

# TOWN OF GEORGIA ZONING REGULATIONS

Town of Georgia, Vermont



Effective  
April 12, 2010

# TOWN OF GEORGIA ZONING AND PLANNING PERMIT FEE SCHEDULE

Approved by the Georgia Selectboard on April 26, 1993

## **ZONING PERMITS:**

New Construction: (includes rebuilding, replacement, relocation of structures on a lot. Residential includes homes, camps, seasonal homes)

Residential (Fee includes C.O.) \$100.00/unit + .05/sq.ft. \*

Impact Fee (required for each new dwelling unit) \$3,013.00

Commercial (required for each new dwelling unit) \$100.00/unit + .025/sq. ft. \*

Industrial (required for each new dwelling unit) \$100.00/unit + .025/sq. ft. \*

Accessory Dwelling Unit \$100.00/unit + .05/sq.ft

Impact Fee (required for each new accessory dwelling unit) \$465.00

Accessory Permits: (includes residential garages, carports, residential greenhouses, solariums, sheds, storage buildings and similar structures):

200 sq. ft. or less \$25.00

More than 200 sq. ft. \$50.00

Pools, decks, porches, fences,

tennis courts and

similar structures: \$25.00

Home Occupations: \$60.00

Home Occupation Sign: \$20.00

Sign (Commercial): \$50.00

Additions/Alterations:

Residential \$50.00 + .05/sq. ft.

Commercial/Industrial \$50.00 + .025/sq. ft.

Renewal of Zoning Permits: 25% of original fee \*\*

Agricultural Structures: (barns, sheds, silos, sugarhouses, and similar structures directly utilized in the operation of a farm owned or controlled by a "farmer" as defined by Regulation 1.175-3 of the I.R.S. Code.): No permit required, but notification to Town as per State law.

Driveway/Access permits: \$25.00

Road Inspections: \$50.00/inspection (1<sup>st</sup> one free)

## **ZONING BOARD OF ADJUSTMENT HEARINGS:**

Variance: \$150.00

Appeals: \$150.00

Conditional Uses:

Residential \$150.00

Commercial/Industrial \$250.00

Change of Use:

Residential \$150.00

Impact Fee (required for seasonal conversions) \$1,165.00

Commercial \$250.00

Amendments 25% of original fee paid

**Recording fee for all zoning permits \$20.00**

## **PLANNING COMMISSION HEARINGS:**

### Sketch Plan Review:

|                                     |          |
|-------------------------------------|----------|
| Minor (2-3 lots)                    | \$50.00  |
| Major (4 or more new building lots) | \$100.00 |

### Final Plat Hearing:

|                              |                                |
|------------------------------|--------------------------------|
| Minor                        | \$300.00 + \$50.00/lot or unit |
| Major (includes preliminary) | \$500.00 + \$50.00/lot or unit |

Site Plan Review \$250.00

Site Plan Amendment \$125.00

Lot Line Adjustment \$75.00

### Subdivision Amendment:

Minor or Major 25% of Final Plat Fee paid

**Recording fee for all planning permits \$10.00**

**Recording fee for all Mylars \$15.00**

Independent engineering or other professional consultation/reviews/inspections/services: Paid by applicant, if required by Planning Commission, ZBA, or Selectboard as part of permit approval or acceptance of utilities/facilities/improvements.

### **NOTES:**

\* Each additional dwelling unit in the case of residential development or each separate commercial/industrial unit for commercial/industrial development.

\*\* Zoning Permits expire 1 year from date of issue. A 1-year extension may be allowed.

For applications that require more than one type of approval and/or one type of permit, cumulative fees shall apply. For example, a proposal that constitutes a Major Subdivision of 4 units,; a Site Plan; and a Conditional Use Permit, the fee will be \$1,100 (\$500.00 base fee for Major Subdivision + 4 lots @ \$50.00 each = \$700.00; Site Plan fee = \$250.00; Conditional Use Permit fee is \$150.00 for a total of \$1,100).

Failure to submit fees in a timely manner will result in processing delays for all application types.

### **Additional fees apply to recording of other documents as follows:**

1. Legal Documents (\$10.00/per page)
2. Other: As determined by Town Clerk per State Statute

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## **1000 GENERAL PROVISIONS**

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**1010 TITLE:** These regulations shall be known as the Town of Georgia Zoning Regulations.

**1020 PURPOSE:**

These regulations are intended to promote the health, safety, and general welfare of the inhabitants of the Town of Georgia, provide for growth and development while strengthening a sense of community, and maintaining and enhancing the natural beauty of the town. They are also intended to protect the value of property, to prevent overcrowding, to facilitate the provision of public facilities and *services*, including transportation, water, sewage, and *schools*, and to provide for the orderly development in Georgia of *homes, agriculture, forestry*, commerce, industry, public *uses*, and recreation and conservation with reasonable consideration for the character of each locality and its suitability for a particular *use*.

The Zoning Regulations classify and guide the *uses* of land, *buildings* and *structures* in the Town of Georgia in accordance with the Town's Municipal Plan, Town Zoning Map, Capital Budget and Program, and the Vermont Planning and Development Act, Title 24 V.S.A. Chapter 117, hereinafter referred to as Ch. 117. The regulations are designed to implement the purposes and policies set forth in the Town Plan and the Act.

**1030 LAND DEVELOPMENT AND CONFORMANCE WITH REGULATIONS:**

No *land development*, as defined in Section 2010.47 of these regulations, may continue or commence except in conformance with these regulations. Any *use* not expressly permitted or conditionally permitted in any district is prohibited in that district except where specifically enabled under these regulations. Conformance with regulations shall be evidenced by securing applicable municipal land use approvals and/or permits, as well as applicable state and federal approvals and/or permits.

**1030.1 Limitations to Zoning Regulations:** The following limitations apply to these zoning regulations:

1. Uses listed in Ch. 117 Section 4413(a)(1) through (6) shall only be regulated pursuant to Section 4413(a) allowances;
2. Public utility power generating plants and transmission facilities shall only be regulated pursuant to Ch. 117 Section 4413(b) (by 30 V.S.A. Section 248, the Public Service Act);
3. Accepted agricultural and silvicultural practices shall only be regulated pursuant to Ch. 117 Section 4413(d)(1-3);
4. Roadside stands for agricultural products, provided they meet requirements of Section 5130.

**1030.2 Exemptions from Zoning Regulations:** The following activities are exempt from these zoning regulations:

1. Construction of driveways or other right-of-way improvements. Driveway permits shall be secured from the Road Commissioner or Agency of Transportation, and driveways and related right-of-way improvements shall meet standards imposed by the latter officials;
2. Routine excavation and fill associated with ornamental site landscaping, nursery operations, cemetery operations, and like applications, provided said excavation and fill is not associated with basic site preparation for development.
3. Routine maintenance and repairs to existing structures that will not result in a change of use.
4. Internal construction which will not increase useable floor space or alter a permitted use.
5. Accessory structures no larger than one hundred (100) square feet.
6. Fences less than five (5) feet in height.
7. Construction of ramps and other structures for handicapped accessibility.
8. Exemptions from sign regulations as indicated in Section 4060.5.

**1040 AMENDMENT OR REPEAL:**

Zoning amendments shall be prepared and adopted in accordance with the requirements of Ch. 117, Sections 4441, 4442, 4444, and 4446.

**1050 SEVERABILITY:**

If a court of competent jurisdiction determines that any portion of these regulations is invalid, such determination shall not have the effect of invalidating any other part or provision.

**1060 EFFECTIVE DATE:**

These regulations shall become effective twenty-one (21) days after adoption by a majority of the members of the Town of Georgia Select Board, pursuant to *Ch. 117, Section 4442*.

**1070 OTHER REGULATIONS:**

Upon the date that these Zoning Regulations become effective, any prior zoning regulations of the Town of Georgia then in effect shall be amended in their entirety. Previous amendments to the zoning regulations were made on 6/8/09; 8/04/08; 11/12/07; 9/12/05; 2/14/05; 8/12/02; 5/12/97; 2/28/94; 2/24/92; 11/12/90; 7/4/88; 1/23/84; 9/14/81; 1/6/74; 9/30/68; and 1/23/67.

**1080 CONFLICTING REGULATIONS:**

Should text or provisions of these regulations conflict internally, or conflict with other applicable regulations, the following guidelines shall dictate:

- a. Where applicable, the most restrictive regulation shall apply;
- b. The most recently adopted regulation shall apply;
- c. Where applicable, pre-emptory regulations (e.g. state statutes) shall preempt municipal codes.
- d. If guidelines (a) and (b) conflict, an Administrative Interpretation shall be made by the Zoning Administrator, Planning Commission, and/or Zoning Board of Adjustment, including mutual consultations as appropriate. Administrative Interpretations shall be recorded as official town policy, and shall be incorporated into zoning code updates as the code is periodically updated. In the event that the Planning Commission and/or Board of Selectmen do not agree with a recorded Administrative Interpretation, said matter shall be addressed as the Commission and Selectboard see fit. Any lots, land uses, or structures established by Administrative Interpretation which conflict with a subsequent Selectboard revision to the zoning code shall automatically become non-conforming lots, uses, or structures, as applicable, and abide by requirements in Section 5140.

## **2000 DEFINITIONS**

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### **2005 GENERAL DEFINITIONS:**

Definitions contained in Title 24 V.S.A. Ch. 117 will be applicable throughout these regulations unless otherwise specifically defined in this section.

### **2010 SPECIFIC DEFINITIONS:**

Words defined in this section are italicized throughout the remainder of these Regulations.

2010.1: ACCESSORY DWELLING UNIT (ADU): See *Dwelling Unit, Accessory* (2010.24.9).

2010.2 ACRE: An *acre*, as used in these regulations, shall be computed on the basis of 40,000 sq. ft. Acre, as used in these regulations, is also known as a zoning acre.

2010.3 ADMINISTRATIVE OFFICER: *Administrative Officer* and Zoning Administrator are one and the same and can be used interchangeably. (See Ch. 117 Section 4448)

2010.4 AGRIBUSINESS: A business providing goods or *services* to producers of marketable agricultural products, including marketing outlets such as farm cooperatives, feed and supply stores, farm equipment establishments, commercial greenhouses and nurseries. *Agribusiness* does not include the slaughter of animals or poultry for commercial purposes.

2010.5 AGRICULTURE: Includes those activities identified as “Accepted Agricultural Practices” in the Accepted Agricultural Practice Rules, dated June 29<sup>th</sup>, 1995 as may be amended, and prepared by the Vermont Department of Agriculture, Food & Markets

2010.6 ALTERATION: A change to or rearrangement of the physical components of a *building* or *structure* which increases or decreases any exterior dimension (height, width or depth), or the moving of such components from one location to another.

2010.7 APPROPRIATE MUNICIPAL PANEL (AMP): A *Planning Commission* performing development review; a *Zoning Board of Adjustment*; a Development Review Board; or a Legislative Body performing development review.

2010.8 BED AND BREAKFAST: An owner occupied residential *structure* designed to provide room and board to persons on a nightly, weekly, or seasonal basis, where sleeping accommodations of no more than six (6) bedrooms for hire are provided and where meals are provided incidental to the provision of accommodations.

2010.10 BUILDING

2010.10.1 BUILDING: A *structure* designed to be used as a place of assembly,

occupancy, storage or shelter.

2010.10.2 BUILDING ENVELOPE: A three dimensional volume within which all *structures* must be contained.

2010.10.3 BUILDING HEIGHT: The vertical distance of a *structure* measured from the average elevation of the final grade within the building footprint to the highest point of the structure's roof line.

2010.10.4 BUILDING LOT: Land occupied or to be occupied by not more than one principal *building* and its *accessory structures*.

2010.10.5 BUILDING, PRINCIPAL: The primary *building* on a *lot* or a *building* that houses a principal *use*.

## 2010.11 CAMP

2010.11.1 CAMP, HUNTING: A non-commercial, limited *use structure* for temporary living purposes. Such *structures* must provide composting sanitary facilities at a minimum. Such *structures* shall not be occupied for more than four consecutive weeks and not more than 60 days total in a calendar year. A hunting *camp* is exempt from frontage requirements.

2010.11.2 CAMP, SEASONAL: See *Dwelling, Seasonal*

2010.11.3 CAMP, COMMERCIAL YOUTH: Any parcel of land used wholly or in part for recreational or educational purposes, accommodating five or more children at one time under eighteen years of age for a period of, or portions of, five days or more. The operation may be a day *camp* or a resident *camp*.

2010.12 CAMPGROUNDS: An area or tract of land on which accommodations for temporary occupancy are located including cabins, tents, camper trailers, recreational equipment, and is used for primarily recreational purposes and retains an open air or natural character.

2010.13 CEMETERY: Land used for the burial of the dead; does not include mortuaries or crematories.

2010.14 CHANGE OF USE: The initiation of a new *use* on the subject property.

2010.15 CHAPTER 117: Vermont's Municipal & Regional Planning and Development Act, also known as 24 VSA Chapter 117. The abbreviation 'Ch. 117' is used in this bylaw.

2010.16 CHURCH: A *building* or *structure*, together with any *accessory structures* with the exception of a rectory, used for regular assembly for religious worship, and which is maintained

and controlled by a religious body organized to sustain such worship.

2010.17 CLINIC: An institution providing primary health *services* and medical or surgical care to persons, primarily outpatients.

2010.18 COMPLETE APPLICATION: Information, including written, graphic, fees, and otherwise required for review and decision making on land development applications. Application forms for all Municipal Land Use Permit types are available from the Planning & Zoning Department.

2010.19 CONVENIENCE STORE/MINI MART: Any *lot* or area of land, including the *building* or *buildings* thereon, which is used for the retail sale of products normally associated with a quick stop facility. This does not include a full scale *retail store*.

2010.20 DAY CARE

2010.20.1 DAY CARE LEVEL 1: A state registered or licensed *family* child care home serving no more than six full-time and four part-time children, as defined in Title 33 VSA. Day Care Level 1 requires residential occupancy by the operator of the facility.

2010.20.2 DAY CARE LEVEL 2: A state registered or licensed *family* child care *facility* serving more than six full-time and four part-time children, as defined in Title 33 VSA.

2010.20.3 DAY CARE FOR EMPLOYEE USE AT A BUSINESS ONLY: A state registered or licensed *family* child care home located within the principal or *accessory structure* of a business, which serves only children of the employees of the associated business.

2010.21 DENSITY: The number of *lots*, beds, seats or units, (residential, commercial, industrial) allowed in any given geographic area.

2010.22 DETERIORATION: Significant dilapidation of a *structure* to the point where it is a safety hazard to persons or nearby *structures* on adjacent properties.

2010.23 DRIVEWAY: A private way providing access from residential dwelling unit(s) or non-residential structures to a roadway or street. Driveways may serve up to two properties or dwelling units. Driveway permits are required from the Road Commissioner.

2010.24 DWELLING

2010.24.1 DWELLING UNIT: A *building*, or a portion thereof, occupied as a residence by a single family and having living, sleeping, eating, cooking, and

sanitation facilities.

2010.24.2 DWELLING, SEASONAL: A *building*, or portion thereof, occupied on a non-commercial basis as a temporary living space, and having living, sleeping, eating, cooking, and sanitation facilities. Such dwelling shall not be occupied for more than seven (7) months in a calendar year.

2010.24.3 DWELLING, SINGLE FAMILY: A detached *building* which contains one *dwelling unit*. Includes site built as well as *manufactured* and *mobile homes*. Also see *Use by Right* (Section 2010.115.3)

2010.24.4 DWELLING, SINGLE FAMILY, AS PART OF A BUSINESS: A *dwelling unit* which is attached to an allowed business, and which is designed for and occupied by one *family*. The *dwelling unit* may be occupied by a family unrelated to the business located in the building.

2010.24.5 DWELLING, TWO FAMILY: A detached *building* which contains two *dwelling units*.

2010.24.6 DWELLING, THREE FAMILY: A detached *building* which contains three *dwelling units*.

2010.24.7 DWELLING, FOUR FAMILY: A detached *building* which contains four *dwelling units*.

2010.24.8 DWELLING, MULTI FAMILY: A detached *building* which contains three or more *dwelling units*.

2010.24.9 DWELLING UNIT, ACCESSORY: An efficiency or one-bedroom dwelling unit that is clearly subordinate to a single-family dwelling and has facilities and provisions for independent living, including sleeping, food preparation, and sanitation, provided there is compliance with Section 4080 of these regulations.

## 2010.25 FACILITY

2010.25.1 FACILITY AND SERVICE, MUNICIPAL: A municipally-owned or operated *service* or facility, or a *service* or facility primarily serving town residents, such as a governmental *office*, library, *garage* for the storage and repair of town *road* equipment, *building* for fire, police or rescue personnel or equipment, water supply or sewage treatment facility, or recreation facility.

2010.25.2 FACILITY AND SERVICE, STATE OR FEDERAL: A facility or *service* which is owned or operated by the state or federal government.

2010.25.3 FACILITY, REGIONAL: A facility that is designed for normal and customary *use* by those who live in a greater than 10 mile radius.

2010.26 FAMILY: One or more persons living together as a single housekeeping unit, as distinguished from a group occupying a boarding house, lodging house, club, fraternity or *hotel*.

2010.27 FARM EQUIPMENT SALES: The *use* of any *building*, land area, or other premises for the display and sale of new or used farm equipment and machinery; does not include automobiles, light trucks, vans, or recreation vehicles. The sale of vehicular fuels is prohibited.

2010.28 FENCE: A constructed barrier erected to enclose a particular area or to screen an area from view.

2010.29 FINISHED GRADE: The final average elevation of soil around a *structure*.

2010.30 FORESTRY: Any activity involving the maintenance and/or management of an area of trees for any of the following purposes: to produce commercial timber and/or other forest products; to provide good forest cover for watershed protection; to protect and preserve open land; or to maintain wildlife habitat.

2010.31 FUEL STORAGE: The storage of flammable liquids in tanks above ground with unit capacity greater than 550 gallons.

2010.32 GARAGE, PRIVATE: A *building* or a portion thereof, accessory to a main *building*, whether attached or independent, providing for the storage of automobiles, in which no occupation or business for profit is carried on.

2010.33 GARAGE, REPAIR: See *Motor Vehicle Service Station*.

2010.34 GREENSTRIP: The grassed buffer between the *sidewalk* and the street where utility poles, trees, hydrants, signs, benches, transit shelters, and planters may be placed. See also *Street Furnishing Zone*.

2010.35 GROUND FLOOR AREA: The interior of the first floor of a *structure*, as measured in square feet.

2010.36 GROUP HOME: A *dwelling unit* licensed to serve eight (8) or fewer clients in a residential setting, to be operated under State of Vermont licensing and applicable regulations, for handicapped or disabled persons as defined in 9 VSA Section 4501. Such a *dwelling* must be at least 1000 feet from another *dwelling* being utilized for a similar purpose. Also known as a Residential Care Home.

2010.37 HEAVY EQUIPMENT SALES: The *use* of any *building*, land area, or other premises for the display and sale of new or used construction equipment and machinery; does not include

automobiles, light trucks, vans, or recreation vehicles. The sale of vehicular fuels is prohibited.

2010.38 HEAVY INDUSTRY: The processing and *manufacturing* of certain materials and products not having the characteristics of "*Light Manufacturing*."

2010.39 HOME OCCUPATION: An occupation that is carried on by a resident of the dwelling unit, occupies only a minor portion of a *dwelling unit*, that does not alter the essential character of the neighborhood or substantially impair the *use* of adjacent property, and that does not employ more than one employee who is not a resident of the *dwelling*. (See Section 4070).

2010.40 HOMES: See *Dwelling Unit*

2010.41 HOTEL/MOTEL: See *Motel/Hotel*

2010.42 INDIVIDUAL FUELING STATION: Individual fueling stations can be occupied by one vehicle for the purposes of pumping gas. Typically, a gas pump has two individual fueling stations, one on each side. There are two individual fueling stations at this pump.



2010.43 INTERESTED PERSON: Person as defined in 24 V.S.A., *Ch. 117*, Section 4465(b).

2010.44 JUNK: Any worn-out, cast-off, or discarded article or material which is ready for destruction or has been collected or stored for salvage or conversion to some *use*. Any article or material which, unaltered or unchanged and without further reconditioning, can be used for its original purpose as readily as when new shall not be considered *junk*.

2010.45 JUNK YARD: A *lot*, parcel of land, or *building* or any part thereof, used for the collection, storage, sale, wrecking, dismantling, or salvaging of "*junk*," including any place where two (2) or more unregistered vehicles are stored.

2010.46 KENNEL: Any establishment or *building* designed or arranged for breeding, boarding, or training six or more dogs or cats as a business, or for purposes of show or hunting.

2010.47 LAND DEVELOPMENT: The division of a parcel into two or more parcels, the construction, *reconstruction*, *conversion*, structural *alteration*, relocation or enlargement of any *building* or other *structure*; any mining, excavation or landfill; and any change in the *use* of any *building* or other *structure*, or land, or extension of *use* of land. Limitations and exemptions from *Land Development* are indicated in Section 1030.

2010.48 LANDOWNER: The record owner of fee title to the *lot*.

2010.49 LAUNDROMAT/DRY-CLEANERS: A business which provides clothes washing machines and clothes dryers for public use for a fee, and/or provides clothes-washing and/or dry-cleaning services to the public for a fee.

2010.50 LIGHT INDUSTRIAL: (See *light manufacturing*)

2010.51 LIGHT MANUFACTURING: The processing and/or fabrication of certain materials and products where no process involved produces noise, vibration, air pollution, fire hazard, or noxious emission which will adversely disturb or endanger neighboring properties. Non-inclusive examples are: home appliances; electrical instruments; jewelry; printed material; apparel; pharmaceutical goods; and like *uses*.

2010.52 LOT

2010.52.1 LOT: A lot is a parcel of land owned by a lot owner, the boundaries of which are: 1) established by a deed or deeds recorded in the land records of the Town of Georgia, and the records of any public road right-of-way; or 2) shown on a plat approved by the Georgia Planning Commission pursuant to subdivision regulations.

2010.52.2 LOT COVERAGE: The percentage of a *lot's* area which is covered by impervious surfaces such as *buildings*, *structures*, parking areas, loading areas, or driveways.

2010.52.3 LOT, EXISTING SMALL: A lot that does not meet the minimum area requirements for a specific use within a zoning district.

2010.52.4 LOT FRONTAGE: Those side(s) of a *lot* abutting on a *road*.

2010.52.5 LOT OWNER: The record owner of fee title to a *lot*.

2010.52.6 LOT SIZE: The area of a lot, the boundaries of which are established by a deed or deeds recorded in the land records of the Town of Georgia, or as shown on a plat approved by the Georgia Planning Commission.

2010.53 MANUFACTURED HOME: A factory-built single family structure that meets the Federal Manufactured Home Construction and Safety Standards Act (42 USC Section 5401 [1976], commonly known as the HUD code.)

2010.54 MANUFACTURING: The processing, packaging, assembly or fabrication of any article, substance or commodity.

2010.55 MARINA: Any *shoreline* property used to provide one (1) or more of the following:

- a) Access to public waters for docking or mooring of five (5) or more boats with or without other *services*; or
- b) A small-craft harbor complex providing access to public waters characterized by such activities as boat repairs, sales, rentals, chartering, derricks, docks, wharfs,

moorings, marine railways, boat storage and other marine-type facilities and commercial *services* which may include the sale of food or other *services* clearly incidental to the operation of the marine based activities.

2010.56 MOBILE HOME: A residential dwelling that was fabricated in an off-site manufacturing facility, designed to be a permanent residence, and built prior to the Federal Manufactured Home and Constructed Safety Standards Act.

2010.57 MOBILE/MANUFACTURED HOME PARK: A site containing spaces with required improvements and utilities that are leased or sold for the long-term placement of mobile or manufactured homes. The site may include services and facilities for the residents.

2010.58 MOTEL/HOTEL: A facility, other than a *bed and breakfast*, offering transient lodging accommodations on a daily rate to the general public which may provide additional *services*, such as *restaurants*, meeting rooms, and recreational facilities.

#### 2010.59 MOTOR VEHICLE

2010.59.1 MOTOR VEHICLE REPAIR: The *use* of any *building*, land area, or other premise which is used for the purpose of making major and minor repairs, for hire, to *motor vehicles*, including painting, body work, and mechanical work, provided all *motor vehicles* located on the premises are being worked on for repair or *rebuilding* and are not kept on the premises for salvage. All *motor vehicles* located on the premises must be registered for operation. The sale of vehicular fuels is prohibited.

2010.59.2 MOTOR VEHICLE SALES: The *use* of any *building*, land area, or other premise for the display and sale of new or used automobiles generally but may include light trucks or vans, trailers, or recreation vehicles. Limited to the actual sales of vehicles that require registration by the Department of *Motor Vehicles*. The sale of vehicular fuels and vehicular servicing is prohibited.

2010.59.3 MOTOR VEHICLE SERVICE STATION: The *use* of any *building*, land area, or other premise for the sale of *motor vehicle* fuel, lubricants, and related products and accessories, and for servicing of automobiles and light trucks. The sale of *motor vehicles* is prohibited.

2010.60 MULTI-TENANT ELDERLY HOUSING: Multiple *dwelling units* with no more than two bedrooms per unit designed specifically to meet the physical and living requirements of the elderly or handicapped and restricted to occupancy by one or more persons over 55 years of age or handicapped as the principal tenant(s) of each unit.

2010.61 MUNICIPAL LAND USE PERMIT: Means any of the following whenever issued:

- a. A zoning, subdivision, site plan, or building permit or approval, any of which relate to ‘*land development*’ as defined in this section, that has received final approval from the applicable board, commission, or officer of the municipality.
- b. Final official minutes of a meeting that relate to a permit or approval as described in (a) above that serve as the sole evidence of that permit or approval.
- c. A certificate of occupancy, certificate of compliance, or similar certificate that relates to the permits or approvals described in (a) of this section, if the bylaws so require.
- d. An amendment of any of the documents listed in (a) through (c) of this section.

2010.62 MUSEUM: A *building* or room used for storage and the public display of objects with historic, scientific, or artistic value or interest.

2010.63 NONCONFORMING LOTS OR PARCELS: Lots or parcels that do not conform to the current bylaw covering area and dimensional requirements, but were in conformance with all applicable laws, ordinances and regulations prior to the enactment of a bylaw with which they did not conform, including a lot or parcel improperly authorized as a result of error by the *Administrative Officer* or appropriate municipal panel.

2010.64 NONCONFORMING STRUCTURE: A *structure* or part of a *structure* that does not conform to the current bylaw regarding setback, lot coverage, and/or height requirements, but was in conformance with all applicable laws, ordinances and regulations prior to the enactment of a bylaw with which it did not conform, including structure(s) improperly authorized as a result of error by the *Administrative Officer* or appropriate municipal panel.

2010.65 NONCONFORMING USE: *Use* of land that does not conform to the current bylaw regarding use and requirements other than setbacks, lot coverage and building height that are applicable to such use (such as, by way of example only, lot size, density, number of buildings or off-street parking) but did conform to all applicable laws, ordinances and regulations prior to the enactment of a bylaw with which it did not conform, including a *use* improperly authorized as a result of error by the *Administrative Officer* or appropriate municipal panel.

2010.66 NONCONFORMITY: A *nonconforming use, structure, lot, or parcel*.

2010.67 NURSERY: Land or greenhouses used to raise flowers, shrubs, and plants for sale.

2010.68 NURSING HOME: A facility licensed by the State of Vermont which provides long-term health care to elderly patients in a residential setting.

2010.69 OFFICE: A place where a particular kind of business is performed, such as real estate, government or insurance *services*.

2010.70 OPEN SPACE: Land which is set aside from development and designated for public

recreation, productive use (such as *agriculture* or *forestry*) or resource protection (such as wildlife or *scenic areas*).

2010.71 PARKING FACILITY: An area open for public parking, with or without payment of a fee, under, within, or outside of a building or structure, including parking lots and parking garages.

2010.72 PARKING SPACE: An area, other than a loading space, of not less than 9' x 18', net, exclusive of access or maneuvering areas, or ramps, columns, etc., to be used exclusively as a temporary storage space for at least one private *motor vehicle*.

2010.73 PEDESTRIAN WALKWAY: A cleared way for pedestrians and/or bicycles that may or may not be paved or otherwise improved.

2010.74 PLANNED RESIDENTIAL DEVELOPMENT (PRD): A residential development, designed and planned as an integral unit which may contain various types of residential *structures* which may consist of individual *lots or structures* that do not satisfy the dimensional requirements otherwise contained in these Regulations.

2010.75 PLANNED UNIT DEVELOPMENT (PUD): A primarily non-residential development, designed and planned as an integral unit which may contain various commercial and industrial and limited *residential uses* which may consist of individual *lots or structures* that do not satisfy the dimensional requirements otherwise contained in these Regulations.

2010.76 PLANNING COMMISSION: The duly elected body for the Town of Georgia to execute functions authorized under Subchapter 2 of *Ch. 117*.

2010.77 PLAT: (1) A map representing a tract of land, showing the boundaries and location of individual properties and streets; (2) a map of a *subdivision* or *site plan*.

2010.78 PUBLIC NOTICE: The form of notice prescribed by Sections 4444, 4449, or 4464 of *Ch. 117*, as the context requires.

2010.79 QUALIFIED CONSULTANT: A licensed professional engineer or a site technician, as defined by the State of Vermont Environmental Protection Regulations, acting within the authority of his/her license or certification.

2010.80 QUARRY: A open land area where sand, gravel, fill dirt, and rock fragment are mined or excavated for sale or off-*lot use*.

2010.81 RADIO, NON-COMMERCIAL: Communication through electromagnetic waves for non-commercial purposes, such as: amateur (ham) *radio*, two-way *radio*.

2010.82 RECONSTRUCTION: The *rebuilding* of damaged or destroyed properties.

## 2010.83 RECREATION

2010.83.1 RECREATION, PRIVATE INDOOR: Recreation facilities and activities which are located inside of a *structure* or *building*, which is owned and operated by a non-governmental entity. Examples of *private indoor recreation* facilities include bowling alleys, movie theaters, indoor skating rinks, gymnasiums, indoor soccer facilities, and similar facilities.

2010.83.2 RECREATION, PRIVATE OUTDOOR: Outdoor recreation facilities which are privately owned and which may be made available on a members-only basis or to paying customers. Examples of *private outdoor recreation* facilities include yacht clubs, golf courses, golf driving ranges, trap, skeet, and archery ranges, swimming pools, outdoor skating rinks, riding stables, parks, beaches, tennis courts, skiing areas, *campgrounds*, and similar facilities.

2010.83.3 RECREATION, PUBLIC INDOOR: Recreation facilities and activities which are located inside of a *structure* or *building*, which is owned and operated by a governmental entity. Examples of *public indoor recreation* facilities include bowling alleys, movie theaters, indoor skating rinks, gymnasiums, indoor soccer facilities, and similar facilities.

2010.83.4 RECREATION, PUBLIC OUTDOOR: Outdoor recreation facilities which are publicly owned and operated. Examples of *public outdoor recreation* facilities include playgrounds, playfields, parks, *open spaces*, swimming pools, tennis courts, and similar facilities.

2010.84 RESEARCH AND TESTING LABORATORY: A *building* or group of *buildings* in which are located facilities for scientific research, investigation, testing, or experimentation related to development of manufactured, processed or compounded products.

2010.85 RESTAURANT: Establishments where meals are sold primarily for on-site consumption, with food generally in re-usable containers, with alcoholic beverage sales being a minor percentage of gross sales. Food may be ordered for take-out and off premises consumption as long as this is a minor portion of the sales. A deli in a grocery store, convenience store or supermarket serving food and sandwiches for off premise consumption only, shall not be considered a *restaurant*.

2010.86 RETAIL STORE: Establishment appropriately open to adults and minors selling products such as but not limited to food, dry goods, novelties, flowers, gifts, books, music or stationary, hardware, household furnishings or appliances, jewelry, sporting goods, luggage, wearing apparel including shoes, photographic supplies, hobby, toy and game shops, art supplies, newspapers and magazines, tobacco products, and drug stores, and excluding recreational vehicle and mobile home sales and *service*.

2010.87 RETAINING WALL: A vertical or nearly vertical *structure*, designed and built for the purpose of preventing erosion, or to transition from one elevation to another, which requires excavation and anchorage, and is substantial in design and construction, unlike the type and nature of a wall used only for landscaping purposes. Examples of a “*Retaining Wall*” include a seawall on a lakeshore or stream bank.

2010.88 RIGHT-OF-WAY: (1) A strip of land acquired by reservation, dedication, forced dedication, prescription, or condemnation and intended to be occupied by a *road*, crosswalk, railroad, electric transmission lines, oil or gas pipeline, water line, sanitary storm sewer, and other similar *uses*; (2) generally, the right of one to pass over the property of another.

2010.89 ROAD/STREET

2010.89.1 ROAD/STREET, PRIVATE: A *right-of-way* which provides overland access to three or more properties or *dwelling units*, and is not owned by the Town of Georgia, State of Vermont, or United States.

2010.89.2 ROAD/STREET, PUBLIC: A *right-of-way* which provides overland access to a lot or lots and is owned by the Town of Georgia, State of Vermont or United States.

2010.90 RURAL RETAIL: Establishment selling goods made from products raised or made on the premises, including agricultural products, *forestry* products, and crafts; nurseries and garden centers; art galleries; and shops associated with outdoor recreation facilities on the premises.

2010.91 SCALE: The relationship between distances on a map and actual ground distances.

2010.92 SCALE OF DEVELOPMENT: The relationship of a particular project or development, in terms of size, height, bulk, intensity, and aesthetics, to its surroundings.

2010.93 SCENIC AREAS: The major *scenic areas* shall be those identified in the Town Plan. *Scenic areas* appropriate for protection and/or preservation shall also include scenic vistas and corridors in more localized neighborhoods or geographic areas.

2010.94 SCHOOL: Any establishment certified by the Vermont Department of Education, including: Parochial; private; public and pre-schools; colleges; universities and *accessory uses*; but specifically excluding commercially operated *schools* of beauty culture, business, dancing, driving, music and other similar establishments.

2010.95 SELF-STORAGE FACILITY: A structure or group of structures containing self-service, separate, individual and private spaces of varying sizes, leased or rented on individual leases for varying periods of time used only for storage of items or materials.

## 2010.96 SERVICE

2010.96.1 SERVICE, BUSINESS: A business activity that offers such *services* as advertising, *building* maintenance, consulting, clerical assistance and other activities generally falling under the Standard Industrial Classification Code #73.

2010.96.2 SERVICE, ESSENTIAL: Infrastructure improvements (not including *buildings*) constructed or maintained by public or private utilities, or municipal, state, or federal government agencies, such as electric, telephone, gas, water, wastewater, telephone, or cable television lines which run underground or overhead, or facilities which enhance safety or health *services* to the town, including alarm systems, or other similar equipment reasonably necessary for the furnishing of *services* for the general welfare of residents of the Town of Georgia; does not include *telecommunication towers* or *repeaters* or *wireless telecommunication facilities*.

2010.96.3 SERVICE, FINANCIAL, INSURANCE, REAL ESTATE: A business activity that renders such *services* as banks, credit agencies, security brokers, insurance companies, and real estate companies and other activities generally falling under the Standard Industrial Classification Code #60-67.

2010.96.4 SERVICE, PERSONAL: Includes barber, hairdresser, beauty parlor, shoe repair, photographic studio and businesses providing similar *services* of a personal nature.

2010.96.5 SERVICE, PROFESSIONAL: Includes, but is not limited to, doctor, dentist, chiropractor, other health *service*, legal *service*, architectural *service*, engineering *service*, certified public accountant, educator, real estate appraisal, *social service*, and other *services* generally falling under the Standard Industrial Classification Code #80-83 and 89.

2010.96.6 SERVICE, SOCIAL: Establishment providing daytime assistance and counseling for income, employment, *family*, health, psychological, learning disability, or physical disability issues.

## 2010.97 SETBACK

2010.97.1 SETBACK, FRONT YARD: The required minimum horizontal distance between a *structure* and the centerline of the *road* right of way in all zoning districts, except the South Village Core, where the front yard setback is measured from the edge of the road right-of-way.

2010.97.2 SETBACK, REAR YARD: The required minimum horizontal distance between a *structure* and the rear property line.

2010.97.3 SETBACK, SHORELINE: The required minimum horizontal distance between a *structure* and the *shoreline* (as defined in these regulations).

2010.97.4 SETBACK, SIDE YARD: The required minimum horizontal distance between a *structure* and the related side property line.

2010.98 SHORELINE: The *shoreline* of Lake Champlain is the normal mean water mark, established by the Army Corp of Engineers as 95.5 feet. The *shoreline* of Arrowhead Mountain Lake is the high water mark, established by the dam as 290.0 feet.

2010.99 SHORELINE FRONTAGE: The side of a *lot* abutting on Lake Champlain or Arrowhead Mountain Lake.

2010.100 SIDEWALK: A paved or surfaced leveled area, paralleling and usually separated from the *road* or street, used as a *pedestrian walkway*.

2010.101 SIGN: Any device designed to inform or attract the attention of persons not on the premises on which the *sign* is located.

2010.102 SITE PLAN: The development plan for one or more lots on which is shown the existing and proposed conditions of the lot, including topography, vegetation, drainage, floodplains, wetlands, and waterways; landscaping and open spaces; walkways; means of ingress and egress; circulation; utility services; structures and buildings; signs and lighting; berms, buffers, and screening devices; surrounding development; and any other information that reasonably may be required in order for the Appropriate Municipal Panel to make an informed decision.

2010.103 SMALL SCALE COMMERCE: A *personal service* or business or professional *office* that does not exceed 2000 square feet in gross floor area, and does not generate more than 25 average weekday trips.

2010.104 STREET: See *road*.

2010.105 STREETSCAPE: A design term referring to all the elements that constitute the physical makeup of a street and that, as a group, define its character, including building frontage, street furniture, landscaping, including trees and other plantings, awnings and marquees, signs, and lighting.

2010.106 STREET FURNISHING ZONE: The buffer between the *sidewalk* and the street where the utility poles, trees, hydrants, signs, benches, transit shelters, planters, and other street furniture should be placed. See also *Greenstrip*.

2010.107 STRIP DEVELOPMENT: Linear development along a highway that has at least some of the following characteristics: *use* of individual curb-cuts for each project, lack of connections

between projects, one story *buildings* containing a single type of *use*, little or no pedestrian circulation between projects, accessibility primarily by automobile, separation of projects by parking *lots*, individual project design and lack of coordination among projects in design, and narrow depth and *broad* street frontage of parcels to take advantage of exposure on the highway.

#### 2010.108 STRUCTURE

2010.108.1 STRUCTURE: An assembly of materials for occupancy or use constructed or erected with a fixed location on, above, or below the ground or water. Examples of structures include but are not limited to: buildings, swimming pools, mobile homes, signs, fences, and retaining walls. Commercial satellite dishes and telecommunication facilities are also structures.

2010.108.2 STRUCTURE, ACCESSORY: A *structure* on the same *lot* with, and of a nature customarily incidental and subordinate to, the principal *structure*, such as a *garage*, patio, tool shed, porch, deck, or carport. A *structure* used for *dwelling* purposes shall not be considered an *accessory structure*.

2010.108.3 STRUCTURE, AGRICULTURAL: A *building* for housing livestock, raising horticultural or agronomic plants, or carrying out other practices associated with agricultural or farming practices, including a silo, as defined by "*Agriculture*" in this section.

2010.108.4 STRUCTURE, PRINCIPAL: *Structure* housing the primary *use* of the property.

2010.109. SUBDIVISION: Any land, vacant or improved, which is divided or proposed to be divided into two or more lots, parcels, sites, units, plots or interests for the purpose of offer, sale, lease, development, or otherwise. The term includes amended subdivisions and resubdivisions. The term shall also include the development of a parcel of land as a shopping center complex, *planned residential development* or *planned unit development*

2010.109.1 SUBDIVISION, MAJOR: Any residential *subdivision* containing four (4) or more new building lots or any non-residential *subdivision*. Major subdivisions also include all shopping complexes, *planned residential developments*, and *planned unit developments* regardless of the number of lots or units created.

2010.109.2 SUBDIVISION, MINOR: Any *subdivision* containing fewer than four new building lots. All shopping complexes, planned residential developments, or *planned unit developments* are *major subdivisions* regardless of the number of lots or units created.

2010.110 SWALE: A man-made drainage ditch; does not include natural streams or rivers identified on United States Geological Survey (U.S.G.S.) maps, which are free flowing or which

have been altered by excavation, manipulation or disruption.

2010.111 TELECOMMUNICATION REPEATER: A small receiver/relay transmitter and antenna of relatively low power output designed to provide *service* to areas which are not able to receive adequate coverage directly from a base or primary station. This category of *use* does not include *Telecommunication/Communication Tower*.

2010.112 TELECOMMUNICATION TOWER: A guyed, monopole, or self-supporting tower, constructed as a free standing *structure* or in association with a *building*, other permanent *structure* or equipment, containing one or more antennas intended for transmitting and/or receiving television, AM/FM *radio*, digital, microwave, cellular, telephone, or similar forms of electronic communication. This category of *use* does not include *Telecommunication Repeater*.

2010.113 TRIP ENDS: The total number of trips entering and leaving a specific land *use* or site over a designated period of time.

2010.114 TRUCKING TERMINAL: Land or *buildings* used for the relay of a load from one vehicle to another or one party to another. The terminal cannot be used for permanent or long term storage of loads. The terminal facility may include storage areas for trucks, and *buildings* or areas for repair of trucks associated with the terminal. Truck terminals shall not be used for storage, transfer or transport of toxic or hazardous materials.

#### 2010.115 USE

2010.115.1 USE: The purpose or activity for which land or *buildings* are designed, arranged, or intended or for which land or *buildings* are occupied or maintained.

2010.115.2 USE, ACCESSORY: A *use* on the same *lot* with, and clearly incidental and subordinate to, the principal *use*.

2010.115.3 USE BY RIGHT: Uses which, by State statute, are allowed within a single family dwelling in all zoning districts which allow single family dwellings. *Accessory Dwelling Units* (Sections 2010.24.9 and 4080); Daycare Level 1(Section 2010.20.1); Group Homes (Section 2010.36); and Home Occupations (Sections 2010.39 and 4070) are examples of *uses by right* within single family dwellings. Zoning permits and special conditions may be required for uses (see relevant sections).

2010.115.4 USE, CHANGE OF: The initiation of a new *use* on the subject property.

2010.115.5 USE, COMMERCIAL: Activity involving the sale of goods or *services* carried out for profit, including *retail store*, *office*, *financial*, *insurance*, *real estate service*, *business service*, *professional service*, and *personal service*.

2010.115.6 USE, CONDITIONAL: A type of *use* in any district which requires approval by the Zoning Board of Adjustment after a warned public hearing, and for which general and specific standards of conformance apply. See *Ch. 117*, Section 4414(3).

2010.115.7 USE, MIXED: Any combination of permitted and/or *conditional uses* allowed under the designated zoning district which are contained in a single *structure, on a single lot, or as part of a single development proposal*.

2010.115.8 USE, PERMITTED: Any *use* allowed in a zoning district and subject to the restrictions applicable to that district.

2010.115.9 USE, RESIDENTIAL: The use of a building, or portion thereof, as a dwelling unit or units.

2010.116 VARIANCE: An allowed deviation from specific requirements pertaining to this zoning code, granted by the Zoning Board of Adjustment to an applicant.

2010.117 VETERINARY CLINIC: An institution providing primary health *services* and medical or surgical care to animals, primarily on an outpatient basis. Such a facility would exclude research, training, long-term care, or breeding facilities.

2010.118 VILLAGE GREEN: A tract of grassed and landscaped land, largely undeveloped, designated for use by the public for passive recreation. A village green may have recreation paths, ponds, gazebos, benches, open shelters, public bathrooms, and other similar structures and infrastructure that supports community interaction and passive recreation.

2010.119 WAREHOUSE: A *building* used primarily for the storage of goods and materials, but excluding the storage of hazardous or offensive materials.

2010.120 WATER STORAGE: A *structure* having a capacity greater than 4,000 gallons for the storage of water for industrial, commercial or residential purposes.

2010.121 WETLANDS: An area that is inundated or saturated by surface water or groundwater at a frequency and duration to support vegetation adapted for life in such conditions and is designated on National *Wetlands* Inventory Maps or Vermont *Wetlands* Maps, or is determined to be a wetland as a result of field inspection by the Vermont Agency of Natural Resources, the US Army Corps of Engineers, or a qualified professional.

2010.122 WILDLIFE PRESERVE: A natural area preserving the habitat of native wildlife species, not to include hunting preserves, game farms and zoos.

2010.123 WIRELESS TELECOMMUNICATION SERVICE: Any commercial mobile service,

wireless service, common carrier wireless exchange service, cellular service, personal communication service (PCS), specialized mobile radio service, paging service, wireless data service, or public or private radio dispatch service.

2010.124 WIRELESS TELECOMMUNICATION FACILITY: Any tower or other support structure, including antennae, that will extend 20 or more feet vertically, and any accompanying structure, building, access road, service utility or equipment that broadcasts or receives radio frequency waves carrying *wireless telecommunication services*.

2010.125. WIRELESS TELECOMMUNICATION SERVICE PROVIDER: Any person or entity providing *wireless telecommunication services*.

2010.126 ZONING BOARD OF ADJUSTMENT (ZBA): The duly appointed body for the Town of Georgia to execute functions authorized under 24 V.S.A., Subchapter 10 of *Ch. 117*.

## **3000 ZONING DISTRICTS AND ZONING MAP**

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### **3010 ESTABLISHMENT OF ZONING DISTRICTS AND ZONING MAP:**

**3010.1 Zoning Map:** For purposes of these Zoning Regulations, the Town of Georgia is divided into twelve zoning districts, as shown on the official Zoning Map (the “Zoning Map”) on file in the office of the Georgia Town Clerk and incorporated herein by reference. The Zoning Map shall be identified by the signatures of the Town of Georgia Selectboard and certified by the Town Clerk using the following language: "This is to certify that this is the Zoning Map of the Town of Georgia, Vermont". A photo reduction of the Zoning Map is attached for general information purposes.

**3010.2 Zoning District:** The zoning districts of the Town of Georgia are:

1. AR-1      Agricultural/Rural Residential -Low *Density*
2. AR-2      Residential-Medium *Density*
3. AR-3      Residential-High *Density*
4. SV        South Village Core
5. B-1        Business - High *Density*
6. B-2        Business - Medium *Density*
7. I-1        Industrial
8. I-2        Commercial-*Light Industrial*
9. R-1        Recreational
10. N-1      Natural Areas
11. L-1      Lakeshore
12. L-2      Lakeshore Residential-Recreational

Additionally, the Town of Georgia Flood Hazard Regulations, initially adopted June 20, 1990, establishes a Flood Hazard Zoning District, as delineated by the Federal Emergency Management Agency. Property located in the Flood Hazard Zoning District must comply with the requirements of the Flood Hazard Regulations, as well as this ordinance.

### **3020 INTERPRETATION OF DISTRICT BOUNDARIES:**

Where uncertainty exists as to the boundaries of districts as shown on the Zoning Map, the following rules shall apply:

3020.1 Boundaries indicated as approximately following the centerlines of streets, highways, or alleys shall be interpreted to follow such centerlines.

3020.2 Boundaries indicated as approximately following property boundaries or platted *lot* lines shall be interpreted as following such *lot* lines.

3020.3 Boundaries indicated as following watercourses shall be interpreted as following the centerline of such watercourses. Boundaries indicated along the *shoreline* of Lake Champlain shall be the normal mean water mark, established by the Army Corps of Engineers as 95.5 feet. Boundaries indicated along the *shoreline* of Arrowhead Mountain Lake shall be at the high water mark of 290.0 feet.

3020.4 Boundaries indicated as following town boundaries shall be interpreted as following such lines.

3020.5 Boundaries indicated as parallel to or extensions of features indicated in subsections 1 through 4 above will be so interpreted. Distances not specifically indicated on the Zoning Map will be determined by the *scale* of the map.

### **3030 PARCELS IN MORE THAN ONE ZONING DISTRICT:**

When a zoning district boundary established by these regulations divides a *lot*, as defined herein, the *lot* may be developed in accordance with the following requirement:

3030.1 The dimensional requirements for the less restrictive zone may apply to the *lot* if at least sixty percent (60%) of the *lot's* acreage lies in the less restrictive zone.

3030.2 The permitted and *conditional uses* for the less restrictive zone cannot extend into the more restrictive zone by more than 75 feet.

### **3040 DISPUTES:**

The *Administrative Officer* will resolve any uncertainty regarding the location of a district boundary taking into consideration the above-stated rules. A determination by the *Administrative Officer* regarding the location of a district boundary may be appealed to the Zoning Board of Adjustment.

### **3050 AR-1 AGRICULTURAL/RURAL, RESIDENTIAL DISTRICT**

**3050.1 Purpose:** The primary purpose of the Agricultural/Rural Residential District ("AR-1") is to provide a place in Georgia for *agriculture* and *silviculture uses*. The Town Plan encourages development in other areas of the Town and not in the AR-1 District. Residential and other *uses* permitted in the district should be very low *density* and should not interfere with the agricultural and rural nature of the District, and should not place an unreasonable burden on the Town's ability to provide and maintain Town *services* to all residents. It is a policy of the Town to strongly discourage *strip development* in this district. Land should be developed so that large contiguous expanses of agricultural, *forestry*, significant geological areas, wildlife habitat, *scenic areas*, and other important *open space* land will be protected. Development may be phased in order to meet the purposes of this district.

**3050.2 Permitted Uses:** The following *uses* are permitted in the AR-1 District:

1. *Agriculture*
2. *Forestry*
3. *Single-family dwelling*
4. *Two-family dwelling*
5. *Public outdoor recreation*
6. *Accessory use*
7. *Church*

**3050.3 Conditional Uses:** The following *uses* may be permitted in the AR-1 District as *conditional uses* by the Zoning Board of Adjustment in accordance with Section 4030 of these regulations:

1. *Private outdoor recreation\**
2. *Rural retail*
3. *Small scale commerce*
4. *Bed and Breakfast\**
5. *Sand, gravel or rock quarry*
6. *Agribusiness*
7. *Nursery*
8. *Kennel\**
9. *Multi-tenant elderly housing*
10. *Daycare Level 2*
11. *Mixed Use*
12. *Self-Storage Facility*
13. *Telecommunication Repeater*

\*See Section 3170 *Special Uses*

**3050.4 Dimensional Requirements:**

- |                                     |                                                                                                                                                                                                                    |
|-------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 1. <i>Lot size</i> (min)            | 5 acres per <i>dwelling unit</i> or use<br>5 acres for <i>multi-tenant elderly housing</i> (for four units); ½<br>acre for each additional <i>dwelling unit</i> .<br>Special <i>Uses</i> as listed in Section 3170 |
| 2. <i>Lot frontage</i> (min)        | 250 feet                                                                                                                                                                                                           |
| 3. <i>Setback, front yard</i> (min) | 75 feet                                                                                                                                                                                                            |
| 4. <i>Setback, side yard</i> (min)  | 40 feet                                                                                                                                                                                                            |
| 5. <i>Setback, rear yard</i> (min)  | 40 feet                                                                                                                                                                                                            |
| 6. <i>Building size</i> (max)       | 3,500 square feet per <i>commercial use</i> or <i>Agribusiness</i> ;<br>2,000 square feet for <i>Small Scale Commerce</i> ;<br>20 units for <i>Multi-tenant Elderly Housing</i>                                    |
| 7. <i>Building height</i> (max)     | 35 feet                                                                                                                                                                                                            |

**3050.5 Conditional Use Standards:** In addition to the General and Specific Standards for *conditional uses* in Section 4030, the AR-1 District standards, and the AR-1 District special provisions, applications for *conditional uses* in the AR-1 District will meet the following standard:

1. The Zoning Board of Adjustment may require that exterior storage of materials or equipment be excluded from the front yard and/or screened.

**3050.6 Site Plan Review Standards:** In addition to the standards for site plan review in Section 4050, applications for site plan review in the AR-1 District will meet the following standard:

1. The Planning Commission may require that exterior storage of materials or equipment be excluded from the front yard and/or screened.

**3050.7 Special Provisions:** All uses in the AR-1 District shall meet the following special provision:

1. Areas with slopes of 25% or greater shall not be developed for roads, driveways or buildings.

### **3060 AR-2 RESIDENTIAL-MEDIUM DENSITY DISTRICT:**

**3060.1 Purpose:** The purpose of the AR-2 Residential District is to provide a location for residential development at a higher *density* than surrounding rural areas where historic centers of the town are located. In addition, small *scale commercial uses* will be allowed. Development in the district should reflect historic village patterns, protect important resources, enable the economic provision of *services*, plan for pedestrian and vehicular access, avoid *strip development*, and be planned so as not to burden the ability of the Town to provide adequate facilities and *services*.

**3060.2 Permitted Uses:** The following *uses* are permitted in the AR-2 Residential District:

1. *Agriculture*
2. *Forestry*
3. *Single-family dwelling*
4. *Two-family dwelling*
5. *Accessory use*
6. *Church*
7. *Museum*
8. *Municipal facility and service*
9. *Bed and breakfast\**
10. *Schools*
11. *State or town-owned and operated indoor and outdoor recreation facilities.*

**3060.3 Conditional Uses:** The following *uses* may be permitted in the AR-2 Residential District as *conditional uses* by the Zoning Board of Adjustment in accordance with Section 4030 of these regulations:

1. *Personal service\**
2. *Professional service\**
3. *Retail store\**
4. *Three family dwelling*
5. *Four family dwelling*
6. *Multi-tenant elderly housing*
7. *Essential service*
8. *Water storage*
9. *Cemetery*
10. *Private outdoor recreation\**
11. *Private indoor recreation*
12. *Nursing home*
13. *Mixed use\**
14. *Nursery*
15. *Agribusiness*
16. *Daycare Level 2*

- 17. *Veterinary Clinic*
- 18. *Self-Storage Facility*
- 19. *Telecommunication Repeater*
- \*see 3170 *Special Uses*

**3060.4 Dimensional Requirements:**

|                                     |                                                                          |
|-------------------------------------|--------------------------------------------------------------------------|
| 1. <i>Lot size (min)</i>            | 2 <i>acres</i> for each <i>single family dwelling</i> ;                  |
| .... ..                             | 3 <i>acres</i> for each <i>two family dwelling</i> ;                     |
| .... ..                             | 4 <i>acres</i> for each three and <i>four family dwelling</i> ;          |
| .... ..                             | 2 <i>acres</i> for each commercial or other <i>use</i> ;                 |
| .... ..                             | 4 <i>acres</i> for <i>multi-tenant elderly housing</i> (for four units); |
| .... ..                             | ¼ <i>acre</i> for each additional <i>dwelling unit</i> .                 |
| .... ..                             | <i>Special Uses</i> as listed in Section 3170.                           |
| 2. <i>Lot frontage (min)</i>        | 150 feet                                                                 |
| 3. <i>Setback, front yard (min)</i> | 75 feet                                                                  |
| 4. <i>Setback, side yard (min)</i>  | 25 feet                                                                  |
| 5. <i>Setback, rear yard (min)</i>  | 25 feet                                                                  |
| 6. <i>Building size (max)</i>       | 3,500 square feet per commercial <i>building</i> ; 20 units for          |
| .... ..                             | <i>multi-tenant elderly housing</i>                                      |
| 7. <i>Building height (max)</i>     | 35 feet                                                                  |

**3060.5 Conditional Use Standards:** In addition to the General and Specific Standards for *conditional uses* in Section 4030, the AR-2 District standards, and the AR-2 District special provisions, applications for *conditional uses* in the AR-2 District will meet the following standards:

1. The *use* as designed and planned will be of a *scale* appropriate for a rural village area and not out of character with the *scale* of other *uses* and *buildings* in the surrounding area.
2. The siting, layout, and appearance of the *building(s)* will be consistent and integrated with the character, style, *scale*, and current development pattern of the surrounding district, especially in Georgia Center.
3. Commercial, institutional, and governmental *uses* will provide for pedestrian access and circulation.
4. The Zoning Board of Adjustment may require that exterior storage of materials or equipment be excluded from the front yard and/or screened.

**3060.6 Site Plan Review Standards:** In addition to the standards for site plan review in Section 4050, applications for site plan review in the AR-2 District will meet the following standards:

1. Landscaping will be provided along all *roadsides*. Street trees may be required by the Planning Commission.
2. Parking, loading, and utility areas may be required by the Planning Commission to be located to the side or rear of *buildings*, and may be required to be screened.

3. Access may be limited to one curb cut. Sharing of driveways with adjoining properties is encouraged.
4. Pedestrian access to the *building* and along the street may be required.
5. The Planning Commission may require that exterior storage of materials or equipment be excluded from the front yard and/or screened.

**3060.7 Special Provisions:** All uses in the AR-2 District shall meet the following special provision:

1. Areas with slopes of 25% or greater shall not be developed for roads, driveways or buildings.

### **3070 AR-3 RESIDENTIAL-HIGH DENSITY DISTRICT**

**3070.1 Purpose:** The purpose of the AR-3 District is to enable higher *density* residential development where existing development at a higher *density* has already occurred. Development in the district should enable the economic provision of *services*, reasonable pedestrian and vehicular access within the district and to nearby business and recreation districts, protect important resources, avoid *strip development*, and be planned so as not to burden the ability of the Town to provide adequate facilities and *services*.

**3070.2 Permitted Uses:** The following *uses* are permitted in the AR-3 District:

1. *Single family dwelling*
2. *Two family dwelling*
3. *Three family dwelling*
4. *Four family dwelling*
5. *Accessory use*
6. *Forestry*
7. *Church*
8. *Schools*
9. *State owned and operated indoor and outdoor recreation facilities*
10. *Municipal facilities and services.*

**3070.3 Conditional Uses:** The following *uses* may be permitted in the AR-3 District as *conditional uses* by the Zoning Board of Adjustment in accordance with Section 4030 of these regulations:

1. *Water storage*
2. *Private outdoor recreation\**
3. *Private indoor recreation*
4. *Essential service*
5. *Retail store\**
6. *Personal service\**
7. *Professional service\**
8. *Business service*
9. *Financial, insurance, real estate service\**
10. *Daycare Level 2*
11. *Nursing home*
12. *Mixed use\**

\* See 3170 Special Uses

#### **3070.4 Dimensional Requirements:**

|                              |                                                                                                                      |
|------------------------------|----------------------------------------------------------------------------------------------------------------------|
| 1. Lot size (min)            | 1 acre for each <i>single family dwelling</i> and other <i>uses</i> ,<br><i>except as follows</i> ;                  |
| .... ..                      | 1 1/2 acres for each <i>two family dwelling</i> ;                                                                    |
|                              | 2 acres for each three and four family dwelling;                                                                     |
|                              | 2 acres for <i>multi-tenant elderly housing</i> (for four units); ¼<br>acre for each additional <i>dwelling unit</i> |
|                              | Special <i>Uses</i> as listed in Section 3170.                                                                       |
| 2. Lot frontage (min)        | 120 feet                                                                                                             |
| 3. Setback, front yard (min) | 50 feet except as follows: Minimum <i>setbacks</i> for all <i>lots</i><br>fronting on Route 7 shall be 75'           |
| .... ..                      |                                                                                                                      |
| 4. Setback, side yard (min)  | 20 feet                                                                                                              |
| 5. Setback, rear yard (min)  | 20 feet                                                                                                              |
| 6. Building size (max)       | 3,500 square feet per <i>commercial use</i> , 20 units for <i>multi-<br/>tenant elderly housing</i>                  |
| 7. Building height (max)     | 35 feet                                                                                                              |

**3070.5 Conditional Use Standards:** In addition to the General and Specific Standards for *conditional uses* in Section 4030, applications for *conditional uses* in the AR-3 District will meet the following standards:

1. The *use* as designed and planned will be of a *scale* appropriate for the district and not out of character with the *scale* of other *uses* and *buildings* in the surrounding area.
2. The siting, layout, and appearance of the *building(s)* will be consistent and integrated with the current development pattern in the district.
3. Commercial, institutional, and governmental *uses* will provide for pedestrian access and circulation.
4. Traffic and waste generation from each *use* will be manageable for a residential neighborhood setting.
5. The Zoning Board of Adjustment may require that exterior storage of materials or equipment be excluded from the front yard and/or screened.

**3070.6. Site Plan Review Standards:** In addition to the standards for site plan review in Section 4050, applications for site plan review in the AR-3 District will meet the following standards:

1. Landscaping will be provided along all *roadsides*. Street trees may be required by the Planning Commission.
2. Parking, loading, and utility areas may be required by the Planning Commission to be located to the side or rear of *buildings*, and may be required to be screened.
3. Access may be limited to one curb cut. Sharing of driveways with adjoining properties is encouraged.
4. Pedestrian access to the *building* and along the street may be required.

5. The Planning Commission may require that exterior storage of materials or equipment be excluded from the front yard and/or screened.

**3070.7 Special Provisions:** All uses in the AR-3 District shall meet the following special provision:

1. Areas with slopes of 25% or greater shall not be developed for roads, driveways or buildings.

### **3075 SV SOUTH VILLAGE CORE:**

**3075.1 Purpose:** The purpose of the South Village Core District is to provide a concentrated core settlement of small-scale commercial, governmental, and residential *uses* in a traditional Vermont village setting. The standards in this section intend to achieve a livable *streetscape* where people can walk, gather, and meet comfortably. A mix of *uses* is allowed at a higher *density* than elsewhere in the Town to create a community where people live, work, and shop. Developers are encouraged to work with the Planning Commission on developing their site according to the Design Criteria and Guidelines which are intended to implement the South Village Core Strategic Plan dated November, 2009.

**3075.2 Permitted Uses:** The following *uses* are permitted in the SV District:

1. *Accessory Use*
2. *Bed and Breakfast*
3. *Church*
4. *Clinic*
5. *Convenience Store/Mini-Mart*
6. *Daycare Level 2 (including for Employee Use of a Business)*
7. *Dwelling, Single or Two only as part of mixed use structure*
8. *Dwelling, Multi-Family (including Multi-Tenant Elderly Housing)*
9. *Facility and Service, Municipal*
10. *Laundromat/Drycleaner*
11. *Mixed Use, involving permitted uses only*
12. *Motel/Hotel*
13. *Museum*
14. *Office*
15. *Restaurant (not drive through)*
16. *Retail Store*
17. *Service, Business*
18. *Service, Essential*
19. *Service Financial, Insurance, Real Estate*
20. *Service, Personal*
21. *Service, Professional*
22. *Service, Social*
23. *Small Scale Commerce*
24. *Village Green*

**3075.3 Conditional Uses:** The following *uses* may be permitted in the SV District as *conditional uses* by the Zoning Board of Adjustment in accordance with Section 4030 of these regulations:

1. *Facility and Service, State and Federal*
2. *Light Manufacturing*

3. *Motor Vehicle Service Station*
4. *Motor Vehicle Repair*
5. *Nursing Home*
6. *Parking Facility*
7. *Recreation Indoor (public or private, including state or town owned)*
8. *Recreation Outdoor (public or private, including state or town owned, but a Village Green is permitted use)*
9. *Research or Testing Laboratory*
10. *Rural Retail*
11. *Schools*
12. *Veterinary Clinic*
13. *Telecommunications Tower or Repeater*
14. *Mixed Use, involving conditional uses or a combination of conditional and permitted uses*

#### **3075.4 Dimensional Requirements:**

- |                    |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |
|--------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 1. Lot size        | No minimum                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |
| 2. Frontage        | All new lots shall have frontage on a public or private road.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |
| 3. Setbacks        | <p>Minimum front yard setback (from edge of ROW)<br/>0 feet (no minimum)</p> <p>Maximum front yard setback (from edge of ROW)<br/>15 feet</p> <p>(Where there are any existing buildings that exceed the maximum setback on adjacent parcels, the structure shall be built to the maximum setback (15 feet) and not any closer to the street ROW. )</p> <p>Minimum Side Yard Setback<br/>0 feet if bordering a lot in the South Village Core, other than a firewall barrier constructed according to State Fire Marshall standards.<br/>15 feet if abutting a lot in another zoning district.</p> <p>Minimum Rear Yard Setback<br/>10 feet</p> |
| 4. Building Height | Buildings consist of two or three stories above average finished grade and do not exceed 50 ft. in <i>building height</i> . It is acceptable for posterior parts of buildings that do not face the road to be less than two or three stories. In addition, effort is made so that the height of architectural details, such as building tops and first story cornices, are aligned to generally match the height of those on any adjacent buildings that meet the district height requirements.                                                                                                                                                |

**3075.4.1 Setback Waiver:** The Planning Commission may grant a waiver from meeting the maximum front yard setback only if all of the following conditions apply:

1. The property has unique physical circumstances or conditions that were not created by the applicant, which prevents the maximum setback from being met. Such unique physical circumstances or conditions may include but are not limited to irregular lot size or poor soil conditions.
2. Due to such physical circumstances or conditions, there is no possibility that the property can be developed in conformance with the maximum setback and the authorization of a waiver is necessary to enable the reasonable use of the property. The applicant must show that all other possible alternatives have been considered before the Planning Commission will consider granting a waiver.
3. If a waiver is authorized, the resultant setback will represent the minimum increase in setback that will afford relief.

**3075.5 Conditional Use Standards:**

1. To achieve siting, layout, architecture, and design compatible with the character of the South Village Core District, *Motor Vehicle Service Stations* and *Motor Vehicle Repair uses* shall comply with the following requirements in addition to the General and Specific Standards for *conditional uses* in Section 4030:
  - a) A *lot* on which such facility is located shall not be within 500 feet (air distance) of another *lot* with a *Motor Vehicle Service Station* or *Motor Vehicle Repair*.
  - b) Pumps, lubricating, and other service devices shall be located at least 30 feet from the front, side, and rear *lot* lines. Pump islands, pumps, air compressor and recharging stations, and other service areas shall be located to the side or the rear of the station *building* (see figure 3.1).
  - c) There shall be no more than ten *individual fueling stations* located on the premises. Four additional pumps for diesel, kerosene and/or fuels other than gasoline, and recharging stations for electric vehicles, may also be installed on-site.
  - d) *Motor Vehicle Service Station* canopies shall be limited to the minimum area required to cover the island on which pumps are located and the minimum ceiling height necessary to meet applicable state and federal safety requirements. Canopy design shall be compatible with surrounding *buildings*. Canopy fascias shall not be illuminated or used for advertising.
  - e) Light fixtures mounted in/on *Motor Vehicle Service Station* canopies shall either be recessed so that the lens cover is flush with the bottom surface (ceiling) of the

**Figure 3.1**

**Pumps on side of building**



canopy; or for indirect lighting, mounted and shielded or skirted so that direct illumination is focused exclusively on the underside of the canopy. Lights shall not be mounted on the top or sides (facias) of canopies, nor shall facias be internally illuminated.

- f) *Motor Vehicle Service Stations* shall meet parking requirements under Section 5030, however fueling stations at pump islands may be counted toward meeting on-site parking requirements.
- g) All motor vehicle parts and dismantled vehicles are to be stored within a *building*, and no regular repair work taking more than an hour is to be performed outside a *building*.
- h) Use of a *Motor Vehicle Service Station* is limited to the retail sale of gasoline, other petroleum products, and other products associated with automobile service and maintenance. The sale of other types of retail items (e.g., food or convenience items), or the provision of other services (e.g., car rentals, car washes, restaurant seating) shall be subject to applicable standards of these regulations pertaining to each *use*.

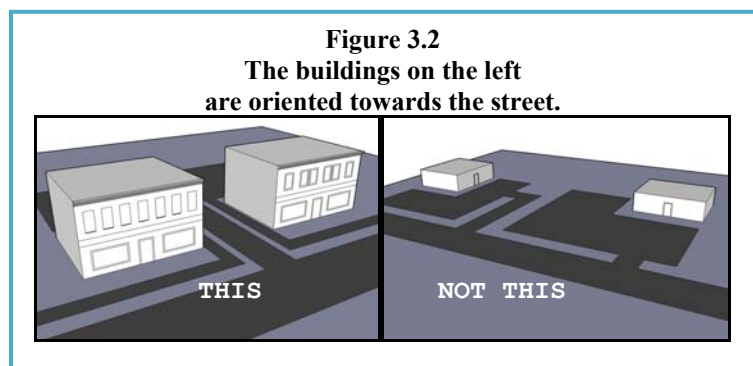
**3075.6 Site Plan Review Standards:** Site plan review shall be required for all land development (except the construction of one and two family dwellings) of any property in the South Village Core District, regardless of whether the development meets the specific criteria set forth in Section 4050.1. Applications for site plan review in the South Village Core District must conform to the South Village Core Design Criteria and Guidelines, listed below, which are intended to implement the purposes of the South Village Core District and the South Village Core Strategic Plan dated November 2009. Applications shall not be reviewed under the standards contained in Section 4050.5.

**3075.7 South Village Core Design Criteria and Guidelines:** Land development in the South Village Core District shall satisfy the following design criteria. To demonstrate that a criterion is satisfied, the applicant must comply with each under listed guideline

**Criterion 1: Design and Context Sensitivity.**

**Purpose.** To allow the development of *buildings*, lighting fixtures, and *signs* that conform to the desired character and design of the South Village Core.

**Guideline 1A.** *Buildings* and *lots* are oriented to a public or private street (see figure 3.2) and conform to the dimensional standards in Section 3075.4.



**Guideline 1B** *Buildings* have interesting and diverse storefronts, facades, and/or architectural detailing. Listed below are design elements that make interesting and diverse storefronts, facades, or architectural detailing:

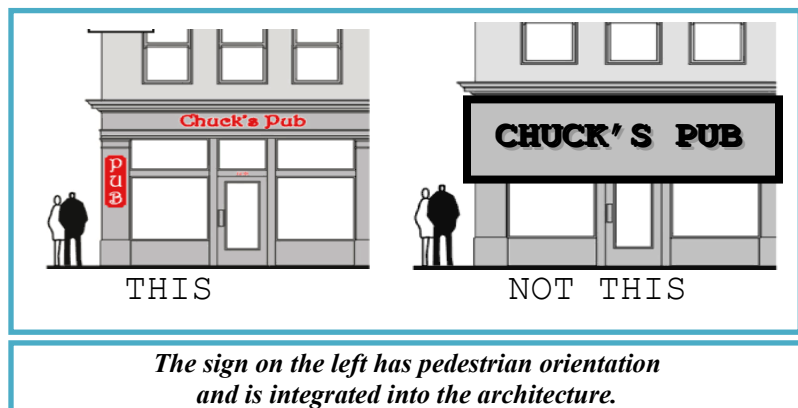
- Cornicing at top of roof and top of first story
- Detailed molding around windows and doors
- Accentuated entrances
- Storefront windows
- Window and door awnings
- Regularly spaced windows and doors
- Front porches
- Decorative signs integrated into the façade
- Rooftop cupola, tower, or weathervane

Examples of interesting and diverse design elements are shown in the South Village Core Strategic Plan dated November 2009.

**Guideline 1C.** *Signs* are architecturally integrated in a *building's* elevation and have orientation to pedestrians as well as automobiles (figure 3.3).

Pedestrian orientation means that *signs* are scaled to be easily read by pedestrians walking in the *streetscape*. Whether bracketed off the face of a *building* or mounted directly on the façade, *signs* are hung in logical spaces between windows or between floor levels. *Signs* do not obscure key architectural features of a *building*. *Signs* shall also conform to Section 4060.

**Figure 3.3**



**Guideline 1D.** Outdoor lighting illuminates public spaces, including streets, *sidewalks*, walkways, parks/plazas, and parking areas, as approved by the Planning Commission in accordance with the following:

- a) Outdoor lighting fixtures are designed to direct light downward and adjusted so as not to cast light directly on adjacent roadways or properties and does not cause excessive glare within the property or adjoining properties. To achieve

**Figure 3.4**

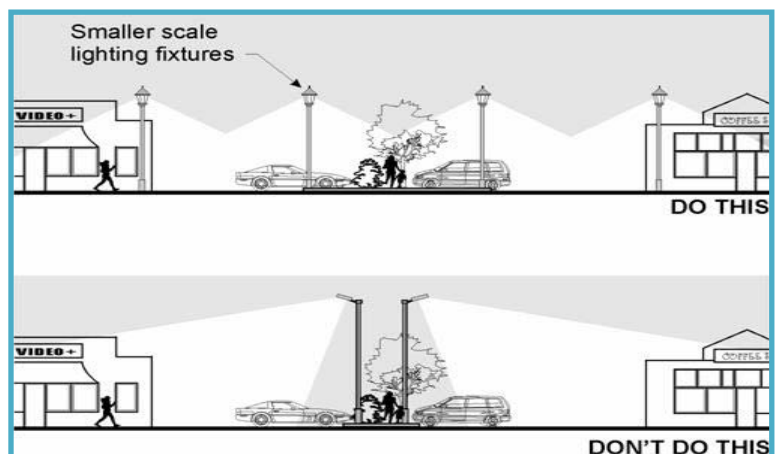


Image Credit: City of Woodinville,

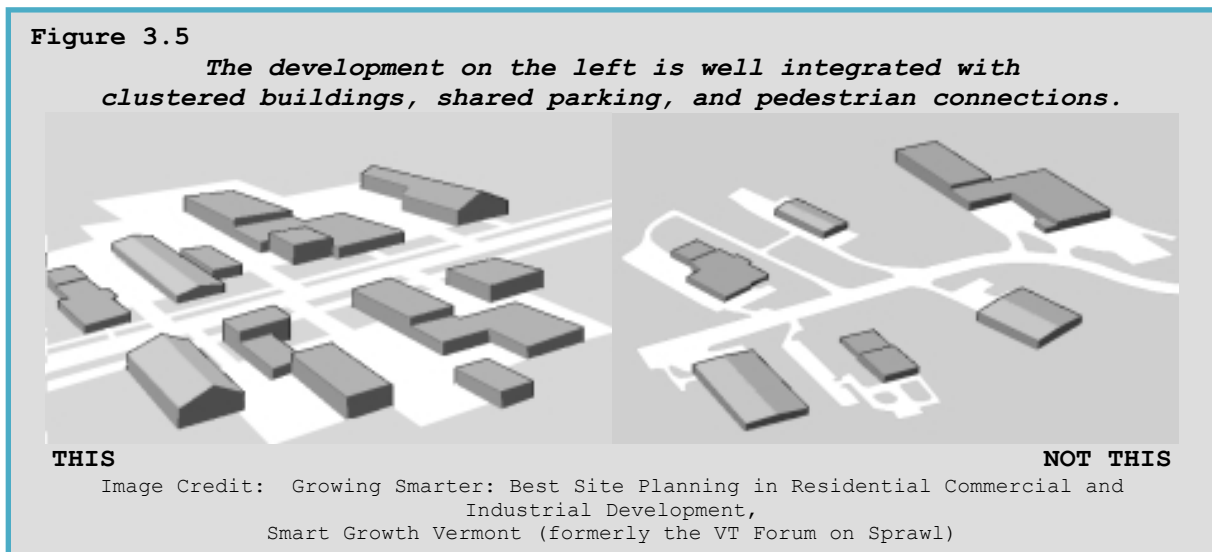
this, lighting fixtures shall have either exterior shields or optics within the fixture, such as “cut-off” technology that controls light spread. Parking area lighting shall be a concealed recessed light source.

- b) Lighting fixtures in public spaces, including *sidewalks*, walkways, and plazas, are of a smaller, pedestrian scale (See figure 3.4). Pedestrian scale lighting is a maximum of 16 feet in height. In no case shall any parking area light fixture exceed a maximum of 20 feet in height.
- c) Lighting fixtures are architecturally integrated in the design of a building or sign. The same pole type and fixtures shall be used on a development site.

## **Criterion 2: Efficient and Compact Use of Site, Mixed Use Development**

**Purpose.** To create a compact site layout that is coordinated with adjacent development and to permit land *uses* that are mixed on-site or are mixed in combination with adjacent *uses* (existing or planned). The combining of land *uses* promotes easy access among stores and services by pedestrians and minimizes vehicle accesses to streets with a goal of having accesses serve two or more properties.

**Guideline 2A.** The site layout clusters and integrates *buildings* with existing development to promote linked pedestrian trips (see figure 3.5).



**Guideline 2B.** Opportunities for shared parking are utilized in the proposal (See Section 5030.3 for shared parking approval requirements);

**Guideline 2C.** The proposal is a *mixed use* development or contributes to a *mixed use* district. *Mixed-use* means a combination of residential, commercial, and/or governmental *uses*, arranged vertically (in multiple stories of *buildings*) or horizontally (adjacent to one another). Opportunities for including *mixed uses* include, but are not limited to, apartments on upper levels

with commercial space on the ground floor or public parking in the basement underneath an office or apartment *building*.

**Guideline 2D.** The number of curb cuts and their widths shall be minimized as feasible and shall integrate entries with other access points and streets rather than at random locations along the street. When possible, the Planning Commission shall require shared access to adjoining properties and may limit access to the property to the lesser traveled street. Shared access shall be possible when it can be implemented without removal of any existing buildings; shared access is feasible based on subsurface conditions; and shared access will not have an adverse effect on one of the *uses* of the property in question.

### **Criterion 3. Pedestrian Access, Safety, and Comfort.**

**Purpose.** To permit development that is accessible by a direct, convenient, attractive, safe, and comfortable system of pedestrian facilities, and development that provides appropriate pedestrian amenities. The design of *buildings* and the *streetscape* supports a safe and attractive pedestrian environment.

**Guideline 3A.** *Building(s)* have at least one public entrance facing and oriented towards the street with a direct link to *sidewalks* and any other *pedestrian walkways* (Figure 3.6). Corner entrances are encouraged on corner *buildings*.

When specific circumstances make it impracticable for a *building* to have a public entrance facing and oriented towards the street, the Planning Commission may approve *buildings* with a public entrance facing and oriented towards a *pedestrian walkway* that directly connects to the street(s). The *building* façade facing the street shall include interesting architectural detailing oriented to pedestrians, see Guideline 1B, such as windows at eye level and first story cornices.

**Guideline 3B.** Windows or window displays are provided at a pedestrian scale (eye level) along facades that face and are oriented to streets.

**Guideline 3C.** *Sidewalks* are placed along every street having frontage on the development parcel and *pedestrian walkways* are integrated throughout the site plan, providing connection to adjacent land *uses*, parking areas, and building entrances. *Sidewalks* include a *greenstrip* or *street-furnishing zone* as a buffer from the street and are constructed in accordance with Town of Georgia specifications. Appropriate pedestrian amenities (for example street tree well cutouts, space for outdoor seating, mailboxes, newspaper vending machines, etc.) may be provided in the *greenstrip* or *street furnishing zone* as appropriate.

**Figure 3.6**



**Guideline 3D.** Street trees are planted in the *street furnishing zone* or *greenstrip* along all *sidewalks*, or if not possible due to infrastructure or other physical constraints, in the front yard parallel to the edge of the right-of-way. Street tree selection, purchasing, spacing, and planting is done according to Criterion 6 and an overall landscaping plan as required in Section 4050, Text Box 4.1.

**Guideline 3E.** Parking lots and vehicle drives are not located between the primary *building* entrance and the street and are located behind or to the side of a *building* (See figure 3.2). Parking lots are not located on street corners.

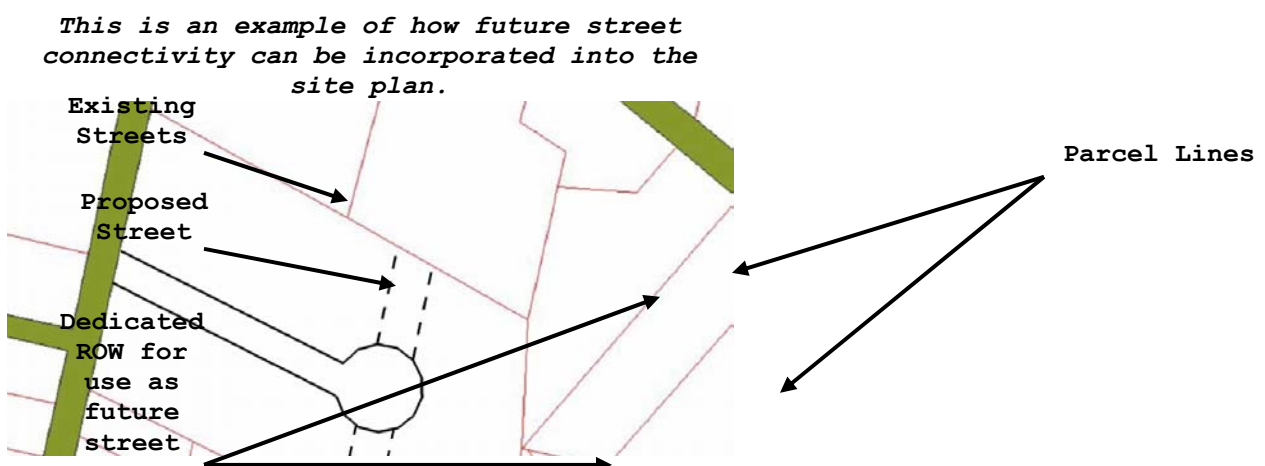
**Guideline 3F.** Landscape buffering is provided between parking lots and all adjacent *sidewalks* and *pedestrian walkways*;

#### **Criterion 4. Building a Safe Public Road Network.**

**Purpose.** To permit development that is part of a connected road network that safely and efficiently accommodates vehicles, pedestrians, and bicycles.

**Guideline 4A.** New streets connect development to existing or proposed adjacent streets in accordance with planned street connections to form a network (no dead ends). Planned street connections are in conformance with the Conceptual Future Road Layout in the South Village Core Strategic Plan dated November 2009 or any master street plan or official map in existence. In the event these plans/maps are in conflict, the official map shall be given priority followed by the South Village Core Strategic Plan dated November 2009. Conformance with the Conceptual Future Road Layout shall be satisfied if proposed new roads further the development of a road network; new roads are not required to follow the exact path of proposed roads as laid out in the Plan.

**Figure 3.7**



When existing and planned land *uses* on or in the vicinity of the site make it impracticable to provide street connectivity at the time of application as required above, potential for future street connectivity is established by the set aside of rights-of way (See figure 3.7). The applicant shall work with the Planning Commission to determine appropriate locations for future street rights of way based on existing and anticipated development, the Conceptual Future Road Layout in the South Village Core Strategic Plan dated November 2009, or any master street plan or official map in existence. Rights of way width shall conform to the Selectboard's specifications for public roads and dedication for future use as a street shall be clearly indicated as a condition of site plan approval and recorded in the deed.

**Guideline 4B.** All proposed new roads are built to Town standards and may be taken over by the Town as public roads. All roads will be required to be named and identified by a street *sign*, which is of a standard approved by the Town in accordance with E-911 street address ordinances.

**Guideline 4C.** When a traffic study is required (according to application requirements in Section 4050), the proposal does not cause traffic conditions on a town highway or intersection to go below a Level of Service (LOS) of C, as defined by the Vermont Agency of Transportation. The Planning Commission may require mitigation measures for existing traffic conditions that are dangerous according to LOS and crash data from the Vermont Agency of Transportation.

**Criterion 5. Efficient Parking, Loading, and Service Areas.**

**Purpose.** To minimize the amount of land developed as surface parking and loading areas and to promote efficient and safe parking, loading, and service facilities with good circulation and access.

**Guideline 5A.** The project uses shared parking where feasible. Shared parking means that multiple *uses* share one or more parking facilities (See Section 5030.3).

**Guideline 5B.** All parking lots proposed as part of a single development plan are designed to provide cross access connectivity (vehicular and pedestrian), or the interconnection of parking areas. Cross access connectivity (vehicular and pedestrian) is provided to any existing adjacent

**Figure 3.8**



parking lots when it can be implemented without removal or relocation of any existing buildings, it is feasible based on subsurface conditions, and it will not have an undue adverse effect on one of the *uses* of the adjacent properties.

**Guideline 5C.** Parking areas are landscaped and screened from adjacent *uses* and from the roadways in the vicinity via buffers around the perimeter and planting strips and islands integrated throughout the lot design (figure 3.8).

## **Criterion 6. Quality Landscaping and Screening**

**Purpose.** To create attractive, human-scale, *mixed use* neighborhoods with abundant shade trees and vegetation, and to approve quality landscaping and other screening methods, which harmonize *mixed uses* and transportation infrastructure in a pedestrian friendly village.

**Guideline 6A.** Landscaping is integrated throughout the site, including in front and side yards, within and around parking areas, and where rear yards abut residential properties, so as to soften the landscape and effectively shade parking areas, *sidewalks*/walkways, and public spaces. In addition, trees and other landscaping are placed to interrupt the facades of *buildings*, to visually reduce the scale and bulk of large *buildings*, to integrate the site with the surrounding landscape, and to enhance environmental quality (e.g., wildlife habitat, soil stabilization, air quality, energy conservation).

**Guideline 6B.** Landscaping or other screening is placed appropriately on the site to mitigate the impacts of development on adjacent properties and pedestrian *sidewalks*/walkways. Examples of where the use of landscaping or screening is appropriate include to screen utility infrastructure, to screen the exterior storage of materials, to buffer noise from kitchen or heating infrastructure or equipment, to screen unsightliness or buffer odor from refuse removal areas, and to screen unsightliness and noise of parking and/or loading areas.

**Guideline 6C.** Landscaping plans use both deciduous and coniferous shade-giving trees in available yard areas, especially front and side yards and parking areas, when possible. Shade trees are especially important in instances where street trees are not practical because of site constraints. Flowering, ornamental, or small trees are used to compliment shade trees in instances where large yard areas exist, and where space limitations prevent the planting of shade trees. In addition to trees, landscaping plans include a combination of the following: 1) landscaping beds that enhance the general appearance of the site and define planting strips, lawn, and buffer areas; 2) a mix of evergreen and flowering shrubs and bushes adjacent to *buildings*, within planting beds, and to compliment shade trees and other landscaping features; 3) lawns mixed with trees and other plants, especially in any front yard area. Large mulched areas are prohibited. Compliance with this guideline shall be possible if 1) it can be implemented without removal or relocation of any existing building on the site; 2) subsurface conditions on the property are adequate to accommodate required landscaping.

**Guideline 6D.** Where street trees are proposed in the *greenstrip*, street furnishing area, or in the front yard parallel to the edge of the right-of-way, at least one street tree is planted for each 40 linear feet of *greenstrip* or frontage (excluding *driveways*), unless modified by the Planning Commission due to infrastructure or other practical barriers. In addition, *greenstrips* are no less than 6 feet wide where street trees are proposed and street tree wells within a surfaced *street furnishing zone* are no less than 4 feet by 4 feet. The applicant shall demonstrate that there is adequate rooting space. Street tree selection, purchasing, spacing, and planting is done according to an overall landscaping plan (see Section 4050 Text box 4.1).

## **Criterion 7. Public Space**

**Purpose.** To create usable public space and parkland that integrates appropriately with existing or planned public space, including adjacent parks, *sidewalks*, and public *buildings*. To seek specific opportunity for public greenspace appropriate for a central village green.

**Guideline 7A.** Development proposals incorporate public space into the site design. Public space is available for use by the development and is designed to encourage community interaction and to connect with adjacent public spaces. Examples of public space include outside foyers at *building* entrances with pedestrian access and seating, open plazas with street furniture, playgrounds, picnic areas, or greens or gardens with pedestrian access and seating. If so accepted, land may be dedicated, leased, or sold to the Town of Georgia for use as public parklands or a village green.

## **Criterion 8. Erosion Control and Stormwater Management**

**Purpose.** To promote stormwater management practices that maintain pre-development hydrology through techniques that infiltrate, filter, store, evaporate and detain stormwater close to its source; to protect public safety from flooding and streambank erosion; and to protect property and natural resources, particularly streams, lakes, wetlands, floodplains and other natural aquatic systems on the development site and elsewhere from degradation that could be caused by construction activities and post-construction conditions.

**Guideline 8A.** Development sites control erosion in accordance with the erosion control standards in Section 4050.5(5).

**Guideline 8B.** Low impact development techniques are encouraged to be incorporated into the development's plan for stormwater treatment. These may include:

- a. Use of bioretention areas or rain gardens to collect runoff and allow for short-term ponding and slow infiltration. These areas consist of a relatively small depressed or bowl shaped vegetative depression that treats runoff from storms of one inch or less. Areas that may be appropriate for these techniques include the grassed space in between two-track roads, paths or *sidewalks*, parking lot landscaping areas, and grassed areas that receive rooftop runoff.

- b. Use of permeable pavement for parking stalls and spillover parking, *sidewalks*, driveways and bike trails.

### **3080 B-1 BUSINESS-HIGH DENSITY**

**3080.1 Purpose:** The Business-High Density District is a high traffic area with good access to major highways. The purpose of the Business-High Density District is to enable high *density commercial uses* in an interconnected, unified pattern that does not result in *strip development*. Development in the district will have controlled access on highways, screening and landscaping, creative design and layout, good pedestrian circulation, and connections to adjoining residential and industrial districts. This district is not intended to serve as a regionally-designated growth center. *Commercial uses* shall be of a *scale* and size appropriate only for a locally-designated growth center.

**3080.2 Permitted Uses:** The following *uses* are permitted in the Business-High Density District:

1. *Business service*
2. *Professional service\**
3. *Office*
4. *Personal service\**
5. *Financial, insurance, real estate service\**
6. *Social service*
7. *Nursery*
8. *Municipal facility and service*
9. *Accessory use*
10. *State facilities and services*
11. *Church.*

**3080.3 Conditional Uses:** The following *uses* may be permitted in the Business-High *Density* District as *conditional uses* by the Zoning Board of Adjustment in accordance with Section 4030 of these regulations:

1. *Clinic*
2. *Private indoor recreation*
3. *Private outdoor recreation\**
4. *Essential service*
5. *Federal facilities and services*
6. *Motel/hotel\**
7. *Motor vehicle service station\**
8. *Motor vehicle sales\**
9. *Motor vehicle repair\**
10. *Mixed use\**
11. *Light manufacturing*
12. *Daycare for Employee Use at a Business Only*
13. *Convenience store/mini mart*
14. *Single family dwelling as part of a business*
15. *Veterinary Clinic*
16. *Farm Equipment Sales*
17. *Water storage*

- 18. *Retail store\**
- 19. *Restaurant\**
- 20. *Laundromat/Dry Cleaner*
- 21. *Multi-tenant elderly housing*
- 22. *Self-Storage Facility*

\*See 3170 *Special Uses*

#### **3080.4 Dimensional Requirements:**

|                                     |                                                                            |
|-------------------------------------|----------------------------------------------------------------------------|
| 1. <i>Lot size (min)</i>            | 1 <i>acre</i> for each <i>use</i> or <i>mixed use building</i> .           |
| .... ..                             | 2 <i>acres</i> for <i>multi-tenant elderly housing</i> (for four units); ¼ |
| .... ..                             | <i>acre</i> for each additional <i>dwelling unit</i>                       |
|                                     | <i>Special Uses</i> as listed in Section 3170                              |
| 2. <i>Lot frontage (min)</i>        | 120 feet                                                                   |
| 3. <i>Setback, front yard (min)</i> | 75 feet                                                                    |
| 4. <i>Setback, side yard (min)</i>  | 20 feet                                                                    |
| 5. <i>Setback, rear yard (min)</i>  | 20 feet                                                                    |
| 6. <i>Setback from Deer Brook</i>   | 200 feet (see Section 5100)                                                |
| 7. <i>Building height (max)</i>     | 35 feet                                                                    |
| 8. <i>Lot coverage (max)</i>        | 75%                                                                        |

**3080.5 Conditional Use Standards:** In addition to the General and Specific Standards for *conditional uses* in Section 4030 and other standards for the district, applications for *conditional uses* in the Business-High *Density* District will meet the following standard:

1. The *use* as designed and planned will be of a *scale* appropriate for the community and not out of character, style, and *scale* of other *commercial uses* and *buildings* in the district or the Town of Georgia.

**3080.6 Site Plan Review Standards:** In addition to the standards for site plan review in Section 4050, applications for site plan review in the B-1 District will meet the following standards:

1. The *use* as designed and planned will be of a *scale* appropriate for the community and not out of character, style, and *scale* of other *commercial uses* and *buildings* in the district or the Town of Georgia.
2. Access control techniques are required. Sharing of driveways with adjoining properties may be required.
3. Pedestrian access to the *building* and along the street may be required.
4. Parking, loading, and utility areas may be required to be located to the side or rear of *buildings*, and may be required to be screened.
5. The Planning Commission may require that exterior storage of materials or equipment be excluded from the front yard and/or screened.
6. Landscaping will be provided along all *roadsides*. Street trees may be required by the Planning Commission.
7. The siting, layout, and appearance of the *building(s)* will be consistent and integrated

with other *uses* in the district, will provide access for pedestrians, and will not cause *strip development* along *roads*. Interconnect adjoining properties by shared driveways, parking *lots*, or frontage *roads* whenever possible.

### **3090 B-2 DISTRICT - BUSINESS-MEDIUM DENSITY**

**3090.1 Purpose:** The Business-Medium Density District is a moderate traffic area with good access to major highways. The purpose of the Business-Medium Density District is to enable mixed commercial and *residential uses* in an interconnected, unified pattern that does not result in *strip development*. Development in the district will have controlled access on highways, screening and landscaping, creative design and layout, some pedestrian circulation, and connections to adjoining residential and commercial districts. This district is not intended to serve as a regionally-designated growth center. *Commercial uses* shall be of a *scale* and size appropriate only for a locally-designated growth center.

**3090.2. Permitted Uses:** The following *uses* are permitted in the Business-Medium Density District:

1. *Business service*
2. *Professional service\**
3. *Office*
4. *Personal service\**
5. *Financial, insurance, real estate service\**
6. *Social service*
7. *Nursery*
8. *Accessory use*
9. *Municipal facility and service*
10. *Single family dwelling*
11. *Two family dwelling*
12. *Church*
13. *Town owned and operated indoor or outdoor recreation facilities*
14. *State facilities and services.*
15. *Schools*

**3090.3 Conditional Uses:** The following *uses* may be permitted in the Business-Medium Density District as *conditional uses* by the Zoning Board of Adjustment in accordance with Section 4030 of these regulations:

1. *Clinic*
2. *Private indoor recreation*
3. *Private outdoor recreation*
4. *Warehouse*
5. *Essential service*
6. *Federal facilities and services*
7. *Motel/hotel\**
8. *Restaurant\**
9. *Retail store\**
10. *Motor vehicle service station\**
11. *Motor vehicle sales\**
12. *Water storage*

13. *Mixed use\**
  14. *Light manufacturing*
  15. *Daycare Level 2*
  16. *Convenience store/mini mart*
  17. *Single family dwelling as part of a business*
  18. *Multi-tenant elderly housing*
  19. *Motor vehicle repair\**
  20. *Nursing home*
  21. *Veterinary Clinic*
  22. *Laundromat /Dry Cleaner*
  23. *Self-Storage Facility*
- \*See 3170 *Special Uses*

#### **3090.4 Dimensional Requirements:**

- |                                     |                                                                                             |
|-------------------------------------|---------------------------------------------------------------------------------------------|
| 1. <i>Lot size (min)</i>            | 1 acre for each <i>use</i> , <i>mixed use building</i> , or <i>single family dwelling</i> ; |
| .... ..                             | 1 ½ acres for each <i>two family dwelling</i> ;                                             |
| .... ..                             | 2 acres for <i>multi-tenant elderly housing</i> (for four units);                           |
| .... ..                             | ¼ acre for each additional <i>dwelling unit</i>                                             |
| .... ..                             | <i>Special Uses</i> as listed in Section 3170                                               |
| 2. <i>Lot frontage (min)</i>        | 120 feet                                                                                    |
| 3. <i>Setback, front yard (min)</i> | 75 feet                                                                                     |
| 4. <i>Setback, side yard (min)</i>  | 20 feet                                                                                     |
| 5. <i>Setback, rear yard (min)</i>  | 20 feet                                                                                     |
| 6. <i>Building height (max)</i>     | 35 feet                                                                                     |
| 7. <i>Lot coverage (max)</i>        | 50%                                                                                         |

**3090.5 Conditional Use Standards:** In addition to the General and Specific Standards for *conditional uses* in Section 4030 and other standards for the district, applications for *conditional uses* in the Business-Medium *Density* District will meet the following standard:

1. The *use* as designed and planned will be of a *scale* appropriate for the community and not out of character, style, and *scale* of other *commercial uses* and *buildings* in the district or the Town of Georgia.

**3090.6 Site Plan Review Standards:** In addition to the standards for site plan review in Section 4050, applications for site plan review in the B-2 District will meet the following standards:

1. The *use* as designed and planned will be of a *scale* appropriate for the community and not out of character, style, and *scale* of other *commercial uses* and *buildings* in the district or the Town of Georgia.
2. Landscaping will be provided along all *roadsides*. Street trees may be required by the Planning Commission.
3. Access control techniques are required. Sharing of driveways with adjoining properties

may be required.

4. Pedestrian access to the *building* and along the street may be required.
5. Parking, loading, and utility areas may be required to be located to the side or rear of  
. *buildings*, and may be required to be screened.
6. The Planning Commission may require that exterior storage of materials or equipment be  
. excluded from the front yard and/or screened.
7. The siting, layout, and appearance of the *building(s)* will be consistent and integrated  
. with other *uses* in the district, will provide access for pedestrians, and will not cause *strip*  
. *development* along *roads*. Interconnect adjoining properties by shared driveways,  
. parking *lots*, or frontage *roads* whenever possible.

### **3100 I-1 INDUSTRIAL DISTRICT**

**3100.1 Purpose:** The purpose of the Industrial District is to enable industrial development in an area with good highway and rail access and set apart from agricultural and residential districts. The I-1 District enables heavy and *light industrial* development in an efficient pattern.

**3100.2. Permitted Uses:** The following *uses* are permitted in the Industrial District:

1. *Accessory use*
2. *Telecommunication repeater*
3. *State facilities and services*

**3100.3 Conditional Uses:** The following *uses* may be permitted in the Industrial District as *conditional uses* by the Zoning Board of Adjustment in accordance with Section 4030 of these regulations:

1. *Research and testing laboratory*
2. *Light manufacturing*
3. *Essential service*
4. *Trucking terminal*
5. *Federal facilities and services*
6. *Heavy industry*
7. *Water storage*
8. *Private outdoor recreation*
9. *Mixed use\**
10. *Wireless Telecommunication Facility*
11. *Daycare For Employee Use at a Business Only*
12. *Warehouse*
13. *Self-Storage Facility*
14. *Farm Equipment Sales*
15. *Heavy Equipment Sales*
16. *Motor Vehicle Sales*
17. *Modular/Manufactured Home Sales*

\*See 3170 Special Uses

#### **3100.4. Dimensional Requirements:**

- |                                     |                                                                                     |
|-------------------------------------|-------------------------------------------------------------------------------------|
| 1. <i>Lot size (min)</i>            | 2 <i>acres</i> for all <i>uses</i><br>Special <i>Uses</i> as listed in Section 3170 |
| 2. <i>Lot frontage (min)</i>        | 150 feet                                                                            |
| 3. <i>Setback, front yard (min)</i> | 75 feet                                                                             |
| 4. <i>Setback, side yard (min)</i>  | 30 feet                                                                             |
| 5. <i>Setback, rear yard (min)</i>  | 30 feet                                                                             |
| 6. <i>Setback from Deer Brook</i>   | 200 feet (see Section 5100)                                                         |
| 7. <i>Building height (max)</i>     | 45 feet                                                                             |
| 8. <i>Lot coverage (max)</i>        | 75%                                                                                 |

**3100.5. Conditional Use Standards:** In addition to the General and Specific Standards for *conditional uses* in Section 4030, applications for *conditional uses* in the Industrial District will meet the following standards:

1. Any *uses*, such as storage of hazardous materials, including above ground bulk petroleum or other flammable material storage, may be required to have a greater *setback* from the property lines than the district requirements where there is a finding that it is necessary for the protection of the health, safety and welfare of the public.
2. Developed areas will be landscaped so as to blend with surrounding area.

## **3110 I-2 COMMERCIAL-LIGHT INDUSTRIAL DISTRICT**

**3110.1 Purpose:** The purpose of the Commercial-*Light Industrial* District is to enable commercial and *light industrial* development in an area with good highway access and set apart from agricultural and residential districts. The I-2 District enables *light industrial* development to develop in an efficient and integrated pattern. This district is not intended to serve as a regionally-designated growth center. *Commercial uses* shall be of a *scale* and size appropriate only for a locally-designated growth center.

**3110.2 Permitted Uses:** The following *uses* are permitted in the Commercial-*Light Industrial* District:

1. *Research and testing laboratory*
2. *Light manufacturing*
3. *Accessory use*
4. *Warehouse*
5. *Municipal facility and service*
6. *State or federal facility and service*
7. *Telecommunication repeater*
8. *Motor Vehicle Repair\**
9. *Heavy Equipment Sales*
10. *Farm Equipment Sales*

**3110.3 Conditional Uses:** The following *uses* may be permitted in the Commercial-*Light Industrial* District as *conditional uses* by the Zoning Board of Adjustment in accordance with Section 4030 of these regulations:

1. *Essential service*
2. *Water storage*
3. *Private outdoor recreation*
4. *Private indoor recreation*
5. *Mixed use\**
6. *Daycare for Employee Use at a Business Only*
7. *Multi-tenant elderly housing*
8. *Trucking Terminal*
9. *Self-Storage Facility*
10. *Motor Vehicle Sales*
11. *Modular/Manufactured Home Sales*

\*See 3170 Special Uses

**3110.4 Dimensional Requirements:**

|                                                               |                                                                              |
|---------------------------------------------------------------|------------------------------------------------------------------------------|
| 1. <i>Lot size</i> (min)                                      | 1 <i>acre</i> for <i>municipal, state or federal facilities and services</i> |
| ....                                                          | 2 <i>acres</i> for <i>multi-tenant elderly housing</i> (for four units);     |
| ....                                                          | $\frac{1}{4}$ <i>acre</i> for each additional <i>dwelling unit</i>           |
| ....                                                          | 2 <i>acres</i> for all other <i>uses</i>                                     |
| ....                                                          | <i>Special Uses</i> as listed in Section 3170                                |
| 2. <i>Lot frontage</i> (min)                                  | 120 feet                                                                     |
| 3. <i>Setback, front yard</i> (min)                           | 75 feet                                                                      |
| 4. <i>Setback, side yard</i> (min)                            | 20 feet                                                                      |
| 5. <i>Setback, rear yard</i> (min)                            | 20 feet                                                                      |
| 6. <i>Setback from Deer Brook and Arrowhead Mountain Lake</i> |                                                                              |
| ....                                                          | 200 feet (see Section 5100)                                                  |
| 7. <i>Building height</i> (max)                               | 45 feet                                                                      |
| 8. <i>Lot coverage</i> (max)                                  | 75%                                                                          |

**3110.5 Conditional Use Standards:** In addition to the General and Specific Standards for *conditional uses* in Section 4030, applications for *conditional uses* in the Commercial-Light Industrial District will meet the following standards:

1. Any *uses*, such as storage of hazardous materials, including above ground bulk petroleum or other flammable material storage, may be required to have a greater *setback* from the property lines than the district requirements where there is a finding that it is necessary for the protection of the health, safety and welfare of the public.
2. The *use* as designed and planned will be of a *scale* appropriate for a small community and not out of character with the *scale* of other *commercial uses* and *buildings* in the district or the Town of Georgia.
3. Developed areas will be landscaped so as to blend with surrounding area.

**3110.6 Site Plan Review Standards:** In addition to the standards for site plan review in Section 4050, applications for site plan review in the Commercial-Light Industrial District will meet the following standard:

1. The siting, layout, and appearance of the *building(s)* will be consistent and integrated with other *uses* in the district, will provide controlled access for vehicles and pedestrians, and will not cause *strip development* along *roads*.

## **3120 R-1 RECREATION DISTRICT**

**3120.1 Purpose:** The Recreation District has severe limitations for development, including steep slopes, poor soil suitability for development, and high elevations. Therefore, much of the district is best suited to remain in a natural state or to be used for outdoor recreation purposes. *Residential uses* are limited to large *lots* to minimize the impact on the land and prevent substantial *alteration* to the landscape:

**3120.2 Permitted Uses:** The following *uses* are permitted in the Recreation District:

1. *Agriculture*
2. *Forestry*
3. *Single family dwelling*
4. *Accessory use*
5. *Hunting camp*
6. *State owned and operated outdoor recreation facilities*
7. *Municipal facility and service.*

**3120.3 Conditional Uses:** The following *uses* may be permitted in the Recreation District as *conditional uses* by the Zoning Board of Adjustment in accordance with Section 4030 of these regulations:

1. *Wildlife preserve*
2. *Essential service*
3. *Water storage*
4. *Conversion of a Hunting Camp to a Single Family Dwelling* (see Section 4010.3)
5. *Wireless Telecommunication Facility*

### **3120.4 Dimensional Requirements:**

- |                                     |          |
|-------------------------------------|----------|
| 1. <i>Lot size (min)</i>            | 20 acres |
| 2. <i>Lot frontage (min)</i>        | 350 feet |
| 3. <i>Setback, front yard (min)</i> | 100 feet |
| 4. <i>Setback, side yard (min)</i>  | 50 feet  |
| 5. <i>Setback, rear yard (min)</i>  | 50 feet  |
| 6. <i>Building height (max)</i>     | 35 feet  |

**3120.5. Conditional Use Standards:** In addition to the General and Specific Standards for *conditional uses* in Section 4030, applications for *conditional uses* in the Recreation District will meet the following standards:

1. The *use* will not cause erosion or unstable soil conditions.
2. The *use* will be consistent with the purposes of the district and will retain its predominantly natural and outdoor recreation character.
3. Wherever possible, new telecommunication facilities shall be co-located on or near existing structures, unless separate locations will create less impact on visual and natural resources. In order to minimize tower proliferation, it is the policy of the Town to require applicants to exhaust all reasonable options for sharing space on existing towers or tower

- sites prior to proposing new towers or tower sites. Collocation is the favored alternative.
4. Utility lines and access roads shall be installed so as to minimize aesthetic and ecological impacts.

**3120.6 Special Provisions:** All *uses* in the R-1 District shall meet the following special provision:

1. Areas with slopes of 25% or greater shall not be developed for roads, driveways or buildings.

### **3130 N-1 NATURAL AREAS DISTRICT**

**3130.1 Purpose:** The Natural Areas District has significant natural features or areas which are unique or irreplaceable. The purpose of this district is to protect these features and areas in their natural state to the extent possible for present and future generations. *Structures* are limited to large *lots* to minimize the impact on the land and prevent substantial *alteration* to the landscape.

**3130.2. Permitted Uses:** The following *uses* are permitted in the Natural Areas District:

1. *Agriculture*
2. *Forestry*
3. *Accessory use*
4. *Wildlife preserve*
5. *Water storage*
6. *Hunting camp*

**3130.3 Conditional Uses:** The following *uses* may be permitted in the Natural Areas District as *conditional uses* by the Zoning Board of Adjustment in accordance with Section 4030 of these regulations:

1. *Single family dwelling*
2. *Conversion of a Hunting Camp to a Single Family Dwelling* (see Section 4010.3)

#### **3130.4 Dimensional Requirements:**

- |                                     |          |
|-------------------------------------|----------|
| 1. <i>Lot size</i> (min)            | 20 acres |
| 2. <i>Lot frontage</i> (min)        | 350 feet |
| 3. <i>Setback, front yard</i> (min) | 100 feet |
| 4. <i>Setback, side yard</i> (min)  | 50 feet  |
| 5. <i>Setback, rear yard</i> (min)  | 50 feet  |
| 6. <i>Building height</i> (max)     | 20 feet  |

**3130.5. Conditional Use Standards:** In addition to the General and Specific Standards for *conditional uses* in Section 4030, applications for *conditional uses* in the Natural Areas District will meet the following standards:

1. The *use* will not cause erosion or unstable soil conditions.
2. The *use* will be consistent with the purposes of the district and will retain its predominantly natural character.

**3130.6 Special Provisions:** All *uses* in the N-1 District shall meet the following special provision:

1. Areas with slopes of 25% or greater shall not be developed for roads, driveways or buildings.

### **3140 L-1 LAKESHORE DISTRICT**

**3140.1 Purpose:** The Lakeshore District contains land bordering Lake Champlain - one of the most significant natural features of the Town of Georgia. The purpose of the district is to protect the water quality of the lake and the recreational potential and natural beauty of the *shoreline*.

**3140.2. Permitted Uses:** The following *uses* are permitted in the Lakeshore District:

1. *Agriculture*
2. *Seasonal dwelling*
3. *Accessory use*
4. *Single family dwelling*
5. *Forestry*
6. *State owned and operated outdoor recreation facilities*
7. *Municipal facility and service*

**3140.3 Conditional Uses:** The following *uses* may be permitted in the Lakeshore District as *conditional uses* by the Zoning Board of Adjustment in accordance with Section 4030 of these regulations:

1. *Private outdoor recreation*
2. *Conversion of Seasonal Dwelling to Single Family Dwelling* (see Section 4010.3)
3. *Commercial youth camp\**
4. *Marina\**

\*See 3170 Special Uses

### **3140.4 Dimensional Requirements:**

1. *Lot size (min)*      1 acre for each *dwelling unit, seasonal dwelling, or other use*;  
Special Uses as listed in Section 3170.

| 2. <i>Lot Size</i> (min)                                                           | > 5 acres | 2 acres –<br>5 acres | 1 acre –<br>2 acres | < 1 acre (Pre-existing)                                           |
|------------------------------------------------------------------------------------|-----------|----------------------|---------------------|-------------------------------------------------------------------|
| 3. <i>Lot frontage</i> (min)                                                       | 250 feet  | 150 feet             | 100 feet            | N/A                                                               |
| 4. <i>Shoreline frontage</i> (min)<br>(for property fronting on<br>Lake Champlain) | 250 feet  | 150 feet             | 100 feet            | N/A                                                               |
| 5. <i>Setback, front yard</i> (min)                                                | 75 feet   | 75 feet              | 50 feet             | 30 feet but not less than 5 feet<br>from the edge of the road ROW |
| 6. <i>Setback, side yard</i> (min)                                                 | 50 feet   | 50 feet              | 20 feet             | 10 feet                                                           |
| 7. <i>Setback, rear yard</i> (min)                                                 | 50 feet   | 50 feet              | 20 feet             | 10 feet                                                           |
| 8. <i>Setback, shoreline</i> (min)                                                 | 50 feet   | 50 feet              | 50 feet             | 25 feet                                                           |

9. The maximum *building height* for any new construction or additions from the *shoreline* inland 200' will be 16'. From 200' - 500' inland the maximum *building height* will be 30'. These *building height* restrictions are intended to preserve visual access to Lake Champlain.
10. All *shoreline setbacks* and frontage will be measured from/at the normal mean water level, set by the U.S. Army Corps of Engineers at 95.5 feet.

**3140.5. Conditional Use Standards:** in addition to the General and Specific Standards for *conditional uses* in Section 4030 and other standards for this district, applications for *conditional uses* in the Lakeshore District will meet the following standards:

1. The *use* will not cause erosion or unstable soil conditions.
2. The *use* as designed and planned will be of a *scale* appropriate for a rural village area and not out of character with the *scale* of other *uses* and *buildings* in the surrounding area.
3. The *use* will protect and preserve visual beauty of the area affected.

**3140.6. Special Provisions:** All *uses* in the Lakeshore District will meet the following special provisions:

1. No more than fifty percent (50%) of the trees (i.e.: every other tree) four (4) inches and over in diameter at breast height (dbh) may be cut in the strip paralleling the *shoreline* and extending fifty (50) feet inland from all points along the *shoreline*.
2. The remaining area of the *lot* behind the aforementioned fifty (50) foot strip shall also have no more than fifty percent (50%) of the trees (i.e.: every other tree) four (4) inches and over in diameter, cut. The area required for driveway access and for the *structure* or *structures* will not be subject to this restriction.
3. Any cutting or clearing operation shall preserve natural shrubbery and vegetation to the greatest extent possible.
4. Shore cover removal restrictions will not apply to the removal of dead, diseased and dying trees.
5. Commercial, institutional, and governmental *uses* will provide for pedestrian access and circulation.
6. Areas with slopes of 25% or greater shall not be developed for roads, driveways or buildings.

### **3150 L-2 LAKESHORE RESIDENTIAL-RECREATION DISTRICT**

**3150.1 Purpose:** The Lakeshore Residential-Recreation District contains land close to Lake Champlain - one of the most significant natural features of the Town of Georgia. The purpose of the district is to protect the water quality of the lake and the natural beauty of the shoreland area. Development within the district should preserve the contiguous open lands, and protect the view looking eastward from the lake. There are some severe limitations on development in this district due to soil conditions and slopes and thus densities in the district should be low.

**3150.2. Permitted Uses:** The following *uses* are permitted in the Lakeshore Residential-Recreation District:

1. *Agriculture*
2. *Forestry*
3. *Single family dwelling*
4. *Accessory use*
5. *Public outdoor recreation*
6. *Seasonal dwelling*
7. *Municipal facility and service*

**3150.3 Conditional Uses:** The following *uses* may be permitted in the Lakeshore Residential-Recreation District as *conditional uses* by the Zoning Board of Adjustment in accordance with Section 4030 of these regulations:

1. *Essential service*
2. *Water storage*
3. *Private outdoor recreation\**
4. *Telecommunication Repeater*
5. *Conversion of Seasonal Dwelling to Single Family Dwelling (See Section 4010.3)*
6. *Two family dwelling*

\*See 3170 Special Uses

#### **3150.4 Dimensional Requirements:**

- |                                     |                                                                                                                                                                                  |
|-------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 1. <i>Lot size (min)</i>            | 3 acres for each <i>Single family dwelling</i> and other <i>uses</i> ,<br>except as follows:<br>4 acres for <i>Two family dwelling</i><br>Special Uses as listed in Section 3170 |
| 2. <i>Lot frontage (min)</i>        | 200 feet                                                                                                                                                                         |
| 3. <i>Setback, front yard (min)</i> | 75 feet                                                                                                                                                                          |
| 4. <i>Setback, side yard (min)</i>  | 30 feet                                                                                                                                                                          |
| 5. <i>Setback, rear yard (min)</i>  | 30 feet                                                                                                                                                                          |
| 6. <i>Height (max)</i>              | 35 feet                                                                                                                                                                          |

**3150.5. Conditional Use Standards:** In addition to the General and Specific Standards for *conditional uses* in Section 4030 and other standards for this district, applications for *conditional uses* in the Lakeshore Residential-Recreation District will meet the following standards:

1. The *use* will not cause erosion or unstable soil conditions.
2. The *use* as designed and planned will be of a *scale* appropriate to the area and not out of character with the *scale* of other *uses* and *building* in the surrounding area.

**3150.6. Special Provisions:** All *uses* in the Lakeshore Residential-Recreation District will meet the following special provisions:

1. Any cutting or clearing operation except silviculture activities shall preserve natural shrubbery and vegetation to the greatest extent possible.
2. No more than fifty percent (50%) of trees (i.e.: every other tree) eight (8) inches and over in diameter at breast height (dbh) may be cut on any *lot* within the district unless recommended by a professional or County Forester as part of a certified *forestry* plan. The area required for driveway access and for the *structure* or structures will not be subject to this restriction.
3. Areas with slopes of 25% or greater shall not be developed for roads, driveways or buildings.

### **3160 FLOOD HAZARD ZONE DISTRICT**

**3160.1. Definition:** The Flood Hazard District is defined and delineated by the Flood Hazard Regulations as adopted by the Town of Georgia on June 20, 1990. These regulations are hereby made part of this Regulation by reference. The Flood Hazard Regulations apply to development located in areas identified as special flood hazard areas on the National Flood Insurance Maps which are also adopted by reference. This district overlays other zoning districts herein described. Wherever there is overlap, the provisions of both districts shall apply. If there is a conflict between the two district requirements or specific provisions for development located within the Flood Hazard Areas, the more restrictive shall apply.

**3160.2 Purpose:** The purpose of this section is to:

1. Protect human life and health, and minimize public and private financial losses due to flooding;
2. Conserve drainage courses and permit only *land development* which will not impede or divert flood waters, or otherwise increase flood hazards to the detriment of others;
3. Help minimize public expenditures for flood control projects and rescue and relief efforts;
4. Encourage maintenance of flood hazard areas for *open space uses* and/or useable *open space* that complements the *use* and development of adjacent areas, as provided for in the Georgia Municipal Plan; and
5. Ensure continued community eligibility in the National Flood Insurance Program.

**3160.3 Lands to which these Regulations Apply:**

1. These regulations shall apply for development in areas of the Town of Georgia identified as special flood hazard areas on the National Flood Insurance Program maps which are hereby adopted by reference and declared to be part of these regulations.
2. Base flood elevations and floodway limits shall be determined as follows:
  - a. where available; i.e., Zones A1-A30, AE and AH; the base flood elevations and floodway limits provided by the National Flood Insurance Program in the Flood Insurance Study and accompanying maps shall be used to administer the provisions of these regulations.
  - b. in areas where base flood elevations and floodway limits have not been provided by the National Flood Insurance Program; i.e. Zone A; base flood elevation and floodway information available from state or federal agencies or other sources, shall be obtained and reasonably utilized to administer the provisions of these regulations.

**3160.4 Warning and Disclaimer of Liability:** The provisions of this section do not imply that land outside the designated areas of special flood hazard will be free from flooding or flood damages. These provisions shall not create liability on the part of the municipality, or any official or employee thereof, for flood damages that result from reliance on these regulations or any administrative decision lawfully made thereunder.

**3160.5 Application of Flood Hazard Area Regulations:** The flood hazard area overlaps other zoning districts in this by-law. Permits shall be subject to the requirements of any overlapping district and other specific provisions of this by-law as well as the requirements of this section. Where other provisions of this by-law differ or conflict with the requirements of this section, the more restrictive shall apply.

**3160.6 Development Prohibited in Hazard Areas:** Notwithstanding other provisions of these regulations, the following *land development* shall be prohibited in the Flood Hazard Areas:

1. All dumps, *junk* yards, and bulk storage of flammable and other hazardous materials;
2. Sewage and water treatment facilities, except where approved by the state and the Town of Georgia;
3. New construction, substantial improvement, expansion or relocation of any *structure*, fill or other encroachment in the floodway, which would result in an increase in flood levels or flood velocities during a base flood (see Flood Insurance Study and accompanying maps).

**3160.7 Permit Requirements and Review Procedure:**

1. Within the flood hazard area, no *building*, manufactured home, or *structure* shall be constructed, erected, moved, replaced, altered or enlarged; nor shall any parcel of land be divided into two or more *lots*; nor shall any mining, excavation, filling, or storage of materials be commenced or substantially extended; nor shall any watercourse be altered or relocated, except upon *conditional use* approval by the Zoning Board of Adjustment. Before granting such approval, the Board shall find that the applicant has satisfied all review and design requirements of this by-law.
2. Applicants shall provide the following information in addition to that required elsewhere in this by-law:
  - a. existing and proposed contours, at one foot intervals, based on USGS National Geodetic Vertical Datum and reference points on FIRM maps;
  - b. existing and proposed elevations at the corners of proposed foundations, and all utilities and land *alterations*;
  - c. lowest elevation of the lowest floor (including basement) for all existing and proposed *buildings*;
  - d. a certified plan for flood proofing (as per section f. 8 & 9) and a description of any proposed storage of materials; and
  - e. other information required to determine compliance with these regulations.
  - f. Any proposed development shall be reviewed to assure that all necessary permits have been received from those state and federal agencies where approval is required.
3. For applications filed and permits issued in the flood hazard area, the *Administrative Officer* shall:
  - a. upon receipt of an application send a copy to the Vermont Agency of Natural Resources, Dept. of Environmental Conservation for review pursuant to *Ch. 117*

Section 4424. Permits may only be issued after D.E.C. comment or after the expiration of 30 days from date of mailing to D.E.C.;

- b. notify the applicant of other state or federal permits which may be required;
  - c. maintain permit records for: development in the flood hazard area including the elevation to mean sea level of the lowest floor (including basement) of all new or substantially improved *buildings*; elevation, relative to mean sea level, to which *buildings* have been flood-proofed; certifications of flood-proofing required under this regulation; all *variance* actions, including justification for their issuance.
4. No Certificate of Occupancy shall be issued until the *Administrative Officer* has determined that the *building* or *use* of land has been completed in accordance with this by-law and the terms of the permit and has obtained verification of as built elevations.

**3160.8 Flood Hazard Area Development Standards:** All development (including manufactured *homes* and public utilities and facilities) shall be designed to minimize flood damage, provide adequate drainage to reduce exposure to flood hazards and to assure sites are reasonably free from flooding. Development in the floodway is prohibited unless a registered professional engineer certifies the proposed development will not result in any increase in flood levels during a base flood. Base flood elevation data shall be required for subdivision proposals of more than 50 *lots* or 5 *acres*.

1. All *structures* shall be designed and constructed using flood resistant materials and utilizing methods and practices to minimize flood damage, including;
  - a. anchoring of *structures* to foundations to prevent flotation, collapse or lateral movement from hydrological forces including buoyancy;
  - b. adequate grading of filled sites and stabilization of embankments to reduce flood damage.
2. All utilities and facilities such as gas, electrical, plumbing, heating and ventilating, and other *service* facilities shall be located and designed to prevent water entering or accumulating in the components during conditions of flood.
3. All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters.
4. All new or replacement sewage systems (including on site systems) shall be designed and located to minimize or eliminate infiltration of flood waters, discharges into flood waters, impairment to systems or contamination from them during flooding.
5. No excavation, fill or other encroachment resulting in ponding or other flood damage detrimental to other property owners shall be permitted.
6. Where possible *shoreline* cover shall not be disturbed. However, where excavation, fill or *shoreline* protection works are necessary, they shall be designed, constructed and maintained to minimize erosion and embankment failure.
7. *Alteration* or relocation of a watercourse is not permitted without notification to the Vt. Dept. of Environmental Conservation and adjacent communities. Copies of same shall be sent to the Administrator of the Federal Insurance Administration.  
The flood carrying capacity of any altered or relocated watercourse shall be maintained.
8. Any new residential *structure* shall be elevated so that the foundation is adequately

supported and the lowest floor (including basement) is above the base flood elevation. Any new or substantially improved non-residential *structures* shall either be:

- a. elevated as required in sec. g. 8 or;
  - b. shall be designed so that any fully enclosed areas below the lowest floor that are subject to flooding shall automatically equalize hydrostatic flood forces on the exterior walls by allowing the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a registered professional engineer or architect or meet or exceed the following minimum criteria: a minimum of two openings, having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding, shall be provided; the bottom of all openings shall be no higher than one foot above grade, openings may be equipped with screens, louvers, valves or other coverings or devices that permit the automatic entry and exit of floodwaters.
9. Existing *structures* to be substantially improved for non- *residential use* shall either:
- a. be elevated as per sec. g. 8; or
  - b. be designed to be watertight, below the base flood elevation, with walls substantially impermeable and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy. Permits shall not be issued under this section without certification by a registered professional engineer or architect that the plans and construction methods are in accordance with the provisions of this by-law.

10....Nothing in this section shall be deemed to prevent the following:

- a. normal continuation and maintenance of non-complying *structures*;
- b. improvements solely required for compliance with environmental, safety, health, or energy codes, laws or regulations, provided that efforts are made to comply with the provisions of this section; or
- c. improvements required for maintenance of structural integrity or historic significance of a *building* or place on the National Register of Historic Places or the State Inventory of Historic Places.

11.... *Conditional Use* Permits issued under this section shall state that the non conforming *structure* "is located in an area of special flood hazard area, does not conform to the by-laws pertaining thereto, may not be eligible for flood insurance pertaining to the regulated flood hazard area and will be maintained at the risk of the owner". A copy of said permit shall be attached to the deed of said property on file at the Town Clerk's Office.

**3160.9 Variance Procedure:** *Variances* will be granted by the Zoning Board of Adjustment only:

1. In accordance with *Ch. 117* Section 4469(a) and 4424, and in accordance with the criteria for granting a *variance* found in 44 CFR, Sec. 60.6, of the National Flood Insurance Program Regulations;

2. Upon determination that during a base flood the *variance* will not result in increased flood levels;
3. Upon a determination that the *structure* or other development is protected by methods that minimize flood damages during a base flood and create no additional threats to public safety.

### **3160.10 Flood Hazard Regulations – Definitions:**

1.Area of Shallow Flooding- means a designated AO or AH zone on a community's Flood Insurance Rate Map (FIRM) with a one percent or greater annual chance of flooding to an average depth of one to three feet where a clearly defined channel does not exist, where the path of flooding is unpredictable, and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.

2.Area of Special Flood Hazard- is the land in the floodplain within a community subject to a one percent or greater chance of flooding in any given year. The area may be designated as Zone A on the FHBM. After detailed ratemaking has been completed in preparation for publication of the FIRM, Zone A usually is refined into Zones A, AO, AH, A1-30, AE, or A99.

3.Base Flood- means the flood having a one percent chance of being equaled or exceeded in any given year.

4.Basement- means any area of the *building* having its floor subgraded (below ground level) on all sides.

5.Building- See Section 2010.10.1 of these regulations.

6.Land Development – See Section 2010.47 of these regulations

7.Flood Hazard Boundary Map (FHBM)- means an official map of a community, issued by the Administrator, where the boundaries of the flood, mudslide (i.e., mudflow) related erosion areas having special hazards have been designated as Zones A, M, and/or E.

8.Flood Insurance Rate Map (FIRM)- means an official map of a community on which the Administrator has delineated both the special hazard areas and the risk premium zones applicable to the community.

9.Flood Insurance Study- means an examination, evaluation, and determination of flood hazards and, if appropriate, corresponding water surface elevations.

10.Flood-Proofing- means any combination of structural and non-structural additions, changes, or adjustments to *structures* which reduces or eliminates flood damage to real estate or improved real property, water and sanitary facilities, *structures*, and their contents.

11. Floodway- means the channel of a river 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 a designated height.

12. Lowest Floor- means the lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, *building* access or storage in an area other than a basement area is not considered a *building's* lowest floor; provided that such enclosure is not built so as to render the *structure* in violation of the applicable non-elevation design requirements of Section 60.3.

13. Manufactured Home- See Section 2110.53 of these regulations.

14. Mean Sea Level- means, for purposes of the National Flood Insurance Program, the National Geodetic Vertical Datum (NGVD) of 1929 or other datum, to which base flood elevations shown on a community's Flood Insurance Rate Map are referenced.

15. Structure- See Section 2010.108 of these regulations.

16. Substantial Improvement- means any repair, *reconstruction*, or improvement of a *structure*, the cost of which equals or exceeds 50 percent of the market value of the *structure* either, (a) before the improvement or repair is started, or (b) if the *structure* has been damaged, and is being restored, before the damage occurred. The term does not, however, include either (1) any project for improvement of the *structure* to comply with existing state or local health, sanitary, or safety code specifications which are solely necessary to assure safe living conditions, or (2) any *alteration* of a *structure* listed on the National Register of Historic Places or a State Inventory of Historic Sites.

### 3170 SPECIAL USES

Except in the South Village Core District, the following minimum *lot sizes*, *setback*, yard and frontage requirements apply to these non-residential permitted and *conditional uses*. The minimum *lot size* shall not be less than that required for a *single family dwelling* in that particular district.

| <i>Uses:</i>                                               | <b>Minimum Acreage Required:</b> | <b><i>Setback From Center Line of Road:</i></b> | <b>Side Line &amp; Rear <i>Setback:</i></b> | <b><i>Road Frontage:</i></b> |
|------------------------------------------------------------|----------------------------------|-------------------------------------------------|---------------------------------------------|------------------------------|
| <i>Motor Vehicle Service Stations w/wo pumps</i>           | 1                                | 100'                                            | 75'                                         | 200'                         |
| <i>Financial, Insurance, Real Estate Service</i>           | 1                                | 100'                                            | 50'                                         | 150'                         |
| <i>Campgrounds (allowed as Private Outdoor Recreation)</i> | 10                               | 300'*                                           | 100'                                        | 300'                         |
| <i>Commercial Youth Camp</i>                               | 5                                | 150'*                                           | 75'                                         | 250'                         |
| <i>Motor Vehicle Repair</i>                                | 1                                | 100'                                            | 75'                                         | 200'                         |
| <i>Kennel</i>                                              | 5                                | 100'*                                           | 100'                                        | 200'                         |
| <i>Laundromat/Drycleaner</i>                               | 1                                | 100'                                            | 50'                                         | 150'                         |
| <i>Marinas</i>                                             | 2                                | 75'*                                            | 20'                                         | 150'***                      |
| <i>Mixed Use</i>                                           | ***                              | 100'                                            | 50'                                         | 150'                         |
| <i>Motels and Hotels, Bed &amp; Breakfast</i>              | 2                                | 100'                                            | 50'                                         | 200'                         |
| <i>Motor Vehicle Sales</i>                                 | 1                                | 100'                                            | 50'                                         | 150'                         |
| <i>Professional/Personal Services</i>                      | 1                                | 100'                                            | 50'                                         | 150'                         |
| <i>Retail Stores</i>                                       | 1                                | 100'                                            | 50'                                         | 150'                         |
| <i>Restaurant</i>                                          | 1                                | 100'                                            | 50'                                         | 150'                         |

NOTE: Refer to Sections 5110 for *uses* not listed.

\* This *setback* also applies from *shoreline*.

\*\* This applies to lake frontage and *road* frontage.

\*\*\*The sum of minimum acreage for combination of uses. The Planning Commission may reduce the required acreage when such reduced acreage best implements the standards and purposes of the district.

### **3180 NOTES TO DIMENSIONAL STANDARDS:**

**3180.1 Accessory Structures:** *Accessory structures* which are no larger than two hundred (200) square feet and no taller than twelve (12) feet in height shall have minimum *side yard* and *rear yard setbacks* of ten (10) feet, except in the South Village Core District, where the setbacks for such district shall control. Such *structures* shall be unoccupied by humans or animals, and cannot be converted to other *uses*. All other *accessory structures* shall meet the *setback* requirements of the Zoning District Bylaws.

**3180.2 Fences:** *Fences* do not require *setbacks*, except that no *fence* shall be constructed in a town *or state* highway right-of-way without the property-owner first obtaining a right-of-way permit respectively from the Georgia Road Commissioner or Vermont Agency of Transportation.

**3180.3 Frontage and Front Yard:** *Lots* which abut on more than one *road* shall provide the frontage and *front yard setback* required on each *road*, except as provided in Section 5010

**3180.4 Signs:** See Section 4060.

## **4000 PERMITS & APPROVALS**

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### **4005: PRIOR and/or ADDITIONAL APPROVALS NECESSARY:**

The following Sections (4010, 4015, and 4020) outline permits issued by the *Zoning Administrator*. No construction and occupancy related permits shall be issued by the *Zoning Administrator* until applicable approvals have been granted by the Planning Commission and/or Zoning Board of Adjustment. Such approvals include Site Plans, Lot-Line Adjustments, Subdivisions, PRDs, PUDs, Conditional Uses, and Variances.

### **4010: ZONING PERMIT:**

**4010.1 Applicability:** No construction or excavation shall be started on any land or *buildings*, and no *structure* or part thereof shall be changed in *use*, constructed, structurally altered, enlarged, moved or otherwise changed unless a Zoning Permit for such action has been issued by the *Administrative Officer* or unless the activity falls under limitations or exemptions from *land development* under Section 1030.1 and 1030.2.

Zoning Permits shall expire after a period of twelve (12) months from the date of issue, unless extended as described in Section 4010.2.

Pursuant to Ch. 117 Section 4449, zoning permits shall be posted at town hall upon issuance, and shall not take effect until 15 days after issuance by the Administrative Officer, or in the event that a notice of appeal is properly filed in accordance with Ch. 117, Section 4465, such permit will not take effect until final adjudication of said appeal. Each zoning permit issued shall contain a statement of the time period for appeals.

### **4010.2 Permit Extension:**

1. An extension for principal *structures* and principal *uses* of up to one year may be granted by the *Administrative Officer* if substantial construction (if application is for a structure) or due diligence (if application is for a use) is evident, provided a written request for extension is submitted prior to expiration of the permit. Permits for *accessory structures* shall not be extended beyond the original one-year permit period. Substantial construction shall be established by the installation of at least all footings and foundation walls and/or slab, installation of the septic system (which shall have been inspected and approved), and installation of the driveway (in accordance with a valid *Right-Of-Way* permit). A second extension shall not be granted.
2. If substantial construction has not been completed (as defined above) at the end of the initial twelve month period (for *accessory structures*), or at the end of a one year extension (for principal *structures* and *uses*), the permit shall expire and no construction may occur on the site without the issuance of a new permit in accordance with all provisions of these current regulations.
3. An extension of a permit shall not be required if construction has progressed to the

point where the *structure* can reasonably be used for its intended purpose. At a minimum, the *structure* shall have functional water and sewer *services*, an operational heating system, electricity, and shall be sufficiently closed in (roof, windows, and doors) to provide protection from the elements.

**4010.3 Permits for New Residential Construction:** The Georgia Municipal Plan clearly sets forth objectives related to balancing the rate of residential growth with the ability of the Town to provide *services* and facilities, and concentrating residential development in the southern tier of the Town. To achieve these objectives, no Zoning Permit for new residential construction may be issued except in strict compliance with the following provisions which shall be in addition to the requirements set forth in sub-sections 4010.1 and 4010.2 above.

For the purposes of this sub-section, new residential construction is defined as construction which creates any new year-round *dwelling unit(s)*. *Conversion* of *seasonal dwelling units* to year-round *dwelling units*, additions to existing *dwelling units*, and the creation of *accessory apartments* or *multi-tenant elderly housing* shall require Zoning Permits, but shall not be subject to the limitations set forth in sub-sections 4010.3.1 through 4010.3.5, below.

1. Commencing at the beginning of each calendar year, the *Administrative Officer* shall accept applications for Zoning Permits for residential construction, which may only be submitted by lot-owners of record. When each application is deemed complete, it shall be labeled with the date and time of acceptance. The application shall also be labeled with the number of *dwelling units* to be constructed (One *family*, two *family*, three *family*, or four *family* as defined in these regulations).
  - a. For the purpose of this section, a complete application is an application, submitted on forms provided by the Town, which contains all required information (site plan, proposed and existing dimensions of *structures*, designation of *uses*, location of driveway and/or parking areas, septic systems, wells, and other site features, etc.) from which the *Administrative Officer* can determine conformance with all of the Town's Zoning Regulations. A complete application shall include payment, or evidence of payment, of all applicable application, impact and other fees.
2. Unless authorized in accordance with sub-section 4010.3.3. below, Zoning Permits for no more than thirty-five (35) new residential *dwelling units* may be issued in any calendar year. Commencing at the beginning of each year, the *Administrative Officer* shall issue such permits on a first-come-first-serve basis (based on the date and time each application was accepted) until permits for all thirty-five (35) *dwelling units* have been issued, at which point the *Administrative Officer* shall not issue any more Zoning Permits for new *dwelling* construction until the beginning of the next year.
  - a. Permits for no more than five (5) new *dwellings* may be issued to an individual land owner in any calendar year.
  - b. In any single subdivision in the AR-2 or AR-3 Districts, permits for no more than ten

- (10) new *dwelling*s may be issued in the calendar year.
  - c. For any single subdivision not in the AR-2 or AR-3 Districts, permits for no more than five (5) new *dwelling*s may be issued in any calendar year.
3. If, in any year, the *Administrative Officer* does not issue all 35 permits for new *dwelling* construction, the unissued permits shall not be added to the allocation for any future years, except as follows:
    - a. If, in any calendar year, less than 35 (thirty-five) permits for new *dwelling*s are issued, and if no later than January 15 of the following year the Planning Commission determines that the reason for the shortfall in the previous year is that a major subdivision that furthers many of the objectives set forth in the Town Plan was approved too late in the year to begin construction but will be in construction the following year, then the Planning Commission may recommend to the Selectboard that up to five (5) of the unused permits from the previous year be carried forward for one year, but under no circumstances may permits for more than forty (40) new *dwelling*s be authorized for any single calendar year. Upon recommendation of the Planning Commission, the Selectboard may authorize the *Administrative Officer* to carry forward permits for up to five (5) new *dwelling*s for one year.
  4. Of the thirty-five (35) new *dwelling units* to be constructed each year, no more than twenty-one (21) may be constructed on *lots* in the AR-2, AR-3, B-1 (as per district requirements), and B-2 Zoning Districts, and no more than fourteen (14) may be constructed on *lots* that are located in the AR-1, L-1, L-2, R-1 and N-1 Zoning Districts.
  5. If, in any year, the *Administrative Officer* does not issue all permits for residential construction within the AR-1, L-1, L-2, R-1 and N-1 Zoning Districts, the unused permits shall not be added to the allocation for any future years, except as follows:
    - a. If unused permits are allowed to be carried forward as set forth in Section 4010.3.3.a., no more than 40 (forty) percent of the permits carried forward (rounded to the nearest whole number) may be issued for new *dwelling*s located in the AR-1, L-1, L-2, R-1 and N-1 Zoning Districts.
  6. The *Administrative Officer* shall maintain records showing the number of Zoning Permits which have been issued each year for new *dwelling*s in the AR-1, AR-2, AR-3, B-1, B-2, L-1, L-2, N-1, and R-1 Zoning Districts.

**4010.4 Application:** Any application for a zoning permit shall show that the plans and the intended *use* conform with all provisions of these regulations. An application is not complete unless all necessary information is provided and any fee, if applicable, is paid. If the *Administrative Officer* fails to act with regard to an application for a permit within 30 days of the receipt of a completed application, a permit will be deemed issued on the 31st day.

**4010.5 Access to Property:** The *Administrative Officer* shall be allowed reasonable access to private or public property for the purpose of inspecting and investigating conditions relating to any application for a Zoning Permit. A permit may be denied if reasonable access is not provided.

**4010.6 Effective Dates:** A Zoning Permit will not take effect until 15 days after issuance by the *Administrative Officer*, or, in the event that a notice of appeal is properly filed, in accordance with *Ch. 117* Section 4464, such permit will not take effect until final adjudication of said appeal. Each Zoning Permit issued will contain a statement of the period of time within which an appeal may be filed.

**4010.7 Procedures After Issuance:** Within three business days following the issuance of a zoning permit, the *Administrative Officer* will:

1. Deliver a copy of the permit to the Listers, and
2. Post a copy of the permit in the Town Offices, and such permit will remain posted until 15 days from the date of issuance and will be available for public review during the regular business hours of the Town Offices.

**4010.8 Impact Fee:** No zoning permit for land development which is subject to payment of an impact fee pursuant to any impact fee ordinance in effect will be issued until all applicable impact fees, as established by the Town of Georgia Selectboard, are paid to the Town of Georgia.

## **4015 WASTEWATER AND POTABLE WATER SUPPLY SYSTEMS**

**4015.1 Purpose:** The purpose of this Section is to protect human health and the environment, including potable water supplies, surface water, and groundwater.

**4015.2 Wastewater and Potable Water Supply Permit:** Wastewater disposal and potable water supply shall be regulated by the Vermont Agency of Natural Resources, DEC, Environmental Protection Rules, Chapter 1, Wastewater System and Potable Water Supply Rules, effective September 29, 2007, or as periodically revised or amended. These Rules apply to the subdivision of land, the construction, modification or change in use of a building or structure, the creation or modification of a campground, and the construction, modification, replacement and operation of their associated potable water supplies and wastewater disposal systems.

4015.2.1 Applicants shall contact the District Permit Specialist to determine if a Wastewater and Potable Water Supply Permit is required by the DEC in accordance with 10 V.S.A. Chapter 64 and the Wastewater System and Potable Water Supply Rules.

4015.2.2 If, according to the DEC, a Wastewater System and Potable Water Supply Permit is not required, the property owner or applicant shall provide written proof from the DEC of such to the Zoning Administrator. Where a Wastewater System and Potable Supply Permit is required, initiation of construction under a zoning permit issued in accordance with the Town of Georgia Zoning Regulations shall be prohibited unless and until a Wastewater System and Potable Water Supply Permit is issued.

4015.2.3 If a Wastewater System and Potable Water Supply Permit under Section 4015 is required, the Zoning Administrator will not issue a Certificate of Occupancy until such permit has been issued and filed in the Georgia Land Records and a statement that the wastewater disposal system has been constructed in full compliance with said permit has been submitted by the qualified designer as defined in the Wastewater System and Potable Water Supply Rules.

## **4020 CERTIFICATE OF OCCUPANCY**

**4020.1 Application:** It shall be unlawful to *use* or occupy or permit the use or occupancy of any land or *structure* or part thereof which requires a permit under these Regulations until a Certificate of Occupancy (C.O.) is issued by the *Administrative Officer*.

An application for a Certificate of Occupancy shall be on the form prescribed by the *Administrative Officer* along with any required fee. The application shall contain a statement under oath by the permit holder certifying compliance with this Zoning Regulation and all conditions imposed by town boards, and shall be accompanied by such supporting documentation as the *Administrative Officer* may reasonably require. Such documentation may include written statements under oath by tenants, contractors or appropriate licensed professionals.

The *Administrative Officer* shall issue or deny a Certificate of Occupancy within fifteen (15) days of the date that a complete application for a Certificate of Occupancy is submitted, including written certification as described in Section 4015.2.3 of these Regulations. Failure of the *Administrative Officer* to act within said time shall constitute approval on the sixteenth day.

**4020.2 Authority to Inspect:** The *Administrative Officer*, accompanied by appropriate town officials or consultants, shall have the authority to inspect any property prior to the issuance of a Certificate of Occupancy. Refusal to provide reasonable access to the *Administrative Officer* or town representative for the purpose of inspecting compliance with this Zoning Regulation or applicable conditions constitutes grounds for denial of a Certificate of Occupancy.

**4020.3 Denial:** Denial of a Certificate of Occupancy shall be in writing and shall contain all objections known to the *Administrative Officer* as of the date of the denial, and shall be delivered by certified mail, return receipt requested.

**4020.4 Conditional Certificate of Occupancy:** Conditional Certificates of Occupancy may be issued if part of a *building* is ready for occupancy before the completion of the entire *structure*, provided that the requirements of Section 4020.1 have been met for the portion of the *building* to be occupied. Conditional Certificates of Occupancy may also be issued in the event that actual operation of a septic disposal system is needed to demonstrate compliance with the Vermont Environmental Protection Regulations or the Performance Standards in Section 5090 of these Regulations. A Conditional Certificate of Occupancy is not to exceed 180 days.

## **4030 CONDITIONAL USES**

**4030.1 Applicability:** A zoning permit for any *use* or *structure* that requires *conditional use* approval will not be issued by the *Administrative Officer* until the Board of Adjustment grants such approval according to the provisions of this section of the Regulations. The change of a *permitted use* to a *conditional use* requires approval under the provisions of this section.

**4030.2 Public Hearing:** A public hearing after public notice will be held by the Board of Adjustment to determine whether the proposed *use* conforms to the general and specific district standards for *conditional uses* under these regulations.

**4030.3 Decisions:** The Board shall act to approve or disapprove conditional use applications in writing within forty-five (45) days after closure of the requisite public hearing. Failure to act within the 45-day period shall constitute deemed approval on the 46<sup>th</sup> day. The ZBA may recess and continue a hearing pending receipt of requested information, and non-submittal of requested information shall constitute grounds for denial of a Conditional Use request. The Board shall prepare written findings-of-fact setting forth background and rationale for their decision in relation to conditional use standards. The Board may attach conditions of approval to ensure the intent of applicable bylaws and the municipal plan are met. Conditional Use decisions shall be distributed per requirements in Ch. 117 Section 4464(b)(1)(3).

**4030.4 General Standards:** A permit will be granted only upon a finding by the Board of Adjustment that the following standards, in addition to the district regulations and district *conditional use* standards, have been met:

1. Public facilities and *services* are reasonably available to serve the proposed development or are planned and included in the Town Capital Budget and Program to serve the proposed development at the time anticipated for its completion.
2. The character of the neighborhood, area, or district affected will not be adversely impacted and that:
  - a. a nuisance or hazard will not be created to the detriment of the health, safety, or welfare of the intended users, neighbors, or the citizens of the Town;
  - b. the proposed *use* or *building* and the relationship between the *buildings* and the land will be compatible with the purposes of the district and the character of the surrounding neighborhood and will not unduly detract from abutting residences or other property;
  - c. appropriate *use* or development of adjacent property will not be impeded. The Board will consider the *scale* of the proposed development in relation to existing and proposed *uses* and *buildings*, and the effect of the proposed *use* on the continued enjoyment and access to existing and approved *uses* in the vicinity of the proposed *use*.
3. Traffic generated or patterns of ingress or egress will not cause congestion, hazard or detriment to the neighborhood or nearby intersections. The Zoning Board of Adjustment may require a traffic study to determine compliance with this standard.

4. That the *use* proposed is consistent with the purpose of the district, the Town Plan, and the Zoning Regulations and other bylaws and ordinances adopted by the Town of Georgia.
5. That the utilization of renewable energy resources will not be adversely affected.
6. That the Performance Standards specified in Section 5090 will be complied with.

**4030.5 Permit Conditions:** The Board of Adjustment may condition a permit in order to insure that the standards of these regulations will be met, including, but not limited to, the following conditions:

1. the Board may limit the *scale* or dimensions of the proposal;
2. the Board of Adjustment may require increased *setbacks* for commercial, industrial, municipal or outdoor recreation *uses* contiguous to residential districts, recreation, or natural areas districts and/or *uses*;
3. the Board of Adjustment may require limits on days and hours of operation of a business;
4. the Board of Adjustment may limit the outside storage of goods or materials and equipment;
5. the Board of Adjustment may require that storage of goods, parts, supplies, vehicles or machinery being worked on or finished or partially finished will be inside a *building* or behind screening;
6. the Board of Adjustment may attach conditions with regard to size and location of parking areas, landscaping, lighting and *signs*;
7. submittal of a performance bond to ensure completion of any improvements deemed necessary to operation of the conditional use.

**4030.6 Expiration:** Approval from the Zoning Board of Adjustment allowing a *conditional use*, *variance*, *non-conforming use*, or *non-complying structure* will expire one year from date of issue if construction has not progressed to the point where the *structure* can reasonably be used for its intended purpose, as defined in Section 4010.2.3. An extension of one year to these permits will be granted by the *Administrative Officer* if application for extension takes place before the approval has expired. At the end of two years, the above permits will permanently expire unless the Zoning Board of Adjustment grants a further extension.

**4030.7 Technical Review:** The Zoning Board of Adjustment may require the applicant to pay for reasonable costs of an independent technical review of a *Conditional Use* application, as provided for in *Ch. 117*, Section 4440(d).

#### **4040 SUBDIVISION REQUIREMENTS**

Applicants contemplating subdivision of property as defined in Section 2010.109 should review and familiarize themselves with the Georgia Subdivision Regulations, dated September 12, 2005, as may be amended. Specific requirements apply to Major and Minor Subdivisions, as outlined in the Subdivision Regulations, and in Section 6000 (Planned Residential and Planned Unit Developments) of these Regulations.

## **4050 SITE PLAN REVIEW**

**4050.1 Applicability:** Except as otherwise provided in Section 3075.6, Site Plan Review by the Planning Commission is required of all *uses, or changes of use* (excluding single or two-family dwelling units, accessory uses, home occupations, agricultural uses, and forestry uses) provided that the *use* also meets one or more of the following criteria.

1. The *use* requires new or expanded parking for a cumulative total of six (6) or more vehicles.
2. The *use* involves the construction or addition of 1,500 square feet of a *structure's* footprint.
3. The *use* involves the construction, expansion or substantial *alteration* of any outside storage yard or area for the display of items for sale.
4. In the determination of the Zoning Administrator, the new *use* or expansion will result in significant change to an existing approved site plan on file for the subject property.
5. Removal of natural resources as defined in Section 4090.

**4050.2 Application Procedures:** A complete application (as defined herein) for Site Plan Review shall be filed with the planning coordinator, who will schedule a hearing with the Planning Commission at the next available date but not sooner than fifteen (15) days. At the option of the applicant, a Concept Plan may first be submitted (as described below) prior to the submission of a Site Plan Review application.

**4050.2.1 Optional Concept Plan Application Submission:** Concept plan review is optional in all zoning districts except the South Village Core, where it is required. The applicant must submit eight sets of concept plans, which may be un-surveyed but should be drawn neatly and accurately, and shall include *scale*, north arrow, legend, and title block. The concept plans shall be at least 11" X 17" and shall show land *use* areas, proposed *structures*, *roads*, driveways, parking and loading spaces, pedestrian walkways, general landscaping plans, *signs* and lighting.

The purpose of the concept plan is to enable the applicant to present a conceptual proposal without having to provide detailed designs or engineering specifications in order to receive comment and input from the Planning Commission as to conformance of the project with these regulations and such specific submission requirements that the Planning Commission may require, or waive, for submission of a complete application for Site Plan Review. Concept Plan is recommended for more complex projects in order to clarify issues and submission requirements and to streamline the Site Plan Review hearing process, and specifically for projects in the South Village Core District. Concept plan review does not constitute Site Plan Review application or approval.

**4050.2.2 Recommendations of Concept Plan:** The Planning Commission will make written recommendations based on its review of the Concept Plan for the submission of the Site Plan Review application.

**4050.2.3 Site Plan Review Application Submission:** An application for Site Plan Review will consist of eight sets of site plan maps and supporting data which will include the following

information, and such information as indicated in the Concept Plan recommendation(s). The application will not be deemed complete until all of the applicable materials have been submitted. Failure to submit a complete application, as defined herein, shall be grounds for denial of the application by the Planning Commission.

1. Address of subject property.
2. Name and address of the owners of record of the subject property.
3. Name and address of the owners of record of adjoining lands.
4. Map or survey, drawn to *scale*, showing existing features, including contours, land *use*, *structures*, large trees, *roads*, easements, rights of way, deed restrictions, name and address of person or firm preparing the map, *scale* of map, north point, date of map/revisions, and legend.
5. Site Plan, 24" by 36" in size and drawn to an appropriate *scale*, showing proposed land *use* areas including proposed *structures*, *roads*, driveways, traffic circulation, parking and loading spaces, and pedestrian walkways; landscaping plans including site grading, culverts, drainage, landscape design, screening, *signs* and lighting; name and address of person or firm preparing the map, *scale* of map, north point, date of map and revisions, legend, and name, address and interest of the applicant in the subject property.
6. The Planning Commission may require that the map or survey and site plan be prepared by a landscape architect, registered land surveyor, registered civil engineer, or registered architect if the proposed project utilizes more than 3,500 square feet, including parking area, or is a complex proposal that could have impacts on surrounding property owners, major *roads*, or important resources.
7. Construction sequence and timing schedule for completion of each phase for *buildings*, *parking spaces*, and landscaped areas of the entire project.
8. Specifications of the building materials to be used.
9. Specifications of the plantings to be used or, if located in the South Village Core District or otherwise required by the Planning Commission, a landscaping and screening plan according to Text Box 4.1.
10. A site location map showing the location of the project in relation to nearby town highways and developed areas at a *scale* of one inch equals one thousand feet.
11. *Uses* that will generate more than one hundred and fifty (150) vehicle *trip-ends* per day (estimates shall be based on the most recent rates provided by the Institute of Transportation Engineers) shall include a traffic study conducted by a professional traffic engineer. The study will include details of existing and proposed ingress and egress, expected traffic volumes, turning movements, existing and resulting levels of *service*, and proposed traffic control measures. The Planning Commission may require a traffic study for projects generating less than 150 vehicle *trip-ends* where it finds there is a potential traffic safety issue.
12. A letter from the Georgia Fire Chief indicating any fire and rescue concerns with the proposed project.
13. A lighting plan including the location and height of mountings and/or light poles, fixture type, lamp type, wattage, level of illumination (footcandles). The Planning Commission may require that the lighting plan be developed by a qualified professional. This plan

- shall show light levels, evenness, and patterns of light distribution, and should also indicate the lamp type, wattage, and lamp loss factors applied.
14. *Sign* details including dimensions, height, material, and proposed lighting.
  15. At the request of the applicant, the Planning Commission may waive any of the above submission requirements, but only where it finds that the size and scope of the application is such that the requirements represent an undue burden on the applicant and are clearly not necessary for the Commission to make findings on the application consistent with the requirements of these Zoning Regulations.
  16. If located in the South Village Core District, an explanation of how the project conforms to each of the South Village Core Design Criteria.

#### **Text Box4.1: Requirements of a Landscaping and Screening Plan**

A landscaping plan shall illustrate to scale all landscaping and screening proposed for the site, including street trees, all other trees, planting beds, shrubs, bushes, and grassed and mulched areas. Plans shall include specifications for planting and a plan for maintenance care (reference sources listed below for guidance). At the time of planting, deciduous street/shade trees shall be at least two (2) inches in caliper (trunk diameter) measured at a point six (6) inches above finished grade level and have a single straight trunk at least 7 feet tall with the lower 5 feet clear of branches. At the time of planting, coniferous shade trees shall be 4' to 6' feet in height.

The plan shall include justification that the cultivar selection is appropriate for the planting area, including rooting space, crown and height space, infrastructure limitations, soil conditions, sensitivity to urban conditions, etc. Selections shall preferably be native to Vermont, but at a minimum rated for a plant hardiness zone of 4; zone 5 may be acceptable with micro-climate justification. Invasive species are prohibited as listed on <http://www.vtinvasiveplants.org/invaders.php>. Street trees shall have a high tolerance for road salt, soil compaction and drought, as appropriate.

Applicants and the Planning Commission should refer to the following publications in developing and approving a landscape plan:

- Recommended Trees for Vermont Communities: A Guide to Selecting and Purchasing Street, Park, and Landscape Trees, published by the Vermont Urban and Community Forestry Program.
- Landscape Plants for Vermont, by Dr. Norman E. Pellett, Horticulturist and Professor Emeritus, University of Vermont, and Dr. Mark C. Starrett, Assistant Professor, University of Vermont, published by University of Vermont Extension
- Planting Sustainable Landscapes – A Guide for Plan Reviewers, prepared by the Vermont Department of Forests, Parks, and Recreation and the Vermont Chapter of the American Society of Landscape Architects – Section III.
- Street Tree Factsheets – edited by Henry D. Gerhold, Norman L. Lacasse, and Willet N. Wandell, published by the Municipal Tree Restoration Program with support from the USDA Forest Service, Northeastern Area State and Private Forestry.

**4050.3 Decisions:** The Planning Commission shall act to approve or disapprove Site Plan applications in writing within forty-five (45) days after closure of the requisite public hearing. Failure to act within the 45-day period shall constitute deemed approval on the 46<sup>th</sup> day. The Planning Commission may recess and continue a hearing pending receipt of requested information, and non-submittal of requested information shall constitute grounds for Site Plan denial. The Planning Commission shall prepare written findings-of-fact and conclusions setting forth background and rationale for its decision. For applications within the South Village Core District, a site plan decision shall include findings on whether the proposal satisfies the South Village Core Design Criteria. The Planning Commission may attach conditions of approval to ensure that the intent of applicable bylaws and the municipal plan are met.

Site Plan decisions shall be distributed per requirements in 24 V.S.A. *Ch. 117*, Section 4464(b)(1)(3).

**4050.4 Issuance of Zoning Permit:** The applicant must submit a site plan and any other required documentation to the *Administrative Officer* with any changes made according to the conditions of the Planning Commission's decision, before a zoning permit will be issued. Such conditions shall be made a part of the zoning permit by reference.

The Planning Commission may require the applicant to record a Mylar of the approved site plan in the Land Records if the site plan involves the creation or alteration of access on a *public road*, rights-of-way, septic systems, water systems or utility lines, or makes changes to previously recorded Mylar or survey.

**4050.5 General Standards:** Except as otherwise provided in Section 3075.6, to receive site plan approval, the Planning Commission will review project applications for conformance with the site plan review standards listed for each zoning district and the general standards listed below. In reviewing a site plan, the Commission may consider and impose appropriate safeguards and conditions with respect to whether the project adequately meets the required standards.

1. Maximum safety of vehicular circulation between the site and the street network: Particular consideration will be given to visibility at intersections, to traffic flow and control, to pedestrian safety and convenience, and to access in case of emergency.
  - a. The Planning Commission may require shared access to adjoining properties or may limit access to the property to a side street or secondary *road*.
  - b. Where traffic access is required to only a portion of the land, the Planning Commission may require sharing that access with future *uses* of the remainder of the parcel.
  - c. For *uses* for which a traffic study is required, the proposal will not cause traffic conditions on a town or state highway to go below a Level of *Service C* condition (as defined by the Vermont Agency of Transportation) unless such a condition already exists, in which case the *use* will not cause traffic conditions to go to a lower Level of *Service*. The proposal may be conditioned to mitigate an adverse

traffic condition.

2. Adequacy of parking, traffic access, and circulation for pedestrians and vehicles:
  - a. Parking and loading facilities shall conform to Section 5030, Parking and Loading.
  - b. Parking areas may be required to be landscaped or screened from adjacent *uses* and from the *roadways* in the vicinity.
  - c. Parking may be prohibited from the front, side and *rear yard setback* areas.
  - d. Permeable surfaces may be required for proposed parking areas to control storm water runoff. Relocation or redesign of parking areas may be required to limit runoff and control erosion in accordance with approved state standards.
  - e. The size and location of any paved area may be limited by the Planning Commission.
  - f. Consideration will be given to the effect of noise, glare or odors associated with parking, loading, and service areas on adjoining properties and state and town highways.
3. Adequacy of pedestrian circulation: In the B-1, B-2, I-1, I-2, and AR-3 Districts, pedestrian circulation on sidewalks and/or non-motorized improved paths may be required. The Planning Commission may require sidewalks along the *road* frontage and to the entrance to the *building* to facilitate pedestrian access to the site and between the site and nearby *services*, facilities and neighborhoods.
4. Adequacy of landscaping and screening: Particular consideration will be given to preservation of existing vegetation and important features of the site, including large trees, views and vistas, and stone walls; visibility of unsightly or incompatible areas from the *road* and adjoining properties; and the adequacy of landscaping materials given seasonal conditions, soil conditions and erosion control, and light on the site.
  - a. Landscaping will take the form of shade trees, deciduous shrubs, evergreens, well kept grasses and ground cover.
  - b. Landscaping may be required to be installed and maintained in front and *side yards* and may be required where *rear yards* abut residential properties or public *roads*. Adequate *setbacks* and site grading may be required to insure that the plantings are not adversely affected by traffic and *road* salt. Street trees may be required along state and town highways, particularly in areas where there is little vegetative cover presently. Landscaping will be installed within a time frame established by the Planning Commission.
  - c. In determining the amount and type of plantings to be required, the Planning Commission will take into account at least the following:
    - i. Existing trees, shrubs, evergreens and other vegetation to be preserved on the site;
    - ii. The visibility of incompatible or unsightly areas from public *roads* and/or adjacent properties;

- iii. The land form and overall landscaping plan for the development;
  - iv. Other factors which, in the Commission's judgment, affect the safety and appearance of the development.
- d. The owner or developer may be required to provide a letter of credit or other suitable form of financial security to guarantee the performance and completion of all planting required pursuant to this section, which security will also guarantee plantings for a period of two years.
5. Adequacy of erosion control: To control erosion, the site plan will meet the following standards:
- a. The development plan will fit the topographic, soil and vegetation characteristics of the site with a minimum of clearing and grading.
  - b. Existing natural drainage patterns will be preserved wherever possible.
  - c. The sequence of construction activities will be designed so that the smallest area possible is disturbed at any one time. Only areas where active construction is taking place should be exposed. All other areas should be protected by vegetative and structural control measures.
  - d. Seed and mulch will be applied as soon as possible to disturbed soils.
  - e. Disturbance should be avoided as much as possible between October 15 and May 1.
6. Outdoor lighting: Outdoor lighting fixtures will be designed to direct light downward and adjusted so as not to cast light directly on adjacent *roadways* or properties. The Planning Commission may prohibit fixtures that cause excessive glare within the property or on adjoining properties. Outdoor lighting may be required by the Commission to illuminate areas such as streets, sidewalks, and parking areas.
7. Street signs: All *roads*, whether public or private, will be required to be named and identified by a street *sign* which is of a standard approved by the Town in accordance with E-911 street address ordinances.
7. Site Design: The site will be designed with consideration to adjacent and nearby sites and *buildings* in order to foster an integrated form and a pattern of interconnected *uses*.
9. Performance Standards: The proposed project will meet the performance standards listed in Section 5090 of this Regulation.

**4050.6 Financial Surety:** The Planning Commission may require that the owner or developer provide a letter of credit from a financial institution or other suitable form of financial security to guarantee the performance and completion of the site plan.

**4050.7 Expiration:** Site Plan approvals from the Planning Commission expire three years from date of issue if construction has not progressed to the point where the *structure* or site can

reasonably be used for its intended purpose, as defined in Section 4010.2.3. If the site plan has not been implemented within the three year period, an extension of one year may be granted by the Planning Commission upon written request prior to expiration of the approval, which shall include a statement of why the site plan has not been implemented and the basis of the request for the extension.

**4050.8 Technical Review:** The Planning Commission may require the applicant to pay for reasonable costs of an independent technical review of a Site Plan Review application, as provided for in 24 V.S.A. *Ch. 117* Section 4461(c).

## **4060 SIGNS**

All outdoor *signs*, except as indicated in 4060.5, require a zoning permit prior to being erected, constructed or replaced. Examples of outdoor *signs* are illustrated in Figure 4.1 below.

**4060.1 Number of Signs Permitted:** Up to two (2) signs may be permitted for any non-residential use provided that the signs are located on the premises of the use. Only one of the two permitted signs may be freestanding.

**4060.2 Sign Size:** The total area of each *sign* panel shall not exceed sixteen (16) square feet, with a single continuous perimeter enclosing the extreme limits of the *sign* panel surface. The area of supporting framework shall not be included in the area calculation if such framework is incidental to the display and does not bear any copy or graphics. *Signs* may be two-sided; in such cases the area requirement shall apply to each side separately. A larger *sign* area may be approved by the Zoning Board of Adjustment as a *conditional use* provided it does not exceed twenty-five (25) square feet in area in the South Village Core District and fifty (50) square feet in area in all other districts. The height of a free-standing *sign* shall not exceed eight (8) feet. A taller free-standing *sign* may be approved by the Zoning Board of Adjustment as a *conditional use*, except in the South Village Core District, provided it does not exceed twenty (20) feet in height. These size limits shall also apply to the overall size of multi-business *signs*.

### **4060.3 Standards for Specific Sign Types:**

1. **Freestanding Signs.** Freestanding *signs* shall not be placed within fifty (50) feet of the centerline of a *right-of-way* or ten (10) feet from a property line, except in the South Village Core District, where *signs* shall not be placed within five (5) feet from the edge of the right-of-way or the sidewalk, whichever is further from the road.

2. **Projecting Signs.** Projecting *signs* shall not extend more than three (3) feet from the building and shall have a clearance of a least eight (8) feet.

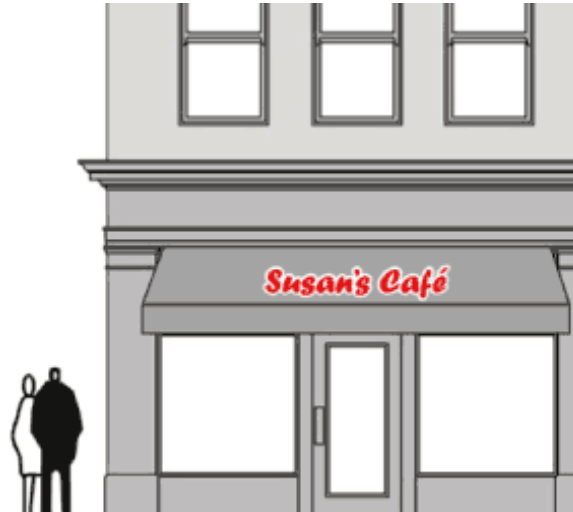
3. **Wall Signs.** *Signs* attached to buildings shall not extend above the roof or parapet of the building.

4. **Illuminated signs** shall be lighted only by a continuous non-flashing light. Such illumination will not be provided by neon or similar sources. No string lighting, pennants or other attention-gathering devices will be permitted for more than four weeks per calendar year.

**4060.4 Home Occupations:** A *sign* advertising a *home occupation* is permitted only if it does not exceed twelve (12) square feet and six (6) feet in height and it is limited to the name, address, phone, profession or *home occupation* or home business of the occupant of the premises on which said *sign* is located. Such *signs* shall not be illuminated.

**Figure 4.1 Examples of Sign Types**

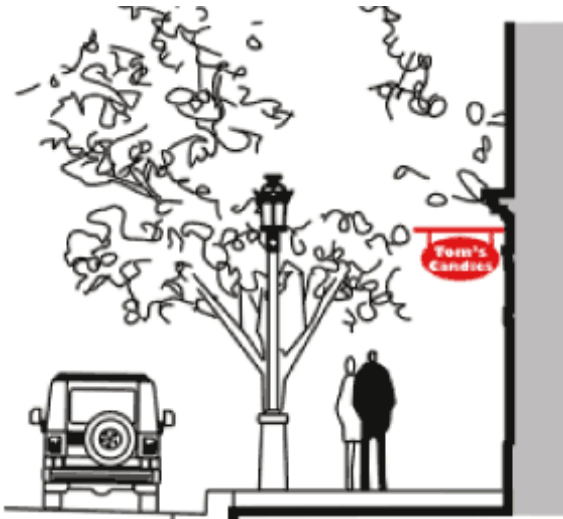
**Awning Sign**



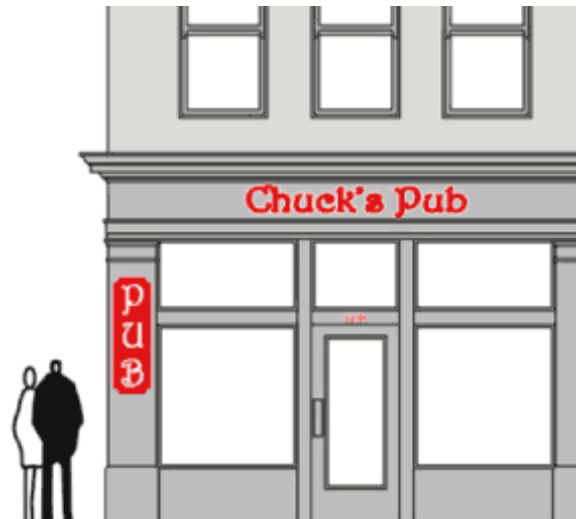
**Window Sign**



### Projecting Sign



### Wall Signs



### Free Standing Signs



**4060.5 Exemptions:** The following do not require permits:

1. Residential *signs* not exceeding four (4) square feet in size and six (6) feet in height, which only state the name and address of the occupants.
2. Farm *signs*.
3. Historic markers not exceeding four (4) square feet in size and six (6) feet in height.
4. Temporary *signs* displayed for events sponsored by not-for-profit organizations, which shall not exceed thirty-two (32) square feet, and shall be displayed for not more than ten consecutive days and more than twenty days per year.
5. On-site directional, safety, or parking *signs*.
6. *Signs* erected by a public *school*, the Town of Georgia, the State of Vermont or the United States Government.
7. Bulletin boards on the premises of any *church*, *school*, or similar public *structure* provided they do not exceed twenty-four (24) square feet in size and ten (10) feet in height.
8. Temporary real estate or construction *signs* provided they do not exceed twenty-four (24) square feet in size and eight (8) feet in height and are removed promptly when the property has been sold, leased or developed.
9. *Signs* for roadside stands (see Section 5130) provided they do not exceed sixteen (16) square feet and a height of eight (8) feet. The *sign* may remain in place when the stand is not in business but shall be covered, and must comply with all other *sign* requirements.
10. *Signs* or flags indicating that a business is open and/or the hours of operation, provided such signs or flags are:
  - a. limited to one per *use* (one for hours of operation, and one open/closed *sign*, or one for both);
  - b. are located on the premises of the *use* for which the *sign* is advertising;
  - c. do not exceed ten (10) square feet for a flag and two (2) square feet for a *sign*.

#### **4070 HOME OCCUPATIONS**

**4070.1 Provisions:** *Home occupations* are allowed in any *dwelling*, provided the following standards are met:

1. The *home occupation* is carried on by a resident of the *dwelling unit*.
2. There is not more than one employee who is not a resident of the *dwelling* working in the *home occupation*.
3. Any materials or equipment stored outside the *dwelling unit* or *accessory structure* shall not be within any setbacks and shall be screened from the roadside and from the view from adjoining properties.
4. The *home occupation* shall be limited to an area not greater than twenty-five percent (25%) of the square-footage of the *dwelling unit* or *accessory structure*.
5. No traffic is generated in a volume that alters the essential character of the neighborhood or substantially impairs the *use* of adjacent property.
6. Any required parking is provided off-street or in a manner that does not alter the essential character of the neighborhood.

**4070.2 Requirements:** A Zoning Permit is required to conduct a *home occupation*.

## **4080 ACCESSORY DWELLING UNITS**

**4080.1 Accessory Dwelling Units (ADUs):** One ADU may be permitted within or appurtenant to a building that is a single-family dwelling unit provided the following standards are met:

1. The single-family dwelling is a detached, stand-alone structure. ADUs are not permitted in multi-family or mixed-use buildings.
2. The primary *single family dwelling unit* is occupied by the owner.
3. The gross floor area of the *ADU* may not exceed 30% of the total habitable floor area of the *single family dwelling* or 600 square feet, whichever is greater.
4. Written confirmation is received from the State of Vermont, Department of Environmental Conservation that suitable wastewater and water supply facilities exist to serve the ADU in addition to the single-family dwelling.
5. A Certificate of Occupancy is required prior to occupancy of the *ADU*. The Certificate of Occupancy will verify conformance with applicable provisions.
6. The *Administrative Officer* may require written certification from the owner of the *single family dwelling* as to his or her primary residency of the single-family residence at any time.
7. The *ADU* shares the driveway access point to the property with the *single family dwelling*.

**4080.2 Accessory Agricultural Dwelling Unit:** One accessory agricultural *dwelling unit* on an operating farm is permitted for the purpose of providing housing to people working on the farm. The *dwelling* must meet the dimensional and other requirements of the zoning regulations. At the time the farm is no longer in operation or is not under permanent conservation easement for farming purposes, the owner must apply to have the accessory *dwelling* subdivided from the property or have the accessory *dwelling* removed from the property. If the accessory *dwelling unit* is an *accessory apartment*, the property owner may apply for approval of an *ADU* under the provisions of Section 4080.1. An accessory agricultural *dwelling unit* is intended as a single purpose occupancy unit, and therefore must only be occupied by farm laborers of the subject farm.

## **4090 REMOVAL OF NATURAL RESOURCES**

Commercial removal of topsoil, rock, sand, gravel or similar material may be permitted by the Zoning Board of Adjustment as a *conditional use* provided it meets the standards of Section 4030 and other applicable sections of these regulations and that the removal will meet the following standards:

### **4090.1 Standards:**

1. The removal will not cause any hazard to health, property, or property values.
2. The depth of excavation will not cause any hazard or injury to *roads* or adjacent properties.
3. The area excavated will be regraded, reseeded, replanted, and mulched and the proposed slope and soil conditions will not result in erosion or excessive runoff. Temporary erosion control plans will be adequate until final regrading is accomplished.
4. The hours of operation of the proposed removal will not have a significant adverse impact on the *use* and enjoyment of adjoining properties.
5. The removal will meet the Performance Standards of these regulations.
6. The removal will not cause any traffic hazards or excessive congestion or physical damage to town or state highways on the expected routes of truck traffic.
7. The removal will not have an adverse impact on water resources, wildlife habitat and agricultural land.
8. Excavation of earth materials is prohibited within the 100 year floodplain where activity will lower the level of the water table, interfere with natural flow patterns or fisheries habitat, or reduce the flood stage capacity.

**4090.2 Conditions:** In granting permission, the Zoning Board of Adjustment may consider and impose conditions, including, but not limited to, the following:

1. A performance bond will be required to insure reclamation of the land upon completion of the excavation of materials and topsoil in accordance with an acceptable plan.
2. Hours of operation may be restricted.
3. An acceptable regrading, reseeding, and replanting plan is required. The plan will show existing grades and *finished grades* for the areas where removal will occur. All regraded areas, except for exposed ledge rock, will be covered with a minimum of four (4) inches of topsoil and a suitable cover crop.

**4090.3 Exemptions:** This section will not apply to the removal of natural resources from an *agriculture* operation, *nursery*, or *cemetery* as long as the natural resources being removed are not being offered for sale.

#### **4100 REFERRAL TO STATE AGENCIES**

No zoning permit for the development of land of the following types or located within the following designated areas may be granted by the Town of Georgia prior to the expiration of a period of thirty days following the submission of a report to the state agency designated in each case, describing the proposed *use*, the location requested and an evaluation of the effect of such proposed *use* on the Town Plan and the regional plan, if any. The report shall be prepared by the *Administrative Officer*, however the applicant shall bear all costs associated with the preparation of the report.

**4100.1 Department of Environmental Conservation:** Any of the following *uses* or activities affecting ground or surface water resources:

1. Any area designated as a flood plain or *wetland*.

**4100.2 Fish and Wildlife Department:**

1. Wildlife lands and stream bank areas owned or leased by the state.

## **5000 GENERAL & SPECIFIC REGULATIONS**

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### **5010 PUBLIC AND PRIVATE ROADS**

**5010.1 Roads to be Accepted by the Town:** No *roads* will be accepted by the Town unless the *right-of-way* is at least sixty (60) feet wide and the *road* is built to the Town of Georgia Policy for Roads to be Conveyed to and Maintained by the Town as Town Highways and to Upgrade Class IV Town Roads (incorporated herein by reference). No *roads* can be accepted by the Town without the approval of the Selectboard.

**5010.2 Frontage Requirement:** No *land development* may be permitted on *lots* which do not either have frontage on a public *road* or public navigable waters, as required in the District Regulations, or with the approval of the Planning Commission, access to such a *road* or waters by a permanent easement or *right-of-way* at least sixty (60) feet in width. Pre-existing *lots* with pre-existing rights-of-way at least 30 feet in width may be developed with the approval of the Planning Commission. Any easement or *right-of-way* which is relied upon to provide the access described above must be capable of actually providing such access in accordance with the town adopted Town of Georgia Policy for Roads to be Conveyed to and Maintained by the Town as Town Highways and to Upgrade Class IV Town Roads, or *Private Road Standards*, whichever is applicable.

**5010.3 Private Roads:** The following are requirements for all *land development* on any private *road*:

1. Front and *side yard setbacks*, and frontage requirements (for new *lots*) will be as required for public *roads*, except if reduced in PRD's or PUD's.
2. A *lot* with frontage on a combination of public and private *roads* shall have *setbacks* from both the public *road* and the private *road* equal to the *front yard setback* requirement in the district regulations. If such a *lot* is in a PRD, the *setback* requirement from the private *road* may be waived.
3. Private *roads* may not serve as access to more than three (3) *dwelling units*, or three (3) lots used for non-residential purposes except agricultural or forestry, or a combination of dwelling units and non-residential lots greater than three, except in a PRD or PUD.
4. Private *roads* accessing three (3) or more *dwelling units* or three (3) or more lots used for non-residential purposes except agricultural or forestry, or a combination of dwelling units and non-residential lots totaling three (3) or more, shall meet town *private road* standards approved by the Selectboard, which standards as they now exist or are hereafter modified by the Selectboard are incorporated herein by reference.
5. An application for a zoning permit for a *lot* with access by a private *road* shall include a copy of the deed for the *lot* which shall address the following:
  - a) A clear statement of the rights of ingress, egress, or any other rights of those sharing the *right-of-way*.
  - b) A clear statement setting forth terms and conditions for maintenance of the *right-of-way*.

6. No private *road* that is a dead-end shall be longer than 1000 feet; this requirement may be waived by the Planning Commission for a *Planned Residential Development* if it is determined that a private *road* in excess of this length shall further the goals of a *Planned Residential Development*, and the *Comprehensive Municipal Town Plan* and that the proposed private *road* shall meet town private *road* standards approved by the Selectboard and incorporated herein as such standards now exist or are hereafter modified.

**5010.4 Reduced Frontage on Cul-De-Sacs:** The Planning Commission may approve reduced frontage requirements for *lots* on cul-de-sacs or other dead ends of public or private *roads*; however, side and rear *setbacks* on such *lots* will not be reduced.

**5010.5 Private Road Construction Standards:** All private roads shall be constructed to a minimum of these standards:

1. The construction guidelines and standards contained in this policy are considered minimum standards. The Planning Commission may impose a stricter requirement if, in its opinion, public health and safety considerations, traffic or other conditions warrant.
2. The Planning Commission reserves the right to modify the standards for a particular project, where, because of unique physical circumstances or conditions, there is no possibility that the project can be completed in strict conformance with these provisions. Fiscal reasons are not a basis for modification of the standards.
3. All new roads petitioned to be taken over by the Town of Georgia must meet Town Owned and Maintained Road Standards prior to being taken over. It will be the responsibility of the developer to upgrade the private road to Town road standards. Furthermore, the road proposed to be conveyed to the Town shall be maintained by the developer until the road is accepted by the Town of Georgia. The Town of Georgia will not accept cul-de-sacs as town highways.
4. All new rights-of-way (ROW) shall be a minimum of sixty feet (60') in width.
5. All sod and topsoil shall be stripped from roadway grade. Ledge and boulders shall be removed to at least 18 inches below sub-grade and replaced with compacted sand or gravel. All ditches and drains shall be constructed so that they effectively drain the sub-grade prior to placement of any base material. An additional six inches of sand cushion shall be placed over any clay sub-grade.
6. At a minimum, the ROW shall be cleared of all trees, brush and stumps to a minimum of two feet beyond the roadside ditching. Burial of wood, such as stumps, will not be permitted within the ROW.
7. Tree limbs must be removed to a height of 12 feet above finished grade.

8. The slope of a private road shall not exceed 16%.
9. All accesses to public roads must have a -3 to 0% slope for approximately 20 feet. Any variation will require Selectboard approval.
10. Dead-end roads require “Ts” or “hammerheads” at the terminus of all dead-ends. Cul-de-sac designs are discouraged, but may be permitted provided it has a minimum turn-around radius of 100’ on the outside edge of the road and a 75’ radius on the inside edge.
11. The developer must provide all appropriate road signs and pavement markings, if paved.
12. The Selectboard may require the developer to upgrade impacted or connecting existing Class 2 and/or Class 3 Town roads if the development will increase traffic flow. Traffic studies may be required to establish the upgrade necessary.
13. The road shall be composed of 18 inches of compacted crushed gravel installed in two 6 inch compacted lifts with maximum stone size of 4 inches. The cross section of sub-base shall conform to those of the finished surface. All highways shall be constructed with a 6 -inch upper base of coarse compacted crushed gravel as defined by the Vermont Agency of Transportation (AOT) standard specifications for construction.
14. Construction standards are as follows:

| Number of Dwellings Accessed: | Minimum Road Width:                        |
|-------------------------------|--------------------------------------------|
| 3 to 5                        | 14’ wide w/ 2’ shoulders                   |
| 6 to 25                       | 18’ wide w/ 2’ shoulders                   |
| >26                           | Town Owned & Maintained Road Standards* ** |

\* The developer may request a paving waiver.

\*\* Constructing a road to Town Owned & Maintained Standards does not require the Town to take the road over as a Town road. However, the developer may submit a petition to the Selectboard requesting the Town to take over the road.

15. The road must conform to Town road standards prior to the issuance of the first Certificate of Occupancy. A letter from a certified engineer stating that the road conforms to these standards shall be submitted to the Zoning Administrator with the Certificate of Occupancy application.

### **Ditching & Culverts:**

16. All culverts shall be corrugated metal pipe, unless the Selectboard determines a cement box culvert is needed.

17. All roadway cross culverts shall be a minimum of 18 inches in diameter. The Selectboard may require a hydraulic report for any area in question of culvert size, including downstream culverts. Headers shall be installed at the inlet of all roadway culverts and must be a minimum of 8 inches of reinforced concrete. The outside of the header should be flush with the end of the culvert.
18. All adjacent driveway culverts must be a minimum of 15 inches in diameter. The size may be reduced only, if determined by the Selectboard, it will not adversely affect roads, drainage, or property. A minimum of 10 inches of compacted gravel shall be placed over the top of the culvert. All driveways shall be constructed to prevent erosion and sedimentation of town roads and ditches and so that water runs off the sides of the driveway and not into the road.
19. Drainage ditches shall be provided where necessary and shall be constructed to prevent infiltration of water into the gravel sub-base and to conduct storm drainage to waterways and absorption areas.
20. Ditch lining treatments shall depend on the slope of the ditch.
  - a. 0-5% slopes – grass lining (slopes over 2.5% may require fabric liner).
  - b. 5-10% slopes – R#3 (2-6 inch) diameter rock, 7.5 inches thick.
  - c. >10% - R#4 (3-12 inch) diameter rock, 12 inches thick.
21. Ditch walls and sides shall be a 3 feet horizontal to 1 foot vertical ratio or less. Any earth fill 5 feet in height that absolutely requires a 3 feet horizontal to 1 foot vertical ratio or more, will require a 3 feet shoulder widening and installation of guardrails approved by the Selectboard, its representative, or the Vermont Agency of Transportation (AOT).
22. Drainage ditches next to roadways are normally to be at least 6 inches below the gravel sub-base or 18 inches below finished grade.
23. All ditches require an outlet away from the road, preferably an overland area, where runoff can be absorbed in to the soil.
24. The Selectboard or its representative may require other velocity control devices such as stone dikes, hay bales, silt fence dikes, and log and brush check dams as necessary to protect the road and neighboring waterways.
25. Where curbed and paved streets are proposed, the Selectboard may require installation of storm sewers. Storm sewers shall be constructed in accordance with Vermont Agency of Transportation Highway Standards including, but not limited to D-1 – D-17.

## **5020 RECREATIONAL VEHICLES WITH SLEEPING FACILITIES**

5020.1 A legally registered travel or camper trailer or coach designed and manufactured for recreational camping *uses*, may be stored or parked on a developed residential *lot* provided it meets the following requirements:

1. It shall not be permanently attached to the land;
2. It shall not be occupied for *residential use* while on the *lot*;
3. It shall not be attached to a septic system;
4. There shall not be more than two such units on a *lot*;
5. Such *use* shall not conflict with any provision of this Regulation.

5020.2 A legally registered travel or camper trailer or coach designed and manufactured for recreational camping *uses*, may be placed on an undeveloped *lot* and used for limited seasonal occupancy provided it meets the following requirements:

1. It shall not be permanently attached to the land;
2. It may be occupied seasonally (for not more than a total of 180 days between May 1 and November 30 and no more than 60 days between November 1 and May 31) if it is hooked up to a water supply and a legally existing septic system that has been continuously used for that purpose, or a system approved under the State of Vermont Wastewater System and Potable Water Supply Rules;
3. There shall not be more than one such unit on a *lot*;
4. Such *use* shall not conflict with any provision of this or other applicable regulations.

5020.3 A legally registered travel or camper trailer or coach designed and manufactured for recreational camping purposes, may be placed on an undeveloped *lot* and used for recreational camping purposes only, provided it meets the following requirements:

1. It shall not be permanently attached to the land;
2. It may be occupied for recreational camping purposes only for not more than a total of 45 days between May 1<sup>st</sup> and November 30<sup>th</sup> if it is not hooked up to a water supply or septic system;
3. It has a self contained storage tank for waste water, which is either emptied off site in an approved disposal facility or the owner and occupant enters into a *service* contract with an approved hauler for collection and disposal off site in an approved facility, OR, an approved self contained porta-let is provided on site and the owner or occupant enters into a *service* contract with an approved hauler for collection and disposal off site in an approved facility;
4. There is not more than one unit on a *lot*;
5. Such *use* does not conflict with any provision of this or any other applicable regulation.

### **5030 PARKING, LOADING AND UNLOADING:**

5030.1 Adequate provision shall be made so that normal vehicular traffic to any new or expanded use may be parked off the roads, streets, and highways. The off-street parking space specifications listed below are required unless modified by the Planning Commission or the Zoning Board of Adjustment in accordance with the provisions below.

1. DWELLING UNITS: Two *parking spaces* for each unit, except *accessory apartments* to *single family dwellings*, and *multi-tenant elderly housing*, which require one *parking space* per unit.

2. OFFICES, PERSONAL, PROFESSIONAL, BUSINESS, FINANCIAL, INSURANCE AND REAL ESTATE SERVICES, RETAIL STORE, DAYCARES, CLINICS, VETERINARY CLINICS: One space for every 200 square feet of space plus one for each employee per largest working shift, except CONVENIENCE STORES, which will require one space per 100 square feet of retail floor area.

3. HOTEL, MOTEL, BED AND BREAKFAST: One space for each three employees per largest working shift plus one space for each sleeping room, plus 75% of spaces required for *accessory uses* such as *restaurants* and *banquet rooms*, if applicable.

4. OTHER COMMERCIAL USES: One *parking space* for each employee on the largest working shift, one parking space for each *motor vehicle* used in the business, and one *parking space* for every 200 square feet of floor area.

5. RESTAURANTS and BANQUET ROOMS: One *parking space* for every 150 square feet of floor space.

6. INDUSTRIAL USES: One *parking space* for every *motor vehicle* used in the business and one *parking space* for each employee on the largest working shift.

7. CHURCH AND SCHOOL: One space per every six seats in principal assembly room for *churches*, and one space for each 20 students of design capacity plus one for each 400 square feet of *office space* or design capacity.

8. MARINA: One space for each boat berth plus any additional required for *accessory uses* or *structures* located on the same *lot*.

9. HOSPITALS, NURSING HOMES AND GROUP HOMES: One space per each bed of design capacity plus one space per each two employees on the largest working shift, except *Group Homes* which shall have one space per two beds plus one space for each employee on the largest working shift.

10. MOTOR VEHICLE REPAIR, SERVICE STATION AND SALES: One for each 400 square feet of shop, sales or *service* area plus one for each employee on the largest working shift.

11. CAMPGROUND: One space per *camp* site.

12. MUNICIPAL, STATE, FEDERAL, OR REGIONAL FACILITY: One space per 200 square feet of gross floor area.

13. AGRIBUSINESS AND FARM EQUIPMENT SALES: One for each 400 square feet of enclosed shop, sales or *service* area plus one for each employee on the largest working shift.

14. RECREATION OUTDOORS, RECREATION INDOORS: One space per each employee on the largest working shift plus one space for every two patrons for the design capacity.

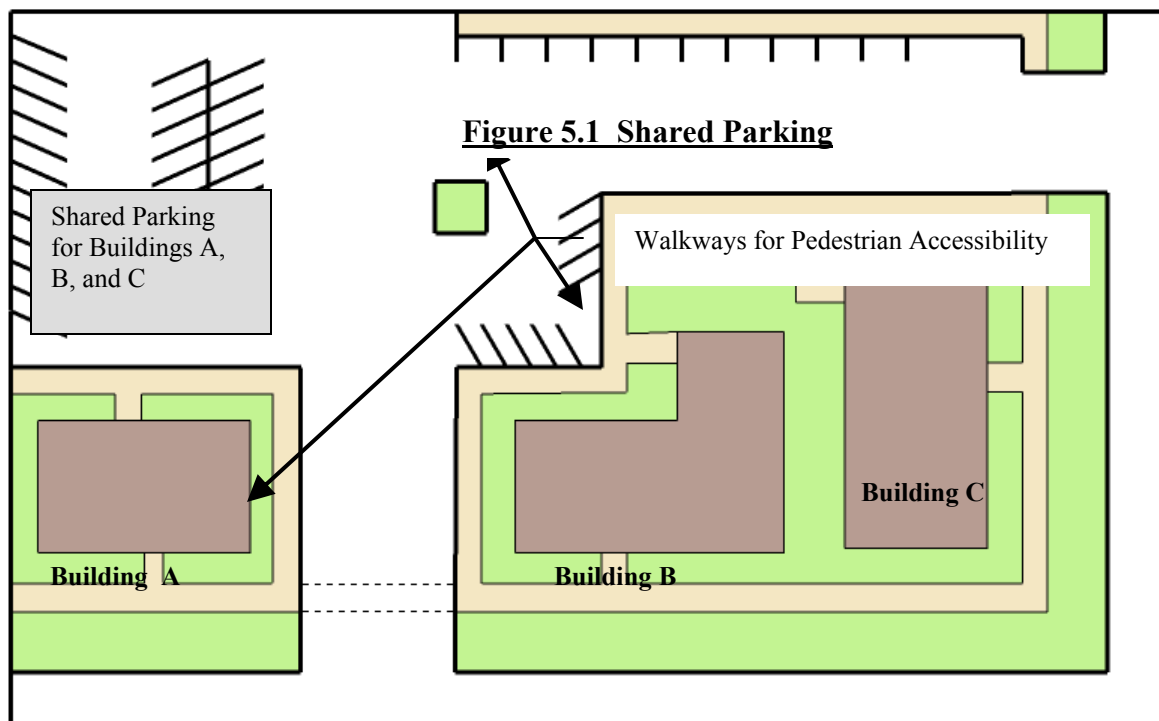
15. TRUCKING TERMINAL: One space for each employee on the largest working shift plus one space for each truck or vehicle used in the business plus one space for each three patrons of the business.

16. WAREHOUSES: One space per each employee on the largest working shift plus one space for each 2000 square feet of gross floor area.

**5030.2 Reduction or Increase in Required Parking Spaces**: The Planning Commission or Zoning Board of Adjustment may approve an increase or a decrease of the off-road parking space requirements in Section 5030.1 based on a parking space analysis to be completed at the cost of the applicant by a qualified consultant approved by Board. Required parking spaces may also be reduced by the Planning Commission or ZBA in accordance with the shared parking provisions in Section 5030.3 below. In no case shall the total number of off-road *parking spaces* exceed 110% of the required *parking spaces* in Section 5030.1.

**5030.3 Shared Parking**: Shared parking allows a reduction in the total number of *parking spaces* required for certain properties in cases where a mix of adjacent land uses have varying peak periods of parking demand. Shared parking arrangements are encouraged wherever possible for the following reasons:

- To encourage compact development and the efficient use of land;
- To promote non-motorized vehicle trips including walking and bicycling;
- To improve accessibility and mobility to common destinations for users of all transportation modes; and;
- To reduce the overall amount of impervious surfaces, specifically the amount of land devoted to surface parking.



**5030.4 General Standards:** The Planning Commission under Site Plan Review may approve shared parking if the following general standards are met.

1. A use for which an application is being made for shared parking shall be located within 400 feet of the parking facility.
2. A written legal agreement between the owners of each establishment making use of the shared parking is required, which shall guarantee access to, use of, and management of designated shared *parking spaces*. Shared parking privileges shall continue in effect only as long as the agreement, binding on all parties, remains in force. If any shared parking agreement is no longer in force, parking shall be provided as otherwise required by these Regulations.

**5030.5 Maximum Required Off-Road Parking Spaces for Shared Parking Facilities:** The maximum number of off-street *parking spaces* required for shared parking shall be the sum of *parking spaces* required in Section 5030.1 or the number approved according to Section 5030.2 for all the uses proposing to make use of the shared parking facility. In accordance with Section 5030.6 below, the Planning Commission or ZBA may approve a reduction in the maximum number of required spaces.

**5030.6 Standards for Reducing Maximum Required Off-Road Parking Spaces for Shared Parking Facilities:** The Planning Commission may approve a reduction to the maximum required *parking spaces* for a shared facility in two (2) cases as follows:

1. **Uses with Different Hours.** The Planning Commission or ZBA may approve the use of up to 90% percent of the required off-street parking for a daytime use to serve as the required off-street parking provided for a nighttime use and vice-versa. Similarly, the Planning Commission or ZBA may approve the use of up to 90% percent of the required off-street parking for a weekday use to serve as the required off-street parking provided for a weekend use and vice-versa. The applicant shall demonstrate that there is no substantial conflict in the principal operating hours of the uses for which the sharing of parking is proposed.
  - a. Daytime uses primarily operate between the hours 8:00 a.m. and 6:00 p.m.
  - b. Nighttime uses primarily operate between the hours of 6:00 p.m. and 8:00 a.m.
  - c. Weekday uses are only open Monday through Fri day.
  - d. Weekend uses are only open Saturday and/or Sunday.
2. **Commercial Uses.** The Planning Commission or ZBA may approve shared parking arrangements between two or more commercial uses having the same or overlapping operating hours, allowing reductions in the total maximum number of required *parking spaces* as follows:
  - a. Up to a 20 percent reduction in the total maximum number of required *parking spaces* for four or more separate establishments;
  - b. A 15 percent reduction in the total maximum number of required spaces for three establishments; and
  - c. A 10 percent reduction in the total maximum number of required spaces for two establishments
  - d. The following additional standards shall apply:
    - i. No reductions to the parking requirement shall be made if the proposed business establishments have previously received a reduction through the provisions for shared parking under Section 5030.3 above.
    - ii. New business establishments seeking to meet parking requirements by becoming part of an existing shared parking arrangement shall provide the Planning Commission or ZBA with an amendment to the agreement stating their inclusion in the shared parking facility or area.

**5030.7 Off-Street Parking Lot Design Standards:** Each off street *parking space* shall be provided access to a public street through a drive or aisle. Adequate space shall be available for maneuvering in and out of parking areas and located so as not to interfere with circulation to and within the site according to the stall and access aisle dimensions in Table 5.2.

| Table 5.2 Parking Lot Stall and Aisle Dimensions |                          |        |                                      |         |                                                 |
|--------------------------------------------------|--------------------------|--------|--------------------------------------|---------|-------------------------------------------------|
| Parking Stall Type                               | Minimum Stall Dimensions |        | Minimum Width for Stall Access Aisle |         | Minimum Width for Emergency Access Drive Aisles |
|                                                  | Width                    | Length | One-Way                              | Two-Way |                                                 |
| Standard Parallel                                | 9 ft.                    | 24 ft. | 12 ft.                               | 20 ft.  | 20 ft.                                          |
| Standard 45-Degree                               | 9 ft.                    | 18 ft. | 16 ft.-4 in.                         | 20 ft.  | 20 ft.                                          |
| Standard 60-Degree                               | 9 ft.                    | 18 ft. | 19 ft.                               | 20 ft.  | 20 ft.                                          |
| Standard 90-Degree                               | 9 ft.                    | 18 ft. | 20 ft.                               | 25 ft.  | 20 ft.                                          |
| Handicapped                                      | 9 ft.-5 in.              | 18 ft. | 20 ft.                               | 25 ft.  | 20 ft.                                          |

1. Parking areas are clearly defined and marked at their edges so as to prevent parking outside these designated areas.
2. Parking and loading areas include sufficient space for refuse and snow removal. Refuse removal areas are effectively screened from *sidewalks*, public spaces and *building* entrances, and road rights of way.

#### 5030.8 **Loading Areas:**

1. **Number of Spaces.** At a minimum, one loading space (dock or *parking space*) shall be provided for all commercial and industrial *buildings* in excess of 10,000 square feet plus one additional space for every additional 20,000 square feet of floor area.
2. **Dimensions.** Each required loading space shall be not less than 10 feet wide, 35 feet long and with 14 feet of clear height. Loading zones shall be separate from other required parking and maneuvering area.
3. **Location.** Where feasible, loading zones and docks shall be located to the rear of properties.

**5040 EXISTING SMALL LOTS:**

5040.1 Existing small lots may be developed for purposes permitted or conditionally permitted in the district which they are located if the lots are:

- a. Legally subdivided;
- b. In individual, separate and non-affiliated ownership from surrounding properties;
- c. In existence at the time a bylaw made them non-conforming;
- d. Include a minimum 5,000 square feet of land area OR minimum 40' width or depth dimension
- e. Serviced by adequate wastewater disposal and water supply facilities, including possible off-lot facilities, as evidenced by written confirmation from the Department of Environmental Conservation;
- f. All other applicable approvals are secured.

5040.2 If the existing small lot comes under common ownership with one or more contiguous lots, it shall be deemed merged with said contiguous lots. An existing small lot shall not be deemed merged and may be separately conveyed if all the following conditions apply as enabled by Ch. 117 Section 4412(2)(B).

- a. The lots are conveyed in their preexisting nonconforming configuration.
- b. On the effective date of any bylaw, each lot was developed with a water supply and wastewater disposal system.
- c. At the time of transfer, each water supply and wastewater system is functioning in an acceptable manner.
- d. The deeds of conveyance create appropriate easements on both lots for replacement of one or more wastewater systems , potable water systems, or both, in the case there is a failed system or failed supply as defined in 10 V.S.A. Chapter 64.

## **5050 NATURAL SUBDIVISION**

5050.1 Railroad tracks, federal highway, state highways, and the Lamoille River shall create natural subdivisions of property, and will create separate lots for the purposes of these Regulations. Private rights-of-way, easements, town highways not in compliance with Section 5050.2, and other rivers shall not create a natural subdivision of *lots*.

5050.2 Town highways may create natural subdivisions of property if all resulting lots comply with the minimum lot-size of these Regulations.

5050.3 In situations where a property is crossed by a town highway, private right-of-way, easement, or river other than the Lamoille River, and either of the resulting lots do not comply with the minimum lot-size of these regulations, the property will be considered naturally subdivided only if the location and function of the highway, right-of-way, easement or river effectively separates the property so it cannot be used or developed as one parcel or lot.

## **5060 NUMBER OF STRUCTURES ON A LOT:**

There shall be only one principal *structure* allowed on a *lot*, except where approved by the Planning Commission as a *Planned Residential Development* or a *Planned Unit Development*, in the South Village Core District, **or** where permitted as an Accessory Dwelling Unit.

## **5070 STRUCTURE HEIGHT:**

5070.1 All *structures* shall comply with the height restrictions in the district regulations. Chimneys, non-commercial antenna *structures*, rooftop solar collectors extending less than 10' above roofs, and wind turbines with blades equal to or less than 10' in diameter are exempt from this requirement.

5070.2 The only exception to 5070.1 is as follows: the Board of Adjustment may grant a *conditional use* permit (as provided under Section 4030) for the following uses/structures in all districts (except as noted):

1. Windmills and wind turbines with blades more than 10' in diameter.
2. Rooftop solar collectors existing more than 10' above roofs.
3. Belfries
4. Church spires
5. Monuments
6. Water and fire towers
7. Telecommunication/communication towers (within the I-1 and R-1 zoning districts only)
8. Telecommunication repeaters (within AR-1, AR-2, I-1, I-2 and L-2 zoning districts only)
9. Single purpose industrial structures (within the I-1 zoning district only)

## **5075 WIRELESS TELECOMMUNICATION FACILITY**

**5075.1 Authority:** Pursuant to 24 VSA §4414(12), the Zoning Board of Adjustment shall have the authority to regulate construction, alteration, and development, decommissioning and dismantling of *wireless telecommunication* facilities in the Town of Georgia.

This bylaw is intended to be consistent with the Telecommunications Act of 1996 and Title 24, Chapter 117 of Vermont Statutes Annotated. If any section of this bylaw is held by a court of competent jurisdiction to be invalid, such finding shall not invalidate any other part of this bylaw.

**5075.2 Permit Required, Exemptions:** *Wireless telecommunication facilities* may be permitted as conditional uses upon compliance with the provisions of this bylaw in the I-1 (Industrial) and R-1 (Recreational) zoning districts. No installation or construction of, or significant addition or modification to, any *wireless telecommunication facility* shall commence until a permit has been issued by the Zoning Board of Adjustment. However, in accordance with 24 VSA § 4412(9), a permit shall be issued for a *wireless telecommunication facility* that, in the determination of the Zoning Board of Adjustment, will impose no impact or merely a de minimis impact upon any criteria established in Section 5075.6 below. The Zoning Board of Adjustment's determination regarding no impact or de minimis impact shall be in writing and shall be subject to appeal under 24 VSA §4471.

No permit shall be required for a *wireless telecommunication facility* that is used exclusively for municipal radio dispatch service or emergency radio dispatch service and which does not exceed 50 feet in elevation. This bylaw shall not apply to amateur radio, citizens band radio, AM or FM radio or broadcast television service.

No permit shall be required for a *wireless telecommunication facility* that has received a certificate of public good pursuant to 30 VSA §248a.

This ordinance shall not prohibit a property owner's ability to place or allow placement of antennae used to transmit, receive, or transmit and receive communications signals on the property owner's premises if the aggregate area of the largest face of the antennae is not more than eight square feet and if the antennae and the mast to which they are attached do not extend more than 12 feet above the roof of that portion of the building to which they are attached.

**5075.3 Permit Application Requirements:** In addition to information otherwise required in the Town of Georgia's Zoning Regulations, applicants shall include the following supplemental information:

1. The applicant's legal name, address and telephone number. If the applicant is not a natural person, the applicant shall provide the state in which it is incorporated and the name and address of its resident agent.

2. The name, title, address and telephone number of the person to whom correspondence concerning the application should be sent.
3. The name, address and telephone number of the owner or lessee of the property on which the *wireless telecommunication facility* will be located.
4. The names and addresses of all adjoining property owners. Adjoining property owners shall be determined without regard to any public or private right-of-way.
5. A vicinity map showing the entire vicinity within a 1,000 foot radius of the *Wireless Telecommunication Facility*, including the location of any tower, topography, public and private roads and driveways, buildings and structures, utilities, water bodies, wetlands, landscape features, historic sites and necessary wildlife habitats. It shall indicate the property lines of the proposed facility site parcel and all easements or rights-of-way needed for access from a public way to the facility.
6. The location of the facility on a USGS Topographic Map or a GIS-generated map compatible with the Vermont Center for Geographic Information (VCGI) standards and encompassing the area within at least a two-mile radius of the proposed tower site.
7. Elevations and proposed site plans of the facility showing all facades and indicating all exterior materials and colors of towers, buildings and equipment, as well as all landscaping, utility wires, guy wires and screening. (All plans shall be drawn at a minimum scale of 1 inch = 50 feet).
8. In the case of a site that is forested, the approximate average elevation of the existing vegetation within 50 feet of any tower base.
9. Construction sequence and time schedule for completion of each phase of the entire project.
10. A report from a qualified engineer that:
  - a. Describes any tower's design elevation,
  - b. Documents the elevation above grade for all proposed mounting positions for antennas to be collocated on a tower and the minimum distances between antennas,
  - c. Describes a tower's capacity, including the number, elevation and types of antennas that the tower is proposed to accommodate.
  - d. In the case of new facilities, demonstrates that the existing towers and structures within 5 miles of the site cannot reasonably be modified to provide adequate coverage and adequate capacity to the community.
  - e. Describes potential changes or additions to existing structures or towers that would enable them to provide adequate coverage.
  - f. Describes the output frequency, number of channels and the power output per channel for each antenna. In the alternative, a coverage map may be provided.

- g. Demonstrates the facility's compliance with the standards set forth in this Bylaw or other applicable standards.
- h. Provides proof that at the proposed facility site the applicant will be in compliance with all FCC regulations, standards and requirements, and includes a statement that the applicant commits to continue to maintain compliance with all FCC regulations, standards and requirements for radio frequency radiation (RFR).
- i. Includes such other information as determined by the Zoning Board of Adjustment (ZBA) to evaluate the application.

11. A letter of intent committing the facility owner and its successors to permit shared use of the tower if the additional users agree to meet reasonable terms and conditions for shared use, including compliance with all applicable FCC regulations, standards and requirements and the provisions of this Bylaw and all other applicable laws.

12. In the case of an application for additional antennas or other equipment to be installed on an existing facility, a copy of the executed contract with the owner of the existing structure.

13. To the extent required by the National Environmental Policy Act (NEPA) and as administered by the FCC, a complete Environmental Assessment (EA) draft or final report describing the probable impacts of the facility, or a written statement by the applicant that an EA is not required for the facility.

**5075.4 Independent Consultants:** Upon submission of an application for a *Wireless Telecommunication Facility* permit, the ZBA may retain independent consultants whose services shall be paid for by the applicant. These consultants shall be qualified professionals in telecommunications engineering, structural engineering, monitoring of electromagnetic fields and such other fields as determined by the ZBA. The consultant(s) shall work at the ZBA's direction and shall provide the ZBA such reports and assistance, as the ZBA deems necessary to review an application.

**5075.5 Balloon Test:** The Zoning Board of Adjustment may require the applicant to fly a four-foot diameter brightly colored balloon at the location and maximum elevation of any proposed tower. If a balloon test is required, the applicant shall advertise the date, time, and location of this balloon test at least 7 days in advance of the test in a newspaper with a general circulation in the Town of Georgia. The applicant shall also inform the Zoning Board of Adjustment in writing of the date, time and location of the test, at least 15 days in advance of the test.

The balloon shall be flown for at least eight consecutive daylight hours on two days. If visibility and weather conditions are inadequate for observers to be able to clearly see the balloon test, further tests may be required by the Zoning Board of Adjustment.

**5075.6 Criteria for Approval and Conditions:** An application for a *wireless telecommunication facility* permit shall be approved after a hearing when the Zoning Board of Adjustment finds all of the following criteria have been met:

1. The facility shall not be built on speculation. If the applicant is not a *wireless telecommunication provider*, the Zoning Board of Adjustment may require the applicant to provide a copy of a contract or letter of intent showing that a *wireless telecommunication service provider* is legally obligated to locate a *wireless telecommunication facility* on lands owned or leased by the applicant.
2. The facility will not project more than 20 feet above the average elevation of the tree line measured within 50 feet of the highest vertical element of the *wireless telecommunication facility*, unless the proposed elevation is reasonably necessary to provide adequate *wireless telecommunication service* capacity or coverage or to facilitate collocation of facilities.
3. The minimum distance from the base of any tower to any property line is not less than 100% of the total elevation of the tower, including antenna or equipment.
4. The facility will not be illuminated by artificial means and will not display any lights or signs except for such lights and signs as required by the Federal Aviation Administration, federal or state law, or this bylaw.
5. The applicant will remove the facility should the facility be abandoned or cease to operate. The Zoning Board of Adjustment may require the applicant to provide a bond or other form of financial guarantee acceptable to the Zoning Board of Adjustment to cover the costs of removal of the facility, should the facility be abandoned or cease to operate.
6. The applicant demonstrates that the facility will be in compliance with all FCC standards and requirements regarding radio frequency radiation.
7. The applicant will maintain adequate insurance on the facility.
8. The facility will be properly identified with appropriate warnings indicating the presence of radio frequency radiation. The Zoning Board of Adjustment may condition a permit on the provision of appropriate fencing.
9. The proposed equipment cannot be reasonably collocated at an existing *wireless telecommunication facility*. In determining whether the proposed equipment cannot be reasonably collocated at an existing facility, the Zoning Board of Adjustment shall consider the following factors:
  - a. The proposed equipment would exceed the structural or spatial capacity of the

- existing facility and the existing facility cannot be reinforced, modified or replaced to accommodate planned equipment at a reasonable cost.
- b. The proposed equipment would materially impact the usefulness of other equipment at the existing facility and such impact cannot be mitigated or prevented at a reasonable cost.
  - c. The proposed equipment, alone or together with existing equipment, would create radio frequency interference and/or radio frequency radiation in violation of federal standards.
  - d. Existing towers and structures cannot accommodate the proposed equipment at an elevation necessary to function reasonably or are too far from the area of needed coverage to function adequately.
  - e. Collocation of the equipment upon an existing tower would cause an undue aesthetic impact.
10. The facility provides reasonable opportunity for collocation of other equipment.
11. The facility will not unreasonably interfere with the view from any public park, natural scenic vista, historic building or district, or major view corridor.
12. The facility will not have an undue adverse aesthetic impact. In determining whether a facility has an undue adverse aesthetic impact, the Zoning Board of Adjustment shall consider the following factors:
- a. The results of the balloon test, if conducted.
  - b. The extent to which the proposed tower(s) and equipment has been designed to blend into the surrounding environment through the use of screening, camouflage, architectural design and/or imitation of natural features.
  - c. The extent to which access roads have been designed to follow the contour of the land and will be constructed within forest or forest fringe areas and not open fields.
  - d. The duration and frequency with which the facility will be viewed on a public highway or from public property.
  - e. The degree to which the facility will be screened by existing vegetation, topography, or existing structures.
  - f. Background features in the line of sight to the facility that obscure or make the facility more conspicuous.
  - g. The distance of the facility from the point of view and the proportion of the facility that is above the skyline.
  - h. The sensitivity or unique value of a particular view affected by the facility.
  - i. Any significant disruption of a view shed that provides context to an important historic or scenic resource.
13. The facility will not destroy or significantly imperil necessary wildlife habitat or that all reasonable means of minimizing the destruction or imperilment of such habitat or species will be utilized.

14. The facility will not generate undue noise.

**5075.7 Continuing obligations for wireless telecommunication facilities:** The owner of a *wireless telecommunication facility* shall, at such times as requested by the Zoning Board of Adjustment, file a certificate showing that it is in compliance with all FCC standards and requirements regarding radio frequency radiation, and that adequate insurance has been obtained for the facility. Failure to file a certificate within the timeframe requested by the Zoning Board of Adjustment shall mean that the facility has been abandoned.

**5075.8 Removal of Abandoned or Unused Facilities:** Unless otherwise approved by the Zoning Board of Adjustment, an abandoned or unused *wireless telecommunication facility* shall be removed within 90 days of abandonment or cessation of use. If the facility is not removed within 90 days of abandonment or cessation of use, the Zoning Board of Adjustment may cause the facility to be removed. The costs of removal shall be assessed against the facility owner.

Unused portions of a *wireless telecommunication facility* shall be removed within 180 days of the time that such portion is no longer used. Replacement of portions of a facility previously removed shall require a new permit, pursuant to Section 5075.2.

## **5080 EQUAL TREATMENT OF HOUSING**

5080.1 Except as provided in Title 24 Section 4412(1), this zoning regulation shall not have the effect of excluding mobile *homes*, modular housing, or other forms of prefabricated housing from the municipality, except upon the same terms and conditions as conventional housing is excluded.

5080.2 This zoning regulation shall not have the effect of excluding from the municipality housing to meet the needs of the population as determined in Title 24 Section 4382(c).

5080.3 No provision of this zoning regulation shall be construed to prevent the establishment of mobile home parks *or manufactured home* parks pursuant to Chapter 153 of Title 10.

## **5090 PERFORMANCE STANDARDS**

The following performance standards must be met in all zoning districts for all *uses* except residential and agricultural *uses*. The applicant or operator may be required to furnish engineering or testing results to prove that the proposed *use* will meet, or, in the case of an operating business, is meeting and will continue to meet, the performance standards. The *Administrative Officer*, Planning Commission, or Board of Adjustment may determine whether the proposed *use* or present operation meets these standards. The *use* must not:

- 5090.1 Emit noise in excess of 70 decibels at the property line or a noise which is considered offensive.
- 5090.2 Emit any odor, dust, dirt, or smoke which is considered offensive.
- 5090.3 Emit any noxious gases that endanger the health, comfort, safety, or welfare of any person or that could cause injury or damage to property, business or vegetation.
- 5090.4 Cause as a result of normal operations a vibration that creates a displacement of .002 inches within the ground at the property line.
- 5090.5 Have lighting or *signs* that create glare that could impair the vision of a driver of any *motor vehicle*.
- 5090.6 Cause a fire, explosion or safety hazard.
- 5090.7 Discharge harmful substances into a sewage disposal system or watercourse.
- 5090.8 Create an unsafe or unhealthy condition as determined by the Town of Georgia Health Officer.
- 5090.9 Interfere with a renewable energy resource or the ability to utilize a renewable energy resource.

## **5100 STREAMBANK BUFFER AREAS**

To guard against undue erosion and downstream contamination, these regulations require that all *structures* involving human or animal habitation, and all public and private *roads*, shall be set back a minimum of fifty (50) feet from the edge of the waterways shown on the Georgia Zoning Map where such setback is delineated. Additionally, there will be a “no development” buffer of two hundred (200) feet along Deer Brook and Arrowhead Mountain Lake in the I-1, I-2 SV, and B-1 zoning districts measured from the edge of the brook and from the high water mark of the lake.

When reviewing subdivision and site plan review applications, the Planning Commission may approve a reduction or require an increase of the buffer *setback* where site evaluations have been conducted and support a reduction or increase of the setback. Man-made *swales* and drainage ditches shall not require a *setback*.

## **5110 USES NOT LISTED**

5110.1 In the event that a proposed *use* is not set forth in these Regulations, the Zoning Board of Adjustment may allow it as a *conditional use* after a public hearing if the ZBA finds that the proposed *use* is of the same general character as one or more permitted or *conditional uses* allowed within the district. The Zoning Board of Adjustment shall determine the minimum *lot size*, *setbacks*, *lot frontage*, and parking requirements based on similar *uses* allowed by these Regulations.

Prior to the public hearing, the Zoning Board of Adjustment shall send notice to the Planning Commission, which may submit its written or oral recommendations regarding the proposed *use*.

5110.2 The Zoning Board of Adjustment may not permit the following uses under the provisions of this section:

1. Dumping, burying, reducing, disposing or burning of garbage, refuse, scrap metal, rubber, offal or dead animals, medical waste, unless such *use* is carried on at a place provided by the legislative body for such specific purpose.
2. *Junk* yards, automobile grave yards, or places for collection of scrap metal, paper, rags, glass or *junk* salvage for storage purposes only, except for recycling collection centers.
3. Distilling of bones, fat, glue or gelatin *manufacturing*.
4. Storage of contaminated soils, except as allowed under the Town’s “Contaminated Soil Ordinance.”
5. A medical waste facility.

## **5120 REMOVAL OF STRUCTURES AFTER DAMAGE**

The owner of land in any zoning district will be prohibited from allowing the ruins of any *structure* caused by fire, explosion, damage from an act of God, excavation, or demolition to remain. Within one (1) year after damage, all structural materials must be removed or backfilled, or the *structure* shall be rebuilt, repaired, or replaced in accordance with these regulations. Any excavation thus remaining will be covered over with earth to the normal grade level.

## **5130 ROADSIDE STANDS**

*Roadside* stands for sale of agricultural products do not require a permit, but must meet the following conditions:

5130.1 The stand is used for the sale of agricultural products, as provided for in *Ch. 117* Section 4413(d) and 10 VSA Section 6001(22).

5130.2 The stand is erected at least thirty (30) feet back from the nearest edge of the *roadway* surface.

5130.3 *Parking spaces* are provided off of the *road* right of way.

**5140 NON-CONFORMING LOTS, NON-CONFORMING USES, & NON-CONFORMING STRUCTURES:**

**5140.1 Applicability:** The following provisions apply to all *lots, uses, and structures legally* existing on the effective date of these regulations that do not conform to the requirements of these regulations as they exist or as may be amended.

**5140.2 Non-Conforming Lots:** *Non-conforming lots* are subject to Section 5040 (Existing Small Lots.)

**5140.3 Non-Conforming Uses:** *Non-conforming uses* may be continued indefinitely, subject to the following conditions:

1. The area used for a *non-conforming use* shall not be expanded beyond the square footage in *use* when the *use* first became non-conforming under the regulations.
2. Shall not be changed to another nonconforming *use*.
3. Shall not be re-established if discontinued for a period of twelve (12) months, or has been changed to, or replaced by, a conforming *use*. Intent to resume a nonconforming *use* will not confer the right to do so.
4. Shall not be restored to other than a *permitted or conditional use* with approvals as needed after damage from any cause, unless the nonconforming *use* is reinstated within twelve months of such damage. If the restoration of a building containing a *nonconforming use* is not completed within *twelve months*, the nonconforming *use* of such *building* will be deemed discontinued, unless carried on without interruption in an undamaged part of a building or site, as applicable.

**5140.4 Non-Conforming-Structures:** *Non-conforming structures* may continue to be utilized, subject to the following:

1. *Non-conforming structures* shall not be extended, expanded, altered, or reconstructed in any manner that increases the extent or degree of non-compliance. No expansion of a *nonconforming structure* that causes soil erosion shall be permitted.
2. In the South Village Core District, in no case shall a pre-existing structure that does not meet the maximum front yard setback be permitted to be extended, expanded, altered, or reconstructed so that it is located further from the road right-of-way (made more nonconforming).
3. A *non-conforming structure* that is damaged or destroyed by fire, collapse, explosion or other similar cause may be reconstructed, repaired or restored, provided that the reconstruction or repair results in a *structure* that is no more non-conforming than the original *structure*, and that the work is completed within one year of the damage or destruction. A one year extension of this deadline may be granted if there is demonstration of reasonable effort.

4. Normal maintenance and repair of *non-conforming structures* is permitted provided that such actions do not increase the degree of *non-conformity*.

**5140.5 Nonconforming Mobile Home Parks:** *Nonconforming Mobile Home Parks*, whether *nonconforming in lot size, use, or structure(s)*, shall be treated pursuant to *Ch. 117* Section 4412(7)(B).

**5140.6 Public Nuisance & Public Health, Safety, & Welfare Considerations:** Nothing in this Section shall prevent municipal or other appropriate officials from taking actions legally authorized to abate any public nuisance, health, safety, or welfare concerns as related to *nonconforming lots, nonconforming uses, or nonconforming structures*.

## **6000 PLANNED RESIDENTIAL & PLANNED UNIT DEVELOPMENTS**

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### **6010 PLANNED RESIDENTIAL DEVELOPMENT**

**6010.1 Purpose:** In accordance with the provisions of *Ch. 117* Section 4417, *Planned Residential Developments* are allowed in order to encourage flexibility of design, the most appropriate *use* of land, adequate and economic provision of *roads* and utilities, and the preservation of natural resources, including primary agricultural and *forestry* soils, significant habitat, significant geologic areas, and *scenic areas*. Accordingly, the Planning Commission may modify the *density* and the area and dimensional requirements of these regulations simultaneously with the approval of an applicable subdivision plat. Such modifications will be subject to the following conditions and standards, the district regulations, where applicable, the Town Subdivision Regulations, and the Georgia Town Plan.

#### **6010.2 Application and Review Procedures:**

1. PRDs are allowed in the Town of Georgia only within the AR-1, AR-2, AR-3, and L-2 Districts. *Major subdivisions*, shall be submitted as PRD applications in these districts. *Minor subdivisions* may be submitted as PRDs in the above districts at an applicant's discretion, provided:
  - a. *Minor subdivisions* that cumulatively create four or more new residential building lots within a five-year period may be classified by the Planning Commission as *Major Subdivisions*, and secondary and later phases of said *Minor Subdivisions* not built may be required to be revised and submitted as PRDs at the discretion of the Planning Commission.
  - b. Where *Minor Subdivision* lots are created and not built within a five-year period, any further subdivision creating four or more cumulative *building* lots shall be considered a *Major Subdivision* and submitted as a PRD in the districts listed above.
3. The PRD will be reviewed under these regulations simultaneously with the review of an applicable subdivision plat under the Town Subdivision Regulations. The procedures for review are set forth in the Subdivision Regulations.
3. The applicant will submit eight sets of site plan maps and supporting data to the Planning Office, which will include the following information in addition to the submission requirements for Major Subdivision Preliminary Plats in the Town Subdivision Regulations:
  - a. A statement setting forth the nature of all proposed modifications of the existing zoning regulations and the proposed standards and criteria which the applicant proposes for the development, including standards for the design, size and spacing of *buildings* and sizes of *lots* and *open spaces*.

- b. All appropriate legal documents including articles of association, covenants, regulations, or declarations of condominium for those developments that will provide common *open space*, recreation, *roads*, parking areas, community water and sewer systems, or other facilities used, owned, or maintained in common.
- c. Proposed method for maintaining *open space* land for review and approval, including but not limited to deed restrictions, conservation easements, or long term lease agreements. Open land may be retained by the developer if the appropriate restrictions are placed on the land.

**6010.3 General Standards:** All PRDs will meet the following standards in addition to the standards of the Town Subdivision Regulations. The Planning Commission may impose conditions to insure that these standards are met.

1. The PRD will not place an unreasonable burden on the ability of the Town to provide municipal or governmental *services*. Any phasing of the development will be consistent with the Town Plan and Capital Budget and Program and will take place over a sufficient period of time that adequate Town facilities and *services* may be provided.
2. The Planning Commission may allow for a greater concentration or intensity of residential land *use* within some section or sections of the development than in others provided there is a reservation of *open space* on the remaining land in accordance with the standards in this section.
3. The PRD is consistent with the Town Plan, the Town Subdivision Regulations, the Capital Budget and Program.
4. The PRD reflects the development limitations and possibilities of the project site. The development plan identifies slopes greater than 25%, wetlands, primary agricultural and *forestry* soils, historic sites, significant geologic areas, significant habitat, *scenic areas*, and, in the AR-1 and L-2 Districts, high elevations and ridge tops.
5. The PRD provides an integrated approach to the development of the project site so that developed areas are coordinated in layout and design, there is a clear distinction between developed and undeveloped areas, and the undeveloped areas provide for *open space* in accordance with standards in these regulations.
6. The PRD will meet applicable site plan review standards in Section 4050.
7. The *setback* area along the perimeter of the PRD will be a minimum of fifty feet unless waived by the Planning Commission. Greater *setback* distances and additional screening may be required along the perimeter of the PRD and between the developed area and protected lands.
8. The height of and *scale* of *buildings* will be in keeping with the character of the area within which the PRD is located.
9. The siting of *buildings* on parcels will minimize the appearance of *strip development* along *roads* and maximize the amount of contiguous natural lands, including actively farmed primary agricultural soils, primary forest soils, wildlife habitat, *scenic areas*, and significant geological areas. To accomplish these objectives, *buildings* can be sited along hedge rows, at the edge of forested areas, at the edge of development *roads*, town highways, or *road* crossings, and within non-prime forested areas.

10. Grouping and clustering of buildings together or close to *buildings* on adjacent parcels are primary development options to protect resources, provided an appearance of *strip development* is avoided.
11. All *roads* shall be designed and built in accordance with the Town of Georgia Policy for Roads to be Conveyed to and Maintained by the Town as Town Highways and to Upgrade Class IV Town Roads, or *Private Road* Standards, whichever is applicable. All *roads* to be taken over by the town shall require Selectboard approval to be taken over.

#### **6010.4 Specific Standards for PRDS in the AR-1 and L-2 Districts:**

1. In determining the allowed number of *lots* or *density* of a property, the applicant will be required to demonstrate that the same number of requested *lots* could be supported in a conventional subdivision. This will include consideration for *road* frontage, and land features for each *lot* created. The subdivision will then be designed in conformance with the provisions of a *Planned Residential Development*.
2. All *buildings* and *roadways* will be located so as to minimize adverse impacts on the following significant natural resources:
  - Primary agricultural soils
  - Land under active forest management
  - Significant habitats
  - Significant geological areas
  - *Scenic areas*
3. Areas in agricultural or productive woodland *use* should be of a size and configuration that enables their continued productive *use*.
4. Developments will demonstrate how the natural resource values will be protected in future phases.

#### **6010.5 Specific Standards for PRDS in the AR-2 and AR-3 Districts:**

1. In the AR-2 and AR-3 districts, the subdivision should be designed to most fully utilize the developable land while still meeting the criteria of these regulations.
2. The maximum allowed number of *lots* (or *density*) of a property will be established by a calculation of the total size of the subject parcel divided by the minimum *lot size* for the zoning district.
3. All *buildings* and *roadways* will be located so as to minimize adverse impacts on the following resources:
  - Historic resources
  - Potential recreation areas
4. The subdivision will promote and contribute to a logical street and pedestrian network that provides for connections between parcels and between residential and commercial areas and for the continuation of streets and pedestrian ways.
5. In the AR-2 District *lot* layout will keep the existing village development pattern and will enable *building* sites and *setbacks* consistent with current village patterns.
6. Pedestrian ways, including sidewalks or pathways, may be required along public streets.

7. Provision of public recreation facilities may be required.

**6010.6 Dimensional Requirements:** the following dimensional requirements must be met in all PRD projects:

1. Minimum *lot size* .75 acres per *dwelling unit* in AR-1, and L-2 Districts;  
.5 acres per *dwelling unit* in AR-2 and AR-3 Districts
2. Minimum *setbacks* 50 feet around the periphery of the PRD

**6010.7 Permitted Uses in a PRD:** *Residential uses, accessory uses and home occupations* are permitted within PRDs. All *conditional uses* must be reviewed in accordance with the district regulations and the provisions of Section 4030.

**6010.8 Open Space Land:** Lands set aside for parks, recreation, *agriculture, forestry*, significant habitat, natural areas, other *open space*, or municipal purposes will be in a location or locations, size and shape approved by the Planning Commission. Provision of *open space* land will meet, but will not be limited to, the following objectives:

1. The *open space* land will provide for the protection of resources on the site that have been identified in the Town Plan, including agricultural land, woodland, significant habitat, geologic areas, *scenic areas*, and historic sites.
2. The location, shape, size, and character of the *open space* land will be suitable for its intended *use*. *Open space* land should provide for large expanses of contiguous resource lands where such resources are present on a parcel.
3. *Open space* land will be suitably improved and/or maintained for its intended *use*, except that *open space* containing natural areas requiring preservation may be left unimproved. Provisions will be made to enable lands designated for *agriculture* and *forestry* to be utilized for these purposes. The Planning Commission may require agricultural land be available for lease to farmers where the land is not retained in farm ownership. Management plans for *forestry* may be required.  
Land shown as *open space* land will be conveyed in fee simple or protected for its intended *use* by means of deed restrictions agreed to by the Planning Commission. The applicant may, at their choice, grant a conservation easement to one of the following instrumentalities:
  - a. The Town, if it agrees;
  - b. A non-profit conservation organization;
  - c. Another suitable party, such as a homeowners association, provided there are appropriate deed restrictions placed on the land.
5. The location, size and design of *open space* land donated for town recreation needs should be consistent with the Town Plan, Capital Budget, and Subdivision Regulations.
6. *Open space* land should be located so as to conform with and extend existing and potential common *open space* land on adjacent parcels.
7. Additional measures that may be imposed to protect resources identified on the parcel

include, but are not limited to, restrictions on *building* sites through designation of *building envelopes* and clearing limits.

8. Sewage disposal areas and rights-of-way shall not count as *open space*.

9. The Planning Commission may request the input from the Conservation Commission regarding the appropriateness of the location, size, and quality of the designated *open space* for its intended purpose (see 24 V.S.A. §4505(8)).

## **6020 PLANNED UNIT DEVELOPMENT**

**6020.1 Purpose:** In accordance with the provisions of *Ch. 117* Section 4417, *Planned Unit Developments* are allowed in order to encourage flexibility in design, the most appropriate *use* of land, *mixed uses* appropriate to a local growth center, adequate and economic provision of *roads* and utilities, and the preservation of natural resources. Accordingly, the Planning Commission may modify the area and dimensional requirements of these regulations simultaneously with the approval of an applicable subdivision plat. Such modifications will be subject to the following conditions and standards, the district regulations, where applicable, the Town Subdivision Regulations, and the Georgia Town Plan.

### **6020.2 Application and Review Procedures:**

1. The PUD will be reviewed under these regulations simultaneously with the review of an applicable subdivision plat under the Town Subdivision Regulations. The procedures and time table for review are set forth in the Subdivision Regulations.
2. The applicant will submit eight sets of site plan maps and supporting data to the Planning Office, which will include the following information in addition to the submission requirements for Major Subdivision Preliminary Plats in the Town Subdivision Regulations:
  - a. A statement setting forth the nature of all proposed modifications of the existing zoning regulations and the proposed standards and criteria which the applicant proposes for the development, including standards for the design, bulk and spacing of *buildings* and sizes of *lots* and *open spaces*.
  - b. All appropriate legal documents, including articles of association, covenants, regulations, or declarations of condominium for those developments that will provide common *open space*, recreation, *roads*, parking areas, community water and sewer systems, or other facilities used, owned, or maintained in common.
  - c. Proposed method for maintaining *open space* land for review and approval, including but not limited to deed restrictions, conservation easements, or long term lease agreements. Open land may be retained by the developer if the appropriate restrictions are placed on the land.

**6020.3 General Conditions:** All PUDs will meet the following conditions in addition to the standards of the Town Subdivision Regulations. The Planning Commission may impose conditions to insure that these standards are met.

1. PUDs are allowed only in the B-1, B-2, I-1, and I-2 zoning districts.
2. The PUD may not place an unreasonable burden on the ability of the Town to provide municipal or governmental *services*. Any phasing of the development must be consistent with the Town Plan, the Capital Budget and Program, and these Regulations (see Section 4010) and must take place over a sufficient period of time that adequate Town facilities and *services* may be provided.
3. The Planning Commission may allow for a greater concentration or intensity of

residential and/or commercial or industrial land *use* within some section or sections of the development than in others provided there is an offset by a reservation of *open space* on the remaining land in accordance with the standards in this Section.

4. The PUD should be designed to most fully utilize the developable land while still meeting the criteria of these regulations. The maximum allowed number of *lots* (or *density*) of a property will be established by a calculation of the total size of the subject parcel divided by the minimum *lot size* for the zoning district.
5. The PUD is consistent with the Town Plan, the Town Subdivision Regulations, and the Capital Budget and Program.
6. The PUD is an effective and unified treatment of the development possibilities of the project site, and the development plan makes appropriate provision for preservation of slopes greater than 25%, wetlands, historic sites, significant habitats, significant geological areas, and *scenic areas*.
7. The PUD will meet the site plan review standards in Section 4050.
8. The *setback* area along the perimeter of the PUD will be a minimum of fifty feet unless waived by the Planning Commission. Greater *setback* distances and additional screening for *structures* and parking areas and other development along the perimeter of the PUD and between the development areas and protected resource lands in the common *open space* areas may be required.

**6020.4 Specific Standards for All PUDs:** The following site standards may be required in addition to the General Standards for PUDs, the standards of the Town Subdivision Regulations, and applicable *conditional use* standards and special provisions:

1. The project will provide adequate pedestrian circulation within the project, such as sidewalks and pathways along public and private streets, connecting the project to public *buildings* and *uses*, to other commercial or industrial *uses*, and to nearby residential and recreation areas.
2. The project will promote and contribute to a logical street and pedestrian network within the project and the District, which provides for connections between parcels, between other commercial and industrial *uses*, and between the site and nearby residential and recreation *uses*, and for the continuation of streets and pedestrian ways.
3. In the B-1 and B-2 Districts, *lot* layout will reinforce a compact village pattern of *buildings* fronting on public streets, ways, and spaces with pedestrian circulation along the streets and parking generally in the back or to the side of *buildings*.
4. In the I-1 and I-2 Districts *lot* layout will be compact and will result in an efficient *use* of the land for industrial and commercial purposes while providing for convenient access to *services* and amenities for employees in the District.

**6020.5 Dimensional Requirements:** the following dimensional requirements must be met in all PUD projects:

- |                                                                                      |                                                                                                      |
|--------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------|
| 1. Minimum <i>lot size</i> for PUD <i>lot</i> :                                      | 50% of the minimum <i>lot size</i> required for the <i>use</i> under the zoning district regulations |
| 2. Minimum side and <i>rear yard setback</i> at the periphery of the PUD Commission. | 50 feet unless reduced by Planning                                                                   |

**6020.6 Permitted Uses in a PUD:** Permitted and *conditional uses* allowed in the District where the PUD is proposed are allowed in PUDs. All *conditional uses* must be reviewed in accordance with the district regulations and the provisions of Section 4030.

**6020.7 Open Space Land:** Lands set aside for park, recreation, *agriculture, forestry*, wildlife habitat, natural areas, greenways, water resources protection, other *open space* or municipal purposes will be in a location or locations, size and shape approved by the Planning Commission. The Planning Commission may require that any of the *open space* land provisions for PRDs in Section 6010.8 be applied to PUDs, where appropriate, except where the following standards apply:

1. The Planning Commission may require up to 25% for *open space* land, depending on the character of the parcel, when establishing open land requirements.
2. *Open space* land will be located so as to conform with and extend existing and potential *open space* land on adjacent parcels, especially pedestrian walks, trail networks, and protection of significant habitats.
3. Areas in common ownership by tenants or property owners associations that are used for parking, loading, vehicular or railway access, sewage disposal or water supply will not meet the *open space* land requirements of this section unless allowed by the Planning Commission.
4. Land shown as *open space* land will be conveyed in fee simple or protected for its intended *use* by *use* of deed restrictions agreed to by the Planning Commission. The applicant may at their choice, grant a conservation easement to one of the following:
  - a. the Town, if it agrees;
  - b. a non-profit Vermont based conservation organization;
  - c. to another suitable party, such as a homeowners association, provided there are appropriate conservation restrictions placed on the land and held by the Town or suitable non-profit conservation organization, recorded with the deed, and used for a valid public purpose.
5. The Planning Commission may request the input from the Conservation Commission regarding the appropriateness of the location, size, and quality of the designated *open space* for its intended purpose (see 24 V.S.A. §4505(8)).

## **7000 ADMINISTRATION, APPEALS, ENFORCEMENT**

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### **7010 ADMINISTRATIVE OFFICER**

A Zoning *Administrative Officer* shall be nominated by the Planning Commission and appointed by the Board of Selectmen for a term of three years and will be charged with the responsibility of administering these regulations. The *Administrative Officer* will not permit any *land development* which is not in conformance with these regulations

### **7020 ZONING BOARD OF ADJUSTMENT**

There will be a Zoning Board of Adjustment whose members, as well as their number and term of office, will be determined by the Board of Selectmen in conformance with *Ch. 117* Section 4460. ZBA *land development* duties shall include:

1. Review of *Conditional Use* requests, including potential *Unlisted Uses* per Section 5110 of these regulations;
2. Review of Variance requests;
3. Review of applicable appeals from decisions of the *Zoning Administrator*.

### **7030 PLANNING COMMISSION**

There will be a Planning Commission in accordance with the provisions of *Ch. 117, Subchapter*

2. Planning Commission *land development* review duties shall include:

1. Review of Lot-Line Adjustments;
2. Review of Minor & Major Subdivisions;
3. Review of Site Plans;
4. Review of PRDs and PUDs (in conjunction with a Subdivision and/or Site Plan)
5. Review of right-of-way or easement for land development without frontage (Section 5010.2)

### **7040 PUBLIC HEARINGS**

The following land development applications require public hearings before the Zoning Board of Adjustment and/or Planning Commission (specific duties are indicated in Sections 7020 and 7030 above.)

1. Conditional Uses
2. Variances
3. Minor & Major Subdivisions
4. Site Plans
5. PRDs & PUDs (in conjunction with a Subdivision and/or Site Plan).
6. Appeals of Zoning Administrator decisions
7. Review of right-of-way or easement for land development without frontage (Section 5010.2) in association with a subdivision or site plan.

All hearings for land development applications above (1-7) shall be noticed, pursuant to Ch. 117, Section 4464, not less than 15-days in advance of the hearing by:

- a. Publication in a newspaper of general circulation;
- b. Posting of notice at town hall; in public view at the nearest right-of-way to the property; and posting at the Georgia Public Library and/or Georgia Post Office.
- c. Mailing notice (regular US mail) to applicant and all adjacent property owners, including those across rights-of-way.

Applicants for *land development* shall be responsible for supplying an accurate list of all adjacent property owner names and mailing addresses, as well as stamped and addressed envelopes for respective hearings. Failure to provide said materials in a timely manner may result in delay of the public hearing.

The *Zoning Administrator* or Town Planner, as applicable, shall ensure that all notices required above are made in a timely manner. At the discretion of either staff person, applicants may be responsible to ensure the right-of-way posting after being provided the actual notice form by staff. Where applicants are requested to post rights-of-way per(b) above, and fail to do so in a timely manner, the Zoning Board of Adjustment and/or Planning Commission reserve the right to cancel and reschedule public hearings.

Remaining provisions of *Ch. 117* Section 4464 regarding public notice for hearings shall apply.

#### **7050 COMBINED REVIEW**

Where more than one approval is required from the Planning Commission or Zoning Board of Adjustment, project review, to the extent feasible, shall be conducted concurrently pursuant to *Ch. 117*, Section 4462. For example, joint subdivision/site plan applications shall be reviewed concurrently by the Planning Commission, and a single land use decision addressing both applications shall be made.

Where approvals from the Planning Commission and Zoning Board of Adjustment are sought, project review, to the extent feasible, shall also be conducted concurrently pursuant to *Ch. 117*, Section 4462. For Conditional Uses, applicants are encouraged to attend Sketch Plan review and/or Optional Concept Plan review, as applicable, with the Planning Commission prior to meeting with the Zoning Board of Adjustment. In this manner, input from the Planning Commission can be provided to the Zoning Board of Adjustment as part of Conditional Use review. For variances, applicants are required to seek Zoning Board of Adjustment decisions before review by the Planning Commission.

Municipal review, to the extent possible, shall be coordinated with applicable state reviews, and/or conditioned on securing all state permits necessary.

## 7060 APPEALS

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**7060.1 Interested Person Status Required:** Only interested persons, as defined in Section 2010.43 of these regulations, may appeal decisions of the Zoning Administrator, Zoning Board of Adjustment, or Planning Commission. Failure to have and secure interested person status shall void the ability to appeal municipal land use decisions.

**7060.2 Appeals of Administrative Officer:** *Interested persons* may appeal any decision or act taken by the *Administrative Officer* by filing a notice of appeal with the Secretary of the Board of Adjustment, or Town Clerk if no Secretary has been elected, pursuant to *Ch. 117* Section 4465. Such appeals shall include information required by Section 4465, and shall be made within 15-days of the Administrative Officer's decision or act. A copy of the appeal shall also be filed with the *Administrative Officer*.

**7060.3 Notice of Appeal – Contents:** Pursuant to *Ch. 117* Section 4466, a notice of appeal shall be in writing and shall include the name and address of the appellant, a brief description of the property with respect to which the appeal is taken, a reference to the regulatory provisions applicable to the appeal, the relief requested by the appellant, the alleged grounds why the requested relief is believed proper under the circumstances and payment of appeal fees as applicable.

**7060.4 Appeal Hearings:** Appeal hearings to the Zoning Board of Adjustment shall be conducted pursuant to *Ch. 117* Section 4468.

**7060.5 Rejection of Appeals:** The Zoning Board of Adjustment may reject appeals and requests for reconsideration without hearing pursuant to *Ch. 117* Section 4470(a). Rejected appeals or rejected requests for reconsideration may be appealed to the Environmental Court pursuant to *Ch. 117*, Section 4471.

**7060.6 Appeals - Board of Adjustment, Planning Commission, and Legislative Body Decisions:** *Interested persons* may appeal written decisions of the *Board of Adjustment*, *Planning Commission*, or Legislative Body to the Environmental Court. Such appeals shall be filed pursuant to *Ch. 117* Section 4471, and shall be made within 30 days of the municipal panel's written decision. A copy of the appeal shall also be filed with the municipal clerk or the *Administrative Officer* who shall supply the list of interested persons to the appellant within 5 working days.

## **7070 VARIANCES**

Pursuant to *Ch. 117*, Section 4469(a), on an appeal wherein the relief requested by the applicant is a *variance*, as defined in Section 2010.116, from the provisions of these regulations for a *structure* which is not primarily a renewable energy resource *structure*, the Board of Adjustment may grant such a *variance* after public hearing, only if all of the following facts are found in the affirmative:

1. That there are unique physical circumstances or conditions, including irregularity, narrowness, or shallowness of *lot size* or shape, or exceptional topographical or other physical conditions peculiar to the particular property, and that unnecessary hardship is due to such conditions and not the circumstances or conditions generally created by the provisions of the zoning regulation in the neighborhood or district in which the property is located;
2. That because of such physical circumstances or conditions, there is no possibility that the property can be developed in strict conformity with the provisions of these zoning regulations and that the authorization of a *variance* is therefore necessary to enable the reasonable *use* of the property;
3. That the unnecessary hardship has not been created by the appellant;
4. That the *variance*, if authorized, will not alter the essential character of the neighborhood or district in which the property is located, substantially or permanently impair the appropriate *use* or development of adjacent property, reduce access to renewable energy resources, or be detrimental to the public welfare; and
5. That the *variance*, if authorized, will represent the minimum *variance* that will afford relief and will represent the least deviation possible from the zoning regulation and from the plan.

On an appeal wherein the *variance* requested is for a *structure* which is primarily a renewable energy resource *structure*, the Board may grant the *variance* only if it finds that all of the facts listed *Ch. 117* Section 4469(b) are found in the affirmative. In no case will the Board of Adjustment grant a *variance* for a *use* which is not permitted or conditionally permitted in the applicable district.

**7070.1 Variance Decisions:** The Zoning Board of Adjustment will prepare findings-of-fact, conclusion(s), and written decision setting forth its determination upon each of the criteria if the application is approved, and the failed criteria if the application is denied. The Board may attach conditions to approvals deemed reasonably necessary. The written decision shall be signed, and a copy of the decision shall be sent to the appellant within forty-five days after completing the hearing. Copies will also be mailed to every person or body having been heard at the hearing, and a copy will be filed with the *Administrative Officer* and the Town Clerk as part of the public record. If a decision is not rendered within forty-five days, the Zoning Board of Adjustment will have been deemed to render a decision in favor of the appellant and granted the relief requested on the forty-sixth day.

## **7080 VIOLATIONS AND ENFORCEMENT**

Pursuant to *Ch. 117* Section 4470(b), the town shall enforce all provisions of the zoning bylaw, decisions of the *Administrative Officer*, and decisions of its appropriate municipal panels.

Violations of these regulations will be prosecuted in accordance with 24 V.S.A. Section 4451 . Any person who violates these regulations will be fined not more than \$100 for each offense, unless a higher fine is permitted under *Ch. 117*, in which case the highest possible fine may be imposed. Each day that a violation is continued will constitute a separate offense. No action may be brought under this section unless the alleged offender has had at least seven days notice by certified mail that a violation exists and has failed to satisfactorily respond to or correct the alleged violation.

If any *structure* or land is or is proposed to be subdivided, constructed, reconstructed, altered, converted, maintained, or used in violation of these regulations, the *Administrative Officer* will institute in the name of the Town any appropriate action, injunction or other proceeding to prevent, restrain, correct, or abate such construction or *use*, or to prevent, in or about such premises, any act, conduct, business, or *use* constituting a violation in accordance with 24 V.S.A. Section 4452.

The commencement or continuation of *land development* to which these zoning regulations are applicable, as set forth in Section 1030, which is not in conformance with these regulations, will constitute a violation of these regulations.