

Article 1. General Provisions

Section 1.01. Title¹

- (A) These regulations shall be known and cited as the *Town of St. George Land Use Regulations*.

Section 1.02. Authority²

- (A) These regulations are enacted in accordance with the Vermont Planning and Development Act, 24 VSA Chapter 117, which shall be referred to in these regulations as the Act.

Section 1.03. General Purpose³

- (A) It is the purpose of these regulations to:⁴
- (1) Protect the public health, safety and welfare;
 - (2) Protect the value of property;
 - (3) Facilitate provision of public services and infrastructure;
 - (4) Provide for orderly development in the Town of St. George;
 - (5) Direct and manage growth in the Town of St. George in a manner that minimizes sprawl;
 - (6) Preserve the town's quality of life;
 - (7) Enhance St. George's sense of community;
 - (8) Provide for adequate light, air and privacy, to secure safety from fire, flood and other danger, and to prevent overcrowding of the land and undue congestion of population;
 - (9) Guide public and private policy and action in order to provide adequate and efficient transportation, water, sewage, schools, parks, playgrounds, recreation, and other public requirements and facilities;
 - (10) Provide the most beneficial relationship between the uses of land and buildings, and the circulation of traffic through town, having particular regard to the avoidance of congestion in the streets and highways;
 - (11) Ensure that public facilities are available and will have a sufficient capacity to serve any proposed development;
 - (12) Prevent the pollution of air, streams, ponds and lakes, assure the adequacy of drainage facilities, safeguard the water tables, and to encourage the wise use and management of natural resources throughout the town in order to preserve the integrity, stability, and natural beauty of the community and the value of land; and
 - (13) Preserve the natural beauty and topography of the town and to ensure appropriate development with regard to these natural features;
 - (14) Implement the policies set forth in the *St. George Town Plan* and the Act;

¹ First sentence of Article I of current zoning regs.

² This section is a statutory requirement.

³ This section is a legal requirement. See Section 900 of current zoning regs. All of the regulations that follow should be implementing one or more of these purposes.

⁴ Items 1-4 & 14 are from the first paragraph of Article I of your current zoning regs. 8-13 are from Section 120 of current subdivision regulations. 5-7 are additions.

Section 1.04. Applicability⁵

- (A) A permit shall be required for all land development. All land development shall conform to these regulations.
- (B) Land development is defined as:⁶ (24 VSA § 4303)
 - (1) The construction, reconstruction, conversion, structural alteration, relocation or enlargement of any building or structure.
 - (2) Any mining, excavation, or filling of land.
 - (3) Any change in use of any structure or land, or extension of use of any structure or land.
 - (4) The division of a parcel into two or more parcels.
- (C) Any land development not specifically authorized under these regulations is prohibited unless specifically exempted as per *Section 1.05 or Section 1.06 of these regulations.
- (D) The application of these regulations is subject to all applicable provisions of the Act.

Section 1.05. State Limitations⁷

- (A) The following uses may be regulated only with respect to location, size, height, building bulk, yards, courts, setbacks, density of buildings, off-street parking, loading facilities, traffic, noise, lighting, landscaping and screening requirements, and only to the extent that the regulations do not have the effect of interfering with the intended functional use. These regulations make reasonable provision for the siting of public facilities within specified zoning districts, indicating locations deemed appropriate for such uses. (24 VSA § 4413(c))
 - (1) State- or community-owned and operated institutions and facilities;
 - (2) Public and private schools and other educational institutions certified by the state;
 - (3) Churches and other places of worship, convents and parish houses;
 - (4) Public and private hospitals;
 - (5) Regional solid waste management facilities certified by the state; and
 - (6) Hazardous waste management facilities certified by the state.
- (B) These regulations shall not apply to utility generation and transmission facilities requiring the issuance of a Certificate of Public Good by the Public Service Board. Such facilities, however, should conform to all applicable policies and objectives of the *St. George Town Plan*.⁸ (24 VSA § 4413(b))
- (C) These regulations shall not apply to accepted agricultural and silvicultural practices, including the construction of farm structures, as defined by the Secretary of Agriculture, Food and Markets or the Commissioner of Forest, Parks and Recreation.⁹ (24 VSA § 4413(d))
 - (1) A farm operator shall notify the Zoning Administrator of the intent to build a farm structure and shall abide by the setback requirements of the zoning district in which the structure will be located, as per

⁵ This is a legal requirement.

⁶ See Section 900.1 of current zoning regs.

⁷ See Section 865 of current zoning regs. This is a statutory requirement.

⁸ See Section 865 of current zoning regs.

⁹ Sections 870 and 875 of current zoning regs.

the Secretary of Agriculture's policy. The secretary may grant a waiver to the setback requirements upon written request and after notifying the town.

- (2) No town permits are required for construction of a farm structure.
- (D) These regulations comply with all other limitations on municipal bylaws specified in the Act.

Section 1.06. Exemptions¹⁰

- (A) The following projects, structures or uses do not require a town permit, but shall be constructed or undertaken in accordance with the provisions of these regulations, including all setbacks and dimensional requirements unless otherwise specified in these regulations:
 - (1) The normal maintenance and repair of existing structures, utilities and infrastructure that does not result in any change to the footprint or height of a structure or any change in use.¹¹
 - (2) Interior alterations that do not result in any change in use or intensification of use, and that do not do not alter or expand the exterior of the structure.
 - (3) Emergency repairs as specified in Section *.
 - (4) Doghouses, sheds, playhouses, tree houses or similar structures that are less than 100 square feet in floor area and less than 10 feet tall.
 - (5) Fences or walls not more than 4 ½ feet¹² tall that do not interfere with corner visibility, highway safety and road maintenance practices. (See Section *. Fences)
 - (6) Chimneys.¹³
 - (7) Patios, terraces and similar unroofed structures at grade.
 - (8) Residential entry stairs (excluding decks and porches), handicap ramps and walkways that do not obstruct public rights-of-way.
 - (9) Arbors, trellises, pergolas and similar decorative or support structures related to a gardening use.
 - (10) Minor grading and excavation associated with normal road, driveway and parking area maintenance and residential lawn and yard maintenance.
 - (11) Signs listed in Section *.
 - (12) Holiday light displays, flag pole lights and streetlights as specified in Section *.¹⁴
 - (13) Garage sales, yard sales or auctions lasting not more than 4 consecutive days and not more than a total of 12 days per calendar year.
 - (14) Farm stands as specified in Section *.
 - (15) Road, sidewalk, bridge, infrastructure, and utility improvements and maintenance and related appurtenances within public rights-of-way. However, the town shall abide by all applicable provisions of these regulations.
 - (16) The following types of direct broadcast satellite, broadband radio service or television broadcast antennas, which are placed on properties for the owners' or occupants' exclusive use and control:¹⁵

¹⁰ There are no exemptions in your current zoning regs. This list is entirely new.

¹¹ Have this provision checked by attorney to be sure this does not create a loophole that would exempt changes to existing telecom infrastructure from needing a permit.

¹² 4 ½ feet allows for use of 4-foot picket style pre-fab fencing.

¹³ Add to the definition of chimney as follows, "Does not include an outdoor wood furnace."

¹⁴ Come back to this after review of lighting section.

¹⁵ Cross reference with Section 3.04 Dishes and Antennas. This section needs to be reviewed in coordination with federal law and no exemptions should be provided to infrastructure located on the telecom towers.

- (a) A dish antenna, not exceeding 1 meter in diameter, designed to receive direct broadcast satellite television service, wireless cable or to receive and transmit fixed wireless signals;
- (b) A building-mounted broadcast, radio or television antenna installed on a mast that does not exceed a height of 12 feet above the roofline;¹⁶
- (c) A ground mounted broadcast, radio or television antenna, which is intended solely for residential use, and which does not, as mounted, exceed 40 feet in height above the lowest grade at ground level of the structure upon which it is mounted; and¹⁷
- (d) Ham radio antennas operated by federally licensed operators, which do not exceed a height of 50 feet above the lowest grade at ground level of the structure upon which they are mounted, whether free-standing or mounted¹⁸.

Section I.07. Amendment¹⁹

- (A) Amendments to these regulations shall be prepared and adopted in accordance with the Act.

Section I.08. Repeal of Previous Regulations²⁰

- (A) These regulations are a unified development bylaw, which amend and replace St. George’s previous Zoning Bylaws and Subdivision Regulations in their entirety. The previous bylaws and regulations shall be repealed upon adoption of these regulations.

Section I.09. Severability²¹

- (A) The invalidity of any provision of these regulations shall not invalidate the remaining provisions.

Section I.10. Effective Date²²

- (A) These regulations and all subsequent amendments shall become effective upon adoption. (24 VSA § 4442)
- (B) The Town of St. George adopted its first zoning regulations on *date and its first subdivision regulations on *date.

Section I.11. Prior Approvals²³

- (A) All approved subdivision plats duly filed in the town land records before the adoption or amendment of these regulations remain valid and shall not expire.
- (B) Construction approved before adoption or amendment of these regulations shall require no additional permit or permit amendment, if such construction is completed within three years from the date of such adoption.²⁴

¹⁶ See the FCC Information Sheet on the Over-the-Air Reception Devices Rule.

¹⁷ I am not sure about the 40-foot limitation. May be similar to the rule for ham radio antennas?

¹⁸ Based on federal law, if you include a height limitation on ham operator antennas then the regulations must include a waiver or variance procedure for situations where a higher antenna is needed to have reasonable service. See VLCT information sheet on regulating ham radio.

¹⁹ This is a statutory requirement. See Section 900 of current zoning regulations.

²⁰ See Section 1101 of current zoning regs.

²¹ Section 1100 of current zoning regs.

²² This is a legal requirement.

²³ This is a statutory requirement.

- (C) The town shall not require any change in plans or construction of a structure, or use, for which a permit had been issued and which has subsequently been made non-complying or non-conforming by the amendment of these regulations, if the activities authorized by the permit are completed while the permit is valid.

²⁴ See Section 810.8 of current zoning regs. Should be consistent with length of time a zoning permit is in effect.

