

Article 3. General Standards

Section 3.01. Abandonment of Structures¹

- (A) No zoning permit shall be required for the stabilization of damaged structures to prevent hazards to public health or safety, or to adjoining properties, structures or uses; nor for the timely repair or reconstruction of damaged structures to the extent of their prior condition and use. Rebuilding that results in changes in density, dimension or use under applicable provisions of these regulations shall require a zoning permit.
- (B) Within 6 months after the abandonment of a permanent or temporary structure that has been demolished, destroyed, or substantially damaged, or upon the expiration of a zoning permit for a structure not substantially completed, the owner shall either:²
 - (1) Apply for a zoning permit under Section * of these regulations to resume repair, reconstruction or construction, and thereby confirm the intent not to abandon the structure; or
 - (2) Remove all improvements and materials from the site, restore the site to a normal grade and establish ground cover sufficient to prevent erosion.
- (C) The demolition of structures listed on the National or State Registers of Historic Places shall be a conditional use under Article * of these regulations.

Section 3.02. Access Management, Driveways and Roads³

- (A) **Pre-Existing Interior Lots.** The DRB may allow development on an interior lot in existence prior to the effective date of these regulations that does not have frontage on a state highway or Class I, II, or III town road. Access to such a public road shall be provided by means of a permanent easement or right-of-way at least 30 feet wide. In deciding whether to grant, condition or deny approval, the DRB shall consider the intended use of the property, safety, traffic, road and site conditions, the purpose of the district in which the parcel is located and associated policies of the *St. George Town Plan*. Lots created after the effective date of these regulations are subject to all applicable provisions of these regulations regarding access and frontage.⁴ (24 VSA § 4412(3))
- (B) **Class IV Town Roads and Legal Trails.** As per 19 VSA § 310, the town is not required to maintain designated Class IV town roads or legal trails to provide year-round access to adjoining properties. Before being used to provide access to property being developed, a Class IV town road or legal trail shall be upgraded to meet the more stringent of the standards of Paragraph *(G) below or the standards of any adopted town highway ordinance. Upgrade of a Class IV town road or legal trail shall require the approval of the Selectboard. Upgrade and maintenance of a Class IV road or legal trail, as required for development and emergency vehicle access, shall be the responsibility of the applicant and subsequent landowners.

¹ This section is optional.

² Cross reference with Nonconformity section.

³ Everything in this section but Paragraph A is optional.

⁴ See Section 880.1 of current zoning regulations. State law sets a minimum width of 20 feet. I recommend requiring at least 30 feet as a minimum. This allows room for maintenance, widening, etc.

- (C) **Frontage on Private Roads.** Frontage requirements for lots served by private roads shall be the same as the requirements for lots served by public roads.
- (D) **Access.** Access onto public roads is subject to approval by the St. George Selectboard or, in the case of state highways, approval by the Vermont Agency of Transportation. Access permits shall be obtained prior to the issuance of a zoning permit. In the event approval by the DRB is required, the access permit shall be obtained after DRB approval. In addition, the following provisions shall apply:
- (1) With the exception of accesses used solely for agricultural or forestry purposes, no lot may be served by more than one curb cut. The Development Review Board may waive this provision under Section * of these regulations and approve additional accesses in the event that:
 - (a) The additional access is deemed necessary to ensure vehicular and pedestrian safety;
 - (b) The strict compliance with this provision would, due to the presence of one or more physical features (e.g., rivers and streams, steep slopes, wetlands), result in a less desirable site layout and design than would be possible with the allowance of an additional access;
 - (c) A traffic management plan is developed and implemented that will improve vehicular and pedestrian safety and result in a traffic circulation and parking arrangement within the site that better achieves the purposes of these regulations than would be possible with a single access; or
 - (d) The parcel(s) is occupied by a mixed-used development and the additional access would result in better traffic circulation and safety than a single access.
 - (2) Where a property occupies a corner of two intersecting roads, access shall be on the less traveled road. This provision may be waived by the DRB only if the applicant can demonstrate that the existing intersection is dangerous and a new access on the more heavily traveled road would be safer.
 - (3) Access to properties located along state highways may be limited to secondary or frontage roads. In the event that a frontage road is planned (e.g., identified in the Town Plan, or any adopted Official Map and/or Capital Budget), but is not yet constructed, temporary access may be permitted with conditional use approval from the DRB. In granting temporary access, the DRB may place appropriate conditions that the access be relocated within a reasonable time after construction of the frontage road.⁵
 - (4) In appropriate instances, including the presence of compatible adjacent uses, areas characterized by heavy traffic, congestion and frequent and/or unsafe turning movements, or parcels having direct access to state highways, the DRB may require provision for shared access between adjoining properties. Requirements for shared access shall be made either at the time of conditional use approval if similar provision has been made on contiguous parcels, or contingent upon future development of neighboring properties.
 - (5) Applicants for a zoning permit for any parcel with more than one access shall eliminate or combine accesses in order to meet the provisions of this section, unless otherwise approved by the DRB.
 - (6) Subdivision of a parcel after the effective date of these regulations shall not create a right to construct more than one access unless otherwise approved by the DRB.
 - (7) Access shall be limited to a defined width of 40 feet or less as approved by the DRB. In the case of excessively wide pre-existing driveways or uncontrolled access that extends along most of a property's frontage, the DRB shall require the reduction in access width as a condition of approval, unless the applicant can demonstrate that such reduction would place an undue burden on the continued operation of an existing land use.

⁵ Although there are no frontage roads planned currently, this provision could be very useful for the village center.

- (8) Accesses shall be located in conformance with the minimum spacing requirements based on the posted speed of the road being intersected as specified below unless the access points directly oppose each other. Spacing shall be measured between the edge of the travel lane of a road or the edge of a driveway.⁶
- (a) 25 mph: 155 feet
 - (b) 30 mph: 200 feet
 - (c) 35 mph: 250 feet
 - (d) 40 mph: 305 feet
 - (e) 45 mph: 360 feet
 - (f) 50 mph: 425 feet
- (9) Existing structures which do not meet these standards because of pre-existing site conditions may be required to make improvements necessary to bring the property closer to compliance with the provisions of this section as a condition of approval under Article *.
- (E) **Residential Driveways.** New driveways serving not more than 3 dwellings shall meet the following standards:⁷
- (1) Driveways shall be constructed to Vermont Agency of Transportation *B-71 Standards for Commercial and Residential Driveways* unless otherwise approved by the DRB.
 - (2) Driveways shall be not less than 12 feet nor more than 24 feet in width.
 - (3) Driveways shall not exceed a 12% slope over any 50-foot section.⁸
 - (4) Driveways shall be set back a minimum of 15 feet from adjoining property lines unless providing shared access to contiguous properties.
- (F) **Non-Residential Driveways.** New driveways serving not more than 2 lots to be developed with non-residential uses shall meet the following standards:
- (1) Driveways shall be constructed to Vermont Agency of Transportation *B-71 Standards for Commercial and Residential Driveways* unless otherwise approved by the DRB.
 - (2) Driveways shall be not less than 24 feet nor more than 40 feet in width.
 - (3) Driveways shall not exceed a 12% slope over any 50-foot section.⁹
 - (4) Driveways shall be set back a minimum of 25 feet from adjoining property lines unless providing shared access to contiguous properties.
- (G) **Private Roads.** All other accesses shall be considered private roads. Private roads shall be designed in accordance with any adopted town highway ordinances currently in effect and shall conform to the dimensional and geometric design standards specified in the Vermont Agency of Transportation's *A-76 Standards for Development Roads* unless otherwise approved by the DRB.

⁶ These are from VTrans Access Management Guidelines. If you are going to use this paragraph, these figures should be considered when setting required frontage requirements in zoning districts. These may be problematic in a village context.

⁷ If I remember correctly, the town currently has no private road or driveway construction standards, right? You may want to limit driveway length to 800 feet. This used to be an Act 250 standard. I don't think it is used in Act 250 any longer, but now I believe it is the figure that the 911 board uses to determine when an access needs to be a named "private road."

⁸ This figure should be coordinated with fire department policy. I remember this being discussed at a meeting I was at last year, but I don't remember the numbers the Hinesburg Fire Department was recommending.

⁹ This figure should be coordinated with fire department policy.

Private roads may be taken over by the town only in accordance with town road policies and ordinances, and state statutes governing the laying out of public rights-of-way.¹⁰

Section 3.03. Boundary Adjustment¹¹

- (A) The Zoning Administrator may approve boundary adjustments that meet all the criteria below. The DRB shall review changes in lot lines that do not meet these standards as a minor subdivision under Section *9.18 and the standards of Article *8 of these regulations.
- (1) Neither lot (nor any structure or use on it) is, or shall become if the proposed adjustment is approved, nonconforming based on the standards of the zoning district(s) in which it is located. Notwithstanding, the ZA may act on a boundary adjustment involving an existing nonconformity if the proposed adjustment will result in the elimination or reduction of the nonconformity.
 - (2) The boundary adjustment shall not make either lot more developable based on the standards of the zoning district(s) in which it is located (by increasing the acreage or road frontage to allow for further subdivision or the potential for a greater number of lots, for example).
- (B) Applicants shall submit a sketch plan, as specified in Section *9.18(F) of these regulations, for review by the ZA. Applicants shall also submit a copy of the state Potable Water and Wastewater permits for each reconfigured lot or a written determination from the Agency of Natural Resources exempting the boundary adjustment from the requirements of the state regulations. (Chapter 1 of the Environmental Protection Rules §1-403(12))¹²
- (C) A survey, stamped by a surveyor registered in Vermont, shall be completed locating the new boundary and eliminating the former boundary. If the lot is 5 acres or greater in area, the applicant shall not be required to survey it in its entirety and may survey only those portions necessary to establish the new boundary.
- (D) Within 180 days of approval by the ZA, applicants shall file a final plat for recording in the town land records as required in Section *9.18(I) of these regulations. Failure to file within 180 days voids approval of the plat. Applicants shall also file new deed descriptions that eliminate any reference to the old boundary and correctly describe the new configuration, or attach revised descriptions that shall be incorporated into the deeds at a later time.

Section 3.04. Conversion or Change of Use¹³

- (A) The conversion or change in use of land or structures to another use is subject to the provisions of these regulations as follows:
- (1) The proposed use shall be subject to all the requirements of these regulations pertaining to such use, as well as any other applicable municipal, state or federal regulations currently in effect.

¹⁰ You might want to add more here since the town currently has no road ordinance. See sample highway ordinance.

¹¹ This is an option process. Allows for administrative approval of minor adjustment of property lines between neighbors. I like this option because it reduces the DRB's workload and removes something from your agenda that is basically an automatic approval.

¹² State Environmental Protection Rules include a limited exemption for boundary adjustments for single-family residential properties.

¹³ This section is legal language that clarifies how the statute works.

- (2) A conversion or change of use from one permitted use to another permitted use, or from a conditional use to a permitted use, requires a zoning permit issued by the Zoning Administrator under Section * of these regulations.
- (3) A conversion or change of use from a permitted to a conditional use, or from a conditional use to another conditional use, requires conditional use approval from the DRB under Article *.

Section 3.05. Dishes and Antennas¹⁴

- (A) Dishes and antennas shall be located in the rear yard or mounted on the rear facade of the dwelling or other building they serve. The DRB may waive this requirement, in accordance with Section *8.07(C), if the following criteria are met:
 - (1) Quality reception requires alternative siting.
 - (2) Screening that does not impair reception is used to minimize the visibility of the installation from public rights-of-way and neighboring properties.

Section 3.06. Equal Treatment of Housing¹⁵

- (A) No provision of these regulations shall have the effect of excluding housing from the town that meets the needs of the population as set forth in the *St. George Town Plan*. (24 VSA § 4412(1)(A))
- (B) No provision of these regulations shall have the effect of excluding mobile homes, modular housing or other forms of prefabricated housing from the town except on the same terms as all other forms of housing are excluded. Mobile homes shall be considered single-family dwellings and shall meet the requirements for single-family dwellings in the district in which they are located except when located in an approved mobile home park, sales establishment, or allowed as a temporary structure. (24 VSA § 4412(1)(B))
- (C) No provision of these regulations shall be interpreted to prevent the establishment of a mobile home park within any zoning district where it is an allowed use and where it meets all applicable requirements for such use. (24 VSA § 4412(1)(C))
- (D) No provision of these regulations shall have the effect of excluding multi-family dwellings entirely from the town. (24 VSA § 4412(1)(D))
- (E) No provision of these regulations shall have the effect of excluding accessory apartments as an accessory use to an owner-occupied dwelling that meet all the applicable requirements for such use. (24 VSA § 4412(1)(E))
- (F) No provision of these regulations shall have the effect of excluding group homes that meet all the applicable requirements for such use. (24 VSA § 4412(1)(G))

Section 3.07. Fences¹⁶

- (A) In this section, fence and wall shall be interchangeable terms.

¹⁴This section is optional. Cross reference with Section 1.06(A)(18). Regulation of dishes must comply with the Federal Communication Commission's Over-the-Air Reception Devices Rules (47 C.F.R. Section 1.4000).

¹⁵This is statutorily required language. See Section 880.6 of current zoning regulations.

¹⁶This section is optional.

- (B) The construction or installation of a fence may be permitted as an accessory use upon application and receipt of a zoning permit in accordance with Section * of these regulations. All fences shall be subject to the following provisions:
- (1) A fence shall be erected within the boundaries of the applicant's property and shall be placed wholly within but not on the property boundaries. Setback requirements shall not apply to fences except as specified this section.
 - (2) A fence shall be erected so that its smooth or finished side faces an abutting property or roadway. All fence posts shall be placed on the inside of the fence, except for a fence to contain livestock.
 - (3) No part of any fence shall be placed in such manner as to visually obstruct vehicular or pedestrian traffic. The placement of fences near the corner of a property at the intersection of two roads shall provide for a clear vision area defined as a triangular area formed by the right-of-way lines at points which are 30 feet distant from the intersection of the right-of-way lines and measured along such lines.
 - (4) A fence over 4 ½ feet in height shall require a zoning permit from the Zoning Administrator.¹⁷
 - (5) A fence over 7 feet in height shall require approval by the DRB as a conditional use.¹⁸
 - (6) A fence over 7 feet in height shall be considered a structure subject to normal setback requirements for the district in which it is located, unless otherwise approved by the DRB.
 - (7) No fence shall be erected in such a manner as to inhibit or divert the natural drainage flow or cause the blockage or damming of surface water.
 - (8) No fence shall be erected that may create a fire hazard or other dangerous condition or that may result in obstruction to fire fighting.
 - (9) Fences shall be maintained in a safe and substantial condition.
 - (10) No fence shall be located or constructed on a terrace or wall that will have an overall height of more than that permitted, unless otherwise approved by the DRB.
- (C) **Prohibited Fences and Materials.** The following fences and fencing materials are specifically prohibited:
- (1) Barbed, razor or ribbon wire or broken glass as part of any fence, unless approved by the DRB.
 - (2) Pointed metal fences.
 - (3) Canvas and/or cloth fences, except when used to protect shrubs and vegetation.
 - (4) Poultry and/or turkey wire fences within minimum front, side and rear yards.
 - (5) Temporary fences, unless for snow control. Snow control fences shall be allowed from November 1 through to the following May 1.

Section 3.08. Height Requirements¹⁹

- (A) Except for the following structures, which are specifically exempt from the height provisions of these regulations, no structure shall exceed district height requirements unless such structure meets the standards set forth in Paragraphs B and C, below.
- (1) Agricultural structures, including barns and silos; (24 VSA § 4413(D))
 - (2) Church steeples, spires and belfries; and

¹⁷ Cross reference with exemptions in Article 1. 4 ½ allows for use of pre-fab 4-foot picket style fencing.

¹⁸ 7 feet allows for use of pre-fab 6-foot stockade style fencing.

¹⁹ This section is optional except for (A)(1).

- (3) Structures attached to or mounted on a public or residential building, such as antennas, satellite dishes less than 1 meter in diameter, flag poles, chimneys, and weather vanes, which are less than 50 feet in height from the average finished grade at ground level to the highest point of the structure.²⁰
- (B) The DRB may waive the height restrictions in accordance with Section * and approve a building height in excess of the standards for the district in which it is located:
- (1) For structures associated with an industrial use or public utility in which the additional height is necessary to its operation or function.
 - (2) For accessory structures associated with the production of renewable energy that are less than 100 feet in height from the average finished grade at ground level to the highest point of the structure.²¹
 - (3) For a vertical architectural element that does not exceed 10% of the building's total footprint.
- (C) In approving building heights in excess of the district standards, the DRB shall find that:
- (1) The proposed structure does not constitute a hazard to public safety, or to adjoining properties;
 - (2) The front, side and rear yard setbacks are sufficient to protect adjoining properties and rights-of-way in the event of structural collapse; and
 - (3) The structure will not be used for advertising purposes.
- (D) The DRB may require that the portion of any structure above the district height requirement remain unoccupied except for normal maintenance.

Section 3.09. Landscaping and Screening²²

- (A) **Purpose.** These standards are intended to guide the installation of landscaping and screening that is designed to:
- (1) Enhance the overall appearance of individual properties;
 - (2) Integrate new development into the its surroundings;
 - (3) Preserve and enhance the particular identity of individual sites; and
 - (4) Maintain compatibility among neighboring properties and consistency within the community.
- (B) **General Landscaping Standards.**
- (1) Landscaping shall be designed to achieve the purposes of this section, strengthen the features and conditions unique to each site, and should include a combination of shade trees, shrubs and ground covers. Landscaping shall be required in front and side yards, adjacent to parking areas and where rear yards abut residential properties or public roads.
 - (2) Maximum effort shall be made to save existing mature trees, especially those along property lines and roadways. During construction, no material or temporary soil deposits shall be placed within the drip line of trees or shrubs designated on the landscape plan to be retained. Protective barriers, such as snow and silt fences, shall be installed during construction around the drip lines of trees and plantings that are to remain on the site and may be damaged by construction activity. The DRB may require that existing trees to be saved in the area affected by the development shall be replaced with large tree specimens (up to 6-inch caliper) in the event of death during or after site development.

²⁰ Cross reference this with exemptions.

²¹ This number can be adjusted. You may want to increase setbacks for such structures.

²² This section is optional. Depending on what you decide to do with the zoning districts, you may want to consider breaking this out into rural and village standards.

- (3) Landscaping plans shall emphasize the use of native shade trees in available yard area, especially front and side yards and parking areas. Shade trees shall be placed to interrupt the facades of buildings, to visually reduce the scale and bulk of large buildings, to integrate the site with the surrounding landscape and to enhance environmental quality. Flowering ornamental trees should only be used to complement shade trees in instances where large yard areas exist, or where space limitations prevent the planting of larger shade trees.
 - (4) A mix of evergreen and flowering shrubs and bushes should be used adjacent to buildings, within planting beds and to compliment shade trees and other landscaping features. Landscaping plans should emphasize species that are native to Vermont.
 - (5) The DRB may require a maintenance plan for all proposed landscaping. The landowner shall replace dead and dying plants and trees within one year.
- (C) **Screening.** Development shall provide sufficient screening. When the DRB determines that topographical or other barriers do not provide adequate screening, it may require additional landscaping, berms, and/or walls and fences be installed.
- (1) Screening may be required in the following cases:
 - (a) Where more intensive land uses are proposed to abut less intensive uses.
 - (b) Adjacent to garbage collection and utility areas, satellite antennas, outdoor storage, and loading and unloading areas and other outdoor utilities and facilities.
 - (c) When the project adversely impacts adjacent properties (ex. lighting, outdoor storage, etc.), or when contiguous land uses and activities will adversely impact on the development (ex. roads or incompatible uses).
 - (2) Screening should provide a year-round visual screen, particularly from roads. A diversity of materials should be used to create an interesting, naturalized screen rather than a large expanse of uninterrupted, uniform material. Materials may include fencing, shade trees, evergreen and flowering shrubs, rocks, mounds or combinations of materials to achieve the same objectives.
- (D) **Specific Standards for Large-Scale Uses.** In addition to the general standards in Paragraphs (B) and (C) above, the following landscaping and screening requirements shall apply to all new non-residential structures or uses with a footprint of 3,000 square feet or more:²³
- (1) The applicant shall submit a site landscaping plan that presents the location and quantity of all project plantings. The applicant shall also submit a planting schedule keyed to the site landscaping plan that lists the botanical and common names, size at planting and quantity of all project plantings. Use of native plants is encouraged.
 - (2) Landscaping shall be considered an integral component of the approved project. The applicant shall replace within 30 days any landscaping that dies, is removed or otherwise requires replacement. Such replacement landscaping shall be equivalent in species and size to the original landscaping unless the applicant can demonstrate to the satisfaction of the Zoning Administrator that site conditions require an alternative species of comparable size.
 - (3) A minimum of 30% of the building's total foundation, including a minimum of 50% along the building's front façade, shall be planted with landscaping consisting of one 1.5-inch caliper ornamental tree and 4 shrubs per 10 linear feet of foundation. Preferred locations for such landscaping are near entrances and facades facing public streets.

²³ These standards come from a State of Maine Planning Office publication, Performance Standards for Large-Scale Development. You could use these for all conditional uses, a different size building, etc.

- (4) Landscaping consisting of three 2.5-inch caliper street trees, six 4-foot high understory trees, ten 12-inch high evergreen or 15-inch high deciduous shrubs and five 3-foot evergreen trees shall be planted every 50 feet along and within a minimum 30-foot wide green strip buffer adjacent to all public street and along and within a minimum 15-foot wide green strip buffer adjacent to all private streets and drives including parking lot connectors, circulation drives (including those adjacent to building) and loading areas.
- (5) One 2.5-inch caliper canopy tree, one 4-foot high understory tree and five 12-inch high evergreen or 15-inch high deciduous shrubs shall be planted within each parking lot island. All landscaped areas shall be a minimum 10 feet in width in their smallest dimension and tree wells shall be a minimum 36 square feet in area.
- (6) Ground- and wall-mounted mechanical equipment, refuse containers and permitted outdoor storage must be fully concealed from ground level view with materials identical to those on the building exterior.
- (7) All trash collection areas that are not within an enclosed building shall be screened or recessed so that they are not visible and they shall be located at least 20 feet from any lot line. Screening and landscaping of these areas shall conform to the predominant materials used on the site.
- (8) Loading docks shall be screened by walls matching the building's exterior or fully opaque landscaping.
- (9) Rooftop equipment shall be screened by parapets, upper stories or exterior walls from view from public streets within 1,000 feet.
- (10) Gates and fencing may be used for security and access, but not for screening. Chain link, wire mesh or wooden stockade-style fencing is not acceptable.

Section 3.10. Lots, Setbacks and Yards

- (A) Only a single principal use or structure may be located on a lot, unless permitted within the specific district as a mixed use or otherwise approved by the DRB as part of a PUD.²⁴
- (B) An accessory structure or use must conform to all lot setback, coverage and other dimensional standards for the district in which it is located.
- (C) No lot shall be so reduced in area that it cannot conform to area, yard, setback, frontage, coverage and other dimensional standards set forth in these regulations, except as approved by the DRB as part of a PUD.²⁵
- (D) Space required under these regulations to satisfy area, yard, or other open space requirements in relation to one building shall not be counted as part of a required open space for any other principal building.
- (E) An interior lot shall meet minimum setbacks from all property lines equal to the front setback distance for the district in which it is located.
- (F) Any yard adjoining a street shall be considered a front yard. A corner lot shall be considered to have only front and side yards.

²⁴ See Section 880.3 of current zoning regulations.

²⁵ See Section 880.4 of current zoning regulations.

Section 3.11. Nonconformities²⁶

- (A) **Purpose.** Any lot, structure, part of a structure or use that is not in compliance with the provisions of these regulations shall be deemed a nonconformity. It is the goal of the Town of St. George that nonconformities shall over time cease to exist, become conforming or at a minimum continue to be used in a manner that does not increase their degree of nonconformity. Nonconformities shall be regulated and only allowed to continue indefinitely as outlined below. (24 VSA § 4412(7))
- (B) **A nonconforming lot** shall not be deemed merged if it comes into common ownership with one or more contiguous lots and may be separately conveyed in its pre-existing configuration provided that it meets all of the following: (24 VSA § 4412(2)(B))
- (1) The nonconforming lot was developed with a water supply and wastewater disposal system as of the effective date of these regulations;
 - (2) At the time of transfer, each water supply and wastewater system is functioning in an acceptable manner; and
 - (3) The deeds of conveyance create appropriate easements on both lots for replacement of one or more wastewater systems, potable water systems, or both, in case there is a failed system or failed supply as defined in 10 VSA Chapter 64.
- (C) **A nonconforming lot** that cannot meet the provisions of Paragraph (B) above shall be deemed merged if it comes into common ownership with one or more contiguous lots and may not be separately conveyed.²⁷
- (D) **An undeveloped nonconforming lot** may be developed in accordance with the standards of the district in which it is located if the lot: (24 VSA § 4412(2)(A))
- (1) Was legally subdivided;
 - (2) Was in existence on or before the effective date of these regulations;
 - (3) Is at least 1/8 acre in area; and
 - (4) Is at least 40 feet wide and deep.
- (E) **A lawfully developed nonconforming lot:**
- (1) May continue in its current use and configuration.
 - (2) May, after receiving a permit from the Zoning Administrator, have any structure located on it repaired, maintained, structurally enlarged, expanded or moved provided that such a structure meets the dimensional standards for the district in which it is located.
 - (3) May, after receiving a permit from the Zoning Administrator, have new a structure built upon it provided that such a structure meets the dimensional standards for the district in which it is located.
 - (4) Shall not be converted to any other use allowed in the district in which it is located or change its configuration in any way other than as specified above without a waiver issued by the DRB in accordance with Section *. The DRB shall only allow a conversion that does not increase the degree of nonconformity of the lot.

²⁶ This section is a statutory requirement. See Section 810 of current zoning regulations.

²⁷ See Section 880.2 of current zoning regulations. You currently do not require merger of nonconforming lots. I will use the GIS maps to see how many nonconforming small lots currently exist.

(F) A nonconforming structure:

- (1) May undergo normal repair and maintenance without a permit provided that such action does not increase the structure's degree of nonconformity.
- (2) May be restored or reconstructed after damage from any cause provided that the reconstruction does not increase the degree of nonconformity that existed prior to the damage, and provided that the reconstruction commences within 6 months and is completed within 18 months of the date the damage occurred.²⁸
- (3) May be structurally enlarged, expanded or moved, after receiving a permit from the Zoning Administrator, provided that the degree of nonconformity is not increased.
- (4) May, subject to conditional use approval by the DRB under Article *, be structurally altered or expanded in a manner that would increase the degree of nonconformity for the sole purpose of meeting mandated state or federal environmental, health, accessibility, safety or energy regulations that would allow for the continued use of the structure.

(G) A nonconforming use:

- (1) Shall not be moved from one lot to another where it is also a nonconforming use.
- (2) Shall not be re-established if the use has been changed to or replaced by a conforming use for a period greater than 6 months.
- (3) Shall not be re-established if the use has been discontinued for a period greater than 6 months.²⁹
- (4) Shall not be converted to another nonconforming use without conditional use approval under Article *. The DRB shall only allow the use to be converted to another nonconforming use that, in its opinion, is of the same or less intensive nature.
- (5) Shall not be intensified by any means whatsoever, except with the approval of the DRB subject to conditional use approval under Article *.
- (6) Shall not be extended to displace a conforming use.

Section 3.12. Outdoor Lighting³⁰

- (A) **Purpose.** The town's rural character is enhanced by the ability to clearly view and enjoy the night sky largely free from light pollution. While some outdoor lighting may be necessary for safety and security, inappropriate, poorly designed, or improperly installed outdoor lighting can create unsafe conditions and nuisances for adjoining property owners, cause sky glow that obstructs views of the night sky, and result in unnecessary energy consumption.
- (B) **General Standards.** To allow for appropriate outdoor lighting, the following standards shall apply to all outdoor lighting installations with the exception of temporary holiday light displays, street lighting and flag pole lights, which are exempt from these requirements.
 - (1) All outdoor lighting shall be kept to the minimum required for safety, security and intended use.
 - (2) Outdoor lighting shall not have undue adverse impacts on the character of the area in which it is located.
 - (3) Permanent outdoor lighting fixtures shall not direct light upward or onto adjacent properties, public roads or public waters.

²⁸ These numbers can be adjusted upwards. 6 months is the minimum allowed in statute. These are the numbers from your current zoning regulations. See Section 810.5.

²⁹ You could allow more flexibility here for properties actively for sale or that have been damaged, etc. Again 6 months is the minimum allowed in statute and you can be more generous.

³⁰ This section is optional.

- (4) Outdoor lighting fixtures shall be cast downward and be designed to minimize glare. Such fixtures may include recessed, shielded or cutoff fixtures, or low luminance lamps.
 - (5) Outdoor lighting fixtures shall include timers, dimmers or sensors to reduce energy consumption and eliminate unnecessary lighting.
 - (6) Outdoor lighting fixtures associated with nonresidential uses, except for approved security lighting, shall be illuminated only during business hours.
- (C) **Standards for Large-Scale Uses.** The following standards shall apply to outdoor lighting associated with the development of non-residential structures or uses with a footprint of 3,000 square feet or more.³¹
- (1) Lighting plans shall be submitted for all proposed exterior lighting drawn to a scale of 1 inch = 20 feet and shall include the location and type of lighting equipment, the manufacturer's specification sheets and point-by-point calculated illuminance values noted on a 10-foot grid.
 - (2) The following lighting criteria shall not be exceeded:
 - (a) Parking lots. An average of 1.5 foot-candles throughout, a maximum of 6 foot-candles, and a maximum-to-minimum uniformity ratio of 20:1 foot-candles.
 - (b) Intersections. An average of 3 foot-candles throughout, a maximum of 6 foot-candles, and a maximum-to-minimum uniformity ratio of 20:1 foot-candles.
 - (c) Property lines. A maximum of 0.1 foot-candles.
 - (3) The maximum height of freestanding lights shall be the same as the principal building, but shall not exceed 20 feet.
 - (4) When the activity is not in use, lighting shall be turned down to security level or turned off.
 - (5) Where lights along property lines will be visible to adjacent residences, the lights shall be appropriately shielded.
 - (6) All lights shall have shielding to provide a beam cut-off at no more than 75 degrees nadir.
- (D) **Waiver.** The DRB may waive or modify the requirements of this section, in accordance with Section *8.07(C), if it finds that doing so shall not violate the stated purpose of this section; or it finds that a waiver or modification is needed to protect public safety, or to meet an overriding public purpose such lighting a public building or monument.³²

Section 3.13. Parking, Loading and Service Areas³³

- (A) **Parking.** For every structure or use erected, established, altered, extended or changed, associated off-street parking spaces shall be provided on the same lot, or on adjacent lots under the same ownership or under permanent easement, as set forth below:
- (1) A minimum number of parking spaces as determined by the proposed use shall be provided in accordance with the requirements listed in Table *.³⁴

³¹ These standards come from a State of Maine Planning Office publication, Performance Standards for Large-Scale Development. You could use these for all conditional uses, a different size building, etc.

³² A waiver allows for flexibility, which may be necessary for some uses (ex. bank/atm).

³³ This section is incomplete.

³⁴ Table will be added once uses have been established by zoning district.

- (2) All required parking spaces shall have a minimum width of 9 feet, a minimum length of 18 feet, unobstructed access and maneuvering room, and a gravel or paved surface sufficient to permit year-round use unless otherwise waived in accordance with Paragraph *C, below.
 - (3) Non-residential parking areas shall be located behind the building frontline, unless otherwise approved by the DRB.
 - (4) In addition to the requirements listed in Table *, all multi-family, public, commercial and industrial developments shall provide adequate, clearly marked handicapped parking spaces in accordance with state and federal (ADA) requirements.
 - (5) The DRB may require at least one bicycle rack for use by employees and/or the general public.
 - (6) Where a parcel fronts upon a public or private road on which on-street parking is allowed, the on-site parking requirements for that parcel may be reduced from the requirements set forth in Table * by one space for every 20 linear feet of frontage where parking is permitted (excluding frontage used for driveway accesses, pedestrian cross walks, and/or service areas) or each clearly marked space along such frontage.
 - (7) The DRB may require shared parking and/or landscaping, screening, lighting, snow removal, pedestrian or transit facilities as a condition of approval.
- (B) **Shared Parking.** Within *village district(s) parking requirements may be adjusted in accordance with the following:
- (1) Parking requirements for mixed-use buildings are permitted to be calculated according to Table *³⁵.
 - (2) Off-street parking requirements for multiple parcels are permitted to be calculated together according to Table * provided the allocated parking spaces for each building or use are within 300 feet of the building or use.

Section 3.14. Performance Standards (24 VSA § 4414(5))³⁶

- (A) The following performance standards, as measured at the property line, shall apply to all uses in all districts, except for agriculture and forestry uses complying with accepted agricultural and best management practices. In determining ongoing compliance, the burden of proof shall fall on the applicant and all subsequent property owners or operators.
- (1) Noise. No regularly occurring noise that is excessive at the property line and represents a significant increase in noise levels near the development so as to be incompatible with the reasonable use of the surrounding area shall be permitted. Specifically, the sound pressure level shall not exceed 70 decibels (dBA) at the property line for more than a period or periods aggregating 30 minutes in any 24 hours and the sound pressure level shall not exceed 85 decibels (dBA) at the property line at any time. The DRB may modify or waive these requirements during construction or similar special circumstance for a period of up to 1 year in accordance with Section *.³⁷
 - (2) Vibration. No clearly apparent vibration that, when transmitted through the ground, is discernable at property lines without the aid of instruments shall be permitted. The DRB may modify or waive this requirement during construction or similar special circumstance for a period of up to 1 year in accordance with Section *.

³⁵ This table will be added if you want to reduce parking requirements within village districts to recognize shared parking for mixed use development, on-street parking, public parking, etc.

³⁶ This section is optional.

³⁷ The EPA has identified a 24-hour exposure level of up to 70 decibels as the level of environmental noise that will not cause any measurable hearing loss over a lifetime. Likewise, levels of 55 decibels outdoors and 45 decibels indoors are identified as preventing activity interference and annoyance. Repetitive exposure to impulse noises of 85 decibels or more can cause hearing damage.

- (3) Glare, Lights and Reflection. No glare, lights or reflection shall be permitted which are a nuisance to other property owners or tenants or which could impair the vision of a driver of any motor vehicle or which are detrimental to public health, safety and welfare. However, reflections from solar energy collectors that are part of an operating solar energy system shall not be considered a nuisance to other property owners and tenants.
- (4) Fire, Explosives and Safety. No fire, explosive or safety hazard shall be permitted that significantly endangers other property owners or that results in a significantly increased burden on municipal facilities. The storage of any highly flammable liquid in aboveground tanks shall comply with Vermont Fire and Building Safety Code and any applicable federal regulations. The storage of any highly flammable liquid in underground tanks shall comply with Vermont Environmental Protection Rules and any applicable federal regulations.³⁸
- (5) Smoke. No emissions shall be permitted of any visible air contaminant for more than a period or periods aggregating 6 minutes in any hour, which has a shade, or density, greater than 40% opacity (No. 2 of the Ringelmann Chart). At no time shall the visible air contaminants have a shade, density, or appearance greater than 60% opacity (No. 3 of the Ringelmann Chart).³⁹
- (6) Fly Ash, Dust, Fumes, Vapors, Gases, Other Forms of Air Pollution. No emission shall be permitted that can cause any damage to health of animals, vegetation or other forms of property and that can cause any excessive soiling at any point on the property of others. No parked vehicle shall be allowed to idle for a period of more than 5 minutes unless idling is necessary to the intended use of a non-passenger vehicle (loading, mixing, refrigeration, etc.) or to operate equipment (defrosters, heaters, air conditioners, etc.) to when required to protect passenger health or safety.
- (7) Heat, Cold, Moisture, Mist, Fog or Condensation. No releases of heat, cold, moisture, mist, fog or condensation that are detrimental to neighboring properties and uses, or the public health, safety, and welfare shall be permitted.
- (8) Liquid or Solid Waste and Refuse. No discharge shall be permitted at any point into any sewage disposal system or water course or lake or into the ground, except in accord with standards approved by the state Department of Health, Department of Environmental Conservation or other regulatory department or agency, of any materials of such nature or temperature as can contaminate any water supply or otherwise cause the emission of dangerous or offensive elements. There shall be no accumulation of solid wastes or refuse conducive to the breeding of rodents or insects.
- (9) Electromagnetic Fields, Radiation and Interference. No electromagnetic disturbances or electronic transmissions or signals that will repeatedly and substantially interfere with the reception of radio, television, or other electronic signals, or that are otherwise detrimental to public health, safety and welfare (except from telecommunications facilities that are specifically licensed and regulated through the Federal Communications Commission) shall be permitted.⁴⁰
- (10) Radioactivity and Other Hazards. No radioactive emission or other hazard that endangers the public health, safety or welfare, public facilities, or neighboring properties; or that results in a significantly increased burden on municipal facilities and services shall be permitted.

³⁸ You could be more stringent than state standards and establish your own setback requirements, etc. See Vermont Underground Storage Tank Regulations.

³⁹ See Vermont Air Pollution Control Regulations Section 5-211: Prohibition of Visible Air Contaminants.

⁴⁰ Come back to this after further research.

Section 3.15. Riparian Buffers⁴¹

- (A) **Buffer Establishment.** To prevent soil erosion, protect wildlife habitat and maintain water quality, riparian buffers shall be maintained for a minimum of 25 feet from all Class 3 wetlands and intermittent or unmapped streams, and for a minimum of 50 feet from all Class 2 wetlands and USGS mapped streams. Buffer distances shall be measured from the stream centerline or delineated wetland boundary. Any areas within a riparian buffer that are not vegetated or that are disturbed during construction shall be seeded with a naturalized mix of grasses rather than standard lawn grass. The DRB, as a condition of site plan or subdivision approval, may require the establishment of larger buffers if deemed necessary to achieve the purposes of this section.
- (B) **Development Prohibited.** No development, excavation, fill or grading shall occur within the buffer strip, and vegetation shall be left in an undisturbed state, with the exception of minimum clearing and associated site development necessary to accommodate the following:
- (1) Road, driveway and utility crossings.
 - (2) Streambank stabilization and restoration projects, in accordance with all applicable state and federal regulations.
 - (3) Bicycle and pedestrian paths and trails.
 - (4) Public recreation facilities.
- (C) **Buffer Maintenance.** Removal of dead trees or trees of immediate threat to human safety as well as reasonable pruning of existing trees shall be permitted. The creation of new lawn areas within riparian buffers shall not be permitted. Property owners are encouraged to retain or allow the growth of woody vegetation within riparian buffers, but shall be permitted to mow or brush-hog within the buffer not more than twice in a calendar year. Property owners already encroaching on the riparian buffer are encouraged to return mowed areas to their naturally vegetated state. Supplemental planting with appropriate native vegetation to restore and enhance the effective filtering and bank stabilization functions of a riparian buffer is encouraged.

Section 3.16. Signs⁴²

- (A) **Purpose.** The purpose of these standards is to provide a coordinated, uniform and consistent approach for the review of signs proposed to be erected or maintained in the Town of St. George, taking into consideration the historic, cultural, scenic, aesthetic and natural resources sought to be protected by these regulations. The location, size, materials and graphic design of signs affect the appearance, character and quality of a community. Therefore, such signs shall convey their messages clearly and simply to enhance their surroundings. These standards are intended to:
- (1) Promote and protect the public health, welfare and safety by regulating signs;
 - (2) Prevent sign or advertising distractions and obstructions that may contribute to traffic accidents;
 - (3) Reduce hazards that may be caused by signs overhanging or projecting over public rights-of-way;
 - (4) Enhance and protect the town's physical appearance, community character and natural beauty in order to provide a more enjoyable and pleasing environment for residents and visitors;

⁴¹ This section is optional.

⁴² This section is optional.

-
- (5) Protect property values by creating a more attractive business and tourism climate; and
 - (6) Encourage use of well-designed signs that clearly present visual messages in a manner compatible with their surroundings.
- (B) **Applicability.** A zoning permit shall be required before the erection, construction, modification or replacement of any sign, except for signs that are specifically exempted as per Paragraph (C) of this section.
- (C) **Exemptions.** No zoning permit shall be required for the following:
- (1) Signs erected by state or town officials.
 - (2) Flags, other than the United States or Vermont flag, and banners intended solely for ornamental or non-advertising purposes.
 - (3) The U.S or Vermont flag flown in accordance with applicable federal or state flag regulations and intended for non-advertising purposes.
 - (4) Temporary auction lawn or garage sale signs, which shall be removed immediately following the event
 - (5) A temporary real estate sign not to exceed 6 square feet, which shall be removed immediately following sale.
 - (6) Temporary election signs to be posted and removed in accordance with state law.
 - (7) Signs or bulletin boards incidental to places of worship, schools, libraries or public facilities, not to exceed one per establishment and not to exceed 16 square feet in area and 6 feet in height above the ground.
 - (8) Temporary signs or banners advertising non-commercial public events, which shall be removed immediately following the event.
 - (9) Signs, not to exceed 2 square feet in area, relating to no trespassing or hunting, identifying the residents of a dwelling, providing directions or information, or other similar non-advertising purpose.
 - (10) Historic markers, memorial signs or plaques, or names of buildings and dates of erection when cut into any masonry surface or when constructed of bronze, stainless steel or similar material.
 - (11) Up to 2 temporary advertising signs 10 square feet or less in area placed on the premises of a business in accordance with the location requirements of this section for a period of not more than 14 days.
- (D) **Number of Signs.**
- (1) Not more than 2 signs may be erected or maintained advertising or otherwise relating to a single business or activity, not including signs exempt under *Paragraph C.
 - (2) Not more than 1 freestanding sign may be erected or maintained upon any single premises.
- (E) **Size, Height and Components of Signs.**
- (1) No sign shall be erected or maintained having a sign area greater than 40 square feet. No internally illuminated sign shall be erected or maintained having a sign area greater than 12 square feet. No sign wholly or partially constructed of neon, LEDs or similar glowing materials shall have a sign area greater than 4 square feet.
 - (2) If two signs are erected or maintained with respect to a given activity, the total sign area of the two signs shall not exceed 60 square feet.
 - (3) No freestanding sign shall exceed 10 feet in overall height, measured from the highest level of natural ground immediately beneath the sign to the highest point of the sign or its supporting structure.

- (4) Signs shall be simple in design and color scheme and shall contain a minimal number of component parts.

(F) Design and Location of Signs.

- (1) No sign shall be illuminated by or contain flashing, intermittent, rotating or moving light or lights. All luminous signs, indirectly illuminated signs and lighting devices shall employ only lights emitting light of constant intensity. Electronic message signs shall be expressly prohibited.
- (2) No luminous sign, indirectly illuminated sign or lighting device shall be placed or directed so as to direct beams of light upon any public street, highway, sidewalk or adjacent premises in a manner that may constitute a traffic hazard or nuisance. No sign shall in its construction employ any mirror or mirror-like surface, nor any day-glowing or other fluorescent paint or pigment.
- (3) No sign, or part of a sign, may rotate or move back and forth. No sign, or part of a sign, shall contain or consist of any banner, pennant, ribbon, streamer, spinner, balloon or other similar moving, fluttering or revolving device. Such devices, as well as strings of lights, shall not be used for advertising or attracting attention whether or not they are part of any sign. Notwithstanding, strings of lights may be incorporated into a storefront window display that is intended to be viewed primarily by pedestrians on an adjacent sidewalk. A sign does not include the flag or pennant or insignia of any nation or association of nations or of any state, city or other political unit or of any charitable, educational, philanthropic, civic or religious organization. However, no commercial property may display more than 3 flags of a single type or erect a flagpole taller than 20 feet.⁴³
- (4) A sign identifying the name of a business shall have not more than 20% of its sign area devoted to advertising products sold on the premises.
- (5) No sign shall be placed upon or be supported by any water body, tree or other natural object rather than the ground.
- (6) No sign shall be erected or maintained upon the roof of any building or structure.
- (7) Wall signs shall be placed in a manner that complements the architecture of buildings as illustrated in Figure *. A wall sign shall not extend above the eaves, nor block access to any window or door.
- (8) Not more than 25% of the total windowpane area of a storefront shall be obscured by signs.
- (9) No motor vehicle on which is placed or painted any sign intending to advertise the premises shall be parked or stationed on such premises or in a public parking space in a manner primarily intended to display the sign.
- (10) No wall sign shall project more than 2 feet from the wall of any building. No hanging sign shall project more than 6 feet from the wall of any building or beyond 2 feet from the edge of the sidewalk, whichever is less, as illustrated in Figure *.
- (11) The lowest portion of a hanging sign or its support structure shall be at least 8 feet above the sidewalk or grade directly beneath it, as illustrated in Figure *.
- (12) Setback requirements shall not apply to signs, except that:
 - (a) No sign shall be erected or maintained within the right-of-way of a public or private road.
 - (b) No free-standing sign exceeding 20 square feet in area or 5 feet in height shall be erected or maintained within 10 feet of the edge of the right-of-way of a public or private road, as illustrated in Figure *. This minimum setback distance shall not apply to signs attached to any building entirely housing the business or activity with which the signs are principally associated.
- (13) No sign shall be designed or located to impair public safety, traffic flow or roadway visibility, specifically:

⁴³ The language related to flags should be reviewed for compliance with federal/state law.

- (a) No sign shall impair the visibility of or sight distance for vehicles entering or exiting a road or driveway.
 - (b) No sign shall restrict clear vision between the sidewalk and street.
 - (c) No sign shall be designed so that it could be confused with any traffic sign or signal.
 - (d) No sign shall prevent free access to any door, window or fire escape.
 - (e) Signs shall be constructed to withstand a wind pressure load of at least 30 pounds per square foot.
- (14) Off-premises signs shall be prohibited.
- (G) Lighting.**
- (1) A constant, shielded, external light source may be used for lighting, if the lighting is directed on the sign surface, preferably from above, and does not have an unduly adverse effect on neighboring properties, rights-of-way or vehicular traffic.
 - (a) Illuminance of the sign face by external light fixtures shall not exceed 50 foot-candles as measured on the sign face.
 - (b) The light source shall not be visible from adjacent properties or roads.
 - (2) The design of internally illuminated cabinet signs should consist of lighter lettering on a darker background in order to maximize visibility and minimize lighting impacts. Internally illuminated signs shall be limited to a maximum brightness of 1,000 nits.⁴⁴
 - (3) No sign shall be illuminated during hours when the premise is not occupied or open for business.
- (H) Portable Signs.** A single portable sign not in excess of 15 square feet in area may be placed on the premises within 200 feet of the front door of the business or location of the activity being advertised, including on the public sidewalk. No such sign shall be placed in a public parking space or public park, nor shall a portable sign be placed in a manner that would restrict public sidewalks to a width of less than 3 feet. Portable signs shall not be illuminated or embellished with devices as described in *Paragraph (F)(3). Portable signs shall only be placed out when the business being advertised is open. The area of a portable sign shall not be included under *Paragraph (E)(2).
- (I) Number Of Permitted Signs Where More Than One Principal Activity Is Being Conducted.** Notwithstanding the standard governing the number of signs permitted to be erected or maintained on any parcel set forth in *Paragraph (D) of this section, the following standards shall apply to signs on properties where more than one principal activity is proposed to be conducted on a separate and discrete basis (such as in the case of a shopping center or other multiple commercial use facility).
- (1) A single free-standing sign not in excess of 60 square feet in sign area nor more than 10 feet in height may be erected identifying the center or facility as a whole and the names of the businesses within, but shall not contain any other advertising matter.⁴⁵
 - (2) One individual wall or awning sign not in excess of 30 square feet in sign area may be erected for each separate principal activity, such as a shop or store.

⁴⁴ One nit is equivalent to one candela per square meter.

⁴⁵ What about setbacks for such signs?

- (3) An overall sign design plan for any such center or facility shall be required, which shall include the sign design plan or plans for each principal activity within, and shall reflect a reasonable uniformity of design, lettering, lighting and material.
- (J) **Signs along State Highways.** Landowners who wish to place signs on property abutting a state highway should contact the appropriate state agencies, including the Agency of Transportation, to determine any additional requirements or standards.
- (K) **Removal and Repair of Signs.** Any sign that no longer advertises an existing business conducted or product sold on the premises upon which such sign is located shall be removed within 90 days. All signs shall be maintained in good condition. Any sign that is abandoned, unsafe, insecure or a menace to the public may be removed by the town at the owner's expense if the owner takes no action to repair or remove such a sign after a notice of violation as per Section * of these regulations.
- (L) **Nonconforming Signs.** A nonconforming sign shall not be enlarged or replaced by another nonconforming sign. If a project is proposed for a property upon which an existing sign is located, and the existing sign is associated with the principal activity which is the subject of the proposed project but does not conform to these standards, the DRB may require that the non-conforming sign be brought into compliance with these standards. Such requirement that the non-conforming sign be brought into compliance may require the removal of the sign upon the termination of a period calculated to be its remaining economic life based upon actual depreciation schedules. Any maintenance, repair or alteration of a nonconforming sign shall not cost more than the current depreciated value of the sign as of the state of alteration or repair.
- (M) **Computation of Permissible Sign Area.** When computing the total permissible sign area for any use:
- (1) Existing signs shall be included.
 - (2) Signs consisting of freestanding letters, numerals or other devices shall include any intervening spaces between them as illustrated in Figure *.
 - (3) Only the larger faced area of a double-faced sign shall be used.
 - (4) In the case of three-dimensional signs, the calculated area shall be the total surface area of the three-dimensional sign visible as viewed from the public way.
- (N) **Application Requirements.** All applicants shall submit a drawing of the proposed sign showing all dimensions, sign design, color, lighting (including fixture type and intensity), mounting method and location on property, and a description including dimensions, of all existing signage on the property.

Section 3.17. Steep Slopes, Erosion Control and Stormwater Management⁴⁶

- (A) **Development Conditional.** All development involving the excavation, filling and/or regrading of land characterized by a slope of 15% or greater shall be subject to review and approval by the Development Review Board under conditional use review (Article *). DRB approval shall be contingent upon the submission of an adequate erosion and sedimentation control plan. Such a

⁴⁶ This section is optional.

plan shall be prepared by a licensed Vermont engineer, and shall provide detailed information regarding proposed erosion and sedimentation control measures to be employed during all stages of the development (including site preparation, construction and post construction). Where the earthwork is conducted in association with forest management activities, a professional forester may prepare the erosion control plan. The DRB may waive compliance with this provision in situations involving minimal disturbance of the site and/or limited areas of steep slope in which the development clearly poses a negligible risk to water quality, public facilities and roads, and nearby properties.

(B) **Development Prohibited.** Development shall be prohibited on land characterized by a slope of 25% or greater. Limited site improvements necessary to facilitate development on contiguous land with a slope of less than 25% slope may be allowed by the DRB, subject to the requirements of Paragraph (A) of this section.

(C) **General Requirements.**

(1) The DRB may require the preparation and implementation of stormwater management and/or sedimentation and erosion control plans and associated analyses to ensure that site improvements, including excavation, road and driveway construction and site clearing and grading, shall not unduly impact neighboring properties or surface waters. Such plans, if required, shall be prepared by a licensed Vermont engineer, and include provisions for the inspection and long-term maintenance of stormwater management and erosion control facilities.

(2) The DRB may require such temporary and permanent stormwater management and erosion control measures as may be necessary to control surface runoff, sedimentation and water pollution on-site and downstream from the proposed development. Factors to be considered in determining the types of controls necessary shall include pre-development site and runoff conditions, vegetation and ground cover, slope and drainage patterns, soil types (i.e., hydric soils), the percentage of land covered in impervious surfaces, types of pollutants generated, distances to streams and other surface waters, and impact on adjoining properties.

(D) **Erosion Control on Construction Sites.** All areas exposed during construction shall be protected in accordance with standards of the Vermont Department of Environmental Conservation, the U.S. Natural Resource Conservation Service or other appropriate regulatory body. Permanent vegetation and erosion control measures shall be established according to a schedule as required by the DRB. The DRB also may place limits on the amount of land to be disturbed at any one time and may stipulate deadlines for the installation of temporary and permanent erosion control or stabilization measures.

(E) **Stormwater Management.**

(1) Land shall be subdivided and developed in reasonable conformity to existing topography in order to minimize grading, cut and fill, and to retain, insofar as possible, natural contours, ground cover, and soils. For effective stormwater management, subdivision and/or site design and layout shall, to the extent feasible:

- (a) Minimize lot frontage and setback distances, building envelope and footprint areas, in accordance with district standards and other applicable requirements;
- (b) Minimize the length, width and paved area of roads, driveways and parking areas, in accordance with applicable road and parking standards;

- (c) Minimize the impervious area connected directly to stormwater conveyance systems (e.g., by draining such areas over stable, vegetated pervious areas);
 - (d) Incorporate landscaped areas to absorb stormwater runoff from adjoining impervious surfaces (e.g., yard areas, filter strips and parking lot islands);
 - (e) Incorporate shared driveways and parking areas;
 - (f) Avoid or minimize the use of curbing and gutters;⁴⁷
 - (g) Maximize the use of pervious materials (e.g., for paths, overflow parking, residential driveways);
 - (h) Maintain natural vegetative cover, and designated wetland and riparian buffers;
 - (i) Use vegetated, open channels within road rights-of-way to convey and treat stormwater, where density, topography, soils, and slopes permit; and
 - (j) Incorporate naturally occurring ponding and drainage areas.
- (2) Best management practices (BMPs) as defined by the Vermont Agency of Natural Resources, the U.S. Natural Resource Conservation Service or other accepted regulatory authority shall be used for the purposes outlined below. Best management practices may consist of one or more structural and/or nonstructural techniques, including but not limited to vegetated buffers and filter strips, grassed or lined swales, retention basins, recharge trenches, constructed wetlands, and bio-retention and filtration facilities, but should be appropriate for site conditions and the intended pattern and density of development.
- (a) Minimize stormwater runoff;
 - (b) Maximize on-site infiltration;
 - (c) Encourage natural filtration functions;
 - (d) Incorporate and/or simulate natural drainage systems; and
 - (e) Minimize the discharge of pollutants to ground and surface waters.
- (3) Control of stormwater runoff flows from all impervious surfaces shall be accomplished by limiting the post-development peak discharge rate from the project site or subdivision so that it does not exceed the pre-development peak discharge rate for a 2-year, 24 hour event. Additional control of treated stormwater (e.g., for 10- or 25-year or 100-year, 24 hour storm events) may be required if site conditions warrant the attenuation of larger storm events.
- (4) Stormwater facilities, including detention ponds, culverts and ditches, shall be designed to accommodate potential run-off from the entire upstream drainage area at full development, as well as runoff resulting from the proposed development, and should at minimum accommodate a 25-year, 24- hour storm event.
- (5) The DRB may request determination of the effect of the development on existing downstream drainage capacity and facilities outside of the area of the development. Where the DRB anticipates that increased runoff incident to the development may overload the capacity of the downstream system or facility, it may require the applicant to delay construction until adequate capacity exists, or to contribute to capacity improvements to prevent such an overload. Any required construction may be on- or off-site.
- (6) If a development will result in changes in flow type, flow channel, increased stormwater discharge or flooding in areas not owned or controlled by the applicant, the applicant must secure easements for all areas of flow or flooding on affected properties. Easements must extend up to, but need not include, the channel of any river or stream accepting flow from the subdivision. Suitable land use restrictions will be included in easements to prevent any activity that may affect drainage across the area.
- (F) **Snow Storage.** The designation of on-site snow storage areas may be required as part of subdivision and/or site design. These areas shall not be located within wetland or riparian buffer

⁴⁷ Should we add an exception for the village center?

areas, and shall be contained in such a manner that runoff is managed through a detention or infiltration facility or other best management practice that removes pollutants. An off-site storage area may be approved if an appropriate site is available and secured for long-term use.

Section 3.18. Swimming Pools and Ponds⁴⁸

- (A) **Swimming Pools.** The installation of a swimming pool may be permitted as an accessory use upon application and receipt of a zoning permit in accordance with Section * of these regulations.⁴⁹
- (1) All swimming pools shall be completely enclosed by a wall, fence or other substantial structure not less than 4 feet in height as measured from the highest grade on the outside of the enclosure.
 - (2) No pool shall be constructed or located in a required front yard.
 - (3) All swimming pools shall abide by district setback requirements, except that no pool shall be closer than 15 feet to any rear or side lot lines.⁵⁰
 - (4) No pool shall be constructed over a leach field or within 25 feet of a well or other underground water source.
 - (5) All electrical appliances connected to a pool shall be properly grounded. No overhead electrical wires shall cross the pool area.
 - (6) Any lighting in conjunction with a pool shall be designed and located so as to prevent any direct glare beyond the lot line.⁵¹
- (B) **Ponds.** The creation of ponds and other impoundments may be permitted as an accessory use upon application and receipt of a zoning permit in accordance with Section * of these regulations.
- (1) Ponds and their supporting structures shall be located in accordance with the following setbacks:
 - (a) Ponds shall abide by district setback requirements except that no pond shall be located closer than 15 feet from any property line.
 - (b) 100 feet from all leach fields, including those on adjacent properties.
 - (c) 100 feet from all drilled wells, including those on adjacent properties.
 - (2) Ponds and their supporting structures shall not be located within any right-of-way or easement.
 - (3) An applicant for any pond that will impound or be capable of impounding 500,000 cubic feet of water or more, involve any alteration of a natural stream or water body, or is otherwise subject to state permitting requirements shall submit copies of all required state permits with the zoning permit application.
 - (4) An applicant for any pond involving the impoundment of water through the creation of an embankment, berm or other structure that exceeds the natural grade of the site, and with a surface area of greater than 10,000 square feet of area or greater shall submit certification that the pond was designed by a qualified professional.
 - (5) An applicant for any pond shall include the following additional information with the zoning permit application:
 - (a) Sketch of the pond location showing:
 - i) Setbacks from property lines, leach fields, structures, and water supplies;
 - ii) Existing slope of the pond site;

⁴⁸ This section is optional.

⁴⁹ See Section 845 of current zoning regulations. Should look at definition of pool to see if new inflatable pools are covered by this section. If so, would you want to exempt pools of a certain size providing they met these requirements?

⁵⁰ This should be cross-referenced with district dimensional requirements.

⁵¹ This paragraph may be duplicative if you keep the outdoor lighting language.

- iii) Water source and method of discharge;
 - iv) Location and size of emergency spillway; and
 - v) Route of flow of outlet and/or spillway.
- (b) Cross section depiction of the pond, to include dam or other retention structure.
 - (c) Approximate volume of water to be contained.
 - (d) Description of vegetative cover planned to prevent erosion.

Section 3.19. Temporary Structures and Special Events⁵²

- (A) **Temporary Structures.** The Zoning Administrator may issue temporary permits for non-conforming structures or uses, excluding dwellings, incidental to construction projects for a period not exceeding 1 year provided such permits are conditioned upon agreement by the owner to remove the structure or use upon expiration of the permit. Such permits may be renewed upon application for an additional period not exceeding 1 year.
- (B) **Portable Structures.** Portable carports, storage sheds and similar structures shall be deemed the same as any other structure and subject to all applicable provisions of these regulations.
- (C) **Campers and Temporary Dwellings.** A camper (including recreational vehicle and travel trailer), boat with living quarters, or other temporary dwelling (including tent, tepee or yurt) shall be parked, stored or located on public or private property in accordance with the following requirements:
 - (1) The provisions of this paragraph shall not apply to campers or other temporary dwellings parked in an approved campground or repair garage, sales establishment, or, in accordance with *Paragraph A of this section, on construction sites for use as a temporary structure.
 - (2) No more than 2 campers or other temporary structures shall be stored on a residential or undeveloped lot.
 - (3) Campers and other temporary shelters shall be located or stored outside required district setback areas and behind the front line of the principal building on the lot.
 - (4) Campers, boats and other temporary dwellings shall not be inhabited for more than 150 days during a calendar year.
 - (5) Any camper, boat or temporary shelter that is inhabited for more than 150 days in a calendar year or that is located so as to not be readily moveable shall be deemed a dwelling and be subject to all provisions of these regulations applicable to single-family dwellings.
 - (6) Any wastewater or sewage generated from a camper, boat or other temporary dwelling must be disposed of in accordance with all applicable state and federal regulations.
- (D) **Special Events.**⁵³
 - (1) Places of worship, funeral homes, schools and municipal properties are specifically exempted from the provisions of this section.
 - (2) Special events open to the general public (ex. cultural performance or sporting event) or one-time private functions (ex. wedding or family reunion) shall not require a zoning permit provided that:
 - (a) Such events take place for not more than a total of 14 days in any calendar year;
 - (b) Any temporary structures associated with the event are not in place for more than 2 days before and after the event; and

⁵² This section is optional.

⁵³ See Section 885 of current zoning regulations.

- (c) The planned attendance is less than 200 people.
- (3) Special events not meeting the provisions of *Subparagraph (2) shall be reviewed by the Development Review Board as a conditional use. The DRB shall ensure that:
 - (a) The hours of operation allowed shall be compatible with the uses adjacent to the activity.
 - (b) The amount of noise generated shall not disrupt the activities of adjacent land uses.
 - (c) The applicants shall guarantee that all solid waste generated by the special event be removed at no expense to the town.
 - (d) The parking generated by the event shall be accommodated without undue disruption to or interference with the normal flow of traffic or with the right of adjacent and surrounding property owners.
- (4) The DRB may require the applicant to post a bond to ensure compliance with the conditions of the conditional use permit in accordance with Section * of these regulations.
- (5) If the permit applicant requests the town to provide extraordinary services or equipment or if the DRB otherwise determines that extraordinary services or equipment should be provided to protect the public health or safety, the applicant shall be required to pay to the town a fee sufficient to reimburse the town for the costs of these services.

Section 3.20. Utility Infrastructure⁵⁴

- (A) **Location.** All utilities systems, existing and proposed, shall be shown on the site plan or final plat, and shall be located as follows:
 - (1) All utility systems, which may include but not be limited to electric, gas, telephone, fiber optics, and television cable, shall be located underground throughout the subdivision or project site, unless deemed unreasonable and prohibitively expensive by the DRB (e.g., burial would require extensive blasting and ledge removal for most of length of the utility extension).
 - (2) The applicant shall coordinate subdivision or site design with the utility companies to ensure adequate and suitable areas for under or above ground installation, both for the proposed development, and areas adjacent to the development.
 - (3) Utility corridors shall be shared with other utility and/or transportation corridors where feasible, and be located to minimize site disturbance and any adverse impacts to natural, cultural or scenic resources, and to public health.
- (B) **Utility Boxes.** All utility boxes shall be located so as to be easily accessible for maintenance while being screened from public view to the greatest extent feasible.

⁵⁴ This section is optional.