

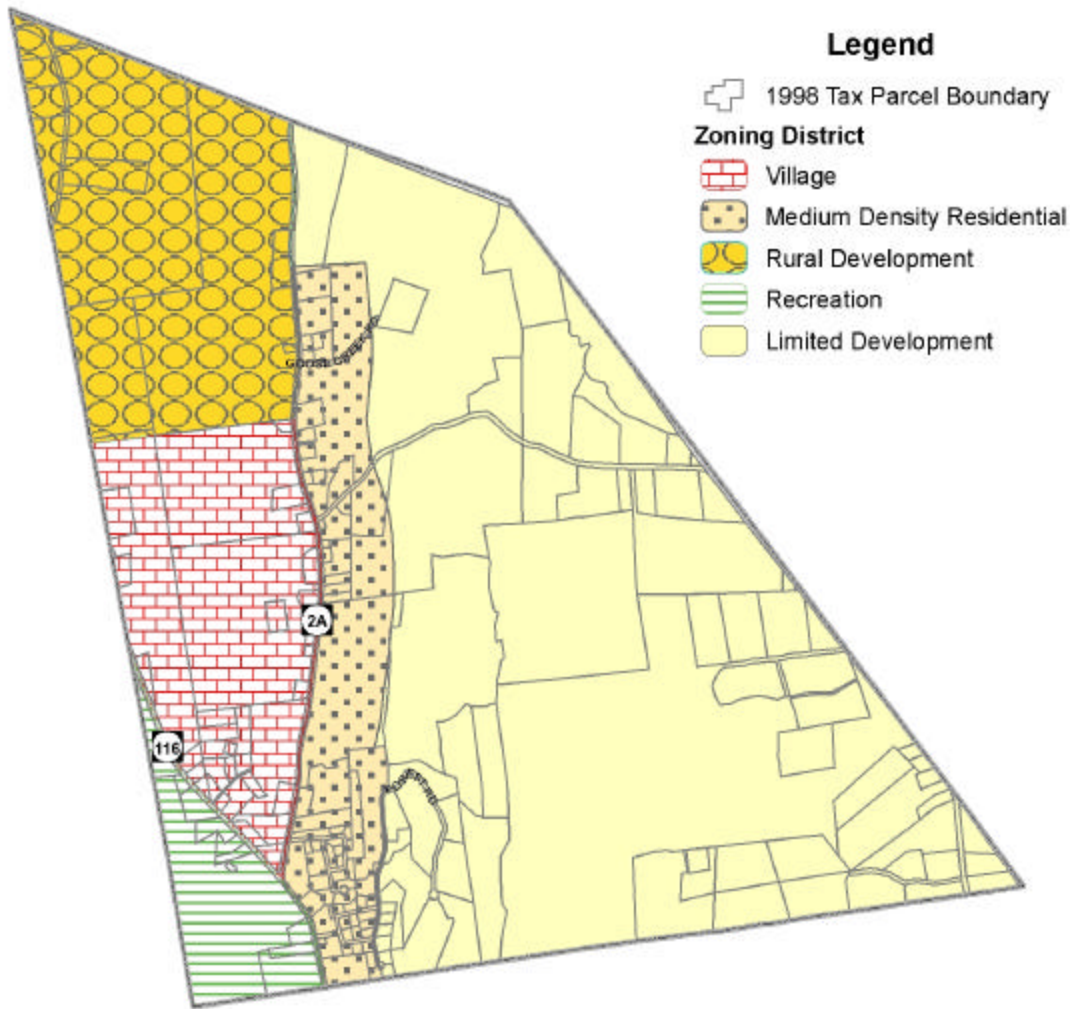
# **ST. GEORGE ZONING REGULATIONS**

Adopted: March 5, 1996, Amended March 3, 1998 and December 15, 2005

**ST. GEORGE ZONING REGULATIONS  
TABLE OF CONTENTS**

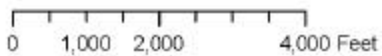
ARTICLE	I	TITLE AND PURPOSE	4
ARTICLE	II	ZONING DISTRICTS	4
ARTICLE	III	VILLAGE DISTRICT	5
ARTICLE	IV	MEDIUM DENSITY RESIDENTIAL DISTRICT	8
ARTICLE	V	RECREATION DISTRICT	9
ARTICLE	VI	RURAL DEVELOPMENT DISTRICT	10
ARTICLE	VII	LIMITED DEVELOPMENT DISTRICT	11
ARTICLE	VIII	GENERAL REGULATIONS	12
		Section 800 Site Plan Review	12
		Section 805 Conditional Use	12
		Section 810 Nonconforming Uses and Noncomplying Structures	13
		Section 815 Planned Unit Development	14
		Section 820 Temporary Emergency, Construction or Repair of Residences	16
		Section 825 Home Occupations	16
		Section 830 Home Child Care	16
		Section 835 Group Homes	17
		Section 840 Signs and Outdoor Advertising	18
		Section 845 Swimming Pools	19
		Section 850 Parking	19
		Section 855 Removal of Topsoil, Rock and Gravel	19
		Section 860 Accessory Dwellings	20
		Section 865 Public Facility or Utility	20
		Section 870 Farm Structures	21
		Section 875 Silvicultural Practices	21
		Section 880 Miscellaneous Provisions	21
		Section 885 Special Events	22
ARTICLE	IX	ADMINISTRATION AND ENFORCEMENT	23
ARTICLE	X	DEFINITIONS	25
ARTICLE	XI	IMPLEMENTATION	30

# St. George 1996 Zoning Map



1:24,000

1 inch equals 2,000 feet



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## **ST. GEORGE ZONING REGULATIONS**

### **ARTICLE I: TITLE AND PURPOSE**

These regulations, which shall be known and cited as the St. George Zoning Regulations, are intended to promote the general welfare of the inhabitants of the Town of St. George, to protect the value of property, to prevent overcrowding, to facilitate provision of public requirements, and to provide for the orderly development in St. George of homes, agriculture, commerce, forestry and recreation.

The Zoning Regulations classify and guide the uses of lands, buildings and structures in the Town of St. George in accordance with the Comprehensive Plan for the town and the Vermont Planning and Development Act. The regulations are designed to implement the purposes and policies set forth in the Plan and Act.

### **ARTICLE II: ZONING DISTRICTS**

#### Section 200 Classes of Districts

For purposes of these regulations, the Town of St. George is divided into the following zoning districts.

##### 200.1 Village District

Commencing at the intersection of the centerlines of U.S. Routes 2A and 116 and proceeding northerly in and along the centerline of U.S. Route 2A to a point, which point is 785 feet southerly of the centerline of Goose Creek Road as extended westerly across Route 2A thence proceeding westerly in a straight line along the Pillsbury Farm property line as extended westerly to the St. George-Shelburne boundary; thence proceeding southerly in and along the St. George-Shelburne boundary to its intersection with the centerline of U.S. Route 116; thence continuing southerly in and along the centerline of U.S. Route 116 to the point or place of beginning.

##### 200.2 Medium Density Residential District

From a point of beginning at the intersection of the centerline of Route 116 and the St. George-Hinesburg boundary, proceeding northerly along said centerline to the intersection with the centerline of Route 2-A thence northerly along the centerline of Route 2-A to a point that is 2,500 feet southerly of the intersection of said centerline with the St. George-Williston boundary; thence easterly along a straight line roughly perpendicular to Route 2A for a distance of 1,000 feet; thence southerly along a line which is parallel to and 1,000 feet easterly of the centerline of Route 2A to the northern property line of Parcel No. 36; thence easterly along said property line to the northeast corner of Parcel No. 36; thence

southerly along said property line to the southeast corner of Parcel No. 36; thence southerly along the center line of Forest Drive; thence southerly along the center line of Mountain View Drive and Shady Nook Lane to the boundary line between Parcels 14 and 13, following said boundary line to the Hinesburg-St. George town line.

#### 200.3 Rural Development District

From a point of beginning at the intersection of the centerline of Route 2A and the St. George-Williston boundary, proceeding northwesterly along said boundary to the intersection with the St. George-Shelburne boundary; thence southerly along the St. George-Shelburne boundary to a point which intersects with Pillsbury Farm property line extended; then east along said property line to the intersection with the centerline of Route 2A thence northerly along said centerline to the intersection with the St. George-Williston boundary, the point of beginning.

#### 200.4 Recreation District

From a point of beginning at the intersection of the centerline of Route 116 and the St. George-Hinesburg boundary, proceeding northerly along said centerline to the intersection with the St. George-Shelburne boundary; thence southerly along said boundary to the intersection with the St. George-Hinesburg boundary; thence easterly along the St. George-Hinesburg boundary to the point of beginning at the intersection with the centerline of Route 116.

#### 200.5 Limited Development District

All the remaining lands in St. George

#### Section 210 Official Zoning Map

The location and boundaries of the zoning district are established on the Official Zoning Map filed in the Office of the Town Clerk and incorporated herein by reference.

#### Section 220 Interpretation of District Boundaries

Any uncertainty as to the boundaries of a zoning district shall be determined by the Zoning Administrative Officer in accordance with the following subsections.

220.1 Any ambiguity between the description of district boundaries contained in Section 200 of these regulations and those depicted on the Official Zoning Map shall be resolved by those boundaries depicted on the map.

220.2 Where a district boundary line divides a lot which was in single ownership at the time of passage of these regulations, the Development Review Board may permit,

as a conditional use, the extension of the regulations for either portion of the lot not to exceed 100 feet beyond the district line.

### **ARTICLE III: VILLAGE DISTRICT**

#### Section 300 Purpose

The purpose of the Village District is to provide a center for a wide diversity of growth. The district is intended to be the center for residential, commercial and business development and as a location for a multiple purpose town building. A broad range of commercial and industrial uses are allowed either as permitted or conditional uses with this development to be concentrated in the Town Center and areas north of it.

#### Section 310 Permitted Uses:

- 310.1 Single Family Dwellings and accessory uses/structures.
- 310.2 Places of worship.
- 310.3 Public schools, private schools and other educational institutions certified by the Vermont Department of Education.
- 310.4 Town uses.
- 310.5 Public parks or open space areas, athletic fields, skating rinks or other public outdoor recreational areas.
- 310.6 Commuter parking lots.
- 310.7 Public utility offices.
- 310.8 Business or professional offices.
- 310.9 Banks or other financial institutions.
- 310.10 Retail establishments designed to sell and/or rent goods, merchandise and equipment to the general public, with a maximum size of 10,000 sq. ft. per building and 3,250 sq. ft. per individual user. Commercial/retail development shall take place in the Town Center and areas north.
- 310.11 Personal service shops including beauty, barber, tailor, shoe repair or similar service oriented business.
- 310.12 Medical, dental and legal offices and clinics.

310.13 Roadside stands including garden centers, greenhouses and nurseries.

310.14 Convenience stores without gas/fuel pumps.

310.15 Agriculture uses.

310.16 Elderly housing.

310.17 Incubator Industries/Residences.

310.18 Public Facility or Utility

## Section 320 Conditional Uses

320.1 Two-family houses.

320.2 Multi-family dwellings.

320.3 Bed and breakfast establishments.

320.4 Hotels or motels.

320.5 Health clubs.

320.6 Mini-storage facilities.

320.7 Enclosed light manufacturing.

320.8 Enclosed warehousing and/or distribution.

320.9 Research and testing labs.

320.10 Enclosed wholesale facilities.

320.11 Other manufacturing uses provided Development Review Board finds that in addition to those applicable general and specific standards set forth in these regulations, the proposed use meets the following specific standards:

1. Is of the same general character as those uses set forth in Sections 320.7--320.10 of these regulations.
2. Will not be detrimental to the other uses within the district nor to the uses in adjoining districts.

320.12 Automobile, truck, RV, boat, and trailer sales and service.

320.13 Food service establishments such as restaurants, diners, bars and nightclubs.

320.14 Windmills.

320.15 Indoor theaters.

320.16 Community care homes and nursing homes.

320.17 Convenience stores with gas/fuel pumps.

320.18 Gas station/service bays.

320.19 Indoor recreational facilities such as bowling alleys, gymnasiums, dance studios, indoor racquet sport courts etc.

320.20 Special Events as permitted in accordance with Section 885.

320.21 Retail establishments designed to sell and/or rent goods, merchandise and

equipment to the general public, with a size over 10,000 sq. ft. per building and 3,250 sq. ft. per retail establishment, such commercial/retail development to take place in the Town Center and areas north.

Section 330 Dimensional Requirements

		Single Family	Two Family	Multiple Family	Elderly Housing	Other
330.1	Minimum Lot Size	12,500 sq ft	7,500 per dwelling unit	7,500 per dwelling unit	2,000 per dwelling unit	20,000 sq ft
330.2	Lot Frontage & Width Minimum	75'	100'	100'	100'	100'
330.3	Setback	30'	30'	30'	30'	30'
330.4	Side Yard Minimum	15'	15'	30'	50'	30'
330.5	Building Coverage Maximum	20%	20%	20%	20%	50%
330.6	Maximum Height	35'	35'	35'	35'	35'

**ARTICLE IV: MEDIUM DENSITY RESIDENTIAL DISTRICT**

Section 400 Purpose

The purpose of this district is to promote residential development of a lesser density than allowed in areas closer to the Village. It is also an objective of this district to maintain, preserve and enhance agricultural lands and to provide for a harmony of residential and agricultural uses.

Section 410 Permitted Uses

- 410.1 Single family dwellings and accessory uses/structures.
- 410.2 Agriculture.
- 410.3 Roadside stands including garden centers, greenhouses and nurseries.
- 410.4 One single-family dwelling per farm for on-site full-time agricultural employees.
- 410.5 Accessory structures/uses.

Section 420 Conditional Uses.

420.1 Windmills

420.2 A second single-family dwelling per farm for on-site full-time agricultural employees.

420.3 Special Events as permitted in accordance with Section 885.

Section 430 Dimensional Requirements

430.1 Minimum lot size--100,000 sq. ft.

430.2 Lot Frontage and Width Minimum-- 200 ft.

430.3 Setback--50 ft. or commensurate with buildings on adjoining or neighboring parcels.

430.4 Side and Rear Yard Minimum--35 ft.

430.5 Building Coverage Maximum--5%

430.6 Maximum Height--35 ft.

**ARTICLE V: RECREATION DISTRICT**

Section 500 The purpose of the Recreation District is to promote outdoor recreational uses such as the present golf course. The District is also designed to preserve open space, and at the same time provide areas for active recreational activities.

Section 510 Permitted Uses

510.1 Single Family Dwellings and accessory uses/structures.

510.2 Outdoor recreation areas namely golf courses, bridle paths, nature trails, cross country ski areas, skating rinks and open athletic fields that do not involve the use or construction of structures.

Section 520 Conditional Uses

520.1 Accessory structures for those uses set forth in Section 510.2

520.2 Windmills

520.3 Special Events as permitted in accordance with Section 885.

Section 530 Dimensional Requirements.

- 530.1 Minimum Lot Size-- 5 acres.
- 530.2 Lot Frontage and Width Minimum--200 ft.
- 530.3 Setback--50 ft.
- 530.4 Side and Rear Yard Minimum--35 ft.
- 530.5 Building Coverage Maximum--5%
- 530.6 Maximum Height--35 ft.

**ARTICLE VI: RURAL DEVELOPMENT**

Section 600 The purpose of this District is to maintain, preserve and enhance agricultural lands, to protect soil, water and other natural resources, to maintain, preserve and enhance open space lands and to avoid conflicts between urban and agricultural uses.

Section 610 Permitted Uses

- 610.1 Single Family Dwellings and accessory uses/structures.
- 610.2 Agriculture.
- 610.3 Roadside stands including garden centers, greenhouses and nurseries.
- 610.4 One single-family dwelling per farm for on-site full-time agricultural employees.
- 610.5 Accessory structures for those uses specified in Section 610.2.

Section 620 Conditional Uses

- 620.1 A second single-family dwelling per farm for on-site full-time agricultural employees.
- 620.2 Campgrounds.
- 620.3 Special Events as permitted in accordance with Section 885.
- 620.4 Windmills.

Section 630 Dimensional Requirements.

- 630.1 Minimum Lot Size--5 acres.

630.2 Lot Frontage and Width Minimum--200 ft.

630.3 Setback--50 ft.

630.4 Side and Rear Yard Minimum--35 ft.

630.5 Maximum Building Height--35 ft.

## **ARTICLE VII: LIMITED DEVELOPMENT DISTRICT**

### Section 700 Purpose

The Limited Development District is established to maintain a rural character of the area. Residential development should proceed in a pattern that preserves the character of the land. Clustering shall be encouraged to conserve larger tracts of land and preserve them in the natural state. A portion of this district near Lake Iroquois is an important regional recreational area. Development should be planned to enhance its enjoyment.

### Section 710 Permitted Uses

710.1 Single-family Dwellings and accessory uses/structures.

710.2 Structures for farming, dairying, orchards, nurseries, woodlots, forestry and truck gardening.

710.3 Roadside stands including garden centers, greenhouses and nurseries.

710.4 One single-family dwelling per farm for on-site full-time agricultural employees.

710.5 Outdoor recreation areas such as bridle paths, nature trails, cross country ski areas, park and playground areas, skating rinks and open athletic fields.

### Section 720 Conditional Uses

720.1 Accessory structures for those uses specified in Section 710.5.

720.2 A second single-family dwelling per farm for on-site full-time agricultural employees.

720.3 Special Events as permitted in accordance with Section 885.

### Section 730 Dimensional Requirements.

730.1 Minimum Lot Size--10 acres

- 730.2 Lot Frontage and Width Minimum—None
- 730.3 Setback--50’ or commensurate with buildings on adjoining or neighboring parcels.
- 730.4 Side and Rear Yard Minimum--35’
- 730.5 Maximum Building Height--35’

## **ARTICLE VIII: GENERAL REGULATIONS**

### **Section 800 Site Plan Review**

The approval of site plans by the St. George Development Review Board shall be required for the approval of any use in any district, other than one- and two-family dwellings on single lots in accordance with 24 V.S.A. § 4416. In reviewing site plans, the Development Review Board may impose appropriate conditions and safeguards with respect to only the adequacy of parking, traffic access, and circulation for pedestrians and vehicles; landscaping and screening; the protection of the utilization of renewable energy resources; exterior lighting including the avoidance of unreasonable impacts on adjacent neighbors; the size, location, and design of signs. The Development Review Board shall encourage developers to use the “Outdoor Lighting Manual for Vermont Municipalities” dated 1996, by Chittenden County Regional Planning Commission as guidelines for their plans. (An office copy is available in the Municipal Offices.) The Developmental Review Board shall act to approve or disapprove any such site plan within sixty (45) days after the day upon which it receives the proposed plan, and failure to so act within such period shall be deemed approval.

Notwithstanding anything in this section to the contrary, when site plan approval is required for a proposed commercial use or industrial use, and adjoining property is then currently devoted to a more restricted use (residential property adjoins proposed commercial use or commercial property adjoins proposed commercial use), the Development Review Board may require a buffer up to 50 feet in width and consisting of vegetation or woodland, at least 70% of which shall be evergreen trees of a minimum height of six feet and 10% of which shall be shrubs of a minimum spread of 15 inches. The buffer area shall contain one tree or shrub for each three feet of the boundary of the buffer area and shall be designed to protect the adjoining property from noise, dust, lighting or other elements which may adversely affect the existing use on the adjoining property.

### **Section 805 Conditional Uses**

A use designated as a conditional use in any district shall only be permitted by approval of the Development Review Board after public notice including written

notice to adjacent landowners and public hearing, and the Development Review Board determines that the proposed conditional use complies with the specific dimensional and other standards applicable to it as set forth in these regulations. These general standards shall require that the proposed conditional use shall not result in an undue adverse effect on any of the following:

- (i) The capacity of existing or planned community facilities.
- (ii) The character of the area affected, as defined by the purpose or purposes of the zoning district within which the project is located, and specifically stated policies and standards of the municipal plan.
- (iii) Traffic on roads and highways in the vicinity.
- (iv) Bylaws and ordinances then in effect.
- (v) Utilization of renewable energy resources.

#### Section 810 Nonconforming Uses and Noncomplying Structures.

Any lawful building or structure or any lawful use of any building, structure or land existing at the time of the enactment of this Ordinance may be continued, although such building, structure or use does not conform with the provisions of this Ordinance, provided the following conditions are met:

- 810.1 Unsafe Structures. Nothing in the ordinance shall permit the use of any portion of a noncomplying structure declared unsafe by a proper authority or the continuation of a condition declared to be a health hazard by an appropriate authority.
- 810.2 Alterations to Noncomplying Structures. Any noncomplying building or structure may be increased by an addition provided that any structural alteration shall conform to the dimensional requirements of these regulations.
- 810.3 Extension of Nonconforming Use. A nonconforming use shall not be extended, but the extension of a lawful use to any portion of a noncomplying building or structure which existed prior to the enactment of this Ordinance shall not be deemed the extension of a non-conforming use.
- 810.4 Nonconforming Use Changes. No nonconforming use of a building, structure or land shall be changed to another nonconforming use.
- 810.5 Restoration of Noncomplying Structures. Any noncomplying building or structure damaged or destroyed by fire, collapse, explosion or similar cause may be reconstructed, repaired, or restored if such is commenced within six months of the date of interruption and completed within 18 months of the date of interruption, with the provision that the degree of nonconformance shall not be increased.

Where such reconstruction or structural alteration can reasonably be accomplished so as to result in greater compliance with these regulations, then reconstruction or structural alteration shall be so done.

810.6 Abandonment of Nonconforming Use. No nonconforming use may be resumed if such use has been abandoned for a period of six months. A nonconforming use shall be considered abandoned when any of the following conditions exist:

1. When the intent of the owner to discontinue the use is apparent.
2. When the characteristic equipment and furnishings have been removed from the premises and have not been replaced by similar equipment and furnishings within six months.
3. When it has been replaced by another use.

810.7 Displacement. No nonconforming use shall be extended to displace conforming use.

810.8 Construction Approved Prior to Ordinance. Nothing contained in this Ordinance shall require any change in plans, construction or designated use of structure or building for which a zoning permit has been issued and the construction of which shall have been diligently pursued within sixty days of the date of such permit and which structure of building shall be completed according to such plans and permit within two years from the date of this Ordinance.

810.9 Unlawful Use. Nothing in this Ordinance shall be interpreted as authorization for or approval of the continuance of the use of a structure, building or land in violation of zoning regulations in effect immediately prior to the effective date of this Ordinance.

## Section 815 Planned Unit Development (“PUD”)

815.1 Purpose: Planned Unit Developments are hereby permitted in the Village, Medium Density Residential, Rural Development District, Recreation District and Limited Development District to:

1. Implement the policies of the St. George Town Plan.
2. Encourage compact, pedestrian-oriented development and redevelopment, and to promote a mix of residential uses or nonresidential uses, or both, especially in the village district.
3. Encourage any development in the countryside to be compatible with the use and character of surrounding rural lands.
4. Provide for flexibility in site and lot layout, building design, placement and clustering of buildings, use of open areas, provision of circulation facilities, including pedestrian facilities and parking, and related site and design considerations that will best achieve the goals for the area as articulated in the municipal plan and bylaws within the particular character

- of the site and its surroundings.
5. Provide for the conservation of open space features recognized as worthy of conservation in the St George Town Plan and bylaws, such as the preservation of agricultural land, forest land, trails, and other recreational resources, critical and sensitive natural areas, scenic resources, and protection from natural hazards.
  6. Provide for efficient use of public facilities and infrastructure.
  7. Encourage and preserve opportunities for energy-efficient development and redevelopment.

#### 815.2 General Standards

1. A site plan shall be submitted to the Development Review Board with a preliminary subdivision plat application showing the location, height and space of buildings, open spaces, and their landscaping, streets, driveways and off-street parking spaces, outdoor site lighting, and all other physical features accompanied by a statement setting forth the nature of all proposed zoning modifications, changes or supplementations of the area and dimensional requirements of the applicable zoning regulations.
2. The proposal must be an effective and unified treatment of the development possibilities on the project site, and the proposed development plan makes appropriate provision for the preservation of streams and stream banks, steep slopes, wet areas, soils unsuitable for development, forested areas, and unique, natural and manmade features.
3. The proposal must be consistent with the St George Town Plan and all applicable By-laws.
4. The proposal must be consistent with all evaluation standards set forth in the existing St. George Subdivision Regulations.
5. The proposal must provide for appropriate allocation, distribution and maintenance of open space lands and/or agricultural and forestry lands.
6. The proposal must provide for the economy and efficiency of street, utility and public facility installation, construction and maintenance.
7. The proposal must provide for connection to municipal sewer and water service systems where applicable, and such systems must be capable of accommodating increased use projected for the proposed development.
8. The proposal must be compatible with neighboring properties.
9. The project may be phased.

10. The dwelling units permitted may, at the discretion of the Development Review Board, be of varied types including one-family, two-family or multi-family construction.

#### 815.3 Specific Standards.

1. Minimum total area of development for all districts with the exception of the village district --fifty (50) acres.
2. A density bonus of up to 25% may be permitted at the discretion of the Development Review Board. In granting a density increase, the Development Review Board shall consider the capacities of community facilities and services and the character of the area affected.
3. Where residential lots will abut agricultural lands, lot layouts shall be designed to minimize potential conflicts with agricultural operations.
4. PUDs located within the Medium Density Residential, Rural Development, Recreation and Limited Development shall be designed so that:
  - a. the project maintains the district's rural character and historic working landscape, characterized by wooded hillsides and knolls, open fields, and a visual and functional relationship of structures to the surrounding landscape; and
  - b. residential dwellings are clustered to avoid, to the extent practical, the development (including roads, utilities and structures) and/or fragmentation of productive agricultural or forest land; and
  - c. lots, residential dwellings, and associated infrastructure (including roads, utilities, etc.) are arranged, to the extent practical, to preserve access to productive agricultural or forest land.
5. PUDs within the Village District shall be designed so that:
  - a. buildings front upon and are oriented toward roads or common areas; and
  - b. roads and driveways are laid out in a manner that reflects traditional village street design characterized by narrow travel lanes and a well defined streetscape comprised of street trees, sidewalks and a consistent building setback; and
  - c. adequate provision for open space or community facilities to serve as central organizing features within the PUD, such as a green or park; and
  - d. adequate provision for pedestrian access both within the development and to the rest of the Village.

6. Open space or common land shall be in a location or locations, size and shape approved by the Development Review Board and shall be protected by appropriate legal devices to insure the continued use of such lands for the purpose of agriculture, forestry, recreation or conservation. Such mechanisms may include but shall not be limited to: dedication of development rights, conservation easements, homeowners' association and restrictive covenants or other appropriate grants or restrictions approved by the Commission.
7. All sewage disposal and water supply systems shall meet the regulations and standards of the Vermont Agency of Natural Resources, town regulations and standards.

#### 815.4 Uses

1. Permitted: those set forth in Section 310, 410, 510, 610 and 710 of these regulations.
2. Conditional: those set forth in Section 320, 420, 520, 620 and 720 of these regulations.
3. PUD's shall be limited to residential use in all districts with the exception of the village district which may be mixed use.

#### Section 820 Temporary Emergency, Construction or Repair of Residences

- 820.1 Permits for temporary residences to be occupied pending the construction repair, or renovation of the permanent residential building on a site shall expire within one (1) year after date of issuance by the Zoning Administrator. Such permit may be renewed for one (1) additional year by the Zoning Administrator.

#### Section 825 Home Occupations

- 825.1 Nothing in these regulations shall infringe upon the right of any resident in any district to use a minor portion of his/her dwelling for an occupation which is customary in residential areas and which does not have an undue adverse impact on the character thereof.

For the purposes of evaluating home occupation applications customary in residential areas shall mean:

1. Employee and area standards
  - a. On lots of 3 acres or less, the number of non-family employees shall not exceed 2, and the home occupation shall not occupy more than 500 sq. ft. of floor area. If approved by the Development

Review Board as a conditional use, the number of non-family employees shall not exceed 5, and the home occupation shall not occupy more than 1,250 sq. ft of floor area; and,

- b. On lots of 5 acres or less, but more than 3 acres, the number of non-family employees shall not exceed 5, and the home occupation shall not occupy more than 1,250 sq. ft. of floor area. If approved by the Development Review Board as a conditional use, the number of non-family employees shall not exceed 6, and the home occupation shall not occupy more than 1,500 sq. ft. of floor area; and,
- c. On lots of more than 5 acres, the number of non-family employees shall not exceed 6, and the home occupation shall not occupy more than 1,500 sq. ft. of floor area. If approved by the Development Review Board as a conditional use, the number of non-family employees shall not exceed 10 non-family employees and 5,000 sq. ft. of floor area.

- 2. No exterior storage shall be visible from the boundaries of the property.
- 3. Parking for customers and employees, if possible, shall not be in the front yard.
- 4. No objectionable noise, vibration, smoke, dust, electrical disturbance, odors, heat, light or glare shall be produced by the home occupation.
- 5. Traffic generated by the home occupation shall not place an undue burden (either in capacity or congestion) on existing public or private roads.

825.2 Upon approval of the Development Review Board, as a conditional use, a home occupation may be conducted in structures other than the principal dwelling provided it complies with setback requirements in these regulations and meets the employee standards of 825.1 (1) and requirements of 825.1 (2), (3), (4) and (5). Any additional structures will not be inconsistent in design or character of the neighborhood.

#### Section 830 Home Child Care

830.1 A “family child care home or facility” as used in this bylaw means a home or facility where the owner or operator is to be licensed or registered by the state for child care. A family child care home serving six or fewer children shall be considered to constitute a permitted single family residential use of property in any district in which a single family dwelling is a permitted use.

A family child care home serving no more than six full-time children and four

part-time children, as defined in 33 V.S.A. § 4902(3)(A), shall be considered to constitute a permitted use of property but requires site plan approval pursuant to section 800 of these regulations.

A family child care facility serving more than six full-time and four part-time children shall in every district be subject to conditional use and site plan review.

#### Section 835 Group Homes

835.1 A residential care home or group home, to be operated under state licensing or registration, serving not more than eight persons who have a handicap or disability as defined in 9 V.S.A. § 4501, shall be considered to constitute a permitted single family residential use of property in any district in which a single family dwelling is a permitted use except that no such home shall be so considered if it locates within 1,000 feet of another existing or permitted home.

A residential care home or group home, to be operated under state licensing or registration, serving nine or more who have a handicap or disability as defined in 9 V.S.A. § 4501, shall in every district be reviewed as a multi family dwelling and shall be subject to conditional use and site plan review.

#### Section 840 Signs and Outdoor Advertising

840.1 No outdoor advertising signs shall be permitted in any district except for purposes of identifying an on-premise recreational, commercial or manufacturing use in those districts where such uses are permitted and in such case, the sign shall not exceed twenty (20) sq. ft. in area and may only be illuminated by a continuous non-flashing light. Such illumination, however, may not be provided by neon or similar sources furnishing inherent color. Only one sign for each recreational, commercial or manufacturing use shall be permitted. Signs viewable from main highways shall be no greater than 32 sq. ft.

840.2 One temporary sign, unlighted, and not exceeding four sq. ft. in size, shall be permitted for the purpose of advertising premises for sale or rent.

840.3 Official business directional signs and sign plazas as defined in and erected pursuant to Chapter 21 of Title 10, Vermont Statutes Annotated, are permitted.

840.4 Notwithstanding any provisions herein to the contrary, one sign not exceeding four square feet in total area is permitted in any district to identify a home occupation.

840.5 Signs on buildings in the Village District shall meet the following criteria:

1. Total face area of all signs on a building shall not exceed one (1) square foot of sign area for each linear foot of frontage width of the building.

2. Only one sign shall be allowed per building face.
3. If lettering is applied directly to the building face, the area of the sign shall be taken as the area inside the smallest rectangle drawn around the lettering and/or other symbols.
4. No roof-mounted or internally lighted signs shall be permitted.
5. As a conditional use, signs larger than 32 sq. ft. may be permitted provided they are consistent in size with the size of the building.

#### Section 845 Swimming Pools

- 845.1 All electrical appliances connected to private swimming, pools shall be properly grounded. No overhead electrical wires may cross the pool area.
- 845.2 Any lighting in conjunction with the pool shall be so situated that there is no direct glare beyond the lot line.
- 845.3 Every swimming pool shall be completely enclosed by a wall, fence, or other substantial structure not less than four (4) ft. in height measured on the outside of the enclosure.
- 845.4 No pool shall be constructed in a required front yard.
- 845.5 No pool shall be closer than fifteen (15) ft. to any side or rear yard lot lines.
- 845.6 No pool shall be constructed over a leach field or within twenty-five (25) ft. of a well or other direct underground water source.

#### Section 850 Parking

For every building erected, altered, extended or changed in use, there shall be provided off-street parking spaces at least as set forth below:

- 850.1 Residential uses: two (2) parking spaces for each unit.
- 850.2 Offices: one (1) space for every two hundred (200) sq. ft. of office space.
- 850.3 Commercial, business and unspecified uses: one (1) parking space for every motor vehicle used in the business and one (1) parking space for every two hundred (200) sq. ft. of floor area.
- 850.4 Restaurant and drinking establishments: one (1) parking space for every one hundred (150) sq. ft. of floor space.

850.5 Manufacturing uses: one (1) parking space for every motor vehicle used in the business and one (1) parking space for every two (2) employees.

850.6 The Development Review Board may require additional off-street parking for any use as a condition to site plan approval if it finds the minimal parking requirements set forth in this section are not sufficient.

#### Section 855 Removal of Topsoil, Rock and Gravel

Commercial removal of topsoil, rock, sand, gravel, or similar material may be permitted by the Development Review Board as a conditional use in any district provided it finds that the plan for removal as submitted by the applicant shall not cause any hazard to health, property or property values. A performance bond shall be required to assure reclamation of the land upon completion of the excavation of materials and topsoiling, reseeding and reforestation will be a requirement. This section shall not be construed as permitting mining or quarrying operations. In granting permission, the Development Review Board may consider and may impose conditions relating to the following factors and such other factors as they shall deem relevant:

855.1 Depth of excavation in proximity to roads or adjacent properties.

855.2 Slope created by removal.

855.3 Effect upon public health or safety.

855.4 Creation of a nuisance.

855.5 Effect upon the use of adjacent property by reason of noise, dust or vibration.

855.6 Effect upon traffic hazards or excessive congestion or physical damage on public ways.

#### Section 860 Accessory Dwellings

Consistent with the requirements of 24 VSA 4412(1)(e) one accessory dwelling unit that is located within or appurtenant to an owner-occupied single-family dwelling shall be a permitted use in any zoning district in which single family dwellings are allowed. An accessory dwelling unit means an efficiency or one-bedroom apartment that is clearly subordinate to a single-family dwelling, and has facilities and provisions for independent living, including sleeping, food preparation, and sanitation, provided there is compliance with all the following:

1. The property has sufficient wastewater capacity.
2. The unit does not exceed 30 percent of the total habitable floor area of the

- single-family dwelling.
3. Applicable setback, coverage, and parking requirements specified in the bylaws are met.

Notwithstanding the provisions above, the creation of an accessory dwelling unit will require conditional use approval when one or more of the following is involved:

1. A new accessory structure, constructed after the enactment of these bylaws,
2. An increase in the height or floor area of the existing dwelling, or
3. An increase in the dimensions of the parking areas.

#### Section 865 Public Facility or Utility

Consistent with the requirements of 24 VSA4413(a), the following public facilities or uses shall 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 regulations do not have the effect of interfering with the intended functional use:

1. State- or community-owned and operated institutions and facilities.
2. Public and private schools and other educational institutions certified by the state department of education.
3. Places of worship such as churches, convents, and parish houses.
4. Public and private hospitals.
5. Regional solid waste management facilities certified under 10 V.S.A. Chapter 159.
6. Hazardous waste management facilities for which a notice of intent to construct has been received under 10 V.S.A. § 6606a.

This bylaw makes reasonable provision for the siting of such public facilities within the village district as indicated in Section 310.18 above.

Consistent with the requirements of 24 VSA 4413(b), public utility power generating plants and transmission facilities regulated by the Vermont Public Service Board under 30 VSA 248 are specifically exempted from municipal land use regulations.

#### Section 870 Farm Structures

Farm structure means a building, enclosure, or fence for housing livestock, raising horticultural or agronomic plants, or carrying out other practices associated with accepted agricultural or farming practices, including a silo, as “farming” is defined in subdivision 6001(22) of Title 10, but excludes a dwelling for human habitation. Consistent with the requirements of 24 VSA 4413 (d), this bylaw shall not regulate accepted agricultural practices, as defined by the Secretary of Agriculture, Food, and Markets, including the construction of farm structures, except that a person shall notify the Town of St. George of the intent to build a farm structure and shall abide by setbacks approved by the Secretary of Agriculture, Food and Markets.

Section 875 Silvicultural Practices

Consistent with the requirements of 24 VSA 4413 (d), this bylaw shall not regulate accepted silvicultural practices, as those practices are defined by the commissioner of forests, parks and recreation under 10 VSA 1021(f) and 1259(f) and 6VSA 4810.

Section 880 Miscellaneous Provisions

880.1 Required Frontage and Approved Access. No land development may be permitted on lots which do not either have frontage on a public road or public waters or, with the approval of the Development Review Board, access to such a road or waters by a permanent easement or right-of-way at least twenty (20) ft. in width.

880.2 Existing Small Lots

Any lot that is legally subdivided, is in individual and separate and nonaffiliated ownership from surrounding properties, and is in existence on the date of enactment of this bylaw, may be developed for the purposes permitted in the district in which it is located, even though the lot does not conform to minimum lot size requirements of the district in which the lot is located. If a lot not conforming to the minimum lot size requirements in the district in which it is located subsequently comes under common ownership with one or more contiguous lots, the nonconforming lot(s) shall not be deemed merged and shall be considered separate lots.

880.3 Principal Structure. There shall be only one (1) principal building or structure on a lot.

880.4 Reduction of Lot Size. No lot shall be so reduced in area that the area, yards, lot width, frontage, coverage, or other requirements of these regulations shall be smaller than herein prescribed for each district.

880.5 Uses. Any uses not expressly permitted by these regulations are prohibited except

those which may be allowed as conditional uses. Uses listed as conditional uses in a district may be allowed by the Development Review Board in accordance with the provisions of Section 810.

- 880.6 Equal Treatment of Housing. These zoning regulations shall not be interpreted as excluding mobile homes, modular housing, or other forms of prefabricated housing from the Town of St. George except upon the same terms and conditions as conventional housing is excluded. These zoning regulations shall also not be interpreted as excluding from the Town of St. George housing to meet the needs of the population, nor shall the regulations be construed 'to prevent the establishment of mobile home parks pursuant to Chapter 153 of Title 10, Vermont Statutes annotated.

Section 885 Special Events.

In determining whether to grant conditional use approval, the Development Review Board shall ensure that, (if the special event is conducted at all):

- 885.1 The hours of operation allowed shall be compatible with the uses adjacent to the activity.
- 885.2 The amount of noise generated shall not disrupt the activities of adjacent land uses.
- 885.3 The applicants shall guarantee that all solid waste generated by the special event be removed at no expense to the town.
- 885.4 The Development Review Board shall not grant the permit unless it finds that the parking generated by the event can be accommodated without undue disruption to or interference with the normal flow of traffic or with the right of adjacent and surrounding property owners.

In cases where it is deemed necessary, the Development Review Board may require the applicant to post a bond to ensure compliance with the conditions of the conditional use permit.

If the permit applicant requests the town to provide extraordinary services or equipment or if the Development Review Board 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.

**ARTICLE IX: ADMINISTRATION AND ENFORCEMENT**

Section 900 Applicability of Vermont Planning and Development Act. Administration and enforcement of these regulations, the effect of the adoption of these regulations, the appointment and powers of the administrative officer, the appointment and powers of the Development Review Board, the requirement for zoning permits, penalties and remedies, administration and finance, public notice, appeals and the granting of variances and other related provisions of the Vermont Planning and Development Act shall be applicable to these regulations, as such provisions now provide or may hereinafter be amended. This ordinance shall be a civil ordinance within the meaning of 24 V.S.A., Chapter 59.

900.1 Zoning Permits. ‘No land development may be commenced within the area affected by these regulations without a zoning permit being issued by the administrative officer. No zoning permit may be issued by the administrative officer except in conformance with these regulations and the provisions of the Vermont Planning and Development Act or any other applicable health ordinance passed by the town or state.

900.2 Sewage Disposal. No building or structure or existing sewage disposal system shall be erected, altered, placed or replaced, nor shall the water input to the septic system be increased in any use district unless an adequate sewage disposal system is provided in compliance with the recommendations of the Agency of Environmental Conservation, the Vermont Agency of Natural Resources and the Town Health Officer. Prior to the issuance of any zoning permit for any such building or structure requiring a sewage disposal system, the Administrative Officer and the Town Health Officer shall be supplied with information to enable them to determine if such compliance has been met, which information shall include:

1. Location of boundaries of total disposal system on site by temporary stakes.
2. Soil investigation conducted in at least two places within proposed leach area by an individual approved by the Town Health Officer.
3. Description of soil including highest level of water table in relation to ground surface in the area of proposed system.
4. Description and plan of proposed disposal system by an individual approved by the Town Health Officer.
5. Location of water source for the applicant and all other water sources within 200 foot radius of the proposed disposal system.
6. Location of surface water, streams, and other bodies of water within a 200

foot radius of proposed system.

The Administrative Officer shall issue no zoning permit until he has received from the Health Officer or his designee notice of such compliance. In addition, said system, when installed, but prior to being covered by earth, shall be inspected by the Health Officer or his designee at his discretion to determine compliance with the provisions of this section and conformity with the description and plan required by Subsection (4) of this section. The legislative body may also require of the applicant a fee or other consideration for the services of such town officials hereunder and for other professional assistance. The Administrative Officer shall issue no Certificate of Occupancy until compliance with this section is determined and approved by the Health Officer.

Section 910 Certificates of Occupancy.

910.1 New Buildings. No building hereafter erected shall be occupied or used, in whole or in part, for any purpose whatever, until a Certificate of Occupancy shall have been issued by the Administrative Officer certifying that such building conforms to the approved plans and specifications and the requirements of these regulations.

910.2 Alterations of Buildings. No building hereafter altered, which was vacant during the progress of the work of alterations, shall be occupied or used in whole or in part for any purpose whatever until a Certificate of Occupancy shall have been issued by the Administrative Officer certifying that the work for which the permit was issued was completed in accordance with the approved plans and specifications and the requirements of these regulations.

910.3 Temporary Certificate of Occupancy. Upon request of the owner or his authorized representative, the Administrative Officer may issue a temporary Certificate of Occupancy for part of a building provided that such temporary occupancy or use would not in any way jeopardize life or property.

910.4 Certificates of Occupancy shall not be required for single-family and two-family dwellings.

Section 910 Expiration of Permits and Approvals. A zoning permit shall expire two years from its date of issuance unless there is a reasonable amount of objective evidence of intent to complete the project for which the permit was issued. It shall be deemed presumptive evidence of an intent to complete the project if at least fifty (50%) percent of the total project's costs have been expended in site improvements and construction. The zoning permit may be renewed by the Administrative Officer upon a finding of an intent to complete, but a renewed zoning permit shall expire one year from its date of issuance and shall not thereafter be renewed again.

Section 920 Saving Provision. These regulations shall not be construed as abating any approval granted under the town's Subdivision Regulations provided that the

development of any approved subdivision is diligently and continuously pursued.

## **ARTICLE X: DEFINITIONS**

### Section 1000 General

Definitions contained in the Vermont Planning and Development Act shall be applicable throughout these regulations unless otherwise specifically defined in this section.

### Section 1001 Specific Definitions

1001.1 Accessory--a use or structure on the same lot with and of a nature customarily incidental and subordinate to the principal use or structure.

1001.2 Accessory Dwelling Unit -- An efficiency or one-bedroom apartment, located within or appurtenant to an owner-occupied single-family dwelling, that is clearly subordinate to a single-family dwelling, and has facilities and provisions for independent living, including sleeping, food preparation, and sanitation, provided there is compliance with all the following:

1. The property has sufficient wastewater capacity.
2. The unit does not exceed 30 percent of the total habitable floor area of the single-family dwelling.
3. Applicable setback, coverage, and parking requirements specified in the bylaws are met.

1001.3 Affordable Housing -- Means either of the following:

1. Housing that is owned by its inhabitants whose gross annual household income does not exceed 80 percent of the county median income, or 80 percent of the standard metropolitan statistical area income if the municipality is located in such an area, as defined by the United States Department of Housing and Urban Development, and the total annual cost of the housing, including principal, interest, taxes, insurance, and condominium association fees is not more than 30 percent of the household's gross annual income.
2. Housing that is rented by its inhabitants whose gross annual household income does not exceed 80 percent of the county median income, or 80 percent of the standard metropolitan statistical area income if the municipality is located in such an area, as defined by the United States Department of Housing and Urban Development, and the total annual cost of the housing, including rent, utilities, and condominium association fees, is not more than 30 percent of the household's gross annual income.

1001.4 Alteration--as applied to a building or structure, a change or rearrangement in the

structural parts or in the exit facilities, or an enlargement whether by extending on a side or by increasing in height.

1001.5 Building Coverage--a percentage of the minimum lot size for that district which may be occupied by building or other structures.

1001.6 Campground--land on which are located camping trailers, travel trailers, tents or other accommodations suitable for seasonal or temporary living purposes.

1001.7 Community Care Home--a place, however named, excluding a licensed foster home, which provides, for profit or otherwise, room, board and personal care to three or more residents unrelated to the home operator.

1001.8 Day Care Center--any place operated as a business or service on a regular or continuous basis, whether for compensation or not, whose primary function is protection, care and supervision of children under sixteen years of age outside their homes for periods of less than twenty-four hours a day by a person other than a child's own parent, guardian or relative.

1001.9 Density--the number of dwelling units per acre of land. Net acreage is that amount of land remaining on a parcel after the land required for public streets and recreation has been removed.

1001.10 Dwelling, Single-family--a detached structure including a mobile home or other prefabricated structure designed for and occupied by one family only.

1001.11 Dwelling, Two-family--a detached structure containing two dwelling units designed for occupancy by not more than two families.

1001.12 Dwelling, Multi-family--a residential building designed for and occupied by three or more families in residence not exceeding the number of dwelling units provided.

1001.12 Elderly Housing--a housing facility that has significant facilities and services specifically designed to meet the physical or social needs of older persons. Significant facilities and services may include, but are not limited to, social and recreational programs, continuing education, information and counseling, recreational, homemaker, outside maintenance and referral services, an accessible physical environment, emergency and preventive health care programs, congregate dining facilities and transportation to social services. Such housing shall have at least eighty percent (80%) of the units occupied by at least one person 55 years of age or older per unit, and there shall be written and enforced policies and procedures which demonstrate an intent by the owner or manager to provide housing for persons 55 years of age or older.

1001.14 Family--an individual, or two or more persons related by blood, marriage, legal

adoption, or those placed in a home for' adoption, and foster children or a group of not more than five persons who need not be related by blood or marriage, living together as a single housekeeping unit.

1001.15 Family Child Care Home -- A "family child care home or facility" means a home or facility where the owner or operator is to be licensed or registered by the state for child care.

1001.16 Group Home -- Any residential facility operating under a license or registration granted or recognized by a state agency, that serves not more than eight unrelated persons, who have a handicap or disability as defined in 9 V.S.A. § 4501, and who live together as a single housekeeping unit. In addition to room, board and supervision, residents of a group home may receive other services at the group home meeting their health, developmental or educational needs.

1001.17 Height--vertical distance measured from the least elevation of the proposed finished grade to the higher point of the structure.

1001.18 Home Occupation-- An accessory use conducted within a minor portion of a dwelling by the residents thereof, such that the floor area dedicated to the business use is less than 25% of the total floor area of the dwelling, and that does not have an undue adverse effect upon the character of the residential area in which the dwelling is located.

1001.19 Incubator Industries/Residences--a structure accommodating a start-up or cottage industry and the primary residence of the owner/operator of such industry, but the square footage devoted to the start-up or cottage industry shall not exceed the square footage devoted to the primary residence of the owner/operator.

1001.20 Lot--a parcel of land of at least sufficient size to meet the minimum zoning requirements for use, coverage and area, and to provide such yards and other open spaces as required by these regulations.

1001.21 Lot frontage--the boundary of a lot along a public road or a twenty (20) foot right-of-way leading to a public road.

1001.22 Lot width--the distance between the side boundaries of a lot as measured at any point parallel to and equal distant from the lot frontage line.

1001.23 Low Income Housing -- Housing that is affordable, according to the U.S. Department of Housing and Urban Development, for either home ownership or rental, and that is occupied, reserved, or marketed for occupancy for households with a gross household income that does not exceed 50 percent of the median gross household income for households of the same size within the housing region in which the housing is located.

1001.24 Mobile Home -- A structure or type of manufactured home that is built on a permanent chassis and is designed to be used as a dwelling with or without a permanent foundation, includes plumbing, heating, cooling, and electrical systems, and is:

1. transportable in one or more sections; and
2. at least eight feet wide or 40 feet long or when erected has at least 320 square feet or if the structure was constructed prior to June 15, 1976, at least eight feet wide or 32 feet long; or
3. any structure that meets all the requirements of this definition except for size and for which the manufacturer voluntarily files a certification required by the U.S. Department of Housing and Urban Development and complies with the standards established under Title 42 of the U.S. Code.

1001.25 Mobile Home Park -- Any parcel of land under single or common ownership or control which contains, or is designed, laid out or adapted to accommodate, more than two mobile homes. Nothing herein shall be construed to apply to premises used solely for storage or display of mobile homes. Mobile Home Park does not mean any parcel of land under the ownership of an agricultural employer who may provide up to four mobile homes used by full-time workers or employees of the agricultural employer as a benefit or condition of employment or any parcel of land used solely on a seasonal basis for vacation or recreational mobile homes.

1001.26 Moderate Income Housing -- Housing that is affordable, according to the U.S. Department of Housing and Urban Development, for either home ownership or rental, and that is occupied, reserved, or marketed for occupancy by households with a gross household income that is greater than 50 percent but does not exceed 80 percent of the median gross household income for households of the same size within the housing region in which the housing is located.

1001.27 Multiunit Dwelling -- A building containing three or more individual dwellings with separate cooking and toilet facilities for each dwelling.

1001.28 Non-Conformities -- a nonconforming use, structure, lot or parcel.

1001.29 Non conforming Structure - A structure or part of a structure that does not conform to the present bylaws but was in conformance with all applicable laws, ordinances, and regulations prior to the enactment of the present bylaws, including a structure improperly authorized as a result of error by the administrative officer.

1001.30 Non conforming Use - Means use of land that does not conform to the present bylaws but did conform to all applicable laws, ordinances, and regulations prior to the enactment of the present bylaws, including a use improperly authorized as a

result of error by the administrative officer.

1001.31 Nonconforming lots or parcels -- Lots or parcels that do not conform to the present bylaws covering dimensional requirements but were in conformance with all applicable laws, ordinances, and regulations prior to the enactment of the present bylaws, including a lot or parcel improperly authorized as a result of error by the administrative officer.

1001.32 Place(s) of Worship -- A building wherein persons regularly assemble for religious worship and which is maintained and controlled by a religious body organized to sustain public worship, together with all accessory buildings and uses customarily associated with such primary purpose. Includes synagogue, temple, mosque, or other such place for worship and religious activities.

1001.33 Outdoor Site Lighting-- means the type of lighting installations including but not limited to lighting for parking lots, streets, gasoline stations including aprons/canopies, exterior sales areas, exterior sports/performance facilities, security, building facades and landscaping, signs, and walkways and park areas. The term installation shall include factors such as overall application and approach, light levels and distribution, pole heights, luminaries, classification of luminaries, and lamps.

1001.34 Parking space--a reasonably level space, not less than 10 ft. wide available for the temporary parking of one motor vehicle.

1001.35 Planned Unit Development -- means one or more lots, tracts, or parcels of land to be developed as a single entity, the plan for which may propose any authorized combination of density or intensity transfers or increases, as well as the mixing of land uses. This plan, as authorized, may deviate from bylaw requirements that are otherwise applicable to the area in which it is located with respect to lot size, bulk, or type of dwelling or building, use, density, intensity, lot coverage, parking, required common open space, or other standards.

1001.36 Setback--the minimum dimension from any property line to the nearest part of any structure.

1001.37 Special Events--Flea markets, festivals, or other types of special events that (a) run for longer than one day but not longer than two weeks, (b) are intended to or likely to attract substantial crowds, and (c) are unlike the customary or usual activities generally associated with the property where the special event is to be located.

1001.38 Signs--any advertisement, announcement, direction or communication produced in whole or in part by the construction, erection, affixing, or of a structure on any land or on any other structure, or produced by painting on or posting or placing any printed, lettered, pictured, or colored material on any building, structure or

surface

1001.39 Windmills--a device, including tower, which converts wind energy to mechanical energy.

1001.40 Yard--an open space on a lot, unoccupied and unobstructed from the ground upward by any building or structure, except as otherwise provided in these regulations.

1001.41 Yard, front--a yard on the same lot with a principal building, extending the full width of the lot and situated between the street line and the front line of the building extended to the sidelines of the lot.

1001.42 Yard, rear--a yard on the same lot with a principal building between the rear line of the building and the rear line of the lot extending the full length of the lot.

1001.43 Yard, side--a yard situated between the principal building and a sideline and extending from the front yard to the rear yard. The distance between the principal building and the sideline shall be measured from the building to the nearest point on the sideline along a line parallel to the front lot line.

## **ARTICLE XI: IMPLEMENTATION**

### **Section 1100 Severability.**

The invalidity of any provision of these regulations shall not invalidate any other part.

### **Section 1101 Implementation.**

All zoning ordinances or interim zoning ordinances heretofore in effect in the Town of St. George shall be deemed repealed upon the effective date of the adoption of these regulations.