



Brattleboro Planning Services

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Town of Brattleboro Planning Commission Notice of Public Hearing on Proposed Zoning Bylaw Amendments Monday, May 10, 2021 at 6:00 p.m.

Notice is hereby given that pursuant to 24 VSA 4444, the Planning Commission will hold a public hearing on Monday, May 10, 2021 at 6:00 p.m. for the purpose of considering amendments to the Land Use Regulations. This meeting will be held with no physical location using Zoom and can be accessed at <https://us02web.zoom.us/j/88671309098> Passcode: 519727. Dial in is available at 877-853-5247. The "Meeting ID" is 886 7130 9098.

The amendments involve changes to several sections of the Regulations. The principal purposes of the proposed amendments are: to make the Interim Zoning Bylaw pertaining to housing density permanent; reduce design requirements and regulatory barriers for residential and lodging structures; make the flood hazard regulations compliant with the CRS standards for Level 8 (elevate residential homes to 2 ft above base flood elevation and remove exemption that allows mobile homes to elevate 4 ft above grade), make small edits to keep the regulations in compliance with state law, allow retaining walls greater than 16 feet in the Industrial zoning district, remove exemptions for stormwater and non-conforming signs coming into compliance, reduce parking requirement for mini-storage facilities, require permits for parking lot repaving, add an energy review criteria to site plan review, make temporary signs regulations content neutral, add standards for vertical blade and distinctive signs, update the use standards in the following districts: Service Center district, Residential Neighborhood, and increase the minimum building footprint in the Mixed Use district.

The geographical areas affected by the proposed amendments is the entire town. The table of contents is: 1: General; 2: Zoning Districts & Standards; 3: Development Standards; 4: Administrative Procedures; 5: Definitions.

The full text of the proposed amendments may be viewed at <https://tinyurl.com/mcrnz6wy>. For copies, call or email Planning Services at 802-251-8154 or planning@brattleboro.org. Comments or questions may be directed to the Planning Director at (802) 251-8112.

**Planning Commission Reporting Form
For Municipal Bylaw Amendments**

This report is in accordance with 24 V.S.A. §4441(c) which states:

“When considering an amendment to a bylaw, the planning commission shall prepare and approve a written report on the proposal. A single report may be prepared so as to satisfy the requirements of this subsection concerning bylaw amendments and subsection 4384(c) of this title concerning plan amendments..... The report shall provide (:)

(A) brief explanation of the proposed bylaw, amendment, or repeal andinclude a statement of purpose as required for notice under §4444 of this title,

The Brattleboro Planning Commission is proposing several amendments to the Brattleboro Land Use and Development Regulations. The purpose of these amendments are as follows:

- to make the Interim Zoning Bylaw pertaining to housing density permanent.
- reduce design requirements and regulatory barriers for residential and lodging structures.
- make the flood hazard regulations compliant with the CRS standards for Level 8 (elevate residential homes to 2 ft above base flood elevation and remove exemption that allows mobile homes to elevate 4 ft above grade),
- make small edits to keep the regulations in compliance with state law,
- allow retaining walls greater than 16 feet in the Industrial zoning district,
- remove exemptions for stormwater and non-conforming signs coming into compliance,
- reduce parking requirement for mini-storage facilities,
- require permits for parking lot repaving,
- add an energy review criterion to site plan review,
- make temporary signs regulations content neutral, add standards for vertical blade and distinctive signs,
- update the use standards in the following districts: Service Center district, Residential Neighborhood, and
- increase the minimum building footprint in the Mixed Use district.

(A)nd shall include findings regarding how the proposal:

1. *Conforms with or furthers the goals and policies contained in the municipal plan, including the effect of the proposal on the availability of safe and affordable housing:*

The land use amendments conform to and furthers the following goals and policies in the Town Plan:

ECONOMIC DEVELOPMENT

- **Goal B:** Revise land development regulations to encourage growth that enhances Brattleboro’s cultural and physical assets, and protects private property and public assets from natural hazards.
- **Policy 2.1:** Strengthen and enhance Brattleboro’s commercial land use districts (Downtown, Exit 1/Canal St, West Brattleboro, and Putney Rd) to intensify commercial land use, encourage more mixed use (where appropriate), and achieve a higher utilization of existing public infrastructure.

HOUSING

- **Goal A:** Improve the quality of the existing housing stock and the neighborhoods in which it is located.
- **Goal B:** Increase the supply of housing opportunities to serve residents of all income levels, age groups, and special needs.
- **Policy 6.2:** Direct any new residential development to areas where services are readily available and efficient, and cost-effective development is most likely. Avoid adding residential development in areas vulnerable to natural hazards such as flooding and/or with limited access.
- **Policy 6.4:** Continue to support affordable housing for low- and moderate-income households.

MUNICIPAL FACILITIES AND SERVICES

- **Policy 10.3:** Improve stormwater management.

LAND USE

- **Policy 12.1:** Simplify the land use regulations.

2. *Is compatible with the proposed future land uses and densities of the municipal plan:*

The proposed amendment is compatible with the proposed future lands uses and densities of the Brattleboro Town Plan.

A series of the amendments remove the residential density standard in the following g zoning districts as depicted on the Town of Brattleboro Zoning Map: Village Center, Service Center, Neighborhood Center, Mixed Use Neighborhood, Residential Neighborhood, Rural Business, and Institutional. The dimensional standards provided by zoning (setbacks, building height, and sometimes building coverage) are important to ensure that new buildings are not oversized or out of character. A residential density standard acts as a cap and unnecessarily limits opportunities for smaller homes that are needed and that are most likely to be affordable to a broader segment of the population. The size of a new dwellings is already constrained by the dimensional standards; an additional density cap can make it impossible for a new building to provide the smaller housing units that are needed .

3. *Carries out, as applicable, any specific proposals for any planned community facilities."*

There are no specific proposals for any planned community facilities that would be affected by the proposed Zoning amendments.

Underline represents new text; ~~strikeout~~ indicates text to be deleted

Part 1 Amendments

Section 112. Agriculture and Forestry

- 112.A A zoning permit is not required to farm or harvest timber in accordance with the state's regulations and required practices.

Section 118. Group Home

- 118.A A residential care home or group home operated under state licensing or registration that will serve not more than 8 residents who have a handicap or disability as defined in statute shall be a by-right use of a single-family dwelling. No zoning permit is required for a lawfully existing single-family dwelling to be used as a group home. A zoning permit may be required for other associated land development to the same extent as would be required if the property was occupied by any household.

Section 222. Village Center (VC) District

222.A PURPOSE. The Village Center District encompasses the center of West Brattleboro village, which is primarily characterized by mixed-use, two and three-story, sloped roofed, clapboard-sided, detached buildings built close to the road and one another as documented in the West Brattleboro Master Plan. The land within this district is served by municipal water and sewer, limited on-street and public parking, sidewalks, and public transit. The purpose of this district is to maintain and enhance the traditional geographic extents and distinct character of West Brattleboro village, and its role as a small commercial and civic center for residents in the surrounding residential neighborhoods and the rural western portion of town, in accordance with the policies of the Brattleboro Town Plan.

222.B USE STANDARDS. The permitted and conditional uses allowed in this district in accordance with [SECTION 211](#) are listed in [FIGURE 2-7](#).

222.C DIMENSIONAL STANDARDS. The following standards apply to all development in this district in accordance with [SECTION 212](#):

LOTS	SETBACKS OR YARDS	DENSITY	BUILDINGS
Size: 6,000 sf min	Front: 10 ft min – 40 ft max ^{AVE}	Residential: 12 du/ac max	Footprint: 6,000 sf max
Frontage: 60 ft min	Side: 10 ft min	Mixed Use: 1.0 FAR max	Frontage Build-Out: 40% min – 70% max
Coverage: 70%	Rear: 20 ft min	Nonresidential: 0.6 FAR max	Height: 2 stories min – 4 stories max
	Riparian: 25 ft min ^{PD} or 50 ft min ^{UN}		

AVE = May vary based on neighborhood average. See [SUBSECTION 212.H](#).

PD = Previously developed lot. UN = Undeveloped lot.

See [CHAPTER 510](#) for further guidance on interpreting dimensional standards.

222.D FRONTAGE STANDARDS. The following standards apply to development in this district that requires major site plan approval in accordance with [SECTION 213](#):

- (1) No more than 200 square feet of land within the minimum front yard setback may be paved for vehicular access. Previously developed lots must eliminate any excess pavement within the setback to the maximum extent feasible given site specific conditions. Shared access between lots is strongly encouraged and the paved area within the minimum front yard setback may be 300 square feet to accommodate a shared driveway. Corner lots may have one 200-square foot paved area within the minimum front yard setback along each street.
- (2) The remainder of the minimum front yard setback must be maintained or established as green space, except that:
 - (a) Sidewalks, walkways or outdoor seating areas may be located within the minimum front yard setback. If there are no or inadequate public sidewalks along the street, a minimum 5-foot sidewalk must be provided and it may be located within the front yard setback adjacent to the street right-of-way (see sidewalk standards in [SECTION 311](#)).
 - (b) Encroachments may be located within the minimum front yard setback in accordance with [SECTION 301](#).
- (3) No parking is permitted within the minimum front yard setback and any pre-existing parking must be removed to the maximum extent feasible given site specific

Paving includes asphalt, concrete, gravel, brick or any other impervious material placed on the ground to create a firm, level surface.



Section 223. Service Center (SC) District

223.A **PURPOSE.** The Service Center District includes the Putney Road area around Interstate 91 Exit 3 and the Canal Street area north of Interstate Exit 1, which have developed primarily as commercial centers providing shopping, dining, lodging, and other services to travelers and residents from throughout the region. The land within this district is located along Route 5, a major arterial highway, and is served by municipal water and sewer, public transit, and limited sidewalks. The purpose of this district is to maintain the role and function of these areas as regional service centers while encouraging a gradual transformation of their built environment towards more compact development patterns, a greater mix of uses, improved walkability, high-quality construction, and attractive landscaping, signage and lighting in accordance with the policies of the Brattleboro Town Plan.

223.B **USE STANDARDS.** The permitted and conditional uses allowed in this district in accordance with [SECTION 211](#) are listed in [FIGURE 2-10](#).

223.C **DIMENSIONAL STANDARDS.** The following standards apply to all development in this district in accordance with [SECTION 212](#):

LOTS	SETBACKS OR YARDS	DENSITY	BUILDINGS
Size: 0.5 acre min	Front: 20 ft min – 100 ft max	Residential: 18 du/ac max	Frontage Build-Out: 20% min
Frontage: 90 ft min	Side: 20 ft min	Mixed Use: 1.0 FAR max	Height: 24 ft min – 4 stories max
Coverage: 60%	Rear: 20 ft min	Nonresidential: 0.4 FAR max	
	Riparian: 25 ft min ^{PD} or 50 ft min ^{UN}		

PD = Previously developed lot. UN = Undeveloped lot.

See [CHAPTER 510](#) for further guidance on interpreting dimensional standards.

223.D **FRONTAGE STANDARDS.** The following standards apply to development in this district that requires major site plan approval in accordance with [SECTION 213](#):

- (1) No more than 800 square feet of land within the minimum front yard setback may be paved for vehicular access. Previously developed lots must eliminate any excess pavement within the setback to the maximum extent feasible given site-specific conditions.
- (2) The remainder of the minimum front yard setback must be maintained or established as green space, except that:
 - (a) Sidewalks, walkways or outdoor seating areas may be located within the minimum front yard setback. If there are no or inadequate public sidewalks along the street, a minimum 5-foot sidewalk must be provided and it may be located within the front yard setback adjacent to the street right-of-way (see [SECTION 311](#)).
 - (b) Encroachments, including signs, may be located within the minimum front yard setback in accordance with [SECTION 301](#).
- (3) No parking is permitted within the minimum front yard setback and any pre-existing parking must be removed to the maximum extent feasible given site specific conditions.
- (4) No outdoor storage or display is permitted within the minimum front yard setback and any pre-existing storage or display areas must be removed to the maximum extent feasible given site specific conditions.
- (5) The front yard must be landscaped in accordance with [SECTION 315](#). The green space within the minimum front yard setback may be designed to serve as part of the site's stormwater infrastructure (see [SECTION 333](#)).

Figure 2-10. Service Center Use Table

PERMITTED USES	
Accessory dwelling	Wholesale trade establishment
Triplex (3 units)	Publishing
Quadruplex (4 units)	Information services or data processing
Multi-family dwellings (5 or more units)	Performance theater
Retirement housing	Movie theater
Congregate living	Amphitheater
Assisted living	Indoor games facility
Skilled-nursing services	Sports arena
Bed and breakfast or inn	Exhibition, convention or conference structure
Rooming or boarding house	Religious facility
Hotel or motel	Government facility, office or courthouse
Shop or store, less than 25,000 sf	Other community structures
Open market or market shop	Fitness, sports, gym or athletic club
Malls or shopping centers	Nature or recreational park
Fueling station	Medical clinic building
Automobile repair or service structures	Grade school
Automobile sales establishment	College or university
Lawn, garden or farm supply sales	Trade or specialty school
Lumber yard or building material sales	Library
Bank	Museum or exhibition hall or pavilion
Rental or leasing	Art gallery
Professional services	Public safety facility
Veterinary services	Supervision or rehabilitative services
Administrative or business services	Social assistance or charitable services
Services to buildings or dwellings	Child day care
Food services (restaurant)	Services for the elderly and disabled
Bar or drinking place	Surface parking
Food service contractor	Parking structure
Personal services	Bus stop shelter
Pet and animal sales or services	Road passenger and transit services
Construction-related business	Truck and freight transportation services
Light industrial	Utility structures
Laboratory	Communication antenna
Media broadcast facility or studio	Communication tower
Computer data center	Composting facility
Warehouse or storage	Greenhouse
Beverage products manufacturing	Agriculture and forestry
Miscellaneous manufacturing	
CONDITIONAL USES	
Single-family detached dwelling	Large area distribution or transit warehouse
Single-family attached dwelling	Wood products establishment
Duplex (2 units)	Hospital
Other specialized residential structures	Bus or truck maintenance facility
Shop or store, 25,000 sf or more	Air transportation facility
Construction-related business with specialized machinery	Water supply related facility
Heavy construction business	Sewer related facility
Manufacturing plant	Stable or equine facility
Industrial park	Kennel
Mini-warehouse	

Section 224. Neighborhood Center (NC) District

224.A **PURPOSE.** The Neighborhood Center District ~~encompasses an area along the Canal Street to Interstate 91 Exit 1 and the Putney Road area south of Interstate 91 Exit 3, which~~ have developed primarily as a commercial centers. The land within this district is located on or in proximity to Route 5, and is served by municipal water and sewer, public transit, and sidewalks. The purpose of this district is to transform these areas into neighborhood-scale commercial centers with more compact and mixed-use development patterns, including higher-density residential infill and more connections to surrounding neighborhoods, improved walkability, and high-quality construction in accordance with the policies of the Brattleboro Town Plan, the Putney Road Master Plan, and the Gateway Strategy for the Canal Street Commercial District.

224.B **USE STANDARDS.** The permitted and conditional uses allowed in this district in accordance with [SECTION 211](#) are listed in [FIGURE 2-13](#).

224.C **DIMENSIONAL STANDARDS.** The following standards apply to all development in this district in accordance with [SECTION 212](#):

LOTS	SETBACKS OR YARDS	DENSITY	BUILDINGS
Size: 6,000 sf min	Front: 10 ft min – 40 ft max ^{AVE}	Residential: 10 du/ac max	Footprint: 12,000 sf max
Frontage: 60 ft min	Side: 10 ft min	Mixed Use: 2.0 FAR max	Frontage Build-Out: 50% min – 80% max
Coverage: 80%	Rear: 20 ft min	Nonresidential: 0.4 FAR max	Height: 24 ft min – 4 stories max
	Riparian: 25 ft min ^{PD} or 50 ft min ^{UN}		

AVE = May vary based on neighborhood average. See [SUBSECTION 212.H](#).

PD = Previously developed lot. UN = Undeveloped lot.

See [CHAPTER 510](#) for further guidance on interpreting dimensional standards.

224.D **FRONTAGE STANDARDS.** The following standards apply to development in this district that requires major site plan approval in accordance with [SECTION 213](#):

- (1) No more than 300 square feet of land within the minimum front yard setback may be paved for vehicular access. Previously developed lots must eliminate any excess pavement within the setback to the maximum extent feasible given site-specific conditions. Shared access between lots is strongly encouraged and the paved area within the minimum front yard setback may be 400 square feet to accommodate a shared driveway. Corner lots may have one 300-square foot paved area within the minimum front yard setback along each street.
- (2) The remainder of the minimum front yard setback must be maintained or established as green space, except that:
 - (a) Sidewalks, walkways or outdoor seating areas may be located within the minimum front yard setback. If there are no or inadequate public sidewalks along the street, a minimum 5-foot sidewalk must be provided and it may be located within the front yard setback adjacent to the street right-of-way (see sidewalk standards in [SECTION 311](#)).
 - (b) Encroachments may be located within the minimum front yard setback in accordance with [SECTION 301](#).
- (3) No parking is permitted within the minimum front yard setback and any pre-existing parking must be removed to the maximum extent feasible given site specific conditions. This will not be interpreted to restrict resident or employee parking within a lawful driveway.

Section 225. Mixed Use Neighborhood (MU) District

- 225.A **PURPOSE.** The Mixed Use Neighborhood District is encompasses land around the Urban Center, Service Center and Neighborhood Center districts that serves as a transitional area between those higher density and/or intensity districts and nearby residential neighborhoods, that accommodates a greater diversity of land uses and building forms, and that features buildings and sites which have been evolving over time to accommodate different uses. The land within this district is served by municipal water and sewer, a well-developed street network, sidewalks in most areas, on-street and public parking in limited areas, and public transit. The purpose of this district is to provide flexibility for the creative and efficient use of land and buildings, while protecting and enhancing historic and neighborhood character in accordance with the policies of the Brattleboro Town Plan.
- 225.B **USE STANDARDS.** The permitted and conditional uses allowed in this district in accordance with [SECTION 211](#) are listed in [FIGURE 2-16](#).
- 225.C **DIMENSIONAL STANDARDS.** The following standards apply to all development in this district in accordance with [SECTION 212](#):

LOTS	SETBACKS OR YARDS	DENSITY	BUILDINGS
Size: 6,000 sf min	Front: 10 ft min – 40 ft max ^{AVE}	Residential: 18 du/ac max	Footprint: 4,000 sf max 6,000 sf max
Frontage: 60 ft min	Side: 10 ft min	Mixed Use: 2.0 FAR max	Frontage Build-Out: 40% min – 70% max
Coverage: 80%	Rear: 20 ft min	Nonresidential: 0.4 FAR max	Height: 2 stories min – 4 stories max
	Riparian: 25 ft min		

AVE = May vary based on neighborhood average. See [SUBSECTION 212.H](#).
See [CHAPTER 510](#) for further guidance on interpreting dimensional standards.

- 225.D **FRONTAGE STANDARDS.** The following standards apply to development in this district that requires major site plan approval in accordance with [SECTION 213](#):
- (1) No more than 200 square feet of land within the minimum front yard setback may be paved for vehicular access. Previously developed lots must eliminate any excess pavement within the setback to the maximum extent feasible given site-specific conditions. Shared access between lots is strongly encouraged and the paved area within the minimum front yard setback may be 300 square feet to accommodate a shared driveway. Corner lots may have one 200-square foot paved area within the minimum front yard setback along each street.
 - (2) The remainder of the minimum front yard setback must be maintained or established as lawn or landscaped green space except that:
 - (a) Sidewalks, walkways or outdoor seating areas may be located within the minimum front yard setback. If there are no or inadequate public sidewalks along the street, a minimum 5-foot sidewalk must be provided and it may be located within the front yard setback adjacent to the street right-of-way (see sidewalk standards in [SECTION 311](#)).
 - (b) Encroachments may be located within the minimum front yard setback in accordance with [SECTION 301](#).
 - (3) No parking is permitted within the minimum front yard setback and any pre-existing parking must be removed to the maximum extent feasible given site specific conditions. This will not be interpreted to restrict resident or employee parking within a lawful driveway.

Section 226. Residential Neighborhood (RN) District

226.A PURPOSE. The Residential Neighborhood District is composed of high- to moderate-density residential neighborhoods extending outward from downtown Brattleboro and West Brattleboro village, and along the Route 9 corridor. While primarily residential in use, these neighborhoods vary significantly in the form and density of housing they offer, and include traditional neighborhoods, post-war suburban-style neighborhoods, multi-family developments, townhouses and mobile home parks. The land within this district is generally served by municipal water and sewer. Walkability and proximity to public transit service, neighborhood stores, schools, parks and other amenities varies by neighborhood. The purpose of this district is to allow a diverse range of housing, encourage an increase in and improvement of the town's housing stock, and promote more compact, walkable neighborhoods in balance with protection of neighborhood character and quality of life, and in accordance with the policies of the Brattleboro Town Plan.

226.B USE STANDARDS. The permitted and conditional uses allowed in this district in accordance with [SECTION 211](#) are listed in [FIGURE 2-19](#).

226.C DIMENSIONAL STANDARDS. The following standards apply to all development in this district in accordance with [SECTION 212](#):

LOTS	SETBACKS OR YARDS	DENSITY	BUILDINGS
Size: 6,000 sf min Frontage: 60 ft min Coverage: 70%	Front: 15 ft min – 40 ft max ^{AVE} Side: 10 ft min each side and 25 ft min combined Rear: 20 ft min Riparian: 25 ft min ^{PD} or 50 ft min ^{UN}	Residential: 12 du/ac max Nonresidential: 0.2 FAR max	Footprint: 4,000 sf max Frontage Build-Out: 30% min – 60% max Height: 3 stories max

AVE = May vary based on neighborhood average. See [SUBSECTION 212.H](#).

PD = Previously developed lot. UN = Undeveloped lot.

See [CHAPTER 510](#) for further guidance on interpreting dimensional standards.

226.D FRONTAGE STANDARDS. The following standards apply to development in this district that requires major site plan approval in accordance with [SECTION 213](#):

- (1) No more than 300 square feet of land within the front yard setback may be paved for vehicular access. Previously developed lots must eliminate any excess pavement within the setback to the maximum extent feasible given site-specific conditions.
- (2) The remainder of the minimum front yard setback must be maintained or established as lawn or landscaped green space except that:
 - (a) Sidewalks, walkways or outdoor seating areas may be located within the minimum front yard setback. If there are no or inadequate public sidewalks along the street, a minimum 5-foot sidewalk must be provided and it may be located within the front yard setback adjacent to the street right-of-way (see sidewalk standards in [SECTION 311](#)).
 - (b) Encroachments may be located within the minimum front yard setback in accordance with [SECTION 301](#).
- (3) No parking is permitted within the minimum front yard setback and any pre-existing parking must be removed to the maximum extent feasible given site specific conditions. This will not be interpreted to restrict resident or employee parking within a lawful driveway.

Figure 2-19. Residential Neighborhood Use Table

PERMITTED USES	
Single-family detached dwelling	Nature or recreational park
Single-family attached dwelling	Bus stop shelter
Accessory dwelling <u>Triplex (3 units)</u>	Utility structures
Duplex (2 units) <u>Quadraplex (4 units)</u>	Communication antenna
Retirement housing <u>Multi-family dwellings (5 or more units)</u> <u>in existing residential buildings</u>	Agriculture and forestry
CONDITIONAL USES	
Triplex (3 units)	Professional services ²
Quadraplex (4 units)	Religious facility
Multi-family dwellings (5 or more units) <u>in new construction</u>	Fitness, sports, gym or athletic club
Other specialized residential structures	Grade school
Congregate living	Cemetery
Assisted living	Child day care
Skilled-nursing services	Services for the elderly and disabled
Bed and breakfast or inn	Air transportation facility
Shop or store ¹	<u>Rooming or Boarding House</u>

¹ Limited to a neighborhood market up to 2,000 sf that is located on Western Avenue east of I-91 or on South Main Street.

² Limited to 2,000 sf unless it is located on Western Avenue east of I-91. There must be at least one dwelling unit on the property.

Section 232. Rural Business (RB) District

232.A **PURPOSE.** The Rural Business District encompasses an area along Route 9 west of West Brattleboro village, which has developed as a commercial node with services catering to travelers and other low-density small businesses. This rural valley corridor serves as a gateway to Brattleboro for travelers from the west and features a scenic landscape created by the Whetstone Brook and steep wooded hillsides. This land is served by municipal water and sewer, and has state highway access, but potential for flooding limits the scale and intensity of development that can be accommodated in large portions of the area. The purpose of this district is to maintain the role and function of this corridor as a transitional area between the developed areas to the east and the more rural areas to the north, south and west by accommodating a mixed of uses, particularly small businesses that are rural in nature, while preserving and enhancing the scenic character of the highway corridor through context-sensitive siting and design in accordance with the policies of the Brattleboro Town Plan.

232.B **USE STANDARDS.** The permitted and conditional uses allowed in this district in accordance with [SECTION 211](#) are listed in [FIGURE 2-23](#).

232.C **DIMENSIONAL STANDARDS.** The following standards apply to all development in this district in accordance with [SECTION 212](#):

LOTS	SETBACKS OR YARDS	DENSITY	BUILDINGS
Size: 1.5 acres min Frontage: 180 ft min Coverage: 40% max	Front: 40 ft min Side: 20 ft min Rear: 40 ft min Riparian: 50 ft min	Residential: 1 du per 1.5 ac max Nonresidential: 0.2 FAR max	Footprint: 12,000 sf max Height: 24 ft min - 35 ft max

See [CHAPTER 510](#) for further guidance on interpreting dimensional standards.

232.D **FRONTAGE STANDARDS.** The following standards apply to development in this district that requires major site plan approval in accordance with [SECTION 213](#):

- (1) No more than 1,000 square feet of land within the minimum front yard setback may be paved for vehicular access. Previously developed lots must eliminate any excess pavement within the setback to the maximum extent feasible given site-specific conditions. Shared access between lots is strongly encouraged and the paved area within the minimum front yard setback may be 1,200 square feet to accommodate a shared driveway. Corner lots may have one 1,000-square foot paved area within the minimum front yard setback along each street.
- (2) The remainder of the minimum front yard setback must be maintained or established as green space, except that:
 - (a) Sidewalks, walkways or outdoor seating areas may be located within the minimum front yard setback. If there are no or inadequate pedestrian facilities along the street, a sidewalk or off-road path must be provided and it may be located within the front yard setback adjacent to the street right-of-way.
 - (b) Encroachments may be located within the minimum front yard setback in accordance with [SECTION 301](#).

Section 242. Institutional (IT) District

242.A **PURPOSE.** The Institutional District includes various major institutions located throughout Brattleboro, primarily educational and healthcare facilities. These institutions generally have substantial landholdings, are developed with multiple buildings and facilities, and often feature a mix of uses including office, service, residential and recreational activities. The purpose of this district is to provide flexibility for the ongoing use and management of these complex sites in response to the particular characteristics, mission and needs of each institution and in accordance with the policies of the Brattleboro Town Plan.

242.B **USE STANDARDS.** The permitted and conditional uses allowed in this district in accordance with [SECTION 211](#) are listed in [FIGURE 2-28](#).

242.C **DIMENSIONAL STANDARDS.** The following standards apply to all development in this district in accordance with [SECTION 212](#):

LOTS	SETBACKS OR YARDS	DENSITY	BUILDINGS
Size: 0.5 acres min Frontage: 90 ft min	Riparian: 25 ft min ^{PD} or 50 ft min ^{UN}	Residential: 2 du/ac max Mixed Use: 1.0 FAR max Nonresidential: 0.6 FAR max	

PD = Previously developed lot. UN = Undeveloped lot.

See [CHAPTER 510](#) for further guidance on interpreting dimensional standards.

242.D **MASTER PLAN REQUIRED.** Development may only be permitted within this district in accordance with an approved master plan. Approval of an amended master plan will be required for development that proposes to deviate from a previously approved master plan. For institutions without a previously approved master plan, a master plan approved in accordance with the planned unit development provisions of these regulations will be required prior to the Administrative Officer issuing a zoning permit for development that constitutes a substantive change in the physical facilities or use of the institution.

242.E **DEVELOPMENT STANDARDS.** The location, scale and form of new development must be compatible with the character, setting and function of the institution, and any approved master plan. The dimensional, frontage, building and parking standards of the surrounding zoning district(s) must be used to guide development within this district to the extent that such standards are compatible with the character and function of the institution.

Underline represents new text; ~~strikeout~~ indicates new text

Section 251. Flood Hazard Overlay (FHO) District

- 251.A PURPOSE. The Flood Hazard Overlay District regulates land development within the special flood hazard area in accordance with the policies of the Brattleboro Town Plan and to:
- (1) Avoid and minimize the loss of life and property, the disruption of commerce, the impairment of the tax base, and the extraordinary public expenditures and demands on public services that result from flooding;
 - (2) Ensure that land development within flood hazard areas is reasonably safe and does not reduce the ability of the floodplain to perform its natural function to store and transport flood waters; and
 - (3) Manage flood hazard areas in accordance with the town's Hazard Mitigation Plan, state statute and federal regulations so that the Town of Brattleboro, its residents and businesses will be eligible for federal flood insurance, federal disaster recovery funds, and hazard mitigation funds.
- 251.B PRECEDENCE. Where any provision of this section imposes a greater restriction than another provision of these regulations or any other town, state or federal law or regulation, the provision of this section will take precedence.
- 251.C LIABILITY. The provisions of this section do not imply that land outside this overlay district or that land development undertaken in conformance with this section will be free from flooding. The provisions of this section will not create liability on the part of the Town of Brattleboro, or any town official or employee, for flood damage.
- 251.D SPECIAL FLOOD HAZARD AREAS. The provisions of this section apply to the special flood hazard area as established in the most recent flood insurance studies and maps published by the Federal Emergency Management Agency's (FEMA) National Flood Insurance Program. The flood insurance studies and maps are adopted by reference and incorporated into these regulations. If there is uncertainty with regard to the boundary of the special flood hazard area, the applicant may provide a letter of map amendment from FEMA to certify its location.
- 251.E BASE FLOOD ELEVATIONS AND FLOODWAY LIMITS. The base flood elevations and floodway limits provided by the National Flood Insurance Program will be used to administer and enforce the provisions of this section where available. Where the National Flood Insurance Program has not provided base flood elevations and/or floodway limits, it will be the applicant's responsibility to provide the information necessary to demonstrate conformance with the standards of this section. The applicant must use data provided by FEMA, or other state or federal agencies, where available, or an engineered hydrologic and hydraulic study.

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- 251.F APPLICABILITY. All development, as specifically defined in this section, requires a zoning permit from the Administrative Officer unless listed in **FIGURE 2-30** as exempt.
- 251.G USE STANDARDS. Land uses and development will be allowed within this overlay district as specified in **FIGURE 2-30** and to the extent allowed in the base zoning district. Any use not listed as exempt, permitted or conditional in **FIGURE 2-30** is prohibited. A use listed as exempt in **FIGURE 2-30** is exempted from meeting the standards of this section, but still may require a zoning permit under other provisions of these regulations (see **CHAPTER 110**).
- 251.H DEVELOPMENT STANDARDS. Development within the special flood hazard area must conform to all of the following:
- (1) All Development. All development must be:
 - (a) Located outside the special flood hazard area or to the least hazardous location on the lot that could reasonably accommodate the proposed development;
 - (b) Reasonably safe from flooding;
 - (c) Adequately drained to reduce exposure to flooding;
 - (d) Designed, operated, maintained, modified, and adequately anchored to prevent flotation, collapse, release, or lateral movement of the structure, including the effects of buoyancy;
 - (e) Constructed with materials resistant to flood damage;
 - (f) Constructed using methods and practices that minimize flood damage (following the flood construction requirements of the International Building Code or International Residential Code, as applicable, is strongly recommended);
 - (g) Constructed with electrical, heating, ventilation, plumbing, air conditioning equipment and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during a flood;
 - (h) Constructed with any fuel storage tanks located above the base flood elevation or placed underground, and securely anchored to prevent flotation; and
 - (i) Constructed without fully enclosed areas below grade on all sides (including below-grade crawl spaces and basements).

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- (2) No Base Flood Elevation. Where base flood elevations have not been determined, the applicant must demonstrate that the cumulative effect of the proposed development, when combined with all other existing and anticipated encroachment, will not increase the base flood elevation more than one foot at any point within the Town of Brattleboro, as certified by a registered professional engineer based on technical data that conforms to standard engineering practice.
- (3) Elevation Certificate. The applicant must document the base flood elevation with an elevation certificate with the as-built elevation (consistent with the datum of the elevation on the town's current flood insurance rate maps), of the lowest floor, including basement, of all new, substantially improved, or floodproofed buildings (not including accessory buildings) in the special flood hazard area. The Administrative Officer must have a completed FEMA floodproofing certificate, and other certifications required under these regulations, on file prior to issuing a certificate of compliance. The Administrative Officer may require an inspection and/or a construction elevation certificate once the slab or foundation walls have been poured to ensure compliance with the requirements of this section.
- (4) Residential Structures. Dwellings, including manufactured homes, are prohibited within the floodway. Reconstruction of substantially damaged residential structures is prohibited within the floodway. New construction or substantial improvement of residential structures, including manufactured homes on their own lots, as allowed under [FIGURE 2-30](#) must be located and designed with the lowest floor (including basement) elevated at least 2 feet above the base flood elevation. Manufactured homes must be securely anchored to a permanent foundation system to resist flotation, collapse and lateral movement.
[Designed In accordance with IBC standards.]
- (5) Nonresidential Structures. New construction or substantial improvement of nonresidential structures must either:
 - (a) Be located and designed with the lowest floor (including basement) elevated at least 2 feet above the base flood elevation; or
 - (b) Be designed so that at least 2 feet above the base flood elevation the structure, together with attendant utility and sanitary facilities, is watertight with walls that will be substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effect of buoyancy as certified by a registered professional engineer or architect. [Designed In accordance with IBC standards.]

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- (6) Above-Grade Development within Floodways. Encroachment (including fill) and above-grade development is prohibited within the floodway unless a registered professional engineer performs hydrologic and hydraulic analyses in accordance with standard engineering practice and certifies that the proposed development will:
- (a) Not result in any increase in flood levels during the base flood;
 - (b) Not increase any risk to surrounding properties, facilities or structures from erosion or flooding; and
 - (c) Not result in any net increase in impervious surface within the floodway.
- (7) Below-Grade Development within Floodways. Utilities may be placed underground within the floodway provided that a registered professional engineer certifies that there will be no change in grade and the utilities will be adequately protected from scour.
- (8) Subdivisions and PUDs. Applicants for new or expanded subdivisions, planned unit developments or manufactured home parks must provide base flood elevation data and design the project:
- (a) With lots, home sites and/or building envelopes located outside the special flood hazard area to the maximum extent feasible;
 - (b) With lots, home sites and/or building envelopes that can be developed in accordance with the provisions of this section;
 - (c) To be accessible by dry land outside the special flood hazard area;
 - (d) To minimize flood damage within flood-prone areas;
 - (e) To provide adequate drainage to reduce exposure to flood hazards; and
 - (f) With utilities and facilities, such as water, wastewater, and electrical systems, that will be located and constructed to minimize or eliminate flood damage.
- (9) Fully Enclosed Areas Below the Lowest Floor. Fully enclosed areas, not including basements, that are below the lowest floor and below the base flood elevation must be used solely for storage, parking and building access. This condition must be clearly stated on the zoning permit. Additionally, such areas must either:
- (a) Be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing floodwaters to enter and exit the enclosed area as certified by a registered professional engineer or architect; or
 - (b) Provide a minimum of two openings having a total net area of at least 1 square inch for every square foot of enclosed area subject to flooding. The bottom of all openings

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must be no higher than 1 foot above grade. Openings may be equipped with screens, louvers, valves or other devices provided that they automatically allow floodwaters to enter and exit the enclosed area.

(10)Small Accessory Structures. A small accessory structure (floor area of 200 square feet or less) does not have to be elevated above the base flood level provided that it meets the criteria of **PARAGRAPH (10)**, above.

(11)Recreational Vehicles. A recreational vehicle must be fully licensed and ready for highway use. It must be on its wheels or jacking system, be attached to the site by only quick disconnect type utilities, and have no permanently attached additions or accessory structures.

(12) Utilities. New or replacement building or public utilities, including wastewater systems, must be located outside the special flood hazard area to the greatest extent feasible. When utilities will be located within the special flood hazard area, they must be:

- (a) Designed to minimize or eliminate the infiltration of floodwaters into the system;
- (b) Designed to minimize or eliminate discharges from the system into floodwaters;
- (c) Located to avoid impairment of the system during flooding; and
- (d) Located to avoid contamination from the system during flooding.

(13) Machinery or equipment. Machinery or equipment must be elevated to at least 2 feet above the base flood elevation for buildings newly constructed, substantially Improved, and/or reconstructed due to substantial damage. this requirement Includes machinery and equipment placed within attached garages and/or within enclosures below elevated buildings, with the expectation of utility meters and equipment specifically designed to withstand Inundation according to the standards of the International residential Codes and the NFIP.

(14)Stream Channel Management. The flood carrying and sediment transport capacity within the altered or relocated portion of any watercourse must be maintained. Stream stability must not be reduced as a result of any stream channel management activities.

((15) Water-Dependent Structures. Bridges, culverts and other water-dependent structures, which by their nature must be placed in or over a watercourse, must have a stream alteration permit from the Vermont Agency of Natural Resources.

251.I NONCONFORMITIES. Conditional use approval from the Development Review is required before the Administrative Officer may issue a permit to substantially improve, repair after substantial damage, relocate, replace or enlarge a nonconforming structure within the special flood hazard area in accordance with all of the following:

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- (1) The proposed development conforms to the applicable development standards in SUBSECTION 251.H.
 - (2) A nonconforming structure that is substantially damaged or destroyed:
 - (a) Must not be substantially improved if located within the floodway unless it is a water-dependent structure.
 - (b) May be reconstructed in its original location outside the floodway only when the structure cannot be relocated to a less hazardous location on the property.
 - (3) A nonconforming structure that is substantially damaged or destroyed must be rebuilt above the base flood elevation and must otherwise comply with all requirements of the National Flood Insurance Program.
- 251.J VARIANCES. In addition to the applicable criteria and procedures in SECTION 432, the Development Review Board must only approve variances within the special flood hazard area in accordance with all of the following:
- (1) Variances may only be issued for new construction or substantial improvements on lots that are ½ acre or less in size, and contiguous to and surrounded by lots with existing structures that are constructed below the base flood elevation.
 - (2) Variances may only be issued for development that is protected by methods that minimize flood damages during the base flood and create no additional threats to public safety.
 - (3) Variances must not be approved within the floodway unless the applicant can demonstrate that no increase in flood levels during the base flood would result.
 - (4) The applicant must demonstrate that the granting of the variance will not:
 - (a) Result in increased flood heights, additional threats to public safety or extraordinary public expense;
 - (b) Create nuisances;
 - (c) Cause fraud on or victimization of the public; or
 - (d) Conflict with existing local laws or ordinances.
- 251.K ADMINISTRATIVE REQUIREMENTS. In addition to the requirements of PART 4 of these regulations, the following special administrative procedures apply within this overlay district:

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- (1) Project Review Sheet. An applicant proposing new development or substantial improvement within the flood hazard area must submit a Vermont Agency of Natural Resources Project Review Sheet as part of a complete application. The applicant must submit evidence that he/she obtained all state or federal permits identified on the Project Review Sheet prior to commencing any work.
 - (2) Referral. The Administrative Officer must send a copy of all complete applications for development within the Special Flood Hazard Area to the State National Flood Insurance Program Coordinator. In accordance with [SECTION 422](#), the Administrative Officer must not act to approve or deny the application for 30 days following the referral or until comments have been received, whichever is sooner. If the application involves the alteration or relocation of a watercourse, the Administrative Officer must also send copies of the complete application to adjacent upstream and downstream communities, the Stream Alteration Engineer at the Vermont Agency of Natural Resources, the Army Corps of Engineers, and the Federal Insurance Administrator.
 - (3) Certificate of Compliance. The Administrative Officer must issue a certificate of compliance in accordance with [SECTION 428](#) for any development within the special flood hazard area. The Administrative Officer must inspect the premises and ensure that the applicant has acquired all permits identified on the Project Review Sheet.
 - (4) Records. The Administrative Officer must properly file and maintain a record of all elevation certificates, as-built elevations, letters of map amendment, base flood elevations, floodway determinations, flood proofing certifications, and other data or certifications required under this section.
 - (5) Enforcement. The Administrative Officer must send a copy of any notice of violation issued in accordance with [CHAPTER 470](#) within the special flood hazard area to the State National Flood Insurance Program Coordinator. If the violation is not resolved, the Administrative Officer must notify the Administrator of the National Flood Insurance Program in writing of the violation and request a denial of flood insurance for the property. The Administrative Officer must report any violation of the state's Accepted Agricultural Practices within the special flood hazard area to the Secretary of Agriculture for enforcement.
- 251.L DEFINITIONS. The terms below are specifically defined as used in this section. All other terms are as defined in [CHAPTER 530](#).
- (1) BANKFULL DISCHARGE means the flow of water that first overtops a channel's natural banks, and which occurs once every one to two years on average.
 - (2) BANKFULL WIDTH (see definition of channel width).

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- (3) BASE FLOOD means the flood having a 1% chance of being equaled or exceeded in any given year, commonly known as the 100-year flood.
- (4) BASE FLOOD ELEVATION (BFE) means the elevation of the water surface resulting from the base flood. The BFE is usually shown on the Flood Insurance Rate Map.
- (5) BASEMENT means any area of a building with a floor elevation that is below ground level on all sides.
- (6) CHANNEL means an area that contains continuously or periodic flowing water that is confined by banks and a streambed.
- (7) CHANNEL WIDTH means the width of a channel when it is flowing at a bankfull discharge. Also referred to as the bankfull width.
- (8) COMMON PLAN OF DEVELOPMENT means a phased project to improve a structure or lot over a period of time.
- (9) CRITICAL FACILITIES means structures the community identifies as essential to residents' health and welfare and that are especially important following a disaster such as fire and rescue facilities, hospitals, disasters, shelters, police stations, schools, nursing homes, water supply treatment facilities, grocery stores, and fueling stations.
- (10) DEVELOPMENT means any human-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations, or storage of equipment or materials.
- (11) EXISTING MANUFACTURED HOME PARK means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) was completed before the Town of Brattleboro adopted floodplain management regulations.
- (12) EXPANSION TO AN EXISTING Manufactured Home Park means the preparation of additional sites by the construction of facilities for servicing the lots on which the manufacturing homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).
- (13) FILL means any placed material that changes the natural grade, increases the elevation, or diminishes the flood storage capacity of land.
- (14) FLOOD means either:
 - (a) A general and temporary condition of partial or complete inundation of normally dry land areas from the overflow of surface waters, the unusual and rapid accumulation or

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runoff of surface waters from any source, and/or mudslides caused by flooding that result in a river of liquid and flowing mud; or

- (b) The collapse or subsidence of land along a water body as a result of erosion or undermining that is caused by waves or currents of water exceeding anticipated cyclical levels, or that is suddenly caused by an unusually high water level in a natural water body, accompanied by a severe storm, flash flood or similar unforeseeable event that results in flooding.

- (15) FLOOD INSURANCE RATE MAP (FIRM) means an official map on which the National Flood Insurance Program Administrator has delineated the special flood hazard areas and the risk premium zones within the town. The map for Brattleboro is now available in PDF or GIS formats as a Digital Flood Insurance Rate Map (DFIRM).
- (16) FLOOD INSURANCE STUDY (FIS) means an examination, evaluation and determination of flood hazards and the corresponding water surface elevations, or of mudslide and/or flood-related erosion hazards.
- (17) FLOODPLAIN or FLOOD-PRONE AREA means any land area susceptible to being inundated by water from any source (see definition of flood).
- (18) FLOOD PROOFING means any combination of structural and non-structural additions, changes or modifications to structures that reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, buildings and their contents.
- (19) FLOODWAY or REGULATORY FLOODWAY means the channel of a river, stream or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than 1 foot at any point. Special flood hazard areas and floodways may be shown on separate panels or sheets of the FIRM.
- (20) HISTORIC STRUCTURE means any structure that is:
 - (a) Listed individually on the National Register of Historic Places or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
 - (b) Certified or preliminarily determined by the Secretary of the Interior as contributing the historical significance of a registered historic district or a district preliminarily determined by the Secretary of the Interior to qualify as a registered historic district; or
 - (c) Individually listed on the Vermont Register of Historic Places.
 - (d) Individually listed on a local inventory of historic places in communities with a federal-

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or state-approved historic preservation program.

- (21) LETTER OF MAP AMENDMENT (LOMA) means a letter issued by the Federal Emergency Management Agency officially removing a structure or lot from the special flood hazard area based on information provided by a registered professional engineer or surveyor. FEMA issues a LOMA when upon the landowner demonstrating that a structure or lot is located above the base flood elevation and has been inadvertently included in the special flood hazard area.
- (22) LOWEST FLOOR means the lowest floor of the lowest enclosed area within a building, including a basement. An unfinished or flood-resistant enclosure used solely for storage, parking or building access will not be considered a building's lowest floor if it is built in conformance with PARAGRAPH 251.H(10).
- (23) MANUFACTURED HOME means a building, transportable in one or more sections that is built on a permanent chassis and is designed for use with or without a permanent foundation when attached to the required utilities. This definition specifically excludes recreational vehicles.
- (24) MANUFACTURED HOME PARK means a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.
- (25) NEW CONSTRUCTION means structures for which the start of construction commenced after the Town of Brattleboro adopted floodplain management regulations, and includes any subsequent improvements to such structures.
- (26) NEW MANUFACTURED HOME PARK means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) was completed after the Town of Brattleboro adopted floodplain management regulations.
- (27) RECREATIONAL VEHICLE means a vehicle that is:
 - (a) Built on a single chassis;
 - (b) 400 square feet or less when measured at the largest horizontal projection;
 - (c) Designed to be self-propelled or permanently towable by a light-duty truck; and
 - (d) Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel or seasonal use.

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- (28) SPECIAL FLOOD HAZARD AREA means the floodplain within the Town of Brattleboro that is subject to being inundated by the base flood. The special flood hazard area is usually labeled Zone A or AE in the flood insurance study and on the flood insurance rate maps. The base flood elevation has not been determined in Zone A. In Zone AE, the base flood elevations are shown on the flood insurance rate maps.
- (29) START OF CONSTRUCTION means the date the Administrative Officer issued a zoning permit provided that the actual start of construction was within 180 days of the permit date. Development is subject to the flood insurance rate map and flood regulations in effect at the start of construction.
- (30) START OF CONSTRUCTION, ACTUAL means the date of:
- (a) The first placement of permanent construction of a principal structure on a site, such as pouring a slab or footings, installing piles, constructing columns, or any work beyond the stage of site preparation or excavation;
 - (b) The placement of a manufactured home on a foundation; or
 - (c) The first alteration of any wall, ceiling, floor or other structural part of a building.
- (31) STRUCTURE means:
- (a) A building with two or more outside rigid walls and a fully secured roof that is affixed to a permanent site;
 - (b) A gas or liquid storage tank that is principally above ground; or
 - (c) A manufactured home.
- (32) SUBSTANTIAL DAMAGE means damage of any origin sustained by a structure that results in the cost of restoring the structure to its pre-damage condition equaling or exceeding 50% of the assessed value of the structure before the damage occurred.
- (33) SUBSTANTIAL IMPROVEMENT:
- (a) Means any reconstruction, rehabilitation, addition or other improvement of a structure that cumulatively over three years or over a common plan of development costs 50% or more of the assessed value of the structure before the start of construction of the improvement.
 - (b) Means any repair of a substantially damaged structure.
 - (c) But does not mean any improvement of a structure to correct existing violations of state or town health, sanitary or safety code identified by the applicable code enforcement officer to the minimum extent necessary to assure safe living conditions.

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- (d) But does not mean any alteration of a historic structure that will not preclude the structure's continued designation as a historic structure.
- (34) TOP OF BANK means that vertical point along a stream bank where an abrupt change in slope is evident. For streams in wider valleys, it is generally the point where the stream is able to overflow the banks and enter the floodplain. For streams in steep and narrow valleys, it is generally the same as the top of slope.
- (35) TOP OF SLOPE means either:
 - (a) A break in slopes adjacent to steep-banked streams that have little or no floodplain; or
 - (b) A break in slope where the side slopes adjacent to an incised or deeply cut channel meet floodplains that have been abandoned or are undergoing abandonment.
- (36) VIOLATION means the failure of a structure or other development to be fully compliant with the provisions of this section. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in this section is presumed to be in violation until that documentation is provided.

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Part 3 Amendments

Figure 3-1. Accessory Uses and Structures

STRUCTURE	MAY BE LOCATED IN MIN REQUIRED YARD	MIN SETBACK	MAX HEIGHT
Arbors	Any	0 ft	12 ft
Berms	Any	0 ft	15 ft
Driveways	Any	0 ft	–
Equipment, ancillary (UC, VC, SC, NC districts)	Rear or side	5 ft	–
fences (see SECTION 316)	Any	0 ft	–
fire escapes, handicap ramps or similar accessibility structures	Any	0 ft	–
flag poles	Any	10 ft	35 ft
Garages or carports, attached or detached	Rear or side	5 ft	–
Gates	Any	0 ft	–
Heating and cooling units	Rear or side	5 ft	–
Mailboxes	Any	0 ft	–
Pools, hot tubs, decks or patios	Rear or side	10 ft	–
overhangs, eaves, bay windows, balconies, gutters, cornices, awnings, steps, stoops, window sills, chimneys, projections enclosing habitable space or similar architectural features	Any	See Note 1	–
Parking areas	Rear or side	10 ft	–
Porches (unenclosed), stoops, awnings or roof overhangs for sheltering people (excludes carports)	Front	See Note 2	–
Retaining walls (see SECTION 316)	Any	0 ft	4 ft
Sheds, workshops, artist studios, and other one-story detached accessory structures not used for human habitation (max 200 sf footprint each)	Rear or side	5 ft	15 ft
Sidewalks	Any	0 ft	–
Sports or recreation equipment (playsets, basketball hoops, etc.)	Any	5 ft	15 ft
Green stormwater infrastructure (see SECTION 333)	Any	0 ft	–

Note 1. Up to 3 ft beyond district setback, encroachment into or over a street right-of-way will require approval from the town or state as applicable

Note 2. Up to 8 ft beyond district setback, encroachment into or over a street right-of-way will require approval from the town or state as applicable

Note 3. Some minor accessory uses and structures do not require a zoning permit. See [CHAPTER 110](#) to determine whether a permit is required.

Note 4. If the minimum setback established for the applicable zoning district in [PART 2](#) is less than the minimum setback established in this table, the lesser district setback will apply

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303.E SINGLE ROOM OCCUPANCY (SRO) FACILITY

- (1) A single room occupancy facility may be allowed in specified zoning districts (as a specialized residential structure) in accordance with the following:
 - (a) The facility will not be subject to the residential density standard of the applicable zoning district. It will be subject to the floor area ratio standard of the applicable zoning district.
 - (b) The facility must have a resident manager. The size limit will not apply to the manager's unit. The Development Review Board may waive the requirement for a resident manager for a facility with less than 10 units.
 - (c) The facility must provide a minimum of 400 square feet of common outdoor space accessible to all residents. The Development Review Board may reduce or waive this requirement for facilities within the Urban Center district that will be located within an existing building or locations that are within ¼ mile of a public park.
 - (d) . The facility must provide a minimum of 1 washing machine and drying machine for every 12 units. .
 - (e) This may be combined with the laundry facilities. The facility must provide a utility sink with hot and cold running water. This may be combined with the laundry facilities.
 - (f) The facility must provide at least one secure, enclosed bicycle storage space for every 2 units.
 - (g) The minimum parking requirement will be reduced to one parking space for every 2 units except within the Urban Center district where there is no minimum parking requirement.
 - (h) If a full kitchen is not provided in each unit, one full common kitchen must be provided for every 6 units or 1 per floor. A full kitchen includes a sink, refrigerator, and a stove, range top or oven.
 - (i) If the units do not include private full bathrooms, the facility must provide common bathroom facilities on each floor at a rate of at least one full bathroom for every 4 units. A full bathroom includes a toilet, sink, and a bathtub, shower or bathtub/shower combination.
 - (j) A single room occupancy unit must be at least 200 square feet and not more than 500 square feet in area.
 - (k) No single room occupancy unit may be occupied by more than 2 people.
 - (ml) Units must be the primary residence of the tenant. Transient occupancy is prohibited. The minimum rental or tenancy period must not be less than 30 days.
-

304.D INN

- (1) A single-family dwelling may be used as an inn in specified districts in accordance with the following:

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- (a) An inn must be residential in scale and character. Guests may be housed in the dwelling and/or any accessory buildings on the property.
 - (b) The number of guest rooms must not exceed 1 per 500 square feet of gross floor area. Within the Residential Neighborhood, Rural Residential and Rural zoning districts, an inn must not have more than 12 guest rooms.
 - (c) Guests must not stay for a continuous period of more than 14 days.
 - (d) The Development Review Board may approve accessory uses to an inn that are open to the general public such as restaurants, event venues or spas as a conditional use.
 - (e) The inn must have a resident manager.
-

Section 313. Parking and Loading Areas

Figure 3-10. Minimum Parking Ratios

USE		MINIMUM PARKING SPACES
Industrial	Manufacturing or storage uses with no customer traffic	1 per 1,500 sf of GFA
	Research or development, data processing or similar office-like uses	1 per 900 sf of GFA
	Wholesale trade, or industrial uses with customer traffic	1 per 600 sf of GFA
	Mini-warehouse (self-storage facility)	4 spaces plus 2 for manager's quarters

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313.H DESIGN, CONSTRUCTION AND MAINTENANCE STANDARDS. Off-street parking and loading areas must conform to the following:

- (9) Maintenance. Parking and loading areas must be maintained in good condition free of weeds, dust, trash and debris. A permit shall be required when one or more of the following are proposed for any developed site:
 - a) Resurfacing of an existing parking lot with no changes to the configuration of drive aisles and parking spaces;
 - b) Restriping of an existing parking lot with changes to the configuration of drive aisles and/or the number of parking spaces.
 - c) Regrading of an existing parking lot
 - d) Modifying, adding and/or altering the existing on-site parking lot landscaping, e.g., landscapes planters.

Section 316. Fences and Walls

316.E RETAINING WALLS. Retaining walls must be located and designed as follows:

- (1) Except within the Industrial district, no individual retaining wall may exceed 16 feet in height except that:
 - (a) Pre-existing retaining walls more than 16 feet in height may be repaired and reconstructed to their pre-existing height.

Section 333. Stormwater Management

333.B APPLICABILITY. All land development requiring a permit or approval under these regulations must include appropriate measures to prevent stormwater runoff from adversely impacting nearby properties, public infrastructure or downstream water bodies. No land development may increase the peak flow or reduce the quality of stormwater run-off leaving the site. Property owners must maintain and repair stormwater management facilities as necessary for them to function properly.

Section 352. Cottage Cluster Development

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352.G COTTAGE DESIGN. A cottage as allowed under this section must be a single- or two-family detached dwelling that:

- (1) Has a footprint of not more than 1,200 square feet if single-family or 1,600 square feet if two-family. Attached garages will be included in the footprint calculation and must not exceed a footprint of 360 square feet.
- (2) Has a total floor area that does not exceed 180% of its footprint. Unheated storage or utility space and space under the slope of the roof with a ceiling height of less than 7 feet will not be included in the floor area calculation.
- (3) Has at least 300 square feet of private, contiguous, usable yard area abutting the building with no dimension less than 10 feet.

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303.A ATTACHED HOUSING

- (1) Applicability. The provisions of this subsection apply to all attached dwelling units (duplex, townhouse or row house).
- (2) Zoning Dimensional Standards.
 - (a) The minimum lot size regulations apply to a building that contains multiple attached dwelling units but not to each dwelling unit.
 - (b) The side yard regulations of the applicable zoning district will not apply to the common walls.
- (3) Subdivision. A lot that includes two or more attached dwelling units may be subdivided through the common wall into separate fee simple lots for each dwelling subject to the following:
 - (a) Each lot must have a minimum lot area of 4,000 square feet or the district minimum, if less, unless otherwise approved by the Development Review Board as a planned unit development.
 - (b) Each lot must have a minimum lot frontage of 30 feet or the district minimum, if less, unless otherwise approved by the Development Review Board as a planned unit development.
 - (c) Separate utility, water and wastewater lines must serve each lot and must not traverse any other lot. This provision may be waived upon the applicant recording a utility easement in the town land records.
- (3) Building Design. Attached dwelling units must be designed in accordance with the following:
 - (a) At least 50% of the dwelling units must have a ground-floor entrance that faces a street or common open space.
 - (b) Attached garages shall be located at or behind the building frontline.
 - (c) No more than 10 dwelling units may be contiguous. No contiguous group of dwelling units may exceed 360 feet.

304.B CAMPGROUND

- (1) No campsite or cabin may be occupied between November 1 and March 31 except for primitive campsites accessory to a lawful park or recreation area.
- (2) A campground must not exceed 10 campsites or cabins per acre.

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- (3) A campground must have a resident manager. This provision will not apply to a site that provides primitive campsites as an accessory use to a park or recreation area.
- (4) A campground may include one single-family dwelling for the campground manager, which may be occupied year-round.
- (5) The method of water supply and wastewater disposal at each campground must be in compliance with the regulations of the Vermont Department of Environmental Conservation.

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Section 319. Signs

319.A PURPOSE. By encouraging the orderly and appropriate design, scale and placement of signs, the provisions of this section are intended to:

- (1) Protect public safety;
- (2) Promote effective identification, communication and wayfinding; and
- (3) Maintain and enhance an attractive visual environment that fosters a healthy economy.

319.B APPLICABILITY. All signs must be designed and installed in accordance with the provisions of this section. The Administrative Officer must issue a permit before any sign is erected, enlarged, replaced, reworded, redesigned or altered in any way except as specifically exempted in **SUBSECTION 319.D**.

319.C PROHIBITED SIGNS. The following signs are prohibited:

- (1) Off-premise signs, except for signs on a common scheme premises in accordance with **PARAGRAPH 319.G(6)**.
- (2) On-premise signs more than 1,500 feet from the main entrance of the advertised business or use, except for signs on a common scheme premises in accordance with **PARAGRAPH 319.G(6)**.
- (3) Abandoned signs.
- (4) Signs attached to trees, utility poles, public benches, streetlights.
- (5) Signs placed on any public property or public right-of-way, except for a political sign in accordance with **SUBSECTION 319.D** or a portable sign in accordance with **PARAGRAPH 319.G(13)**.
- (6) Signs that obstruct pedestrian traffic or visibility.
- (7) Signs that limit drivers' sight distance, that could be confused with official highway signs or signals, that unduly distract drivers' attention, or that otherwise impair public safety.
- (8) Signs illuminated by, composed of, or containing flashing, intermittent, rotating or moving lights except for electronic message signs in accordance with **PARAGRAPH 319.G(7)**.
- (9) Internally illuminated signs except if located within the Service Center or Industrial zoning districts.
- (10) Signs that move or that incorporate any pennant, ribbon, streamer, spinner, balloon, inflatable or other similar moving, fluttering or revolving device except for revolving barber poles not more than 4 feet tall.
- (11) Signs that use obscene, lewd, vulgar or indecent words or images.

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- (12) Signs more than 150 square feet in area.
- (13) Signs, flags or banners mounted or extending more than 35 feet above the ground or, if building mounted, above the building's roofline.
- (14) Signs designed and located primarily to be visible from Interstate 91.
- (15) Signs placed on vehicles or trailers that are parked or located for the primary purpose of displaying the sign.

319.D EXEMPT SIGNS. The following signs do not require a zoning permit:

- (1) Public signs or notices erected or required by the town or state that are exempt from state regulation under 10 V.S.A. §494 (such as welcome signs, official traffic control signs, legal notices, hazard warning signs, and municipal Information and guidance signs), including signs associated with public transit.
- (2) Flags or insignia of a government when displayed in accordance with applicable federal and state codes and when not displayed in connection with commercial promotion.
- (3) Temporary signs provided that they do not exceed 6 square feet in area per side, are not more than 4 feet in height (free standing) or 6 feet in height (wall mounted) and are not illuminated:
- (7) One open flag not more than 15 square feet or one open/closed sign not more than 2 square feet in area per business. The flag must be displayed only when the business is open. An open sign may be illuminated only when the business is open.
- (8) Posted, trespassing, hunting or similar signs not more than 2 square feet in area.
- (9) Non-illuminated name, address or similar identification signs not more than 2 square feet in area.
- (10) One non-illuminated wall sign for a home occupation not more than 1 square foot in area.
- (11) Non-advertising, decorative signs or banners on single-family or two-family residential property.

319.E SIGN ZONES. This section regulates signs based on the following zones:

- (1) Sign Zone 1 encompasses the Urban Center, Village Center, Neighborhood Center, and Mixed Use zoning districts.
- (2) Sign Zone 2 encompasses the Service Center, Rural Business, and Industrial zoning districts.
- (3) Sign Zone 3 encompasses the Waterfront, and Institutional zoning districts.
- (4) Sign Zone 4 encompasses the Residential Neighborhood, Rural Residential and Rural zoning districts.

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319.F GENERAL STANDARDS. All signs must conform to the following:

- (1) Signs must be structurally sound and located so that they do not pose a threat to pedestrian or vehicular traffic.
- (2) Permanent free-standing signs must be self-supporting structures built on and attached to concrete foundations.
- (3) Signs must be designed to withstand a wind pressure of at least 30 pounds per square foot.
- (4) Signs must not be designed or located in a manner that would obstruct access to any fire escape, required exit, window or door.
- (5) Signs must not be designed or located in a manner that would obscure architectural features such as cornices, arches, columns, etc.
- (6) Sign lighting must meet the provisions of [SUBSECTION 317.G](#).

319.G SPECIFIC STANDARDS. All signs must conform to the following:

- (1) Wall Signs. Wall signs are allowed as specified in [FIGURE 3-25](#) and in accordance with the following:
 - (a) A building or tenant may have multiple wall signs.
 - (b) Wall signs may be mounted on any facade facing a street, public right-of-way or parking lot.
 - (c) The total area of all wall signs will be counted towards the maximum amount of building-mounted signs specified in [FIGURE 3-26](#).
 - (d) A wall sign must not exceed 80% of the length of the tenant space (for multi-use buildings) or building frontage (for single-use buildings).
 - (e) The sign may be externally illuminated, and within the Service Center or Industrial district may be internally illuminated (see [SUBSECTION 317.G](#)).
 - (f) Wall signs that project more than 6 inches from the wall must have a minimum clearance of 8 feet from the bottom of the sign to the grade below.
- (2) Projecting or Hanging Signs. Projecting or hanging signs are allowed as specified in [FIGURE 3-25](#) when designed and placed for the purpose of identifying the business primarily by a pedestrian walking along the same side of the street as the business or under a building arcade or canopy in accordance with the following:
 - (a) There must not be more than one projecting or hanging sign per customer entrance.
 - (b) The sign must not exceed 8 square feet in area.
 - (c) The area of a projecting or hanging sign will be counted towards the maximum amount of building-mounted signs specified in [FIGURE 3-26](#).

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- (d) The sign may be externally illuminated, and within the Service Center or Industrial district may be internally illuminated (see [SUBSECTION 317.G](#)).
 - (e) The sign must have a minimum clearance of 8 feet from the bottom of the sign to the grade below.
 - (f) The sign must not project more than 6 feet from the wall of the building on which it is mounted.
 - (g) The sign may encroach into required yards and over sidewalks to within 1 foot of the curb.
 - (h) Projecting signs must not be located closer than 24 feet to each other.
 - (i) If there will be multiple projecting signs mounted on a building, they must be compatible in type, scale and placement.
- (3) Vertical Blade Signs. Vertical blade signs are allowed as specified In Figure 3-25 when designed and placed for the purpose of Identifying the business primarily by a pedestrian walking along the same side of the street as the business in accordance with the following:
- (a) There must not be more than one vertical blade sign per frontage.
 - (b) The area of a vertical blade sign will be counted towards the maximum amount of building-mounted signs specified in [FIGURE 3-26](#).
 - (c) The width of the sign cannot exceed 2 feet and the thickness/depth of the sign cannot exceed 10 inches. Sign lettering shall be no more than 75% of the sign width.
 - (d) The sign must have a minimum clearance of 12 feet from the bottom of the sign to the grade below.
 - (e) The sign must not project more than 6 feet from the wall of the building on which it is mounted.
 - (f) The sign may encroach into required yards and over sidewalks to within 2 feet of the curb.
 - (g) Projecting signs must not be located closer than 24 feet to each other.
- (3) Directory Signs. Building-mounted directory signs are allowed as specified in [FIGURE 3-25](#) to identify uses that must be accessed from inside the building and in accordance with the following:
- (a) There must not be more than one directory sign per shared building entrance.
 - (b) The sign must not exceed 12 square feet in area.
 - (c) The sign must not be internally illuminated, but may be externally illuminated (see [SUBSECTION 317.G](#)).

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- (d) The area of a directory sign will not count towards the maximum amount of building-mounted signs specified in [FIGURE 3-26](#).
- (4) Signs for Upper Floor Uses. Building-mounted signs identifying upper floor uses are allowed as specified in [FIGURE 3-25](#) and in accordance with the following:
 - (a) There must not be more than one sign per upper floor use.
 - (b) The sign may be a wall or projecting sign.
 - (c) The sign must be mounted above the ground floor level, preferably at the height and location of the advertised use.
 - (d) The sign must not be internally illuminated, but may be externally illuminated (see [SUBSECTION 317.G](#)).
 - (e) The area of upper floor use signs will be counted towards the maximum amount of building-mounted signs specified in [FIGURE 3-26](#).
 - (f) If there will be multiple upper floor use signs mounted on a building, they must be compatible in type, scale and placement.
- (5) Free-Standing Signs. Free-standing signs are allowed as specified in [FIGURE 3-25](#) and in accordance with the following:
 - (a) There must not be more than one free-standing sign per site, except that sites with frontage on more than one street or more than one vehicular entrance from the street may have one free-standing sign on each street frontage or for each vehicular entrance.
 - (b) The size and height of a free-standing sign is as specified in [FIGURE 3-26](#). If there will be more than one free-standing sign per site, the total area of all the free-standing signs on the site must not exceed the maximum free-standing sign area specified in [FIGURE 3-26](#).
 - (c) The sign may be located within minimum required yards, but it must be set back at least 10 feet from all property lines.
 - (d) The sign may be externally illuminated and within the Service Center or Industrial district may be internally illuminated (see [SUBSECTION 317.G](#)).
 - (e) Free-standing signs must not be located closer than 50 feet to one another.
 - (f) Multi-use free-standing signs must not include any information other than the name of the site, its address and/or the name of tenants.
 - (g) Free-standing entrance signs must not include any information other than the name of the site or subdivision and its address.

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- (6) Common Scheme Premises Signs. Signage for a single development site that consists of multiple uses, buildings or lots sharing a common entrance from the street must be designed and located in a comprehensive and coordinated manner in accordance with the following:
 - (a) A common scheme premises may use free-standing signs that advertise multiple uses irrespective of whether the advertised uses are located on the same lot as the sign or the ownership of the lots.
 - (b) All signs located on a common scheme premises must be consistent with the site's approved signage master plan. The master plan must include proposed sign locations, sign types, and schematic design concepts for each sign type.
- (7) Electronic Message Signs. Electronic message signs are allowed as specified in **FIGURE 3-25** and in accordance with the following:
 - (a) There must not be more than 1 electronic message sign per use except as specifically authorized in **SUBSECTION 319.H**.
 - (b) Single-color, changeable-copy electronic message signs must not exceed 12 square feet in area.
 - (c) Multi-color changeable-copy electronic message signs are prohibited, except for theater marquees in accordance with **SUBSECTION 319.H**.
 - (d) Changeable-copy electronic message signs must not flash, scroll, fade, brighten, dim or otherwise be animated or create the effect of movement.
 - (e) The sign must not change its message more than once every 15 minutes except that time-temperature signs may switch messages once every 4 seconds.
 - (f) The brightness of the sign must not be of such an intensity as to cause unsafe conditions. Electronic message signs that will be illuminated after dark must have their brightness adjust in response to ambient light levels. The brightness of the sign must not exceed 0.3 foot-candles over ambient lighting conditions when measured from the front property line.
- (8) Window Signs. No more than 25% of any ground-level window may be obscured by signs, whether permanent or temporary, whether on the interior or exterior of the window, and whether physically mounted on the window or otherwise mounted so as to be primarily viewed through the window. Window signs will not be included when determining the total number and area of signs allowed on a site.
- (9) Awnings and Similar Accessory Structures. Signs on awnings or similar accessory structures attached to a building will be considered wall signs for the purposes of determining the total number and area of signs allowed on a site.

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- (10) Fuel Station Canopies. Except within the Service Center district, the fascia of any fuel station canopy that incorporates corporate or franchise identification elements (including graphic elements in corporate colors) will be considered a wall sign for the purposes of determining the total number and area of signs allowed on a site. Within the Service Center district, only those portions of the canopy fascia that contain corporate or franchise names or logos will be considered a wall sign for the purposes of determining the total number and area of signs allowed on a site (graphic elements in corporate colors will not be included).
- (11) Instructional and Wayfinding Signs. Instructional and wayfinding signs that will not be legible from off the premises will be allowed without limitation and will not be counted when determining the total number and area of signs allowed on a site.
- (12) Temporary Signs. Temporary signs, not exempt under 319.D.3 will be allowed to advertise openings, sales or similar special events as specified in **FIGURE 3-25** and in accordance with the following:
 - (a) There must not be more than one temporary sign per site except that multi-use sites in Sign Zone 2 may have not more than one temporary sign per use.
 - (b) A temporary sign must not be displayed for more than 21 days unless the Administrative Officer grants an extension.
 - (c) The Administrative Officer must only grant one permit for a temporary sign per site (or tenant within a multi-tenant property) within any 6-month period.
 - (d) A temporary sign must be securely attached to a building or a permanent free-standing sign.
 - (e) A temporary sign must not be more than 32 square feet in area. Temporary signs will not count towards the total amount of signs allowed under **FIGURE 3-26**.
 - (f) A temporary sign must not be illuminated.
- (13) Portable Signs. Portable signs will be allowed to advertise daily specials, sales or similar information as specified in **FIGURE 3-25** and in accordance with the following:
 - (a) There must not be more than one portable sign per business.
 - (b) A portable sign must only be placed out when the business is open.
 - (c) A portable sign must not be more than 8 square feet in area or 4 feet in height. A portable sign will not count towards the total amount of signs allowed under **FIGURE 3-26**.
 - (d) A portable sign may be placed on the public sidewalk not more than 12 feet from the associated customer entrance provided that the sign does not restrict the sidewalk to a clear width of less than 3 feet. If the business entrance is down an alley, the portable

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sign may be located further than 12 feet from the customer entrance.

- (e) A portable sign must not be illuminated.

319.H SPECIAL USE SIGNS. There are special standards for the following uses:

- (1) Theaters. In addition to the signs otherwise allowed under this section, a theater may have either:
 - (a) A marquee, which may advertise current or upcoming movies, shows or performances. The marquee may project not more than 6 feet from the building and must not be more than 4 feet high and 12 feet wide. The three faces of the marquee may be used as signs. The marquee will not count towards the total amount of signs allowed under [FIGURE 3-26](#). In Sign Zones 1 and 2, the marquee may use a multi-color, changeable-copy electronic message sign and will not be subject to the size limitation of [PARAGRAPH 319.G\(7\)](#). The multiple faces of the marquee will be considered one electronic message sign.
 - (b) Temporary wall or window signs, which may advertise current or upcoming movies, shows or performances. These signs may be mounted in permanently installed frames. These signs will not count towards the total amount of signs allowed under [FIGURE 3-26](#) or be subject to the limitations of [PARAGRAPH 319.G\(8\)](#) or [PARAGRAPH 319.G\(12\)](#). The total area of these signs must not exceed 32 square feet except that multiplexes may have another 8 square feet of signs per additional theater.
- (2) Fueling Stations. In addition to the signs otherwise allowed under this section, a fueling station may have either:
 - (a) One pricing sign affixed to each pump or not more than one pricing sign affixed to each side of the canopy. Such pricing signs will not count towards the total amount of signs allowed under [FIGURE 3-26](#). Each sign must not be more than 3 square feet in area. Pricing signs may be single-color changeable-copy electronic message signs provided that the standards of [PARAGRAPH 319.G\(7\)](#) are met. Multiple pricing signs will be considered one electronic message sign.
 - (b) One free-standing pricing sign per road frontage. The pricing sign will count towards the total amount of signs allowed under [FIGURE 3-26](#). The pricing sign may be a single-color changeable-copy electronic message sign provided that the standards of [PARAGRAPH 319.G\(7\)](#) are met.

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- (3) Farm Stands or Markets. In addition to the signs otherwise allowed under this section, a farm stand or market may display not more than 4 non-illuminated signs advertising seasonal products. Such signs will not count towards the total amount of signs allowed under **FIGURE 3-26**. Each sign must not be more than 4 square feet in area and must not be displayed more than 90 days in any calendar year.

319.I SIGN AREA. Sign area will be determined in accordance with the following:

- (1) The sign area will include all the elements that serve primarily to communicate the sign's message and not the structural elements supporting or serving as a background for the sign. If the support structure will be visually prominent, designed to attract attention, or otherwise integral to communicating the sign's message, it will be included in the calculation of sign area.
- (2) The area of a sign will be calculated by drawing a rectangle around all the elements that serve to communicate the sign's message. The area of signs that consist of multiple elements may be calculated by drawing a separate rectangle around each element and totaling the area.
- (3) Sign area will only include one side of a double-sided sign. The Development Review Board may modify the sign area requirements for three-dimensional signs.
- (4) The calculated area of a non-rectangular sign will be adjusted to compensate for the amount of negative space within the sign area rectangle as specified in **FIGURE 3-28**.

319.J SIGN MAINTENANCE. All signs must be maintained in a safe, legible and well-kept condition.

319.K SIGN REMOVAL. All signs must be removed within 90 days of its associated use being changed or terminated (if the sign is nonconforming see **SUBSECTION 319.L**). For lawful, conforming signs, only the message components of the sign associated with the changed or terminated use must be removed or covered and the support components may remain.

319.L NONCONFORMING SIGNS. The following apply to lawfully existing, nonconforming signs:

- (1) A nonconforming sign must not be altered, modified or reconstructed except if the alteration, modification, reconstruction or relocation:
 - (a) Will bring the sign into conformance with these regulations; or
 - (b) Will be limited to the replacement or repainting of a sign panel, individual letters or graphics within the same sign area with no change in the sign's primary content. No changes beyond normal repair and maintenance will be allowed to the structure or framing. The sign must not be relocated.
- (2) Otherwise a nonconforming sign must be brought into conformance with these regulations when:

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- (a) There is a change in the primary content of the sign, except as authorized in **PARAGRAPH (2)** above;
 - (b) An applicant proposes land development requiring major site plan approval; or
 - (c) The sign has been damaged to the extent that the cost of repair or restoration will exceed 30% of the replacement value of the sign immediately prior to the damage.
- (3) A nonconforming sign must be removed within 6 months of its associated use being changed or terminated. Both the message and support elements of the sign must be removed.
- (4) The primary content of the sign includes the text or graphics that must be included on the sign for the average person to be able to identify the business being advertised. It would typically include business names or logos, but would not typically include secondary elements such as owner names, addresses, phone numbers, advertising for products available on the premises, or affiliations.

319.M Distinctive Signs. Distinctive signs may be allowed as follows:

- 1. **Purpose.** The provisions of this subsection are intended to encourage unique, visually interesting and creative signs that contributes to an identifiable, distinctive, high-quality built environment.
- 2. **Applicability.** Applicants may seek conditional use approval for distinctive, building-mounted signs that do not conform to the standards of this section within the Urban Center, Village Center, Neighborhood Center, Mixed Use, and Waterfront districts.
- 3. **Review Criteria.** The applicant must demonstrate that the proposed distinctive sign:
 - a. Will not adversely affect public safety, including traffic and pedestrian safety;
 - b. Will help define and place a strong visual emphasis on the street and other public open spaces;
 - c. Will direct attention to buildings or building uses in a manner that adds variety to the pedestrian experience;
 - d. Will not use standard sign proportions but will rather be scaled and placed so that the sign relates to the building; and
 - e. Will be a unique visual element that complements the building design.

319.N VIOLATIONS. In addition to the enforcement procedures of **CHAPTER 470**, the Town of Brattleboro may remove any sign found to be in violation of this section or to be posing a hazard at the owner's expense.

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Part 4 Amendments

Figure 4-3. Development Review Criteria

CRITERIA	SITE PLAN	COND. USE	ACT 250
11 Energy Conservation. The proposed development will be designed and located to minimize its energy use to the extent that is economically and physically feasible. Energy-saving approaches to development may include: high-efficiency buildings, light fixtures and infrastructure; buildings oriented to maximize solar gain; landscaping to provide wind breaks, and reduce heat loss or gain as appropriate; buildings sited to minimize the length of road and utility corridors; and generating renewable energy on-site.			