusive use of a single household. A dwelling unit excludes dormitories, nursing care homes and institutions, inns, hotels, motels, extended stay hotels, and other similar facilities as determined by the Administrative Officer.

(Ord. of 7-26-77; Ord. of 12-8-15; Ord. of 1-23-18)

Sec. 6½-4. Fees enumerated.

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The following fees shall be charged for the purposes indicated. Where required, the fees listed are inclusive of legal noticed fees (in the town's designated paper of record) and recording fees. Certain fees are mandated or set by the State of Vermont and may or may not be included here. All fees are listed in US dollars.

a) Planning and Zoning Fees.
   1) Planning and Zoning fees shall be payable as per Table 6a below.
   2) Fees and shall be increased each fiscal year according to the Consumer Price Index, Urban, Northeast, for the prior calendar year.
   3) Fees shall be rounded up to nearest dollar, except for per square foot and per copy charges, which be to the penny.
   4) Statewide recording fees are accounted for within each listed fee. At any such time that the State of Vermont should adjust the statewide recording fees, and those fees outpace the Town's development fee schedule increases based on inflation, the fee schedule shall be adjusted accordingly.
   5) This system is to be implemented by the Planning and Zoning Director annually with written notice of the update provided to the Selectboard between March 1 and April 30. Changes shall become effective after such communication, on July 1 of the same calendar year.
   6) Updated fee schedules shall be posted to town websites and provided with permitting documents no later than June 1st of each calendar year.

Table 6a.

	FY25 FEES	Fee (USD)	Notes
Building and Zoning Permits	Accessory Dwelling Unit (ADU)	$204	
	Conversion of seasonal dwelling to year round	$204	
	Deck	$143	
	Demolition	$153	
	Fence	$87	
	Home Occupation/Home Business	$102	
	Mobile Home Relocation	$153	
	New Residential construction	$153 +$0.76/sq ft	
	New Non-Residential Construction	$510 +$0.76/sq ft	
	Shed	$87	
	Swimming Pools	$8.15/$1000 estimated cost of construction	Minimum fee of $87.00
	Construction and renovation required by Ch. 4 of this code	$8.15/$1000 estimated cost of construction	Minimum fee of $87.00
	Site Development (including street construction, sidewalks, site infrastructure, parking lots)	$8.15/$1000 estimated cost of construction	Minimum fee of $87.00
	De minimis permit /amendment	$41	
Certificate of Occupancy (Inspection)	First	$0	
	Repeat or failed (each time)	$127	Shall be paid prior to issuance
	Temporary	$127	

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	If obtained more than 18 months after permit issuance	$26	of final Certificate of Occupancy
	If after expired temporary CO	$255	
	If human occupancy is taken prior to CO	$204/unit	
Bianchi Letter (compliance letter)	Residential		
	Standard	$127	
	For requests with less than two (2) weeks to process	$229	
	For updates to letters less than two (2) years old	$76	
	Non-Residential	$229	
Subdivision	Technical Review Committee (TRC) meeting	$153	
	Sketch Review	$535+$10/unit	
	Preliminary Plat Review	$1223 base fee plus tiered cost per unit plus $51/acre	
		Tiered cost per unit: Units 1-10: $153/unit Units 11-20: $102/unit Units 21+: $72/unit	
	Final Plat Review	$815+ $10/unit	
	Final Plat Amendment	$535 plus $510 per additional unit	
Site Plan	Administrative Amendment	$357	
	Amendment	$433	
	Site Plan (incl seawall)	$535	
	In conjunction with Final Plat	$255	
Conditional Use		$433	
	In conjunction with Site Plan	$204	
Recess/Continuance of DRB Meeting	If at applicant's request	$102	per occurrence
Variance		$459	
Appeal		$357	
Boundary Line Adjustment		$357	
Permit Extension	Building and zoning permit	$51	
	DRB decision	$153	
Mylar Recording		$25	per page

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Third Party Review	Including but not limited to engineering and legal reviews	varies	To be reimbursed by applicant at full cost
Planning and Zoning Printing	Photocopies or letter sized prints	$0.25	per page
	Large color prints up to 48"	$31	
Sign Permits	Permanent	$127	
	Temporary- monthly	$21	
	Temporary- annual	$51	

b) Penalties. Permits issued after construction or change of use (includes zoning/building permit, site plan, conditional use, variance, home occupation, etc.): Penalty fee of two (2) times the normal permit cost will be charged.

c) Other fees. As per table 6b.

Table 6b.

		Fee (USD)
Amusement license	Full term	$100
	Limited term	$55
Carter's permit		$60 plus $35 per vehicle
Peddlers license		$80
Borrow Pit permit		$125
Excavation within public right of way	Major work such as installation of public utilities along or across the public highway	$500 plus escrow to cover full restoration cost
	Other minor work	$100

(Ord. of 1-12-88; Ord. of 3-14-89; Ord. of 9-12-89; Ord. of 5-22-90; Ord. of 6-17-95; Ord. of 2-13-96; Ord. of 2-25-97; Ord. of 7-8-97; Ord. of 3-24-98; Ords. (two) of 12-22-98; Ord. of 4-8-03; Ord. of 2-22-05; Ord. of 2-27-07; Ord. of 6-26-11; Ord. of 7-24-12; Ord. of 12-8-15; Ord. of 1-23-18)

Cross reference— Cross References: Borrow pits and quarries, Ch. 3; building permits and fees, § 4-20 et seq.

Sec. 6½-5. Permits and licenses required.

No activity shall be commenced within the areas covered by this ordinance without a permit or license issued by the Selectboard or Administrative Officer of the Town of Colchester. Municipal organizations are exempt from fee enumerated herein.

(Ord. of 7-26-77; Ord. of 5-22-90; Ord. of 6-27-95; Ord. of 12-8-15; Ord. of 1-23-18)

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Sec. 6½-6. Separability.

The invalidity of any provision of this ordinance shall not invalidate any other part.

(Ord. of 7-26-77; Ord. of 12-8-15; Ord. of 1-23-18)

Sec. 6½-7. Penalties and fines.

Any person or corporation not obtaining the proper permit or license in violation of this ordinance shall be subject to a fine pursuant to Chapter 1, Section 1-9(b). If any violation continues, each day's violation shall be deemed a separate violation.

(Ord. of 7-26-77; Ord. of 9-10-96; Ord. of 12-8-15; Ord. of 1-23-18)

Sec. 6½-8. Variances and waivers.

Where the Selectboard finds that extraordinary and unnecessary hardships may result from strict compliance with this ordinance or where there are special circumstances, they may vary this ordinance in the public interest.

(Ord. of 7-26-77; Ord. of 12-8-15; Ord. of 1-23-18)

Sec. 6½-9. Delinquent taxes.

No permits or licenses will be issued until such time as all property taxes are current.

(Ord. of 6-27-95; Ord. of 12-8-15; Ord. of 1-23-18)

Sec. 6½-10. Appeals.

Appeals from the requirements of this ordinance shall be heard and decided by the Selectboard.

(Ord. of 6-27-95; Ord. of 12-8-15; Ord. of 1-23-18)

Sec. 6½-11. Permit to obstruct street or sidewalk; fee.

The fee for a permit for a week or part thereof shall be forty dollars ($40.00).

(Ord. of 10-10-95; Ord. of 4-8-03; Ord. of 12-8-15; Ord. of 1-23-18)

Sec. 6½-12. Permits for curb cuts; fee.

The fee for each curb cut and/or driveway application/permit shall be forty dollars ($40.00).

(Ord. of 10-10-95; Ord. of 4-8-03; Ord. of 12-8-15; Ord. of 1-23-18)

Secs. 6½-13—6½-19. Reserved.

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ARTICLE II. IMPACT FEES

Sec. 6½-20. Purpose.

Sec. 6½-21. Authority.

Sec. 6½-22. Compliance with the impact fee statute.

Sec. 6½-23. Establishment of impact fees.

Sec. 6½-24. Payment of fees.

Sec. 6½-25. Appeals.

Sec. 6½-26. Accounting; refund.

Sec. 6½-27. Applicability of this chapter.

Sec. 6½-20. Purpose.

The purpose of this article is to:

(1) Provide for the payment by beneficiaries of new development of their proportionate share of the cost of municipal and school capital projects which benefit or are attributable to them;

(2) To require the beneficiaries to pay for or mitigate the negative effects of construction; and

(3) To provide for the proper accounting for and expenditure of impact fees collected by the Town of Colchester.

(Ord. of 11-11-97; Ord. of 12-8-15; Ord. of 1-23-18)

Sec. 6½-21. Authority.

This article is adopted pursuant to 24 V.S.A. Chapter 59 and 24 V.S.A. Chapter 131 and shall be known as the "Colchester Impact Fee Ordinance." The terms used in this article shall have the same meanings as those terms set forth in 24 V.S.A. Chapter 131.

(Ord. of 11-11-97; Ord. of 12-8-15; Ord. of 1-23-18)

Sec. 6½-22. Compliance with the impact fee statute.

The formula for each impact fee imposed by this article is intended to comply with the provisions of 24 V.S.A. Chapter 131. Notwithstanding anything to be contrary in this article, each fee imposed by this article shall be equal to or less than the portion of the capital project which will benefit or is attributable to the development for which the permit is being issued and shall not include costs attributable to the operation, administration, or maintenance of the capital project. The fees shall be based upon a formula which reflects the level of service for the capital project to be funded and a means of assessing the impact associated with the development, such as square footage or numbers of bedrooms.

(Ord. of 11-11-97; Ord. of 12-8-15; Ord. of 1-23-18)

Sec. 6½-23. Establishment of impact fees.

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(a) *Recreational impact fee.* A recreational impact fee shall be paid for all land development in the Town of Colchester that includes the construction of one (1) or more new residential dwelling units and/or the conversion of an existing structure, in whole or in part, for use as a residential dwelling unit including those converted from seasonal to year-round use as defined in the Colchester Development Regulations. The recreation impact fee shall be payable according to the following formula:

Fiscal Year (July 1—June 30)	Fee per Single-Family Dwelling Unit	Fee per Multifamily Dwelling Unit
2018	$994.00	$735.00
2019	1,247.00	923.00
2020	1,501.00	1,110.74
2021	1,755.00	1,298.70
2022	2,009.00	1,486.66

* For each fiscal year beyond 2022, the fees per respective unit shall increase two and one-half (2.5) percent each year unless otherwise amended.

(b) *Educational impact fee.* An education impact fee shall be paid for all land development in the Town of Colchester that includes an increase in the number of residential bedrooms on the land, including, but not limited to, construction of new buildings and renovations and additions to existing buildings, the installation of mobile homes and the conversion of dwelling units from seasonal to year-round use as defined in the Colchester Development Regulations. The educational impact fee shall be payable according to the following formula: Six hundred dollars ($600.00) per each new or additional bedroom including those converted from seasonal to year-round. The enactment of any new impact fee or change in the amount of an existing fee shall be established by resolution or by ordinance. If by resolution, the resolution shall be adopted in the same manner required for the adoption of an ordinance under 24 V.S.A. Chapter 59.

(Ord. of 11-11-97; Ord. of 12-8-15; Ord. of 1-23-18)

Sec. 6½-24. Payment of fees.

(a) Prior to issuance of a zoning permit for land development subject to payment of impact fees under this article, the permit applicant shall pay to the Administrative Officer the impact fee or fees established pursuant to this article.

(b) The Selectboard may accept in lieu of the recreation impact fee:

(1) Suitable land; and/or

(2) Monetary or in-kind donations of amenities for completion of projects defined in the Town's approved capital plan and/or official map.

(c) The Selectboard may accept payment of fees pursuant to a reasonable installment schedule with a reasonable rate of interest.

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(d) Recreation impact fees for affordable units as defined herein are subject to a fifty (50) percent discount. Proof of affordability shall be submitted prior to reduction in fee.

(Ord. of 11-11-97; Ord. of 12-8-15; Ord. of 1-23-18)

Sec. 6½-25. Appeals.

Appeals from the requirements of this article shall be made to the Selectboard.

(Ord. of 11-11-97; Ord. of 12-8-15; Ord. of 1-23-18)

Sec. 6½-26. Accounting; refund.

Upon receipt of fees, the Administrative Officer shall promptly deliver to the Town Treasurer all fees collected. The Treasurer shall maintain the fees in a separate interest bearing account for impact fees and shall enter in a register the name of the payor, the amount of each fee, the land development for which each fee is collected, the capital project(s) for which the fee is intended, and the expenditure of the fee on a capital project, if any. Annually, the Treasurer shall render an accounting showing the total amounts collected, the sources of the fees, the capital projects for which each fee was expended, and the amount of impact fees spent, the total amount spent on each project, and a breakdown of the sources of funding for each project. If the fee is not spent on the capital project(s) for which the fee was intended within six (6) years of when the fee was collected, upon the request by the owner of the property for which the fee was paid pursuant to 24 V.S.A. Section 5203(e), the municipality shall refund the owner's proportionate share of the fee.

(Ord. of 11-11-97; Ord. of 12-8-15; Ord. of 1-23-18)

Sec. 6½-27. Applicability of this Ordinance.

All the general provisions of this ordinance shall apply to this Article II.

(Ord. of 11-11-97; Ord. of 12-8-15; Ord. of 1-23-18)

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