



PUBLIC HEARING NOTICE

****The Springfield Planning Commission will hold two (2) Public Hearings on
Wednesday, September 8, 2021 starting at 6:30 pm****

Public Hearing 1: Town of Springfield Land Use Development Ordinance Amendments

Pursuant to 24 V.S.A. §4441 and §4444, notice is hereby given of a public hearing by the Springfield Planning Commission to hear comments regarding proposed amendments to the *Town of Springfield Land Use Development Ordinance*. Per Act 92, Secs. 5 and 6, the public hearing will take place during the Planning Commission meeting on **Wednesday, September 8, 2021 beginning at 6:30 pm.**

You may attend the Public Hearing in-person at the following address:

Springfield Town Hall, 3rd Floor Selectman's Hall
96 Main Street
Springfield, Vermont 05156

Comments regarding the proposed amendments to the *Town of Springfield Land Use Development Ordinance* may be submitted verbally at the Public Hearing. Written comments may also be submitted via email to Crissy Webster, Springfield Planning Commission Chair, at crissylwebster@gmail.com or Chris Yurek, Mount Ascutney Regional Commission, at cyurek@marcv.org.

Pursuant to the requirements of 24 V.S.A. §4444(b):

Statement of purpose:

The purpose of the proposed amendments are as follows:

- Merging the subdivision and zoning regulations into one document;
- Clarifying the permitting process;
- Updating the flood hazard standards and procedures to make them more comprehensible;
- Better encouraging downtown revitalization; and,
- Generally clarifying standards and addressing statutory requirements.

Geographic areas affected:

Portions of these amendments apply to all areas of Town.

List of section headings affected:

The proposed amendments modify the following sections of the *Town of Springfield Land Use Development Ordinance*:

- **Article I:** Modifies Sec. 30-1; Modifies Sec. 30-3; Modifies Sec. 30-6;
- **Article II:** Modifies Sec. 30-34; Modifies Sec. 30-35; Modifies Sec. 30-78; Modifies Sec. 30-79; Modifies Sec. 30-102; Modifies Sec. 30-103; Modifies Sec. 30-104; Modifies Sec. 30-123; Modifies Sec. 30-124; Modifies Sec. 30-148; Modifies Sec. 30-168; Modifies Sec. 30-193; Modifies Sec. 30-213; Modifies Sec. 30-238; Modifies Sec. 30-258; Modifies Sec. 30-283; Modifies Sec. 30-303; Modifies Sec. 30-328; Modifies Sec. 30-348; Modifies Sec. 30-522; Modifies Sec. 30-575;
- **Article III:** Modifies Sec. 30-579; Modifies Sec. 30-580; Modifies Sec. 30-588; Modifies Sec. 30-595; Modifies Sec. 30-596; Modifies Sec. 30-597; Modifies Sec. 30-606; Adds Sec. 30-614;
- **Article IV:** Modifies Sec. 30-646; Modifies Sec. 30-651; Modifies Sec. 30-652; Modifies Sec. 30-656; Modifies Sec. 30-658; Modifies Sec. 30-659;

- **Article V:** Modifies Sec. 30-677; Modifies Sec. 30-678; Modifies Sec. 30-679; Modifies Sec. 30-680; Modifies Sec. 30-681;
- **Article VII:** Modifies Sec. 30-720; Adds Sec. 30-725;
- **Article IX:** Modifies all Sections

The full text of the *Town of Springfield Land Use Development Ordinance* is available online at <https://springfieldvt.govoffice2.com/>. The proposed amendments can be reviewed in hard copy format in the Town Clerk's Office in the Springfield Town Hall located at 96 Main Street, Springfield, VT 05156.

Public Hearing 2: Proposed Private Driveway Name Changes

Notice is hereby given of a public hearing by the Springfield Planning Commission to hear comments regarding proposed road name changes for several private roads/driveways throughout Town. The public hearing will take place during the Planning Commission meeting on **Wednesday, September 8, 2021 at 6:30 pm. The Public Hearing will begin immediately following closure of Public Hearing 1 listed above.**

Names for private roads/driveways located at the following addresses will be discussed:

- 10 Will Dean Road (Evergreen Heights Apartment Complex)
- 242 Town Farm Road (Windy Hill Acres Mobile Home Park)
- 115 Monument Hill Road
- 152-154 Monument Hill Road
- 687-701 Woodbury Road
- 454-509 Charlestown Road

You may attend the Public Hearing in-person at the following address:

Springfield Town Hall, 3rd Floor Selectman's Hall
96 Main Street
Springfield, Vermont 05156

Comments regarding the proposed private road name changes may be submitted verbally at the Public Hearing. Written comments may also be submitted via email to Crissy Webster, Springfield Planning Commission Chair, at crissylwebster@gmail.com or Renee Vondle, Springfield E911 Coordinator/Zoning Administrator, at toszoning@vermontel.net.

Planning Commission Reporting Form for Municipal Bylaw Amendments

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

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

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

The proposed 2021 *Springfield Land Use Development Ordinance* would delete and replace the existing Chapter 22 Subdivision and Chapter 30 Zoning in the Springfield Municipal Code as most recently amended.

The proposed amendments in the draft 2021 *Springfield Land Use Development Ordinance* are intended for the purposes of merging the subdivision and zoning regulations into one document, clarifying the permitting process, update the flood hazard standards and procedures to make them more easily understandable, to make changes that are consistent with better encouraging downtown revitalization, and other changes needed to clarify standards and address statutory requirements. The major proposed changes are summarized below:

Article 1 is modified to reflect unifying the subdivision and zoning regulations into one document.

Section 30-6 includes many changes in the definitions for terms used in the proposed new Land Use Development Ordinance.

Section 30-35 is proposed to be deleted largely because the standards were confusing and rarely used.

Division 2 includes:

- Reformatting the zoning district allowed land use tables to clarify the required development review procedures;
- Making it easier to permit housing, such as specifically allowing for up to 4-unit dwellings in certain districts and allowing two-family dwellings as a Permitted Use;
- Modified the agricultural and forest product processing requirements;
- Deleted the density standards in LR-25, LR-10 and RA-5 districts;
- Consolidated a few similar land use categories, such as schools and recreation; and,
- Corrected inconsistencies between the Municipal Code and the 2019 Springfield Zoning Bylaws.

Section 30-575 includes proposed changes to make it a little easier to allow for accessory dwellings to provide lower-cost housing options for the community.

Section 30-579 includes changes corresponding to eliminating Section 30-35.

Section 30-580 separates agricultural product processing from forestry product processing.

Section 30-588 includes proposed changes that allow for more housing options in rural areas. It eliminates the allowance of multi-family dwelling in pre-approved PUDs only, and allows for up to 4-unit dwellings in LR-25, LR-10, RA-5 and RA-2 districts. It also includes modest changes to address the Strategic Plan, specifically related to desired Valley Street housing investments.

Section 30-595 expands the helicopter pad provision to apply to all air transportation services, based on recommendations from the Airport Commission.

Section 30-606 includes several changes to the Rooming House provisions.

A rural enterprise provision was added after Section 30-606 to preserve existing barns and other farm buildings in certain districts, and allow for adaptive reuse of those buildings for appropriate economic activities, while also protecting the rural character of the area.

Section 30-614 adds a provision to allow for and regulate commercial mobile food and/or merchandise units.

Section 30-646 expands and clarifies the standard for the steepness of driveways.

Section 30-651 changes/clarifies the standards for permanent perimeter fences.

Section 30-656 clarifies yard requirements for lots that adjoin more than one street.

Section 30-659 eliminates the parking requirements in the CBD to better encourage downtown revitalization.

Article V includes numerous proposed changes to the sign standards.

Article VII includes a new summary of the development review processes. This is intended to help understand the different procedures and should be used only as a reference.

Subdivision was added under Article VII and vastly simplified from the existing requirements in Chapter 22 of the Springfield Municipal Code.

In Article IX, the existing flood hazard provisions are being replaced with VT ANR model flood hazard bylaw language, with some modifications. This clarifies exemptions and the development review process for other land use types. Elevations are being increased from 1-foot to 2-feet above base flood elevation for new structures or substantial improvements.

Combined review provision was added before Article X to help streamline the public hearing process for projects that require more than one type of review.

Section 30-916 was modified per current statutory requirements and for additional clarity.

A new Waivers provision was added after Section 30-963 to allow for flexibility in dimensional standards for certain types of development, such as ADA accessibility improvements or installing building systems.

Section 30-1020 was updated per current enforcement requirements.

Other proposed changes are intended to clarify existing standards.

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

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

The proposed Springfield bylaw updates are intended to implement Town Plan goals to streamline the development review process and better encourage downtown revitalization, including:

- a) A Town Plan implementation action to update zoning bylaws and subdivision regulations to reflect the revised goals and objectives outlined in the Town Plan.
- b) Downtown revitalization is a major theme throughout the Town Plan document and in other documents referenced in the Plan.
- c) The Town Plan references the 2015 Downtown Master Plan, which includes a recommendation to review and revised parking standards for the downtown. The Master Plan also includes a recommendation to streamline the local permitting process to eliminate barriers to downtown revitalization.
- d) The Flood Resilience section of the Town Plan calls for reviewing and updating the zoning bylaws to ensure consistency with the flood resilience goals.
- e) The Heath Chapter calls for the zoning bylaws to promote mixed-use, walkable neighborhoods in Springfield and its downtown and shopping areas.

In addition, the proposed amendments also include several changes intended to make it easier to permit housing, hopefully resulting in more availability of safe and affordable housing.

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

We believe the proposed changes improve the compatibility of the land use development regulations with the future land uses as specified in the Town Plan.

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

The proposed amendments are not specifically applicable to planned community facilities. However, the Subdivision provisions were crafted carefully to address input from the Public Works Department regarding municipal infrastructure needs.

Please Note:

- ❖ The planning commission shall hold at least one public hearing within the municipality after public notice on any proposed bylaw, amendment or repeal and;
- ❖ At least **15** days prior to the first hearing, a copy of the proposed plan or amendment and the written report shall be delivered with proof of the receipt, or mailed by certified mail, return receipt requested, to each of the following:
 1. the chairperson of the planning commission of each abutting municipality, or in the absence of any planning commission in an abutting municipality, to the clerk of that abutting municipality;
 2. the executive director of the regional planning commission of the area in which the municipality is located;
 3. the Department of Economic, Housing and Community Development within the Agency of Commerce and Community Development.
- ❖ The planning commission may revise the proposed bylaw, amendment, or repeal and to the written report, and shall then submit the proposed bylaw, amendment or repeal and the written report to the legislative body of the municipality. If requested by the legislative body or supported by petition the planning commission shall promptly submit the amendment with changes only to correct technical deficiencies, together with any recommendations.
- ❖ Simultaneously, with the submission, the planning commission shall file with the clerk of the municipality a copy of the proposed bylaw, amendment, or repeal, and the written report for public review.

Chapter 30 – LAND USE DEVELOPMENT [\[1\]](#)

NOTE: Delete Chapter 22 Subdivision; incorporate modified Subdivision provisions in unified Land Use Development Ordinance

Footnotes:

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Charter reference— Planning commission, art. two, IV, C, 1; zoning board of adjustment, art. two, IV, C, 2.

State Law reference— Vermont planning and development act, 24 V.S.A. § 4301 et seq.

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ARTICLE I. - IN GENERAL

Sec. 30-1. - Enactment.

The Selectboard of the town, in accordance with the Vermont Planning and Development Act (24 V.S.A. §§ 4402, 4419) and 24 App. V.S.A. ch. 149, §5 (Town Charter), hereby adopts this land use development ordinance for the town. This ordinance shall be known and cited as the "Town of Springfield Land Use Development Ordinance."

(Ord. No. O-2019-2, § 1.0, 9-23-2019)

Sec. 30-2. - Purpose.

- (a) The purpose of this ordinance is to promote the orderly growth of the town, while enhancing its natural, agricultural, historical, economic and social attributes. This ordinance is also intended to further purposes established in 24 V.S.A. § 4302.
- (b) The specific purpose of this ordinance is to implement the Springfield Town Plan. This ordinance seeks to guide the development of the town for the protection of community health, safety, welfare, and quality of life.

(Ord. No. O-2019-2, § 1.1, 9-23-2019)

State Law reference— Purpose and goals of the planning and development act, 24 V.S.A. § 4302.

Sec. 30-3. - Application of ordinance.

A zoning permit issued by the administrative officer shall be required for any land development as defined in 24 V.S.A. § 4303 except for development which is specifically exempted under article X, division 2 of this chapter. A certificate of occupancy (article X, division 3 of this chapter) issued by the administrative officer is required prior to the use or occupancy of any land or structure, or part thereof, for which a zoning permit has been issued. All subdivisions of land are subject to approval in accordance with this Ordinance and filed in the Land Records. All development or land use shall be in compliance with this ordinance.

(Ord. No. O-2019-2, § 1.2, 9-23-2019)

Sec. 30-4. - Adoption and amendments; effective date.

In accordance with 24 V.S.A. §§ 4411 and 4412, this ordinance shall take effect 21 days after adoption and may be amended according to the requirements and procedures established in 24 V.S.A. § 4301 et seq. The zoning regulations heretofore in effect ("Town of Springfield Zoning Bylaws, November 2014") shall be deemed repealed upon the effective date of this Land Use Development Ordinance. Any mandatory changes enacted by the state shall automatically become part of this ordinance.

(Ord. No. O-2019-2, § 1.3, 9-23-2019)

State Law reference— Zoning bylaws, 24 V.S.A. § 4411; provisions required and effects prohibited, 24 V.S.A. § 4412.

Sec. 30-5. - Interpretation.

The adoption of this ordinance shall not repeal any permit previously issued. Where this ordinance imposes a greater restraint or restriction than is provided under any other statute, bylaw, ordinance, rule or regulation, then this ordinance shall govern.

(Ord. No. O-2019-2, § 1.4, 9-23-2019)

Sec. 30-6. - Definitions.

- (a) The following abbreviations shall be the shortened form of the word or phrase indicated, the definitions of which may also be included in Subsection below:

Ac.....	Acre/acreage
AMP.....	Appropriate Municipal Panel
AO.....	Administrative Officer
ANR.....	Vermont Agency of Natural Resources
BFE.....	Base flood elevation
CFR.....	Code of Federal Regulations
DRB.....	Development Review Board
FEMA.....	Federal Emergency Management Agency
FIRM.....	Flood Insurance Rate Map
FHA.....	Flood Hazard Area
FHBM.....	Flood Hazard Boundary Map
FHO.....	Flood Hazard Overlay District
Ft.....	Feet/foot
LOMA.....	Letter of Map Amendment
LOMC.....	Letter of Map Change
LOMR.....	Letter of Map Revision
NA.....	Not applicable
NAI.....	No adverse impact
NFIP.....	National Flood Insurance Program
RAPs.....	Required Agricultural Practices
SF.....	Square feet
VSA.....	Vermont Statutes Annotated
VT.....	Vermont

- (b) Except where specifically noted herein, all words used shall carry their customary meaning.
- (c) Doubt as to the precise meaning of any word used in this ordinance shall be clarified by the development review board.
- (d) The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Accessory building/structure means a structure which is: 1) detached from and clearly incidental and subordinate to the principal use or structure on a lot, 2) located on the same lot as the principal structure or use, 3) clearly and customarily related to the principal structure or use, and 4) only used for vehicle parking, storage, or primarily building access. Examples include, garages, garden and tool sheds, and playhouses, but do not include "accessory dwellings." Except when not within the SFHA, small accessory buildings associated with residential uses which are less than 120 square feet of floor area and are not within the required setbacks do not need a permit.

Accessory dwelling means a unit that is located within or appurtenant to a single-family dwelling. An accessory dwelling unit is an efficiency or one-bedroom apartment that is clearly subordinate to a single-family dwelling, and has facilities and provisions for independent living, including sleeping, food preparation, and sanitation. See 24 V.S.A. § 4412(1)(E).

Accessory use means a use customarily incidental and subordinate to the principal use and located on the same lot as the principal use. When applied to agriculture, this shall be deemed to include the sale of products raised on the property. A home occupation shall be considered an accessory use. A theater marquee shall be considered an accessory use and shall not be considered a sign under this ordinance. A self-service machine (vending machine, automatic teller machine, etc.) shall be considered as an accessory use to the principal use on the same lot.

Accessory use on-farm business means an accessory business as a supplement to a working farm, including educational and agritourism events that feature agricultural practices and/or qualifying products such as farm to table events, weddings, wine tastings, etc.

Act means the Vermont Municipal and Regional Planning and Development Act, 24 V.S.A. ch. 117 (24 V.S.A. § 4301 et seq.), as it may be amended from time to time.

Administrative officer means the individual nominated by the planning commission for a three-year term, and appointed by the legislative body in accordance with 24 V.S.A. § 4448. The administrative officer shall administer the bylaws literally, and shall not have the power to permit any land development which is not in conformance with such bylaws.

Adult day care means a facility which provides supervised activities, meals and limited care to adults during the day, but which does not provide overnight accommodations except for the care givers and members of the care givers' families.

Agricultural product processing means the processing and packaging or bottling of agricultural products, for sale to or consumption by others.

Agriculture means the production of food and goods through farming.

Airstrip (see air transportation services)

Air transportation services means a site or structure intended to accommodate or support air transportation services, such as a runway, hangar, terminal, control tower, airstrip or helipad.

Alteration means structural change, rearrangement, change of location, or addition to a building, other than repairs and modification in building equipment in the usual course of maintenance.

Antenna means any facility, including towers and dish antennae, designed and erected for the purpose of transmitting or receiving any type of radio, television, telephone or other airborne communication signals.

Area of Special Flood Hazard is synonymous in meaning with the term "special flood hazard area" for the purposes of this bylaw.

Automotive repair services, see motor vehicle repair.

Bank means establishments, including credit unions, offering demand deposit services and other financial services, operating under charter from the state or federal government.

Bar means an establishment, open to the public, where alcoholic beverages are sold, served and consumed.

Barn used for storage means a barn originally constructed to house agricultural equipment or activities, converted for use as cold storage of goods on a commercial basis.

Base flood means the flood having a one percent chance of being equaled or exceeded in any given year (commonly referred to as the "100-year flood").

Base flood elevation (BFE) means the elevation of the water surface elevation resulting from a flood that has a one percent chance of equaling or exceeding that level in any given year. On the Flood Insurance Rate Map the elevation is usually in feet, in relation to the National Geodetic Vertical Datum of 1929, the North American Vertical Datum of 1988, or other datum referenced in the Flood Insurance Study report, or the average depth of the base flood, usually in feet, above the ground surface.

Basement means any area of a building having its floor elevation below ground level on all sides, including crawlspaces.

Bed and breakfast means a place of lodging that provides overnight accommodations and which may serve only breakfast to lodging patrons.

Boundary adjustment means an exchange of small parcels (less than one acre) between adjoining property owners to adjust property boundaries. *Broadcast facilities* means a tower, pole, antenna, guy wire, or related features or equipment intended for use in connection with transmission or receipt of radio or television signals or any other electromagnetic spectrum-based transmission/reception and the construction or improvement of a road, trail, building or structure incidental to a communications facility. Broadcast facilities, also known as wireless communication facilities, include wireless telecommunication facilities. A speculative wireless telecommunications facility, that is, one built on speculation that the builder and operator will be able to lease it to a service provider, is considered a wireless communications facility and does not come under the Telecommunications Act of 1996. Applications for such facilities, until a service provider is named and joins in the application, are subject to the review and regulations as a wireless communications facility and not as a wireless telecommunications facility.

Building includes the term "structure."

Building and excavating yard means yards for the storage and maintenance of equipment used for building and/or excavation activities (not to include extraction of earth or mineral resources on the site).

Building area means the total of areas taken on a horizontal plane at the main finished grade level of the principal building and all accessory buildings, exclusive of uncovered porches, terraces and steps. All dimensions shall be measured between exterior faces of walls.

Building height means the vertical distance measured from the average elevation of the proposed finished grade at the front of the building to the highest point of the roof for flat and mansard roofs, and the average height between eaves and ridge for other types of roofs.

Building materials supply means a facility for the sale of building materials on a retail basis, and including the storage of materials for sale. Building materials include lumber and other building products, hardware, plumbing and electrical materials, paints and related products, and similar materials generally used for construction.

Business incubator, business and professional service, means a facility aimed to foster growth of small companies, to increase its chances for surviving and enhance the growth by providing a range of business development services. It usually provides lower cost spaces by decreasing overhead by sharing some offices and other facilities. Primary occupants typically include business and professional services utilizing traditional and new technology office machines and computers.

Business incubator, manufacturing and distribution, means a facility aimed to foster growth of small companies, to increase its chances for surviving and enhance the growth by providing a range of business development services. It usually provides lower cost spaces by decreasing overhead by sharing some offices and other facilities, including warehousing, shipping and receiving. Primary occupants typically include product manufacturers, industrial processes, warehousing, product distribution or similar businesses.

Campground means an area designed to accommodate people with camping vehicles and/or tents for overnight accommodation on a seasonal basis.

Car wash means a commercial facility designed for the purpose of washing automobiles and trucks, either by automated or manual equipment.

Cemetery means a tract of land for burial of the dead, including pet cemeteries.

Channel means an area that contains continuously or periodic flowing water that is confined by banks and a streambed.

Church means a building whose primary purpose is that of a house of worship in which those belonging to the organization profess the same religious creed and constitute a nonprofit congregation.

Club house, private, means a building or use catering exclusively to club members and their guests for recreational purposes, and not operated primarily for profit.

Commercial mobile food and/or merchandise units means a mobile food and/or merchandise business stationed in one locality or traveling from place to place selling food or merchandise.

Commercial parking lot/garage means a lot/structure used for the temporary storage of motor vehicles, for a payment, in association with uses or activities located on the same or other lots.

Communications/transmission facilities means any facility (structure or other, excluding antennae) used for the purpose of transmitting radio, television, telephone or other electronic signals. A communications/transmission facility may or may not be co-located with an antenna.

Concert venue means a place where concerts and musical performances are held.

Conditional use means a use identified in this ordinance, which is permitted only upon approval by the development review board in accordance with the provisions of section 30-723.

Construction trailer means a vehicle which is: (1) built on a single chassis; (2) 500 square feet or less when measured at the largest horizontal projection; (3) designed to be self-propelled or permanently towable; and (4) designed for use as a temporary office facility used to support management of a construction project, and not as a permanent structure.

Corner lot means a lot located at the intersection of two or more streets.

Critical facilities means facilities that are vital to public health and safety, including police stations, fire and rescue facilities, hospitals, shelters, schools, nursing homes, water supply and waste treatment facilities.

Cultural facility means establishments such as libraries, museums, theaters for live stage presentations, art galleries, interpretive centers, etc., which are of historic, educational or cultural interest, and which are not operated commercially.

Day care home means a home or facility serving six or fewer children. (Considered to constitute a permitted single-family residential use of property per 24 V.S.A. § 4412(5).)

Deeded access corridor means a deeded strip of land, not less than 20 feet, nor more than 100 feet, in width, which provides access to land which has no frontage on a town highway. A deeded access corridor shall serve no more than two lots and shall have no buildings, septic systems or wells located within it.

Development means any manmade change to improved or unimproved real estate, including, but not limited to, 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, or of any mining, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment or materials, any change in the use of any building or other structure, or land, or extension of use of land.

Development review board means a development review board for a municipality created under 24 V.S.A. § 4301 et seq. The development review board shall have powers and duties as set forth in the Act to administer the provisions of this bylaw, including, but not limited to, the power to hear and decide

administrative appeals; variance requests; and applications for site plan approval, conditional use, design review, planned unit development, flood hazard review, and subdivision review.

Downtown design review advisory commission means an advisory design review commission established and appointed by the Selectboard in accordance with 24 V.S.A. §§ 4433 and 4464(d). The downtown design advisory commission has the authority under this ordinance to hold meetings, subject to Vermont's Open Meeting Law (1 V.S.A. §§ 310 through 314) and to:

- (1) Review applications and prepare recommendations on each of the review standards under section 30-724 that are within the downtown design advisory commission's purview (within the boundaries of the designated Downtown) for consideration by the development review board at a public hearing on the application.
- (2) If necessary, conduct site visits, prior to a regularly scheduled meeting. No testimony shall be taken at said site visit.
- (3) Advise applicants of potential negative responses of the development review board and suggest remedies to correct identified deficiencies for a more detailed and successful application in preparation for the following design review hearing with the development review board.

Dwelling unit, multifamily, means a building designed for occupancy by five or more families or households living independently of each other in individual dwelling units.

Dwelling unit, single-family, means a room or rooms for the purpose of occupancy by a single family or household, including independent facilities for living, sleeping, cooking, eating and sanitation.

Dwelling, three-four unit, means a building designed for occupancy by three or four families or households living independently of each other in individual dwelling units (i.e., triplex, fourplex).

Dwelling unit, two-family, means a building designed for occupancy by two families or households living independently of each other in individual dwelling units.

Easement means the authorization of a property owner for the use by another person for a specific purpose, of any designated part of a property.

Electronic message display sign means an electrically activated changeable sign where the variable message capability can be electronically programmed.

Encroachment means activities or construction including fill, substantial improvements, and other development that may cause an increase in flood levels.

Equilibrium Condition means the width, depth, meander pattern, and longitudinal slope of a stream channel that occurs when water flow, sediment, and woody debris are transported by the stream in such a manner that it generally maintains dimensions, pattern, and slope without unnaturally aggrading or degrading the channel bed elevation.

Existing manufactured home park or subdivision means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before the effective date of the floodplain management regulations adopted by a community.

Expansion to an existing manufactured home park or subdivision means the preparation of additional sites by the construction of facilities for servicing the lots on which the manufacturing homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

Extraction of earth resources includes, but not limited to, gravel pit and mines. See section 30-589 for specific use standards.

Family child care facility means a day care facility which serves more than six full-time and four part-time children. (Subject to all applicable municipal bylaws.)

Family child care home means a day care facility which serves six or fewer full-time children and four part-time children in the care giver's own dwelling unit. (33 V.S.A. § 3511(7).) (Constitutes a permitted use of property, but can require site plan approval.)

Family unit means one or more persons living, sleeping, cooking and eating on the same premises as a single housekeeping unit, not including a housekeeping unit being operated as a rooming house.

Farm structure means a building, enclosure, or fence for housing livestock, silo, the raising of horticultural or agronomic plants or the carrying out of other practices associated with accepted agricultural or farming practices as defined in 10 V.S.A. § 6001(22) and Vermont's Required Agricultural Practices Rule. This excludes dwellings for human habitation.

Farming includes the activities in the definition below, and viticulture (i.e., culture of grapes). This definition shall include usual, customary, and traditional harvesting, processing, and packaging activities of produce grown on the premises. The term "farming," pursuant to 10 V.S.A. § 6001(22) and Vermont's Required Agricultural Practices Rule, means:

- (1) The cultivation or other use of land for growing food, fiber, Christmas trees, maple sap, or horticultural and orchard crops;
- (2) The raising, feeding, or management of livestock, poultry, fish, or bees;
- (3) The operation of greenhouses;
- (4) The production of maple syrup;
- (5) The on-site storage, preparation and sale of agricultural products principally produced on the farm;
- (6) The on-site storage, preparation, production, and sale of fuel or power from agricultural products or wastes principally produced on the farm; or
- (7) The raising, feeding, or management of four or more equines owned or boarded by the farmer, including training, showing, and providing instruction and lessons in riding, training, and the management of equines.

Fence means a freestanding structure of wood, metal, masonry, stone or any combination of materials, attached to the ground and used to restrict visual or physical access.

Fill means any placed material that changes the natural grade, increases the elevation, redirects the movement of flood water, or diminishes the flood storage capacity at the site. Temporary storage of material for less than 180 days is not considered fill.

Flood means:

- (1) A general and temporary condition of partial or complete inundation of normally dry land areas from the overflow of inland or tidal waters; the unusual and rapid accumulation or runoff of surface waters from any source; and mudslides which are proximately caused by flooding and are akin to a river of liquid and flowing mud on the surfaces of normally dry land areas, as when earth is carried by a current of water and deposited along the path of the current.
- (2) The collapse or subsidence of land along the shore of a lake or other body of water as a result of erosion or undermining caused by waves or currents of water exceeding anticipated cyclical levels or suddenly caused by an unusually high water level in a natural body of water, accompanied by a severe storm, or by an unanticipated force of nature, such as flash flood or abnormal tidal surge, or by some similarly unusual and unforeseeable event which results in flooding.

Flood Fringe means the portion of the flood hazard area that is outside of the floodway but still inundated by the base flood (the flood having a one percent chance of being equaled or exceeded in any given year).

Flood Hazard means those hazards related to damage from flood-related inundation or erosion.

Flood hazard areas shall have the same meaning as “area of special flood hazard” under 44 C.F.R. § 59.1. “Area of special flood hazard” is synonymous with the term “special flood hazard area.”

Flood insurance rate map (FIRM) means an official map of a community, on which the Federal Insurance Administrator has delineated both the special flood hazard areas and the risk premium zones applicable to the community. In some communities the hazard boundaries are available in paper, pdf, or Geographic Information System formats as a Digital Flood Insurance Rate Map (DFIRM).

Flood insurance study (FIS) means an examination, evaluation, and determination of flood hazards and, if appropriate, the corresponding water surface elevations or an examination, evaluation, and determination of mudslide (i.e., mudflow) and/or flood-related erosion hazards.

Floodplain or floodprone area means any land area susceptible to being inundated by water from any source. See *Flood*.

Floodproofing means any combination of structural and non-structural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.

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 one foot at any point. Please note that flood hazard areas and floodways may be shown on a separate map panels.

Floodway fringe means the remaining portion of the flood hazard area excluding the floodway.

Forest product processing means the processing and packaging or bottling of forestry products, for sale to or consumption by others.

Forestry means any use and management of land for forestry purposes, including logging of a forest, woodland, or plantation and research and educational activities.

Fuel storage and distribution facility means the use of a lot and/or building or other structure for the bulk storage of combustible fuels (fuel oil, gasoline, propane, compressed natural gas, coal or other similar materials, excluding wood) prior to transfer to vehicles for distribution to consumers.

Functionally dependent use means a use which cannot perform its intended purpose unless it is located or carried out in close proximity to water.

Funeral home means a structure, or part thereof, used for the preparation of the deceased for burial and associated funeral services.

Garden apartment. A garden apartment complex consists of low-rise apartment buildings built with landscaped grounds surrounding them. The apartment buildings are often arranged around courtyards that are open at one end. A garden apartment has some characteristics of a townhouse: each apartment has its own building entrance, or just a few apartments share a small foyer or stairwell at each building entrance. Unlike a townhouse, each apartment occupies only one level.

Garden apartment design means a two or 2½ story structure containing multifamily dwellings.

Gasoline station means the use of any building, land area, or other premises for the sale of motor vehicle fuel, lubricants, and related products and accessories .

Grading means the movement or replacement of topsoil or other material originating on the site and within the hazard area. Grading results in minor or no changes in topographic elevations. If new material is brought from outside the hazard area and such new material is not offset with an equal or greater removal of material from the portion of the site within the hazard area, the new material shall be considered “fill” and shall not be considered grading.

Green space means the area of a lot which is landscaped or otherwise undeveloped; the area not included in “lot coverage.” See *Lot coverage*.

Group home means a residential care or group home to serve eight or fewer clients in a residential setting, to be operated under state licensing and applicable regulations, for handicapped or disabled

persons as defined in 9 V.S.A. § 4501. Such a dwelling must be at least 1,000 feet from another dwelling being utilized for a similar purpose.

Health care facility means facilities for the provision of health care services, including, but not limited to, hospitals, nursing homes, medical laboratories, clinics, etc., doctors' offices, individual offices for a physician, dentist, etc., are considered to be professional offices.

Heavy equipment sales and service means a structure or lot used for the purpose of selling or servicing heavy equipment (tractors, farm equipment, earth moving equipment, cranes, and similar equipment). The facility may include space used for display of items for sale and storage of items awaiting repair.

Helicopter pads (see air transportation services)

Historic structure means any structure that is:

- (1) Listed individually in the National Register of Historic Places (a listing maintained by the Department of the Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
- (2) Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
- (3) Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or
- (4) Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:
 - a. By an approved state program as determined by the Secretary of the Interior; or
 - b. Directly by the Secretary of the Interior in states without approved programs.

Home business means a business carried on in a portion of a dwelling/residence or in an accessory structure to a dwelling/residence.

Home occupation means an occupation, carried on by a resident(s) of the property and within a dwelling/residence or in an accessory structure to a dwelling/residence, which is customarily incidental and secondary to the use of the premises for dwelling purposes and does not have an undue adverse effect upon the character of the area in which the dwelling is located. Home occupations include such uses or activities as art studios, dressmaking, teaching, tutoring, or the professional part-time off-hours office of a lawyer, engineer, architect, accountant, computer programmer/technician, transcriber, barber/hairstylist, bookkeeper, woodworker, etc.

Hotel means an establishment designed or used for public lodging, meeting rooms, meals, service of legal beverages, and related amenities with all rooms accessible from a central point within the building.

Housing, affordable. Housing is affordable when households with incomes below an area's median income pay no more than 30 percent of their income on housing. Housing costs for renters are rent and utilities. Housing costs for homeowners are principal on mortgage payments, interest, property taxes, and insurance.

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

Housing, moderate income, means housing that is affordable, according to the U.S. Department of Housing and Urban Development, for either home ownership or rental, and that is occupied, reserved, or marketed for occupancy for households with a gross household income that is greater than 80 percent and less than 120 percent of the median gross household income for households of the same size within the region in which the housing is located.

Inn means use of one or more structures (typically a private home or accessory buildings designed to appear as such) to provide short-term accommodations for guests and may include a restaurant, bar, event facilities, spa or fitness club as an accessory use.

Infill development means construction, installation, modification, renovation, or rehabilitation of land, interests in land, buildings, structures, facilities, or other development in an area that was not previously developed but is surrounded by existing development.

Kennel means an establishment for housing domestic animals on a commercial basis.

Land development means 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, or of 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.

Legislative body means the Selectboard in the case of a town; the trustees in the case of an incorporated village; the mayor, alderpersons, and city council members in the case of a city; and the supervisor in the case of an unorganized town or gore.

Letter of Map Change (LOMC) is a letter issued by FEMA officially removing a structure or lot from the flood hazard area based on information provided by a certified engineer or surveyor. This is used where structures or lots are located above the base flood elevation and have been inadvertently included in the mapped special flood hazard area. A LOMC can include a Letter of Map Amendment (LOMA), Letter of Map Revision (LOMR), Letter of Map Revision based on Fill (LOMR-F), or a Letter of Map Revision for a Floodway (LOMR-FW).

Lot means a parcel of land defined by property lines or boundaries. The term "lot" includes the term "plot."

Lot coverage means that portion (percentage) of a lot area which is covered by buildings, structures and other manmade improvements, such as parking and loading areas, access roads, service areas, tennis courts, and other impermeable surfaces, which prevent the infiltration of stormwater. Lawn areas are specifically excluded from this definition.

Lots in two districts means a situation where a district boundary line divides a lot so portions of that lot are within two zoning districts. See Sec. 30-656.

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 44 CFR 60.3.

Manufactured home means a structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when attached to the required utilities. The term "manufactured home" does not include a recreational vehicle.

Manufactured home park or subdivision means a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

Manufacturing/processing of goods, foods and beverages means an establishment which makes or processes raw materials into a finished or intermediate product, for commercial purposes, including fabricating facilities and large printing or publishing establishments.

Makerspace means a place in which people can gather to work on projects while sharing ideas, equipment, and knowledge. Makerspaces often combine shared tools, manufacturing equipment, industrial processes, peer to peer and/or professional assistance for the purpose of enabling members to design, prototype and fabricate new products that might not be possible to create by individuals working alone. The primary focus of makerspaces is the creation of new products.

Means of access is unique to the NRPD district and includes trails, driveways, tracks, etc., which allow the public access to study and enjoy the significant natural resources which are protected by this district.

Medical marijuana dispensary means a dispensary registered with the state that may acquire, possess, cultivate, manufacture, transfer, transport, supply, sell or dispense marijuana, marijuana-infused products, and marijuana-related supplies to registered patients and their caregivers who have designated that dispensary.

Medical testing laboratories means laboratories for testing of medical samples, water samples, etc., where the testing is not directed towards the development of new products, and where no testing is done on live subjects such as humans or other animals.

Mixed use means a structure or land containing two or more uses which are otherwise allowed as permitted or conditional uses within the district in which the structure or land is located. See section 30-591.

Mobile home means a structure or type of manufactured home that is built on a permanent chassis and is designed to be used as a dwelling unit with or without a permanent foundation. The term "mobile home" includes plumbing, heating, cooking, and electrical systems, and is:

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

Mobile home park means any parcel of land under single or common ownership or control which contains, or is designed, laid out or adapted to accommodate more than two mobile homes. For the purposes of this Ordinance, a tiny house community shall be considered as a type of mobile home park. Nothing herein shall be construed to apply to premises used solely for storage or display of mobile homes. The term "mobile home park" does not mean any parcel of land under the ownership of an agricultural employer who may provide up to four mobile homes used by full-time workers or employees of the agricultural employer as a benefit or condition of employment or any parcel of land used solely on a seasonal basis for vacation or recreational mobile homes.

Mobile home sales and services means any lot and/or structure used for the sale and repair of mobile homes. Such a facility may include space for the display of mobile homes for sale and the temporary storage of mobile homes awaiting repair.

Modular or prefabricated housing means a dwelling unit constructed on-site and composed of components substantially assembled in a manufacturing plant and transported to the building site for final assembly on a permanent foundation.

Motel means a facility for short-term accommodations usually having a private outside entrance for each room or suite of rooms, and for each room or suite a parking place provided on the premises.

Motor vehicle repair means the use of any building, land area, or other premises 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.

Motor vehicle sales means the use of any building, land area, or other premises 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.

Motor vehicle service See gas station.

Multi-story apartment design means a structure containing multiple dwellings, composed of three or more stories, but no more than eight stories.

Mylar is a clear polyester film that subdivision plats are printed on. See Plat.

National Flood Insurance Program means the National Flood Insurance Program under 42 U.S.C. chapter 50 and implementing federal regulations in 44 C.F.R. parts 59 and 60. The National Flood Insurance Program aims to reduce the impact of flooding on private and public structures. It does so by providing affordable insurance to property owners in communities that adopt and enforce floodplain management regulations. These efforts help mitigate the effects of flooding on new and improved structures.

Natural and beneficial floodplain functions means the functions associated with the natural or relatively undisturbed floodplain that includes moderating flooding, retaining flood waters, and reducing erosion, sedimentation and flood related damage. Ancillary beneficial functions include support of ecosystem services such as wildlife habitat, water quality, and recharge of ground water.

New construction means structures for which the start of construction commenced on or after the effective date of this bylaw and includes any subsequent improvements to such structures.

New manufactured home park or subdivision means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of the floodplain management regulations adopted by a community.

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

Nonconforming structure means a structure or part of a structure that does not conform to the present bylaws but was in conformance with all applicable laws, ordinances, and regulations prior to the enactment of the present bylaws, including a structure improperly authorized as a result of error by the administrative officer. Structures that were in violation of the regulations in effect at the time of their creation, and remain so, remain violations and are not nonconforming structures.

Nonconforming use means any use of land that does not conform to the present bylaws but did conform to all applicable laws, ordinances, and regulations prior to the enactment of the present bylaws, including a use improperly authorized as a result of error by the administrative officer.

Non-residential includes: businesses, churches, schools, nursing homes, pool houses, clubhouses, recreational buildings, government buildings, mercantile structures, industrial structures, and warehouses.

Nursery means a place where young trees or other plants are raised for transplanting or for sale, wholesale or retail, and including the sale of cut and live flowers.

Occupied and used shall be considered as though followed by "or intended, arranged, or designed to be used or occupied."

Official zoning map means the map adopted as part of this ordinance showing the boundaries of the established zoning districts.

Outdoor market means an open or roofed area, not within a building, for groups or individuals that offer goods for sale, display or demonstration.

Parking space means an off-street space used for the temporary storage of a licensed motor vehicle.

Permitted use means a use, identified in this ordinance, allowed upon issuance of a zoning permit by the administrative officer. A permitted use may also require site plan approval in accordance with section 30-722.

Person means an individual, a corporation, a partnership, an association, and any other incorporated or unincorporated organization or group.

Personal services means a class of uses including barbers, hairdressers, beauty parlors, shoe repairs, laundries, laundromats, dry cleaners, photo studios, and other businesses deemed services of a personal nature by the development review board.

Commercial storage facility means a structure designed to include a number of small, independent storage spaces, each intended to be rented to individual users who are able to access their space without assistance by the proprietor or manager of the facility.

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

Planning commission means a planning commission for a municipality created under 24 V.S.A. § 4321 et seq.

Plat means a detailed drawing showing all aspects of the subdivision, including dimensioned boundary lines, lot areas, physical features and other items required by these regulations. A final plat shall also meet all requirements for filing documents required in 27 V.S.A. § 1401 et seq.

Professional office includes offices for the professional practice of various occupations, including, but not limited to, physicians, dentists, insurance sales, consultants, lawyers, building or property management, engineers, architects or accountants.

Professional service see retail sales..

Public administrative office means a structure which contains the administrative offices of a municipality or a public agency or department.

Public maintenance and storage means a lot and/or structure used by a municipality or public agency or department for the storage and maintenance of vehicles and equipment, and for the storage of materials.

Public road means, for the purpose of these Land Use Development bylaws, a state highway as defined in 19 V.S.A. § 1 or a Class 1, 2, or 3 town highway as defined in 19 V.S.A. § 302(a).

Public safety facility means a facility used by public police, fire or rescue agencies for the purpose of storing vehicles, office activities, training and other agency activities.

Public water access means a public access to a water of the State and, except for toilet facilities, shall not include structures as defined in this bylaw.

Recreation, indoor, means a class of either public or private recreational uses including bowling alleys, theaters, table tennis and pool halls, skating rinks, gymnasiums, swimming pools, hobby workshops and similar places of indoor recreation.

Recreation, outdoor, means a class of either public or private recreational uses including parks, play fields, playgrounds, marinas; golf courses; trap, skeet, and archery ranges; unenclosed swimming pools; skating rinks; riding stables; parks; swimming areas; tennis courts and skiing facilities; which are not enclosed.

Recreational trail means a corridor that is used for hiking, walking, bicycling, cross-country skiing, snowmobiling, all-terrain vehicle riding, horseback riding, and other similar recreational activity.

Recreational vehicle means a vehicle which is:

- (1) Built on a single chassis;
- (2) 400 square feet or less when measured at the largest horizontal projection;
- (3) Designed to be self-propelled or permanently towable by a light duty truck; and
- (4) Designed primarily not for use as a permanent dwelling but as a temporary living quarters for recreational, camping, travel, or seasonal use.

Recreation vehicle sales and service means a structure or lot used for the purpose of selling or servicing recreational vehicles such as motor homes, camper trailers, travel trailers, etc. The facility may

include space for the display of such vehicles for sale, and for the temporary storage of such vehicles awaiting repair.

Redevelopment means construction, installation, modification, renovation, or rehabilitation of land, interests in land, buildings, structures, facilities, or other development in a previously developed area. The term includes substantial improvements and repairs to substantially damaged buildings.

Renewable energy resource means energy available for collection or conversion from direct sunlight, wind, running water, organically derived fuels including wood, agricultural sources, waste materials, waste heat and geothermal sources.

Replacement structure means a new building placed in the same footprint as the pre-existing building and does not include a change in use.

Research and testing laboratory means a commercial facility or enterprise intended for the purpose of conducting scientific research and development related to manufactured or processed end products or services.

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

Restaurant means a commercial establishment for the preparation, sale and consumption of food, but which does not contain a drive through window.

Restaurant with drive through window means a commercial establishment for the preparation, sale and consumption of food, which does contain a drive through window.

Resubdivision means a change of a recorded subdivision plat if such change affects any street layout shown on such plat, or area reserved thereon for public use, or any change of a lot line, or any such change if it affects any map or plan legally recorded.

Retail sales means an establishment for the sale of goods and merchandise to direct users or consumers of such goods.

Right-of-way. See Easement.

River means the full length and width, including the bed and banks, of any watercourse, including rivers, streams, creeks, brooks, and branches which experience perennial flow. "River" does not mean constructed drainageways, including water bars, swales, and roadside ditches.

Rooming house means any dwelling unit with two or more individual sleeping rooms for rent, non-transient (meaning for more than seven days at a time) and not including uses defined as bed and breakfast or motel/inn. Owner occupied (where the owner is a natural person) single-family residences renting out no more than two bedrooms with adequate off-street parking are not to be considered rooming houses under this regulation.

Rural enterprise means a small business that may be located in an existing farm building in RA-2, RA-5, RA-10 and L-25 districts only and will not have an adverse effect on the character of the area or contribute to the deterioration of Class III roads.

Salvage and recycling facility means any lot and/or structure used for the purpose of storing, collecting, purchasing, processing, recycling or selling such materials as wastepaper, rags, scrap metal, plastics, glass, discarded machinery, auto parts, or two or more unregistered, inoperable motor vehicles.

School means an establishment for the purpose of instructing or educating students.

Scour is localized erosion caused by the entrainment of soil or sediment in water as it flows around obstructions.

Seasonal roadside produce stand means an establishment for the retail sales of produce.

Setback means the minimum distance by which a building must be separated from a lot line, centerline of a right-of-way or public road.

Short-term rental means rental of a home, apartment or accessory building for a period of less than 30 days per occurrence.

Sign means any device, logo, structure, building or part thereof used for visual communication or for the purpose of directing the attention of the public to any business, industry, profession, service, commodity or entertainment.

Sign, freestanding, means a sign which is separate from any other structure and is supported from the ground only.

Sign, projecting, means a sign which projects from the face of the building on which it is mounted.

Sign, wall, means a sign which is mounted on and runs parallel to the building which shows only one face.

Sketch plan means a sketch of an initial concept of a proposed subdivision showing information specified in Sec. 30-725(c) of this ordinance. A sketch plan enables the subdivider to save time and expense in reaching general agreement with the development review board on the form of the subdivision and compliance with these regulations.

Small repair services means an indoor use that specializes in small repair services, restoration of a broken, damaged, or failed device, equipment, or part to an acceptable operating or usable condition, such as computer, upholstery, small engine repair or other similar uses.

Solid waste management facility means an area designed for the disposal of refuse or waste materials. Such facilities may be privately or publicly owned and operated, and may include transfer stations. See section 30-610 for specific requirements.

Special flood hazard area is the land in the floodplain within a community subject to a one percent or greater chance of flooding in any given year. For purposes of this bylaw, the term "area of special flood hazard" is synonymous in meaning with the phrase "special flood hazard area." This area is usually labeled Zone A, AO, AH, AE, or A1-30 in the most current flood insurance studies and on the maps published by FEMA. Maps of this area are available for viewing in the municipal office or online from the FEMA Map Service Center: msc.fema.gov. Base flood elevations have not been determined in Zone A where the flood risk has been mapped by approximate methods. Base flood elevations are shown at selected intervals on maps of special flood hazard areas that are determined by detailed methods. Please note, where floodways have been determined they may be shown on separate map panels from the Flood Insurance Rate Maps.

Start of construction for purposes of floodplain management, determines the effective map or bylaw that regulated development in the special flood hazard area. The "start of construction" includes substantial improvement, and means the date the building permit was issued provided the actual start of construction, repair, reconstruction, rehabilitation, addition placement, or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading, and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footing, piers, or foundations, or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

Steep slopes means land having a slope of 20 percent or greater. See Sec. 30-663.

Storage means the aggregation of materials, items, or objects whether natural or human-made; that is kept as a stockpile, collection, or inventory; where individual materials from the stockpile, collection or inventory may change, but where the general footprint of the stored materials continues to be used for the

same purpose; whether set upon the land or within a container, structure, or facility; and that would not otherwise be in compliance with these development standards.

Street means (defined for the purposes of this ordinance) any public right-of-way for vehicular traffic which affords the principal means of access to abutting properties.

Street line means the portion of the right-of-way line defining a street which forms the front boundary line of a lot fronting on that street.

Structure means an assembly of materials for occupancy or use, including a building, mobile home or trailer. For the purpose of special flood hazard areas, structure means a walled and roofed building, as well as a manufactured home, including gas or liquid storage tanks.

Subdivision means the division or proposed division of any real estate into lots, parcels, sites, plots, units or interests for the purpose of sale, lease, transfer or development. All subdivisions are major subdivisions, minor subdivisions, or boundary adjustments, and shall include resubdivision. Property under common ownership that is divided by a state highway or class 1, 2, or 3 town road or by the Black River will be considered as separate parcels. For the purpose of these ordinances, subdivision also means the creation of rights-of-way or permanent easements for access to landlocked parcels in accordance with 24 V.S.A. §4412(3).

Subdivision, major, means any subdivision containing ~~five~~ three or more lots or units, or any subdivision requiring any new public street extensions, or the extension of municipal sewer and water facilities. For purposes of classification, all lots created within ten years shall be counted.

Subdivision, minor, means a subdivision containing not more than ~~four~~ two lots or units, none of which have been involved in a subdivision in whole or in part in the previous ten years, which has access to an existing public street, and which does not require any new municipal street, street extension or extension of municipal sewer and water facilities.

Substantial damage means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged conditions would equal or exceed 50 percent of the market value of the structure before the damage occurred.

Substantial improvement means any repair, reconstruction, rehabilitation, addition, or other improvement of a structure (within the special flood hazard area) after the date of adoption of this ordinance, the cost of which, over three years or over the period of a common plan of development, cumulatively equals or exceeds 50 percent of the market value of the structure before the "start of construction" of the improvement. This term includes structures which have incurred "substantial damage," regardless of the actual repair work performed. The term does not, however, include either: (a) Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been previously identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions or (b) Any alteration of a "historic structure," provided that the alteration will not preclude the structure's continued designation as an "historic structure."

Surety means a pledge, guarantee or bond, usually to back the performance of an individual or company.

Theater (indoor) means an establishment for the presentation of motion pictures, inside a structure, operated on a commercial basis.

Top of bank means the point along a streambank where an abrupt change in slope is evident, and where the stream is generally able to overflow the banks and enter the adjacent floodplain during flows at or exceeding the average annual high-water stage.

Top of slope means a break in slopes adjacent to steep-banked streams that have little or no floodplain; or a break in slope where the side slopes adjacent to an incised, or deeply cut, channel meet floodplains that have been abandoned or are undergoing abandonment.

Townhouse. Townhouses usually consist of multiple floors and have their own outside door as opposed to having only one level and an interior hallway access.

Townhouse design means a residential structure containing single-family attached dwelling units which are separated by a common wall and in which each dwelling unit extends from foundation to roof.

Travel trailer means any vehicle used as sleeping or transient living quarters mounted on wheels or a camper body which can be mounted on a truck; and any vehicle which is customarily towed by a motor vehicle and used for carrying goods, equipment, machinery, boats or as an office.

Trucking terminal means a lot and/or structure used for storage, sales, servicing, or loading and unloading of trucks, including tractor and/or trailers. Trucking terminals may also include areas for the temporary storage of loads prior to transshipment.

Variance means an exception to land use development ordinance provisions granted by the Development Review Board on a case-by-case basis subject to variance criteria.

Veterinary/animal hospital means an establishment for providing care to animals under the direction of a licensed veterinarian.

Violation means the failure of a structure or other development to be fully compliant with the community's floodplain management regulations. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in 44 CFR 60.3 is presumed to be in violation until such time as that documentation is provided.

Waiver means modifying dimensional standards according to criteria detailed in the land use development ordinance. In the case of subdivisions, waivers can be applied for more broadly, allowing for a consideration of modifying subdivision standards or procedures as specified in the land use development ordinance.

Warehouse/wholesale distribution means a structure used for the purpose of storing goods and merchandise for a fee and/or distributing goods and merchandise to various retailers for resale. A warehouse/wholesale distribution establishment may include space for temporary storage of trucks, but shall not include facilities for servicing such vehicles.

Watercourse means any perennial stream and shall not include ditches or other constructed channels primarily associated with land drainage or water conveyance through or around private or public infrastructure.

Wet-floodproofing means permanent or contingent measures applied to a structure that prevent or provide resistance to damage from flooding by allowing water to enter the structure in accordance with Technical Bulletin 7 published by FEMA. <https://www.fema.gov/media-library/assets/documents/3503>

Wetlands means those areas of the state that are inundated by surface water or groundwater with a frequency sufficient to support vegetation or aquatic life that depend on saturated or seasonally saturated soil conditions for growth and reproduction. Such areas include marshes, swamps, sloughs, fens, river and lake overflows, mud flats, bogs, and ponds, but excluding such areas as grow food or crops in connection with farming activities.

Yard means the space on a lot which is not occupied by a building or structure (structure includes porches).

Yard, front, means the yard between the front lot line and the front line of a building extended to the side lot lines of the lot. The depth of a front yard shall be measured from the street line to the front line of the building.

Yard, rear, means the yard between the rear lot line and the rear line of a building extended to the side lot lines of the lot. The depth of the rear yard shall be measured from the rear lot line to the rear line of the building.

Yard, side, means the yard between the principal building or accessory building and a side lot line, and extending from the front yard to the rear yard. The depth of a side yard shall be measured from the side lot line to the nearest point of the structure.

Zoning administrator. See *Administrative officer*.

Zoning permit means a form of public notice for posting, issued to an applicant for a use or a structure, following approval by the development review board or the administrative officer.

(Ord. No. O-2019-2, §§ 7.0—7.2, 9-23-2019)

Secs. 30-7—30-30. - Reserved.

ARTICLE II. - ESTABLISHMENT OF ZONING DISTRICTS AND DISTRICT STANDARDS

DIVISION 1. - GENERALLY

Sec. 30-31. - Establishment of zoning districts.

For the purposes of this ordinance, the town is hereby divided into the following zoning districts as shown on the official zoning maps:

Land Reserve 25-Acre District	LR-25
Land Reserve 10-Acre District	LR-10
Residential/Agricultural 5-Acre District	RA-5
Residential/Agricultural 2-Acre District	RA-2
Medium Density Residential District	MDR
High Density Residential District	HDR
General Business District	GB
Central Business District	CB
Residential Commercial District	RC
Industrial/Commercial District	IND/C
Industrial District	IND
Exit Seven District	E7
Aquifer Re-Charge Protection Area—Primary District	ARPA-P
Aquifer Re-Charge Protection Area—Secondary District	ARPA-S

Natural Resource Preservation District	NRPD
Riverbank Protection Overlay District	RPD
Observatory Protection Overlay District	OPD
Airport Approach Overlay District	AAOD
Highway Corridor Overlay District	HCOD
Downtown Design Control Overlay District	DDCOD

(Ord. No. O-2019-2, § 2.0, 9-23-2019)

Sec. 30-32. - Official zoning maps.

The districts listed in section 30-31 are bounded as shown on the official zoning map, which is adopted as part of this ordinance and which is on file in the town offices. A reduced copy is attached to this ordinance for user convenience.

(Ord. No. O-2019-2, § 2.1, 9-23-2019)

Sec. 30-33. - Interpretation of zoning district boundaries.

Where uncertainty exists with respect to the boundary of any zoning district on the zoning map, the development review board shall determine the location of such boundaries.

- (1) Where district boundaries are indicated as approximately following the center of streets or highways, street lines, or highway right-of-way lines, such center lines, street lines, or highway right-of-way lines shall be construed to be such.
- (2) Where district boundaries are indicated as approximately following lot lines, such lot lines shall be construed to be said boundaries.
- (3) Where district boundaries are indicated as approximately parallel to center lines or street lines of streets, the center lines or right-of-way lines of highways, such district boundaries shall be construed as being parallel thereto and at such distance therefrom as indicated on the zoning map. If no distance is given, such dimensions shall be determined by the use of the scale shown on said zoning map.
- (4) Where the boundary of the district follows a river, stream or other body of water, the center of such water shall be construed to be said boundary.
- (5) Where the district boundary follows a ridgeline or toe of a slope, U.S.G.S. topographical maps, aerial photographs or on-site inspection may be used to determine in which district a proposed use is located.

(Ord. No. O-2019-2, § 2.2, 9-23-2019)

Sec. 30-34. - Lot classification.

Lots are hereby classified according to the presence or absence of municipal water and sewer service. The classification is used to determine dimensional requirements in section 30-35. The classification system is as follows:

Lot Classification	Provision of Water and Sewer Service
Class 1	Municipal water and sewer
Class 2	Municipal sewer and individual well
Class 3	Municipal water and private septic
Class 4	Individual well and private septic facilities

(Ord. No. O-2019-2, § 2.3, 9-23-2019)

Sec. 30-35. – deleted

(Ord. No. O-2019-2, § 2.4, 9-23-2019)

Secs. 30-36—30-58. - Reserved.

DIVISION 2. - SPECIFIC DISTRICT REGULATIONS

Subdivision I. - In General

Sec. 30-59. - Specific regulations.

The following subdivisions present specific regulations applicable in each district.

(Ord. No. O-2019-2, § 2.5, 9-23-2019)

Secs. 30-60—30-76. - Reserved.

Subdivision II. - Land Reserve 25-Acre District (LR-25)

Sec. 30-77. - Purpose.

The Land Reserve 25-Acre District is intended to conserve open space for land reserve and associated uses. These areas are generally not serviced by community facilities such as roads, utilities and water and sewer. In keeping with the community's desire to retain the town's farm and forested landscape, these areas are slated for very low-density development. The applicant shall demonstrate that the location of any proposed development is suitable for the proposed purpose. This demonstration may reference the land use and the future and current land use maps in the town plan.

(Ord. No. O-2019-2, art. 2, tab. 2.1, 9-23-2019)

Sec. 30-78. - Allowed land uses.

The land uses that are allowed in the Land Reserve 25-Acre District are shown below and are subject to the specified review procedures::

Sec.	Uses	Permitted Use	Site Plan	Conditional Use	Exempt/ Notify
	Accessory dwelling	x			
	Accessory use	x			
	Accessory use on-farm business		x	x	
	Additional uses*		x	x	
	Agricultural product processing		x	x	
	Agriculture				x
	Bed & breakfast		x	x	
	Campground		x	x	
	Day care home	x			
	Dwelling, three-four unit		x	x	
	Dwelling, single-family	x			
	Dwelling, two-family	x			
	Extraction of earth and mineral resources		x	x	
	Family child care facility		x	x	
	Family child care home		x		
	Forestry				x
	Forest product processing		x	x	
	Group home				x
	Home business		x	x	
	Home occupation	x			
	Inn		x	x	
	Kennel		x	x	
	Nursery		x		
	Recreation, private outdoor		x	x	
	Recreation, public outdoor		x	x	
	Rural enterprise		x	x	
	Seasonal roadside produce stand		x		

** Additional Uses. In addition to the uses set forth as permitted and conditional uses within this district, other uses which the DRB finds to be similar to uses allowed in the district in character, intensity and impact on the surrounding area may be allowed.*

Exempt/Notify. Indicates uses that are exempt per state law, but may require notification of the AO as required in Sections 30-762 and 30-916 of the Land Use Development Ordinance.

(Ord. No. O-2019-2, art. 2, tab. 2.1, 9-23-2019)

Sec. 30-79. - Dimensional requirements (unless otherwise specified by use type).

The following dimensional requirements apply to the Land Reserve 25-Acre district:

	Classes 1—4	
Minimum lot size	25 acres	
Minimum road frontage	300 ft.	
Minimum front yard setback	35 ft. from center line of the road	
Minimum side yard setback	25 ft.	
Minimum rear yard setback	100 ft.	
Maximum building height (see section 30-653 for exceptions)	40 ft.	
Maximum structure coverage	NA	

(Ord. No. O-2019-2, art. 2, tab. 2.1, 9-23-2019)

Secs. 30-80—30-101. - Reserved.

Subdivision III. - Land Reserve 10-Acre District (LR-10)

Sec. 30-102. - Purpose.

The Land Reserve 10-Acre District is designed to maintain open space in the outlying areas at a smaller minimum acreage while encouraging the same uses that would be applicable to the LAND RESERVE 25-ACRE district. These areas are more accessible than LAND RESERVE 25-ACRE, but the topography may be mixed and irregular similar to the RESIDENTIAL/AGRICULTURAL 5-ACRE district. Generally new development would require on-site water and sewer. See also the requirements of the zoning district, if any, set forth in the town plan and current and future land use maps.

(Ord. No. O-2019-2, art. 2, tab. 2.2, 9-23-2019)

Sec. 30-103. - Allowed land uses.

The land uses that are allowed in the LAND RESERVE 10-ACRE district are shown in below and are subject to the specified review procedures:

Sec.	Uses	Permitted Use	Site Plan	Conditional Use	Exempt/ Notify
	Accessory dwelling	x			
	Accessory use	x			
	Accessory use on-farm business		x	x	
	Additional uses*		x	x	
	Agricultural product processing		x	x	
	Agriculture				x
	Bed & breakfast		x	x	
	Campground		x	x	
	Church		x		
	Day care home	x			
	Dwelling, three-four unit		x	x	
	Dwelling, single-family	x			
	Dwelling, two-family	x			
	Extraction of earth and mineral resources		x	x	
	Family child care facility		x	x	
	Family child care home	x			
	Forestry				x
	Forest product processing		x	x	
	Group home				x
	Home business		x	x	

	Home occupation	x			
	Inn		x	x	
	Kennel		x	x	
	Nursery		x		
	Outdoor market		x	x	
	Recreation, outdoor		x	x	
	Rural enterprise		x	x	
	Seasonal roadside produce stand		x		
	Short term rental		x	x	

** Additional Uses. In addition to the uses set forth as permitted and conditional uses within this district, other uses which the DRB finds to be similar to uses allowed in the district in character, intensity and impact on the surrounding area may be allowed.*

Exempt/Notify. Indicates uses that are exempt per state law, but may require notification of the AO as required in Sections 30-762 and 30-91 of the Land Use Development Ordinance.

(Ord. No. O-2019-2, art. 2, tab. 2.2, 9-23-2019)

Sec. 30-104. - Dimensional requirements (unless otherwise specified by use type).

The following dimensional requirements apply to the LAND RESERVE 10-ACRE district:

	Classes 1—4	
Minimum lot size	10 acres	
Minimum road frontage	200 ft.	
Minimum front yard setback	35 ft. from center line of the road	
Minimum side yard setback	25 ft.	25 ft.
Minimum rear yard setback	50 ft.	25 ft.
Maximum building height (see section 30-653 for exceptions)	40 ft.	40 ft.
Maximum structure coverage	NA	NA

(Ord. No. O-2019-2, art. 2, tab. 2.2, 9-23-2019)

Secs. 30-105—30-121. - Reserved.

Subdivision IV. - Residential Agricultural 5-Acre District (RA-5)

Sec. 30-122. - Purpose.

The Residential Agricultural 5-Acre District has been established in outlying areas where public water and sewer service is not available and where topography is mixed and irregular. The purpose of this district is to encourage economical agricultural activities, and allow for low-density housing patterns. It shall be the policy of the town to encourage development in these areas in the manner that will best protect the agricultural and rural potential of the district. This may be accomplished through cluster development or development for residential purposes of that land which is marginal for agricultural use. See also the requirements of the zoning district, if any, set forth in the town plan and current and future land use maps.

(Ord. No. O-2019-2, art. 2, tab. 2.3, 9-23-2019)

Sec. 30-123. - Allowed land uses.

The land uses that are allowed in the RESIDENTIAL/AGRICULTURAL 5-ACRE district are shown below and are subject to the specified review procedures:

Sec.	Uses	Permitted Use	Site Plan	Conditional Use	Exempt/ Notify
	Accessory dwelling	x			
	Accessory use	x			
	Accessory use on-farm business		x	x	
	Additional uses*		x	x	
	Agricultural product processing		x	x	
	Agriculture				x
	Bed & breakfast		x	x	
	Campground		x	x	
	Cemetery		x		
	Church		x		
	Club house, private		x	x	
	Day care home	x			
	Dwelling, three-four unit		x	x	
	Dwelling, single-family	x			
	Dwelling, two-family	x			
	Extraction of earth and mineral resources		x	x	

	Family child care facility		x	x	
	Family child care home	x			
	Forestry				x
	Forest product processing		x	x	
	Group home				x
	Home business		x	x	
	Home occupation	x			
	Inn		x	x	
	Kennel		x	x	
	Nursery		x	x	
	Outdoor market		x	x	
	Recreation, outdoor		x	x	
	Rural enterprise		x	x	
	School		x	x	
	Seasonal roadside produce stand		x		
	Short term rental		x	x	
	Veterinary/animal hospital		x	x	

** Additional Uses. In addition to the uses set forth as permitted and conditional uses within this district, other uses which the DRB finds to be similar to uses allowed in the district in character, intensity and impact on the surrounding area may be allowed.*

Exempt/Notify. Indicates uses that are exempt per state law, but may require notification of the AO as required in Sections 30-762 and 30-91 of the Land Use Development Ordinance.

(Ord. No. O-2019-2, art. 2, tab. 2.3, 9-23-2019)

Sec. 30-124. - Dimensional requirements (unless otherwise specified by use type).

The following dimensional requirements apply to the RESIDENTIAL/AGRICULTURAL 5-ACRE district:

	Classes 1—4
Minimum lot size	5 acres
Minimum road frontage	200 ft.
Minimum front yard setback	35 ft. from center line of road

Minimum rear yard setback	25 ft.
Maximum building height (see section 30-653 for exceptions)	40 ft.
Maximum structure coverage	NA

(Ord. No. O-2019-2, art. 2, tab. 2.3, 9-23-2019)

Secs. 30-125—30-146. - Reserved.

Subdivision V. - Residential Agricultural 2-Acre District (RA-2)

Sec. 30-147. - Purpose.

The Residential Agricultural 2-Acre District has been established to allow low-density residential development in areas that generally have good agricultural and forest soils. It shall be the policy of the town to encourage development in these areas in the manner that will best protect the agricultural potential of the district. This may be accomplished through cluster development or development for residential purposes of that land which is marginal for agricultural use. See also the requirements of the zoning district, if any, set forth in the town plan and current and future land use maps.

(Ord. No. O-2019-2, art. 2, tab. 2.4, 9-23-2019)

Sec. 30-148. - Allowed land uses.

The allowed land uses in the RESIDENTIAL/AGRICULTURAL 2-ACRE district are shown below and are subject to the specified review procedures :

Sec.	Uses	Permitted Use	Site Plan	Conditional Use	Exempt/ Notify
	Accessory dwelling	x			
	Accessory use	x			
	Accessory use on-farm business		x	x	
	Additional uses*		x	x	
	Agricultural product processing		x	x	
	Agriculture				x
	Bed & breakfast		x	x	
	Campground		x	x	
	Cemetery		x		
	Church		x		
	Club house, private		x	x	
	Day care home	x			

	Dwelling, three-four unit		x	x	
	Dwelling, single-family	x			
	Dwelling, two-family	x			
	Extraction of earth and mineral resources		x	x	
	Family child care facility		x	x	
	Family child care home	x			
	Forestry				x
	Forest product processing		x	x	
	Group home				x
	Home business		x	x	
	Home occupation	x			
	Inn		x	x	
	Kennel		x	x	
	Mobile home park		x	x	
	Motor vehicle repair		x	x	
	Nursery		x	x	
	Outdoor market		x	x	
	Professional office		x	x	
	Recreation, outdoor		x	x	
	Rural enterprise		x	x	
	School		x	x	
	Seasonal roadside produce stand		x		
	Short term rental		x	x	
	Veterinary/animal hospital		x	x	

** Additional Uses. In addition to the uses set forth as permitted and conditional uses within this district, other uses which the DRB finds to be similar to uses allowed in the district in character, intensity and impact on the surrounding area may be allowed.*

Exempt/Notify. Indicates uses that are exempt per state law, but may require notification of the AO as required in Sections 30-762 and 30-91 of the Land Use Development Ordinance.

(Ord. No. O-2019-2, art. 2, tab. 2.4, 9-23-2019)

Sec. 30-149. - Dimensional requirements (unless otherwise specified by use type).

The following dimensional requirements apply to the RESIDENTIAL/AGRICULTURAL 2-ACRE district:

Minimum lot size	2 acres
Minimum lot size per dwelling unit	2 acres
Minimum road frontage	200 ft.
Minimum front yard setback	35 ft. from center line of the road
Minimum side yard setback	25 ft.
Minimum rear yard setback	25 ft.
Maximum building height (see section 30-653)	40 ft.
Maximum structure coverage	NA

(Ord. No. O-2019-2, art. 2, tab. 2.4, 9-23-2019)

Secs. 30-150—30-166. - Reserved.

Subdivision VI. - Medium Density Residential District (MDR)

Sec. 30-167. - Purpose.

The Medium Density Residential District is designated for land where central water and sewer facilities are available or where the installation of these facilities is feasible. Residential and other compatible and complementing uses are permitted in this district at densities dependent on utility service availability. This district is intended to serve as an urban fringe area for both Springfield and North Springfield, housing a majority of the community's residents in areas and at densities consistent with the utilities provided. See also the requirements of the zoning district, if any, set forth in the town plan and current and future land use maps.

(Ord. No. O-2019-2, art. 2, tab. 2.5, 9-23-2019)

Sec. 30-168. - Allowed land uses.

The land uses allowed in the MEDIUM DENSITY RESIDENTIAL district are shown below and are subject to the specified review procedures:

Sec.	Uses	Permitted Use	Site Plan	Conditional Use	Exempt/ Notify
	Accessory dwelling	x			
	Accessory use	x			

Adult day care		x	x	
Additional uses*		x	x	
Agriculture				x
Bed & breakfast		x	x	
Church		x		
Day care home	x			
Dwelling, multiple-family (five + units)		x	x	
Dwelling, three-four unit		x		
Dwelling, single-family	x			
Dwelling, two-family	x			
Family child care facility		x	x	
Family child care home	x			
Forestry				x
Group home				x
Health care facility		x	x	
Home business		x	x	
Home occupation	x			
Inn		x	x	
Outdoor market		x	x	
Professional office		x	x	
Recreation, outdoor		x	x	
Rooming house		x	x	
School		x	x	
Short term rental		x	x	

** Additional Uses. In addition to the uses set forth as permitted and conditional uses within this district, other uses which the DRB finds to be similar to uses allowed in the district in character, intensity and impact on the surrounding area may be allowed.*

Exempt/Notify. Indicates uses that are exempt per state law, but may require notification of the AO as required in Sections 30-762 and 30-91 of the Land Use Development Ordinance.

(Ord. No. O-2019-2, art. 2, tab. 2.5, 9-23-2019)

Sec. 30-169. - Dimensional requirements (unless otherwise specified by use type).

The following dimensional requirements apply to the MEDIUM DENSITY RESIDENTIAL district:

	Class 1	Class 2	Class 3
Minimum lot size	10,000 sq. ft.	10,000 sq. ft.	30,000 sq. ft.
Minimum road frontage	75 ft.	100 ft.	150 ft.
Minimum front yard setback	25 ft. from center line of road or, if the ROW is wider than 50 ft., no setback from edge of ROW		
Minimum side yard setback	15 ft.	15 ft.	25 ft.
Minimum rear yard setback	15 ft.	15 ft.	25 ft.
Minimum building height (see section 30-653 for exceptions)	40 ft.	40 ft.	40 ft.
Maximum structure coverage	35%	20%	10%
Maximum lot coverage	80%	80%	80%

(Ord. No. O-2019-2, art. 2, tab. 2.5, 9-23-2019)

Secs. 30-170—30-191. - Reserved.

Subdivision VII. - High Density Residential District (HDR)

Sec. 30-192. - Purpose.

The High Density Residential District is designated for land centrally located where central water and sewer facilities are available or readily available. Existing utilities, roads, locations, and intensive development all make certain areas appropriate for high-density development. The purpose of this district is to house a high percentage of the town's population near jobs and community services and where adequate facilities and utilities can be provided. It will be an expansion of residential and related uses. See also the requirements of the zoning district, if any, set forth in the town plan and current and future land use maps.

(Ord. No. O-2019-2, art. 2, tab. 2.6, 9-23-2019)

Sec. 30-193. - Allowed Land uses.

The land uses allowed in the HIGH DENSITY RESIDENTIAL district are shown below and are subject to the specified review procedures:

Sec.	Uses	Permitted Use	Site Plan	Conditional Use	Exempt/ Notify
	Accessory dwelling	x			
	Accessory use	x			
	Adult day care		x	x	
	Additional uses*		x	x	
	Agriculture				x
	Bed & breakfast		x	x	
	Commercial storage facility		x	x	
	Church		x		
	Day care home	x			
	Dwelling, multiple-family (5 + units)		x	x	
	Dwelling, three-four unit		x		
	Dwelling, single-family	x			
	Dwelling, two-family	x			
	Family child care facility		x	x	
	Family child care home	x			
	Forestry				x
	Group home				x
	Health care facility		x	x	
	Home business		x	x	
	Home occupation	x			
	Inn		x	x	
	Outdoor market		x	x	
	Professional office		x	x	
	Recreation, outdoor		x	x	
	Rooming house		x	x	
	School		x	x	
	Short term rental		x	x	

* *Additional Uses.* In addition to the uses set forth as permitted and conditional uses within this district, other uses which the DRB finds to be similar to uses allowed in the district in character, intensity and impact on the surrounding area may be allowed.

Exempt/Notify. Indicates uses that are exempt per state law, but may require notification of the AO as required in Sections 30-762 and 30-91 of the Land Use Development Ordinance.

(Ord. No. O-2019-2, art. 2, tab. 2.6, 9-23-2019)

Sec. 30-194. - Dimensional requirements (unless otherwise specified by use type).

The following dimensional requirements apply to the HIGH DENSITY RESIDENTIAL district:

	Class 1	Class 2
Minimum lot size	10,000 sq. ft.	10,000 sq. ft.
Minimum road frontage	75 ft.	100 ft.
Minimum front yard setback	25 ft. from center line of road or, if the ROW is wider than 50 ft., no setback from edge of ROW	
Minimum side yard setback	15 ft.	15 ft.
Minimum rear yard setback	15 ft.	15 ft.
Maximum building height (see section 30-653 for exceptions)	40 ft.	40 ft.
Maximum structure coverage	35%	20%
Maximum lot coverage	80%	80%

(Ord. No. O-2019-2, art. 2, tab. 2.6, 9-23-2019)

Secs. 30-195—30-211. - Reserved.

Subdivision VIII. - General Business District (GB)

Sec. 30-212. - Purpose.

The General Business District includes areas geared towards accommodating the general commercial needs of the public. Lying outside central business areas and along major travel corridors, these areas are easily accessible by existing roads. See also the requirements of the zoning district, if any, set forth in the town plan and current and future land use maps.

(Ord. No. O-2019-2, art. 2, tab. 2.7, 9-23-2019)

Sec. 30-213. - Allowed land uses.

The land uses allowed in the GENERAL BUSINESS district are shown below and are subject to the specified review procedures:

Sec.	Uses	Permitted Use	Site Plan	Conditional Use	Exempt/ Notify
	Accessory dwelling	x			
	Accessory use	x			
	Adult day care		x	x	
	Additional uses*		x	x	
	Agriculture				x
	Bank		x		
	Bar		x		
	Bed & breakfast		x	x	
	Building and excavating yard		x	x	
	Building materials and supplies		x	x	
	Business incubator B&P		x	x	
	Business incubator M&D		x	x	
	Car wash		x	x	
	Church		x		
	Concert venue		x		
	Commercial parking lot/garage		x	x	
	Commercial storage facility		x	x	
	Cultural facility		x		
	Day care home		x	x	
	Dwelling, multiple-family (3 + units)		x	x	
	Dwelling, single-family (only in a PUD)	x			
	Dwelling, two-family	x			
	Family child care facility		x	x	
	Family child care home	x			
	Forestry				x
	Fuel storage and distribution		x	x	
	Group home				x
	Health care facility		x	x	
	Heavy equipment sales and service		x	x	
	Home business		x		
	Home occupation	x			

	Hotel		x	x	
	Inn		x	x	
	Makerspace		x	x	
	Manufacturing/processing of goods/foods		x	x	
	Mixed use		x	x	
	Mobile home sales and service		x	x	
	Motel		x	x	
	Motor vehicle repair		x	x	
	Motor vehicle sales		x	x	
	Gas station		x	x	
	Outdoor market		x	x	
	Personal services		x		
	Professional office		x		
	Recreation, indoor		x	x	
	Recreation, outdoor		x	x	
	Recreation vehicle sales and service		x	x	
	Research and testing laboratory		x	x	
	Restaurant (with or without drive-through window)		x	x	
	Retail sales		x		
	Rooming house		x	x	
	Salvage and recycling facility		x	x	
	School		x	x	
	Short term rental		x	x	
	Small repair services	x			
	Theater (indoor)		x		
	Trucking terminal		x	x	
	Veterinary/animal hospital		x	x	
	Warehouse/wholesale distribution		x	x	

** Additional Uses. In addition to the uses set forth as permitted and conditional uses within this district, other uses which the DRB finds to be similar to uses allowed in the district in character, intensity and impact on the surrounding area may be allowed.*

Exempt/Notify. Indicates uses that are exempt per state law, but may require notification of the AO as required in Sections 30-762 and 30-91 of the Land Use Development Ordinance.

(Ord. No. O-2019-2, art. 2, tab. 2.7, 9-23-2019)

Sec. 30-214. - Dimensional requirements (unless otherwise specified by use type).

The following dimensional requirements apply to the GENERAL BUSINESS district:

	Classes 1—4
Minimum lot size	10,000 sq. ft.
Minimum road frontage	150 ft.
Minimum front yard setback	25 ft. from center line of road or, if the ROW is wider than 50 ft., no setback from edge of ROW
Minimum side yard setback	None
Minimum rear yard setback	15 ft.
Maximum building height (see section 30-653 for exceptions)	40 ft.
Maximum structure coverage	75%
Maximum lot coverage	80%

(Ord. No. O-2019-2, art. 2, tab. 2.7, 9-23-2019)

Secs. 30-215—30-236. - Reserved.

Subdivision IX. - Central Business District (CB)

Sec. 30-237. - Purpose.

The Central Business District is an area that permits a variety of uses all promoting the community's governmental and retail center. This district is intended to preserve the investment made in existing business centers while encouraging the orderly development of new business. Residential uses are also allowed accommodating those who wish to live in a high-density area. See also the requirements of the zoning district, if any, set forth in the town plan and current and future land use maps.

(Ord. No. O-2019-2, art. 2, tab. 2.8, 9-23-2019)

Sec. 30-238. - Allowed land uses.

The land uses allowed in the CENTRAL BUSINESS district are shown below and are subject to the specified review procedures :

Sec.	Uses	Permitted Use	Site Plan	Conditional Use	Exempt/ Notify
	Accessory dwelling	x			
	Accessory use	x			
	Adult day care		x	x	
	Additional uses*		x	x	
	Agriculture				x
	Bank		x		
	Bar		x		
	Business incubator B&P	x			
	Business incubator M&D		x	x	
	Church		x		
	Concert venue		x		
	Commercial parking lot/garage		x	x	
	Cultural facility		x		
	Day care home		x	x	
	Dwelling, multiple-family (3 + units)		x	x	
	Dwelling, single-family		x	x	
	Family child care facility		x	x	
	Family child care home	x			
	Forestry				x
	Group home				x
	Home occupation	x			
	Hotel		x	x	
	Makerspace		x	x	
	Manufacturing/processing of goods/foods		x	x	
	Mixed use		x	x	
	Motel		x	x	
	Outdoor market		x	x	
	Personal services		x		
	Professional office		x		
	Recreation, indoor		x		

	Recreation, outdoor		x	x	
	Recreation vehicle sales and service		x	x	
	Research and testing laboratory		x	x	
	Restaurant (without drive-through window)		x		
	Retail sales		x		
	Rooming house		x	x	
	School		x	x	
	Short term rental		x	x	
	Small repair services	x			
	Theater (indoor)		x		
	Veterinary/animal hospital		x	x	

** Additional Uses. In addition to the uses set forth as permitted and conditional uses within this district, other uses which the DRB finds to be similar to uses allowed in the district in character, intensity and impact on the surrounding area may be allowed.*

Exempt/Notify. Indicates uses that are exempt per state law, but may require notification of the AO as required in Sections 30-762 and 30-91 of the Land Use Development Ordinance.

(Ord. No. O-2019-2, art. 2, tab. 2.8, 9-23-2019)

Sec. 30-239. - Dimensional requirements (unless otherwise specified by use type).

The following dimensional requirements apply to the CENTRAL BUSINESS district:

	Classes 1—4
Minimum lot size	10,000 sq. ft.
Minimum road frontage	75 ft.
Minimum front yard setback	None
Minimum side yard setback	None
Minimum rear yard setback	None
Maximum building height (see section 30-653 for exceptions)	60 ft.
Maximum structure coverage	90%

(Ord. No. O-2019-2, art. 2, tab. 2.8, 9-23-2019)

Secs. 30-240—30-256. - Reserved.

Subdivision X. - Residential Commercial District (RC)

Sec. 30-257. - Purpose.

The Residential Commercial District is a district that is designed to accommodate both residential and commercial development in the more built up areas of town. Permitted uses would be the same as those in high density residential areas while conditional uses would include many of the uses allowed in the Central Business District. See also the requirements of the zoning district, if any, set forth in the town plan and current and future land use maps.

(Ord. No. O-2019-2, art. 2, tab. 2.9, 9-23-2019)

Sec. 30-258. - Allowed land uses.

The land uses allowed in the Residential Commercial district are shown below and are subject to the specified review procedures:

Sec.	Uses	Permitted Use	Site Plan	Conditional Use	Exempt/ Notify
	Accessory dwelling	x			
	Accessory use	x			
	Adult day care		x	x	
	Additional uses*		x	x	
	Agriculture				x
	Bed & breakfast		x	x	
	Business incubator B&P		x	x	
	Business incubator M&D		x	x	
	Church		x		
	Club house, private		x	x	
	Concert venue		x		
	Commercial storage facility		x	x	
	Cultural facility		x	x	
	Day care home	x			
	Dwelling, multiple-family (3 + units)		x	x	
	Dwelling, single-family	x			
	Dwelling, two-family	x			

	Family child care facility		x	x	
	Family child care home	x			
	Forestry				x
	Funeral home		x	x	
	Group home				x
	Health care facility		x	x	
	Home business		x	x	
	Home occupation	x			
	Hotel		x	x	
	Inn		x	x	
	Makerspace		x	x	
	Mixed use		x	x	
	Motor vehicle repair (on parcels with a minimum of 2 acres)		x	x	
	Motor vehicle sales (on parcels with a minimum of 2 acres)		x	x	
	Gas station (on parcels with a minimum of 2 acres)		x	x	
	Outdoor market		x	x	
	Personal services		x		
	Professional office		x	x	
	Recreation, indoor		x	x	
	Recreation, outdoor		x	x	
	Restaurant (without drive-through window)		x	x	
	Retail sales (less than 5,000 sq. ft.)		x	x	
	Rooming house		x	x	
	School		x	x	
	Short term rental		x	x	
	Small repair services		x	x	
	Veterinary/animal hospital		x	x	

** Additional Uses. In addition to the uses set forth as permitted and conditional uses within this district, other uses which the DRB finds to be similar to uses allowed in the district in character, intensity and impact on the surrounding area may be allowed.*

Exempt/Notify. Indicates uses that are exempt per state law, but may require notification of the AO as required in Sections 30-762 and 30-91 of the Land Use Development Ordinance.

(Ord. No. O-2019-2, art. 2, tab. 2.9, 9-23-2019)

Sec. 30-259. - Dimensional requirements (unless otherwise specified by use type).

The following dimensional requirements apply to the Residential Commercial district:

	Class 1	Class 2
Minimum lot size	7,500 sq. ft.	10,000 sq. ft.
Minimum road frontage	75 sq. ft.	100 sq. ft.
Minimum front yard setback	25 ft. from center line of road or, if the ROW is wider than 50 ft., no setback from edge of ROW	
Minimum rear yard setback	15 ft.	15 ft.
Maximum building height (see section 30-653 for exceptions)	15 ft.	15 ft.
Maximum structure coverage	60 ft.	60 ft.
Maximum lot coverage	75%	75%
	90%	90%

(Ord. No. O-2019-2, art. 2, tab. 2.9, 9-23-2019)

Secs. 30-260—30-281. - Reserved.

Subdivision XI. - Industrial/Commercial District (IND/C)

Sec. 30-282. - Purpose.

The Industrial/Commercial District encompasses an area lying outside the central and general business areas, along a major travel corridor with direct access to the Interstate Highway. The purpose of this district is to encourage industrial and commercial uses on a large scale, as opposed to the General and Central Business districts, where small-scale operations are encouraged on small parcels. See also the requirements of the zoning district, if any, set forth in the town plan and current and future land use maps.

(Ord. No. O-2019-2, art. 2, tab. 2.10, 9-23-2019)

Sec. 30-283. - Allowed land uses.

The land uses allowed in the INDUSTRIAL/COMMERCIAL district are shown below and are subject to the specified review procedures:

Sec.	Uses	Permitted Use	Site Plan	Conditional Use	Exempt/ Notify
	Accessory use	x			
	Agricultural product processing		x	x	
	Additional uses*		x	x	
	Agriculture				x
	Bank	x			
	Bar		x	x	
	Building materials and supplies		x	x	
	Business incubator B&P		x	x	
	Business incubator M&D		x	x	
	Church		x		
	Commercial storage facility		x	x	
	Cultural facility	x			
	Family child care facility		x	x	
	Forestry				x
	Forest product processing		x	x	
	Fuel storage and distribution		x	x	
	Heavy equipment sales and service		x		
	Home business		x	x	
	Home occupation (in pre-existing residential structures)	x			
	Hotel		x	x	
	Makerspace		x	x	
	Manufacturing/processing of goods/food		x		
	Motel		x	x	
	Motor vehicle repair		x		
	Motor vehicle sales		x		
	Gas station		x		
	Nursery		x	x	
	Outdoor market		x	x	

	Personal services		x		
	Professional office		x		
	Research and testing laboratory		x		
	Recreation, indoor		x	x	
	Recreation, outdoor		x	x	
	Recreation vehicle sales and service		x	x	
	Restaurant (with or without drive-through window)		x	x	
	Retail sales		x		
	Small repair services	x			
	Theater (indoor)		x		
	Trucking terminal		x	x	
	Warehouse/wholesale distribution		x		

** Additional Uses. In addition to the uses set forth as permitted and conditional uses within this district, other uses which the DRB finds to be similar to uses allowed in the district in character, intensity and impact on the surrounding area may be allowed.*

Exempt/Notify. Indicates uses that are exempt per state law, but may require notification of the AO as required in Sections 30-762 and 30-91 of the Land Use Development Ordinance.

(Ord. No. O-2019-2, art. 2, tab. 2.10, 9-23-2019)

Sec. 30-284. - Dimensional requirements (unless otherwise specified by use type).

The following dimensional requirements apply to the INDUSTRIAL/COMMERCIAL district:

	Classes 1—4
Minimum lot size	40,000 sq. ft.
Minimum road frontage	300 ft.
Minimum front yard setback	25 ft. from center line of road or, if the ROW is wider than 50 ft., no setback from edge of ROW
Minimum side yard setback	20 ft.
Minimum rear yard setback	20 ft.
Maximum building height (see section 30-	60 ft.

653 for exceptions)	
Maximum structure coverage	75%

(Ord. No. O-2019-2, art. 2, tab. 2.10, 9-23-2019)

Secs. 30-285—30-301. - Reserved.

Subdivision XII. - Industrial District (IND)

Sec. 30-302. - Purpose.

The Industrial District allows for the establishment of manufacturing employment opportunities in the community. These areas must take into consideration truck access and the availability of utilities. Space for off-street parking and trucking, therefore, must be adequate enough for industrial use. These areas must be protected from intrusion of residential or retail business uses that are not compatible with the industrial uses designated for this area. Research and development or other high-density employment activities should be concentrated in this area. See also the requirements of the zoning district, if any, set forth in the town plan and current and future land use maps.

(Ord. No. O-2019-2, art. 2, tab. 2.11, 9-23-2019)

Sec. 30-303. - Allowed land uses.

The land uses allowed in the Industrial district are shown below and are subject to the specified review procedures:

Sec.	Uses	Permitted Use	Site Plan	Conditional Use	Exempt/ Notify
	Accessory use	x			
	Agricultural product processing		x		
	Additional uses*		x	x	
	Agriculture				x
	Building and excavating yard		x		
	Business incubator M&D		x	x	
	Church		x		
	Commercial storage facility		x	x	
	Concert venue (indoor)		x		
	Extraction of earth and mineral resources		x	x	
	Forestry				x

	Forest product processing		x	x	
	Fuel storage and distribution		x		
	Heavy equipment sales and service		x		
	Makerspace		x	x	
	Manufacturing/processing of goods/food		x		
	Motor vehicle repair		x		
	Motor vehicle sales		x		
	Gas station		x		
	Professional office	x			
	Research and testing laboratory		x		
	Recreation, indoor		x	x	
	Recreation, outdoor		x	x	
	Restaurant		x	x	
	Salvage and recycling facilities		x	x	
	Small repair services	x			
	Solid waste management facility		x	x	
	Trucking terminal		x		
	Warehouse/wholesale distribution		x		

** Additional Uses. In addition to the uses set forth as permitted and conditional uses within this district, other uses which the DRB finds to be similar to uses allowed in the district in character, intensity and impact on the surrounding area may be allowed.*

Exempt/Notify. Indicates uses that are exempt per state law, but may require notification of the AO as required in Sections 30-762 and 30-91 of the Land Use Development Ordinance.

(Ord. No. O-2019-2, art. 2, tab. 2.11, 9-23-2019)

Sec. 30-304. - Dimensional requirements (unless otherwise specified by use type).

The following dimensional requirements apply to the Industrial district:

	Classes 1—4
Minimum lot size	40,000 sq. ft.
Minimum road frontage	300 ft.
Minimum front yard setback	25 ft. from center line of road or, if the ROW is wider than 50 ft., no setback from edge of ROW

Minimum side yard setback	20 ft.
Minimum rear yard setback	25 ft.
Maximum building height (see section 30-653 for exceptions)	60 ft.
Maximum structure coverage	75%

(Ord. No. O-2019-2, art. 2, tab. 2.11, 9-23-2019)

Secs. 30-305—30-326. - Reserved.

Subdivision XIII. - Exit Seven District (E7)

Sec. 30-327. - Purpose.

The Exit Seven District includes a defined area located on the western side of Interstate 91 between the Interstate Highway and the Black River. This area has businesses that are geared towards accommodating the traveling public and to maintaining major highway systems. It is the intent of the district not to compete with the Central and General Business district for small businesses. It is also the intent of this district to restrict sprawl around the Interstate interchange by limiting the minimum size of parcels and the land required to support individual uses. See also the requirements of the zoning district, if any, set forth in the town plan and current and future land use maps.

(Ord. No. O-2019-2, art. 2, tab. 2.12, 9-23-2019)

Sec. 30-328. - Allowed land uses.

The land uses allowed in the EXIT 7 district are shown below and are subject to the specified review procedures:

Sec.	Uses	Permitted Use	Site Plan	Conditional Use	Exempt/ Notify
	Accessory use	x			
	Additional uses*		x	x	
	Agriculture				x
	Forestry				x
	Fuel storage and distribution		x	x	
	Hotel		x	x	
	Mixed use		x	x	
	Motel		x	x	

	Motor vehicle repair		x	x	
	Motor vehicle sales		x	x	
	Gas station		x	x	
	Restaurant (with or without drive-through window)		x	x	
	Trucking terminal		x	x	

** Additional Uses. In addition to the uses set forth as permitted and conditional uses within this district, other uses which the DRB finds to be similar to uses allowed in the district in character, intensity and impact on the surrounding area may be allowed.*

Exempt/Notify. Indicates uses that are exempt per state law, but may require notification of the AO as required in Sections 30-762 and 30-91 of the Land Use Development Ordinance.

(Ord. No. O-2019-2, art. 2, tab. 2.12, 9-23-2019)

Sec. 30-329. - Dimensional requirements (unless otherwise specified by use type).

The following dimensional requirements apply to the EXIT 7 district:

	Classes 1—4
Minimum lot size	2 acres
Minimum road frontage	150 ft.
Minimum front yard setback	30 ft.
Minimum side yard setback	None
Minimum rear yard setback	30 ft.
Maximum building height (see section 30-653 for exceptions)	40 ft.
Maximum structure coverage	75%

(Ord. No. O-2019-2, art. 2, tab. 2.12, 9-23-2019)

Secs. 30-330—30-346. - Reserved.

Subdivision XIV. - Aquifer Re-Charge Protection Area Primary District (ARPA-P)

Sec. 30-347. - Purpose.

The Aquifer Re-Charge Protection Area Primary District is an assigned district with strict controls over specific uses of or uses on the land. The purpose of this protection area is to guard and preserve the land known to provide a re-charge to the aquifer system that feeds the municipal water supply. Development will be restricted to residential use with additional controls not normally found in other zoning districts.

(Ord. No. O-2019-2, art. 2, tab. 2.13, 9-23-2019)

Sec. 30-348. - Allowed land uses.

The land uses allowed in the AQUIFER RE-CHARGE PROTECTION AREA—PRIMARY DISTRICT are shown below and are subject to the specified review procedures:

Sec.	Uses	Permitted Use	Site Plan	Conditional Use	Exempt/ Notify
	Accessory dwelling unit	x			
	Accessory use	x			
	Additional uses*		x	x	
	Agriculture				x
	Day care home	x			
	Dwelling, single-family	x			
	Dwelling, two-family	x			
	Family child care home	x			
	Forestry				x
	Home business		x	x	
	Home occupation	x			

** Additional Uses. In addition to the uses set forth as permitted and conditional uses within this district, other uses which the DRB finds to be similar to uses allowed in the district in character, intensity and impact on the surrounding area may be allowed.*

Exempt/Notify. Indicates uses that are exempt per state law, but may require notification of the AO as required in Sections 30-762 and 30-91 of the Land Use Development Ordinance.

(Ord. No. O-2019-2, art. 2, tab. 2.13, 9-23-2019)

Sec. 30-349. - Dimensional requirements (unless otherwise specified by use type).

The following dimensional requirements apply to the AQUIFER RE-CHARGE PROTECTION AREA—PRIMARY DISTRICT:

	Classes 1	Class 2	Class 3
Minimum lot size	10,000 sq. ft.	10,000 sq. ft.	10,000 sq. ft.
Minimum lot size per dwelling unit	10,000 sq. ft.	10,000 sq. ft.	10,000 sq. ft.
Minimum road frontage	75 ft.	100 ft.	150 ft.
Minimum front yard setback	25 ft. from center line of road or, if the ROW is wider than 50 ft., no setback from edge of ROW		
Minimum side yard setback	15 ft.	15 ft.	25 ft.
Minimum rear yard setback	15 ft.	15 ft.	25 ft.
Maximum building height (see section 30-653 for exceptions)	40 ft.	40 ft.	40 ft.
Maximum structure coverage	35%	20%	10%

(Ord. No. O-2019-2, art. 2, tab. 2.13, 9-23-2019)

Sec. 30-350. - Special standards.

The following special standards shall apply to all new construction started after the adoption of this ordinance:

- (1) In-ground tanks for storage of petro-chemicals and any toxic or conceivably hazardous materials are prohibited.
- (2) Petroleum fuels that remain liquid at atmospheric pressure (fuel oil) are prohibited as heating fuels.
- (3) Storage of liquid petroleum fuels in tanks having capacity of more than 25 gallons is prohibited. This includes the storage of fuel tanker trucks.
- (4) All construction activities and completed uses that are used or occupied by people must be serviced by the municipal sewer system.
- (5) Home businesses and/or occupations that could conceivably generate/utilize toxic or hazardous materials are prohibited.
- (6) All applications for development or construction shall be submitted to the department of public works. The department of public works review, comment and recommendations are required prior to any leasing or commencement of construction.

- (7) Subsections (2) and (3) of this section notwithstanding, existing liquid petroleum fuel tanks and heating systems serving existing development may continue in use, but may not be replaced. If such tanks and heating systems are abandoned for a complete heating season, they may not be placed back in operation.

(Ord. No. O-2019-2, art. 2, tab. 2.13, 9-23-2019)

Secs. 30-351—30-373. - Reserved.

Subdivision XV. - Aquifer Re-Charge Protection Area Secondary Overlay District (ARPA-S)

Sec. 30-374. - Purpose.

The Aquifer Re-Charge Protection Area Secondary District is an overlay district with strict controls over specific uses of or uses on the land. The purpose of this protection area is to guard and preserve the land know to provide a re-charge to the aquifer system that feeds the municipal water supply. Development will be restricted to those uses indicated for the underlying General Business (GB) District and the Medium Density Residential (MDR) District.

(Ord. No. O-2019-2, art. 2, tab. 2.14, 9-23-2019)

Sec. 30-375. - Dimensional requirements (unless otherwise specified by use type).

The following dimensional requirements apply to the AQUIFER RE-CHARGE PROTECTION AREA—SECONDARY DISTRICT:

	Classes 1	Class 2	Class 3
Minimum lot size	10,000 sq. ft.	10,000 sq. ft.	10,000 sq. ft.
Minimum lot size per dwelling unit	10,000 sq. ft.	10,000 sq. ft.	10,000 sq. ft.
Minimum road frontage	75 ft.	100 ft.	150 ft.
Minimum front yard setback	25 ft. from center line of road or, if the ROW is wider than 50 ft., no setback from edge of ROW		
Minimum side yard setback	15 ft.	15 ft.	25 ft.
Minimum rear yard setback	15 ft.	15 ft.	25 ft.
Maximum building height (see section 30-653 for exceptions)	40 ft.	40 ft.	40 ft.
Maximum structure coverage	35%	20%	10%

Maximum lot coverage	50%	40%	20%
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(Ord. No. O-2019-2, art. 2, tab. 2.14, 9-23-2019)

Sec. 30-376. - Special standards.

The following special standards shall apply to all new construction started after the adoption of this ordinance:

- (1) In-ground tanks for storage of petrochemicals and any toxic or conceivably hazardous materials are prohibited.
- (2) All construction and completed uses that are occupied by people must be serviced by the municipal sewer system.
- (3) Home businesses and/or occupations that could conceivably generate/utilize toxic or hazardous materials are prohibited.
- (4) All applications for development or construction shall be submitted to the department of public works. The department of public works review, comment and recommendations are required prior to any leasing or commencement of construction.

(Ord. No. O-2019-2, art. 2, tab. 2.14, 9-23-2019)

Secs. 30-377—30-395. - Reserved.

Subdivision XVI. - Natural Resource Protection District (NRPD)

Sec. 30-396. - Purpose.

The purpose of the Natural Resources Protection District shall be to protect areas that include irreplaceable, limited and significant natural resources. Use of the land shall be strictly limited to its study and enjoyment by persons through proper and controlled access that would preclude any vehicular traffic. These areas shall remain in their natural state except for means to properly control access and trespass. Any other use or development shall be prohibited.

(Ord. No. O-2019-2, art. 2, tab. 2.15, 9-23-2019)

Sec. 30-397. - Permitted and conditional uses.

The permitted and conditional uses in the NATURAL RESOURCE PRESERVATION district are as follows:

Permitted Uses (requires permit—see article X, division II, of this chapter)	Conditional Uses (see section 30-723)
	1. Means of access

(Ord. No. O-2019-2, art. 2, tab. 2.15, 9-23-2019)

Secs. 30-398—30-422. - Reserved.

Subdivision XVII. - Riverfront Protection Overlay District (RPD)

Sec. 30-423. - Purpose.

The Riverfront Protection Overlay District is intended to reduce erosion of the banks of the Connecticut River and the Black River near the confluence of the Connecticut River, reduce pollution of the river by filtering surface runoff and ensuring that on-site sewage treatment systems are adequately separated from the river, preserve the visual qualities of the river valley (both views of the river and views from the river) and protect wetlands and other natural features along the river.

(Ord. No. O-2019-2, art. 2, tab. 2.16, 9-23-2019)

Sec. 30-424. - Location.

The RPD shall include all land located between the edges of the Connecticut River and Black River and the nearest 400-foot elevation contour up to Goulds Mills Falls on the Black River.

(Ord. No. O-2019-2, art. 2, tab. 2.16, 9-23-2019)

Sec. 30-425. - Dimensional requirements.

Dimensional requirements shall conform to those specified in the underlying districts.

(Ord. No. O-2019-2, art. 2, tab. 2.16, 9-23-2019)

Sec. 30-426. - Permitted and conditional uses.

Permitted and conditional uses shall conform to those specified in the underlying districts.

(Ord. No. O-2019-2, art. 2, tab. 2.16, 9-23-2019)

Sec. 30-427. - Special provisions.

The following special provisions shall apply to all new construction and reconstruction started after the adoption of this ordinance:

- (1) For purposes of computing lot area, the area between the water's edge and the top of the bank shall not be included.
- (2) No structure shall be placed, and no land shall be excavated, filled or graded between the water's edge and within a distance of 25 feet measured horizontally from the top of the bank. Vegetation shall not be removed, and ground cover of indigenous species shall be introduced to cover bare spots. Walkways and paths shall be discouraged. Each lot may have one stairway leading to the water's edge, and one dock, if desired, and if in accordance with all applicable state and federal regulations. This provision shall not apply to town-approved multi-use or pedestrian trails or paths.

- (3) Between the top of the bank and a line 75 feet horizontally from the top of the bank, construction shall be prohibited. This provision shall not apply to town-approved multi-use or pedestrian trails or paths. Approval by the zoning administrator is required prior to selective pruning or removal of trees to enhance views or to protect the riverbank from further erosion. This shall not be construed to prohibit the planting of trees or pollinator habitats in accordance with a town-approved beautification plan.
- (4) Septic systems shall be separated from the top of the riverbank by the minimum separation distance from watercourses as set forth in the state health regulations.
- (5) For proposed developments for which site plan review is required by this ordinance, the development review board shall consider tree removal and other aesthetic aspects of the development project as part of its site plan review.

(Ord. No. O-2019-2, art. 2, tab. 2.16, 9-23-2019)

Sec. 30-428. - Input from conservation commission.

If the town chooses to create a conservation commission in accordance with 24 V.S.A. § 4501, the planning commission may request that the conservation commission review proposed development in the RPD District. The commission may also request the town trails, greenways, byways and rural economic advisory committee to review the proposed development.

(Ord. No. O-2019-2, art. 2, tab. 2.16, 9-23-2019)

Secs. 30-429—30-454. - Reserved.

Subdivision XVIII. - Observatory Protection Overlay District (OPD)

Sec. 30-455. - Purpose.

The Observatory Protection Overlay District has been established to ensure the continued operation of the two functioning astronomical observatories located in the town. These facilities are extremely sensitive to badly aimed or uncontrolled light, and this overlay district is established to minimize the incidence of such light.

(Ord. No. O-2019-2, art. 2, tab. 2.17, 9-23-2019)

Sec. 30-456. - Location.

The OPD includes that area surrounding the two observatories as shown on the overlay district map adopted as part of this ordinance.

(Ord. No. O-2019-2, art. 2, tab. 2.17, 9-23-2019)

Sec. 30-457. - Special provisions.

Within this overlay district, in addition to the general provisions pertaining to exterior lighting set forth in section 30-655, all exterior light drawing more than 35 watts of power shall conform to the following special provisions: All direct light pointed in a direction within 22.5 degrees of a straight line between the light source and the observatories must be shielded so that no direct light is radiated beyond the property line.

(Ord. No. O-2019-2, art. 2, tab. 2.17, 9-23-2019)

Sec. 30-458. - Implementation.

- (a) When granting site plan approval for projects located all or in part within the OPD, in accordance with section 30-722, the development review board shall establish conditions designed to implement the requirements of this section.
- (b) The zoning administrator shall administer complaints regarding violations of this subdivision in accordance with all applicable provisions of this ordinance and the Vermont Planning and Development Act, 24 V.S.A. § 4301 et seq.

(Ord. No. O-2019-2, art. 2, tab. 2.17, 9-23-2019)

Secs. 30-459—30-484. - Reserved.

Subdivision XIX. - Airport Approach Overlay District (AAOD)

Sec. 30-485. - Purpose.

The purpose of the Airport Approach Overlay District is to provide an area of restricted use that protects the airport from injurious encroachment, and from nearby uses harmful to the operation of the airport and aircraft using it, pursuant to 24 V.S.A. § 4414(1)(C). This district also provides for the safe and convenient use of lands within the district, and allows the airport to successfully coexist with its neighbors within and without the district.

(Ord. No. O-2019-2, art. 2, tab. 2.18, 9-23-2019)

Sec. 30-486. - Applicability.

The AAOD consists of the airport approach zones that are shown on the official zoning map of the town and defined below. All properties affected by this overlay district shall be subject to site plan review per section 30-722 and the special provisions in this section. The 11/29 runway is 75 feet wide and 3,000 feet long. The 5/23 runway is 100 feet wide and 5,498 feet long, and extends into the Town of Weathersfield. The airport approach zones are defined as follows:

- (1) *Primary surface.* Primary surface is the area longitudinally centered on a runway, and extends 200 feet beyond each end of the paved runway surface. The vertical elevation of the primary surface is the same as the elevation of the nearest point on the runway centerline. The primary surface for the 11/29 runway is 250 feet. The primary surface for the 5/23 runway is 500 feet.
- (2) *Approach cones.* Approach cones are the areas longitudinally centered on the extended runway centerline and extend outward and upward from each end of the primary surface.
 - a. *Extensions for the 11/29 runway.* The approach cones for the 11/29 runway extend outward from the primary surface for a distance of 5,000 feet, and are 1,250 feet wide at the end of each approach cone. The approach cones extend upward at a slope of 20 to 1 beginning at the elevation of the primary surface.
 - b. *Extensions for the 5/23 runway.* The approach cones for the 5/23 runway extend outward from the primary surface for a distance of 10,000 feet, and are 3,500 feet wide at the end of each approach cone. The approach cones extend upward at a slope of 34 to 1 beginning at the elevation of the primary surface.
- 1. *Horizontal zone.* Horizontal zone is the horizontal plane 150 feet above the established airport elevation, the perimeter of which is determined by swinging arcs of

specified radii (10,000 feet) from the center of each end of the primary surface of each runway, and connecting the arcs by lines tangent to those arcs. The horizontal zone does not include the approach cones or primary surface.

2. **Conical zone.** Conical zone is the surface extending outward for a horizontal distance of 4,000 feet, and upward from the periphery of the horizontal surface at a slope of 20 to 1.

(Ord. No. O-2019-2, art. 2, tab. 2.18, 9-23-2019)

Sec. 30-487. - Allowed uses.

All permitted or conditional uses in the AAOD shall be limited to those uses permitted in the underlying zoning districts.

(Ord. No. O-2019-2, art. 2, tab. 2.18, 9-23-2019)

Sec. 30-488. - Special provisions.

All properties affected by this overlay district shall be subject to the following special provisions:

- (1) No use, structure or trees shall be permitted which could obstruct the aerial approaches to the airport (i.e., extend above tree line or otherwise restrict airport operations).
- (2) All uses shall comply with applicable FAA or other federal and state regulations.
- (3) No lights or glare shall be permitted which could interfere with vision or cause confusion with airport lights.
- (4) No use shall be permitted which will produce electrical interference with radio communication or radar operations at the airport.

(Ord. No. O-2019-2, art. 2, tab. 2.18, 9-23-2019)

Sec. 30-489. - Implementation.

- (a) When granting site plan approval for projects located all or in part within the AAOD, in accordance with section 30-722, the development review board shall establish conditions designed to implement the requirements of this subdivision.
- (b) Site plans for the AAOD shall include topographic elevations at structure locations and structure height in addition to the requirements listed in Table 30-721. One additional copy of each site plan and application materials shall be submitted to the town airport commission. The airport commission shall be notified of hearings, will have automatic status as an abutter, and be provided an opportunity to comment at hearings.
- (c) The development review board may also consult with the aviation section of the state agency of transportation to determine the potential impacts of a proposed use on the operations of the Hartness State Airport.
- (d) The zoning administrator shall administer complaints regarding violations of this subdivision in accordance with all applicable provisions of this ordinance and the Vermont Planning and Development Act, 24 V.S.A. § 4301 et seq.

(Ord. No. O-2019-2, art. 2, tab. 2.18, 9-23-2019)

Secs. 30-490—30-516. - Reserved.

Subdivision XX. - Highway Corridor Overlay District (HCOD)

Sec. 30-517. - Purpose.

The Highway Corridor Overlay District is intended to manage access to land development along Clinton Street/Charlestown Road and Chester Road (VT Route 11), and River Street (VT Route 106) in a manner that preserves the safety, efficiency, development and redevelopment potential, and character of these specific highway corridors, pursuant to 24 V.S.A. § 4414(2). The specific purposes of this district are as follows:

- (1) To protect the safety of motorists traveling on these specified segments of state highways, their crossroad intersections, and to preserve the traffic flow along these highway corridors.
- (2) To protect the safety of pedestrians and bicyclists, and to provide safe, continuous facilities for bicyclists and pedestrians.
- (3) To preserve and enhance development and redevelopment options along the highway corridors by promoting development of unified access and internal circulation systems that serve more than one property.
- (4) To ensure that adjacent driveways, access roads and street intersections are designed according to standards, have adequate sight distances for safe entry and exit, and are adequately spaced in accordance with the state agency of transportation's Access Management Program Guidelines.
- (5) To accomplish these goals through cooperative planning and coordination between area property owners, town officials, personnel of the state agency of transportation, and others interested in orderly development, safety and highway capacity in these areas.

(Ord. No. O-2019-2, art. 2, tab. 2.19, 9-23-2019)

Sec. 30-518. - Applicability.

The HCOD applies to all land in the town that contains frontage on or obtains access from Clinton Street and Chester Road (VT Route 11), and River Street (VT Route 106), or has frontage on or obtains access from any intersecting road for a distance of 300 feet from the intersection centerline. This ordinance shall be in addition to all other existing regulations of the town. Properties divided by a HCOD boundary or that do not have frontage but request an access connection in the affected area must comply with the district standards. This district does not change the zoned use of property. Permitted or conditional uses in this overlay district shall be as provided for in the existing underlying zoning districts. All properties affected by this overlay district shall be subject to site plan review per section 30-722 and the special provisions in this section. The overlay district is shown on the official zoning map of the town.

(Ord. No. O-2019-2, art. 2, tab. 2.19, 9-23-2019)

Sec. 30-519. - Previously permitted uses to be allowed to remain.

Zoning and access permits existing before the effective date of this ordinance shall be allowed to remain and will be considered legal until such time as there is a change in use as detailed in this section.

(Ord. No. O-2019-2, art. 2, tab. 2.19, 9-23-2019)

Sec. 30-520. - Allowed uses.

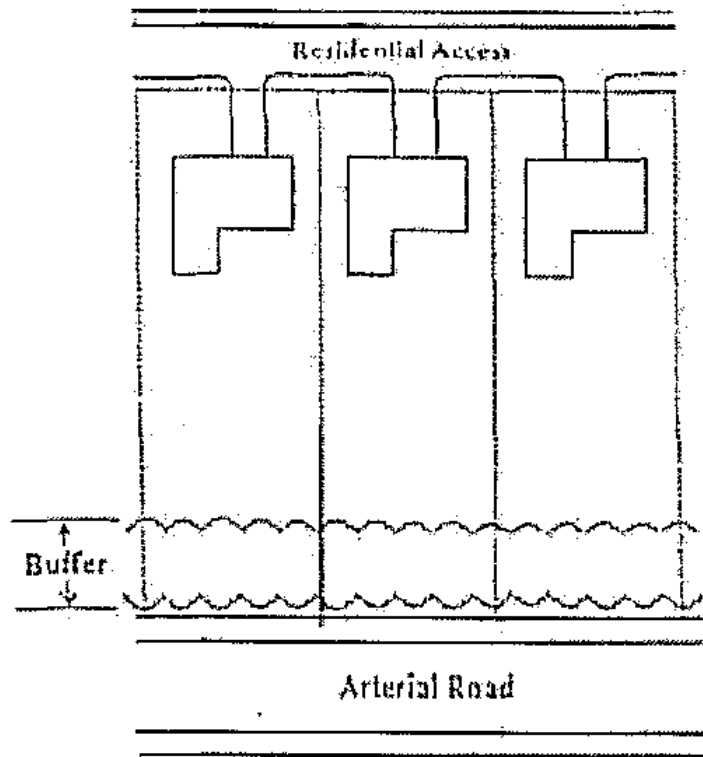
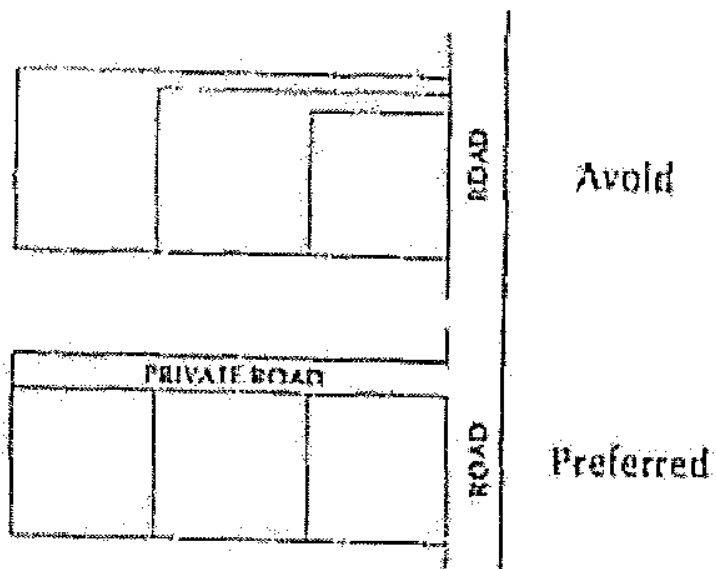
Uses, permitted or conditional, in the HCOD shall be limited to those uses permitted in the underlying zoning districts.

(Ord. No. O-2019-2, art. 2, tab. 2.19, 9-23-2019)

Sec. 30-521. - Special provisions.

All properties affected by this overlay district shall be subject to site plan review per section 30-722 and the following special provisions:

- (1) *Lot frontage requirements.* The minimum lot frontage for all newly created lots within the overlay district shall not be less than the applicable minimum frontage standard for the appropriate underlying zoning district. Frontage for properties within this overlay district that are zoned as Medium Density Residential shall not be less than 100 feet, and flag lots shall not be allowed.
- (2) *Setbacks and landscaping.*
 - a. No structure shall be located within 50 feet of the edge of the state highway right-of-way.
 - b. All commercial and industrial land uses shall reserve a 25-foot-wide strip of land from the state highway right-of-way. This area shall serve as a landscaped area that shall include a mix of native shade and street trees, shrubs, planting beds and ground covers. Proposed landscaping and screening shall be designed to:
 1. Preserve and incorporate existing vegetation and enhance unique landscape features.
 2. Be suited to existing site conditions and be integrated with adjacent properties.
 3. Screen parking areas from view.
 4. Establish a consistent streetscape and the planting of street trees, especially in the industrial and commercial areas.
 5. Not obstruct scenic views or road visibility.
 - c. Reduced setback and landscaped buffer dimensions may be allowed by the development review board where existing site conditions do not allow for compliance with these standards.
 - d. A three-year landscaping maintenance plan and/or a bond or other surety to assure installation and maintenance may be required as appropriate and incorporated as a condition to site plan approval.
- (3) *Access to residential lots.* Residential lots are encouraged to consolidate driveways or avoid direct access onto state highways. All other reasonable access alternatives should be investigated by the state agency of transportation, in coordination with the development review board, before direct residential driveway access to the state highways is permitted.
 - a. Residential lots may be required to provide shared driveways serving up to three lots or houses. Property owners shall record a permanent easement or right-of-way for such shared driveways, and a joint maintenance agreement with the property deed.
 - b. Access from an adjacent local road, a frontage road or a shared access road may be required for four or more residential lots to the extent practical. Property owners shall record a permanent easement or right-of-way for frontage roads, and a joint maintenance agreement with the property deed.

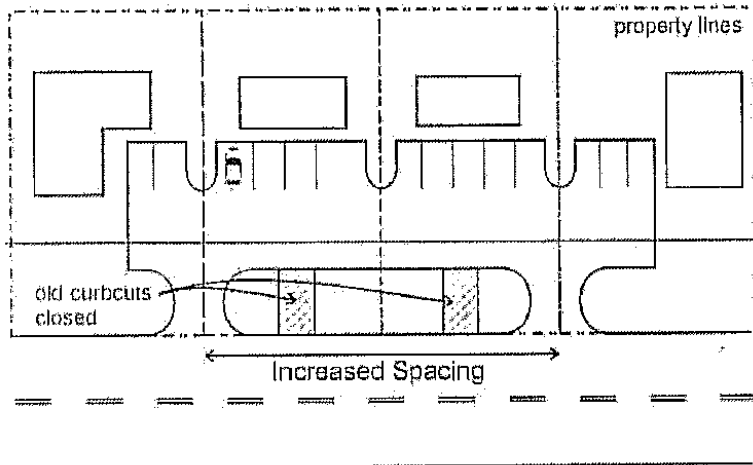
Figure 1 — Residential Access from a Local Road or Access Road**Figure 2 — Access from a Shared Access Road**

Private road access is an alternative to flag lots.

Source: *Model Land Development and Subdivision Regulations That Support Access Management* (Center for Urban Transportation Research, University of South Florida)

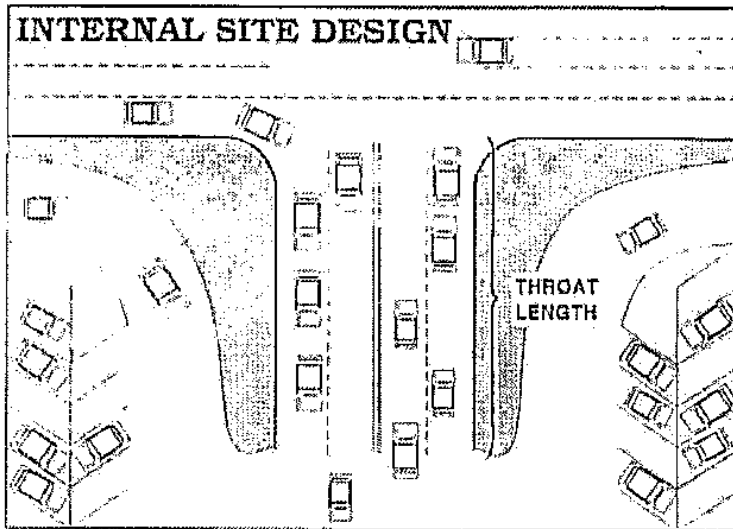
- (4) *Joint and cross access.* Adjacent industrial, commercial or office properties and compatible major traffic generators (i.e. shopping plazas, office parks, apartments, etc.) shall provide cross access drives or rights-of-way to allow circulation between sites. This requirement shall also apply to the re-development of existing properties to the extent feasible. Property owners shall record a cross access easement or right-of-way and a joint maintenance agreement with the property deed. A right-of-way for future joint and cross access may be required in some cases.

Figure 3 — Joint and Cross Access



Source: *US 19 Overlay District* (Florida Department of Transportation, 2001)

- (5) *Access or frontage roads.* Access or frontage roads shall be designed, constructed and maintained per town road standards.
- (6) *Access location and design.*
- All accesses within this overlay district are subject to access permits through the state agency of transportation. All accesses shall be consistent with the state agency of transportation B-71 standards for residential and commercial drives and are subject to the state agency of transportation access management program guidelines.
 - The state agency of transportation, in coordination with the development review board, may require turning lanes or medians where deemed necessary due to traffic volumes or where safety or operational problems exist.
 - Each lot shall have no more than one access. Accesses with more than one entry lane and one exit lane shall incorporate channelization features to separate the entering and exiting traffic at the access.
 - Accesses shall be provided with adequate storage (or "throat length") for entering and exiting vehicles to reduce unsafe conflicts with through traffic or on-site traffic circulation, and to avoid congestion at the entrance.

Figure 4 — Commercial Access with Adequate Storage

Source: *Model Land Development and Subdivision Regulations That Support Access Management* (Center for Urban Transportation Research, University of South Florida)

(7) *Bicycle and pedestrian access.*

- a. Opportunities for bicycle and pedestrian mobility should be enhanced through site plan review objectives, and bicycle and pedestrian facilities should be provided to reduce automobile use and increase accessibility between neighborhoods, schools, recreation areas, shopping areas or employment centers. These facilities shall be consistent with the state pedestrian and bicycle facility planning and design manual.
- b. Commercial development shall support bicycle and pedestrian mobility, and make connections to adjacent commercial areas or lots.
- c. Bicycle and pedestrian facilities may be incorporated into the required landscape buffer.

(8) *Change in use.* Existing properties with access connections that do not meet the requirements of the HCOD shall be subject to these provisions when there is any change in use or expansion of use.

(Ord. No. O-2019-2, art. 2, tab. 2.19, 9-23-2019)

Sec. 30-522. - Implementation.

- (a) When granting site plan approval for projects located all or in part within the HCOD, in accordance with section 30-722, the development review board shall establish conditions designed to implement the requirements of this subdivision.
- (b) One additional copy of each site plan and application materials shall be submitted to the state agency of transportation utilities and permits section. The utilities and permits section shall have 30 days to review each site plan and provide recommendations to the development review board. The development review board when granting site plan approval shall consider recommendations from the utilities and permits section.
- (c) The zoning administrator shall administer complaints regarding violations of this subdivision in accordance with all applicable provisions of this ordinance and the Vermont Planning and Development Act, 24 V.S.A. § 4301 et seq. Violations of state access permits shall be administered by the state agency of transportation.

- (d) An applicant may apply for a waiver to reduce one or more of the dimensional standards in this subdivision where site conditions do not allow for compliance with these standards. For a complete application, the applicant should document clearly the reasons why the standards cannot be met.

(Ord. No. O-2019-2, art. 2, tab. 2.19, 9-23-2019)

Secs. 30-523—30-552. - Reserved.

Subdivision XXI. - Downtown Design Control Overlay District (DDCOD)

Sec. 30-553. - Purpose.

- (a) The creation of a Design Control Overlay District will enable the town to apply for status as a Designated Downtown. The state legislature, by enacting the Downtown Development Act, 24 V.S.A. ch. 76A (24 V.S.A. § 2790 et seq.), has determined that this will be the primary avenue for grant funding for revitalization of downtown areas and promotion of downtown economic development. Design review districts and commissions, 24 V.S.A. §§ 4414(1)(E) and 4433(4), are an integral part of the process.
- (b) The DDCOD has a unique character, found in our buildings, streetscape, and the natural surroundings of the Black River and Comtu Falls. This character is found throughout our history and gives the community its identity. The character of the DDCOD reflects the community's economic history, way of life, and the interaction of both with the natural and built environment. Attempts shall be made to preserve as much of a building's original design, details and materials as is feasible.
- (c) Sympathetic new design can be a positive contribution to the character of a district. Historical, architectural and visual integrity can be maintained while present and future needs are met. To acknowledge growth and character, existing buildings, and structures should be recognized as products of their own time. Rather than copying a particular style, new construction shall be complementary to the configuration of existing buildings and streetscapes, and shall relate to the traditional materials, scale, proportions, shapes and rhythms of the surrounding neighborhood.

(Ord. No. O-2019-2, § 2.20, 9-23-2019)

Sec. 30-554. - Location of the district.

- (a) The DDCOD is the same as the Designated Downtown, and substantially the same as the Downtown Historic District and the Central Business Zoning District.
- (b) In accordance with the map attached to the ordinance from which this chapter is derived, the DDCOD will include:
 - (1) Both sides of Main Street;
 - (2) The Miller Art Center, so-called, on Elm Hill;
 - (3) Valley Street from Main Street to the first corner, including the town parking lot, and the Bishop parcel, so-called;
 - (4) The westerly side of River Street from Main Street to the Fellows Footbridge, so-called;
 - (5) The north and easterly side of Mineral Street;
 - (6) The state office property located at 100 Mineral Street;
 - (7) Both sides of Park Street from Main Street to Pearl Street, including the Park Street School property; and

- (8) The northeasterly side of Pearl Street to Morgan Street, except for the six private dwelling properties on the northeasterly side of Pearl Street.

(Ord. No. O-2019-2, § 2.20, 9-23-2019)

Sec. 30-555. - Exceptions to design approvals.

Within the DDCOD, all land uses and development allowed (permitted or conditional) in the base zoning district are allowed and require design approval from the development review board or zoning administrator, after review and comment by the downtown design review advisory commission, except for the following:

- (1) Subdivision of land.
- (2) Interior alteration or a change in use that will not result in any exterior modifications.
- (3) Exterior modifications to a noncontributing structure that will not be visible from the street
- (4) Non-substantial alterations as determined by the zoning administrator.

(Ord. No. O-2019-2, § 2.20, 9-23-2019)

Secs. 30-556—30-573. - Reserved.

ARTICLE III. - SPECIFIC USE STANDARDS

Sec. 30-574. - Applicability.

The following standards shall apply to the designated use in all zoning districts in which the respective uses are allowed. Such uses may be subject to conditional use review in accordance with section 30-723. If there is a conflict between a standard in this article and a standard in another section of this ordinance, the more restrictive standard shall apply.

(Ord. No. O-2019-2, § 3.0, 9-23-2019)

Sec. 30-575. - Accessory dwellings.

- (a) An accessory dwelling unit means an efficiency or one-bedroom apartment that is clearly subordinate to a single-family dwelling, and has facilities and provisions for independent living, including sleeping, food preparation, and sanitation.
- (b) One accessory dwelling unit that is located within or appurtenant to a single-family dwelling on an owner-occupied lot shall be permitted in all districts in which single dwelling units are permitted, provided there is compliance with all of the following:
 - (1) The property has sufficient wastewater capacity.
 - (2) The unit does not exceed 600 square feet in floor area or 30 percent of the total habitable floor area of the single-family dwelling, whichever is greater.
 - (3) Applicable setback, coverage and parking requirements specified in the bylaws are met.
- (d) No building or structure intended for human occupancy shall be erected, altered or converted to another use unless adequate potable water and wastewater disposal systems are provided in compliance with the state wastewater system and potable water supply rules and applicable state regulations.

- (e) Accessory dwellings approved under Section 30-575 will not count as a dwelling unit for the purposes of calculating density.

(Ord. No. O-2019-2, § 3.1, 9-23-2019)

Sec. 30-576. - Accessory uses and structures.

An accessory use is customarily incidental and subordinate to the principal use and located on the same lot as the principal use. Accessory buildings shall meet all setback requirements of this ordinance.

- (1) *Swimming pools.* A swimming pool shall be considered an accessory use/structure.
- (2) *Agricultural products.* The sale of products raised on the property, when applied to agriculture, shall be considered an accessory use.
- (3) *Home occupation.* A home occupation shall be considered an accessory use.
- (4) *Theater marquee.* A theater marquee shall be considered an accessory use and shall not be considered a sign under this ordinance.
- (5) *Self-service machine.* A self-service machine (vending machine, automatic teller machine, etc.) shall be considered as an accessory use to the principal use on the same lot.

(Ord. No. O-2019-2, § 3.2, 9-23-2019)

Sec. 30-577. - Accessory use on-farm business.

An accessory on-farm use may be operated by a farmer, farm resident or farm lessee through site plan review by the development review board. The accessory on-farm business may take place in a new or existing structure or on the land. Accessory on-farm businesses may include storage, preparation and sale of products, provided that half of the sales are from qualifying products principally produced on the farm using farm commodities. Examples of accessory on-farm businesses are educational, and agritourism events that feature agricultural practices and/or qualifying products such as farm to table events, weddings, wine tastings, etc.

(Ord. No. O-2019-2, § 3.3, 9-23-2019)

Sec. 30-578. - Adaptive reuse of historic structures.

- (a) *Purpose.* The purpose of this section is to encourage and enable the restoration, rehabilitation, continued viability and use of historic structures that have outlived their original function, by permitting additional uses within the current dimensions of such structures, subject to conditional use review under section 30-723 and the provisions of this section.
- (b) *Applicability.*
 - (1) The adaptive reuse of a historic structure, and applicable site improvements to accommodate the use, may be allowed in designated zoning districts, subject to review by the development review board under article VII of this chapter, district requirements as specified for adaptive reuses, and the provisions of this section. Historic structures, for the purposes of this ordinance, shall include all structures constructed prior to January 1, 1973. The adaptive reuse of structures within the Downtown Design Control District are subject to review by both the downtown design review advisory commission and the development review board under section 30-724, the standards and requirements of that district. Any rehabilitation or restoration associated with an adaptive reuse shall not significantly alter the facade or historic character of the structure.

- (2) The development review board may waive the historic structure requirement for former commercial or industrial structures that are located in primarily residential or mixed use neighborhoods.
- (c) *Allowed uses.* Structures determined to be appropriate for adaptive reuse may be put to one or more of the following uses in any zoning district subject to conditional use approval under section 30-723:
 - (1) Any use permitted within the district in which the structure is located;
 - (2) Multifamily dwelling;
 - (3) Enclosed storage facility;
 - (4) Enterprises whose principal use is the processing and/or sale of agricultural or forest products (e.g., farm produce stores, food cooperatives, woodworking and furniture shops);
 - (5) Uses associated with local arts, crafts and culture (e.g., museum, craft shop, gallery, antique shop, cultural center);
 - (6) Other uses as determined by the development review board to meet the intent of this section and conditional use criteria under section 30-723.
- (d) *Minimum lot size and density waived.* Minimum lot size and density requirements for the districts in which adaptive reuse will occur may be waived as long as it can be demonstrated to the satisfaction of the development review board that adequate water supply, septic system, and off-street parking capacity exist to accommodate proposed uses.

(Ord. No. O-2019-2, § 3.4, 9-23-2019)

Sec. 30-579. - Agriculture and forest resource land preservation.

- (a) *Purpose.* The purpose of this section is to encourage preservation of large contiguous areas of agricultural and forest resource lands in the town.
- (b) *Subdivision of lots.* The subdivision of lots and the siting of non-agricultural buildings in the LAND RESERVE 25-ACRE, LAND RESERVE 10-ACRE, and RESIDENTIAL/AGRICULTURAL 5-ACRE districts shall be subject to the following: While preserving the rights of the property owner to create the number of building sites allowable within the zone with adequate sewage disposal:
 - (1) Lots shall be located to preserve farmlands and contiguous areas of forest lands to the maximum extent possible; and
 - (2) Buildings and other structures shall not be sited in the middle of open fields. Instead, they shall be located at the edge of fields to minimize fragmentation or parcelization of agricultural and forest lands and preserve scenic views to the maximum extent possible.
- (c) This section shall be implemented by the administrative officer for individual zoning permit applications, and by the development review board for conditional uses, subdivision regulations, and planned unit developments.
- (d) In a PUD, the development review board may allow a density bonus of an additional lot or building site to compensate.

(Ord. No. O-2019-2, § 3.5, 9-23-2019)

Sec. 30-580. - Agriculture and forestry product processing.

- (a) An agricultural product processing use is intended to allow owners and users of farm lands to maintain "very small" (defined as less than "certified small" in 6 V.S.A. § 4871 and section 4.1 of

Vermont Required Agricultural Practices) scale processing and/or packaging operations. Examples of such processing/packaging operations include, but are not limited to, maple syrup production and bottling, wine making and bottling. In all cases, the following requirements must be satisfied:

- (1) Parking for employees and customers must be completely off of any public roads.
 - (2) If any toilet facilities are provided, arrangements for wastewater treatment and disposal shall meet all town and state requirements.
 - (3) Suitable provisions must be made to prevent any waste materials from entering groundwater or surface water.
- (b) The forest product processing use is intended to allow owners of forestlands to maintain very small-scale wood and forestry product processing that is customary in rural areas, such as firewood cutting and splitting, and small sawmills. Forest product processing are limited to the LAND RESERVE 10-ACRE and LAND RESERVE 25-ACRE districts only. Forest product processing uses must meet the agricultural product processing requirements listed in subsection (a) above, and in addition forest product processing uses must also meet the performance standards in Sec. 30-660.

(Ord. No. O-2019-2, § 3.6, 9-23-2019)

Sec. 30-581. - Bed and breakfast.

- (a) A place of lodging that provides overnight accommodations and which may serve only breakfast to lodged patrons. The establishment must be owner occupied and have adequate off-street parking in relation to the number of guest rooms and employees. The establishment shall not be used to cater parties or other events.
- (b) Change of use from a residential single-family dwelling to a bed and breakfast shall require a site plan (section 30-722) and conditional use (section 30-723) review by the development review board.

(Ord. No. O-2019-2, § 3.7, 9-23-2019)

Sec. 30-582. - Broadcast facilities.

Broadcast facilities, as defined by this ordinance, shall conform to the following provisions:

- (1) All broadcast facilities shall be licensed by the Federal Communications Commission.
- (2) Commercial broadcast facilities.
 - a. Commercial broadcast facilities shall be allowed in all districts upon receiving conditional use approval from the development review board and issuance of a zoning permit.
 - b. Any installation or construction of, or significant addition or modification to, such facilities requires approval under section 30-650, unless determined to be of de minimis impact under subsection (5) of this section.
 - c. Commercial broadcast facilities 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 facility, unless the proposed elevation is reasonably necessary to provide adequate wireless telecommunication service capacity or coverage or to facilitate collocation of facilities.
 - d. Antennae and towers shall meet a setback distance from the property lines equal to the height of the antennae or tower. Setbacks are measured from the base of the structure, not guy wires. In the alternative, the tower may be engineered to collapse upon itself in the event of a structural failure or an easement may be obtained to compensate for inadequate setback distance.

- e. Landscaping may be required around the base of all antennae and towers.
- (3) Private broadcast facilities (e.g., ham radio facilities).
 - a. Private broadcast facilities shall be allowed in any district upon issuance of a zoning permit.
 - b. Antennae and towers shall be located in back yards and shall meet a setback distance equal to the height of the antennae or tower.
- (4) In accordance with 24 V.S.A. § 4412(8), the following facilities are exempt from this ordinance:
 - a. Telecommunications facilities that are subject to review by the public service board under 30 V.S.A. § 248a.
 - b. Antenna structures less than 20 feet in height with its primary function to transmit or receive communication signals for commercial, industrial, institutional, nonprofit or public purposes.
 - c. No permit shall be required for placement of an antenna used to transmit, receive, or transmit and receive communications signals on that property owner's premises if the area of the largest face of the antenna is not more than 15 square feet, and if the antenna and any mast support do not extend more than 12 feet above the roof of that portion of the building to which the mast is attached, except to the extent bylaws protect historic landmarks and structures listed on the state or National Register of Historic Places.
- (5) De minimis impacts.
 - a. All applications for broadcast facilities shall be reviewed by the town zoning administrator to determine if the facility will impose no impact or de minimis impact. A de minimis impact exists if the project meets the following criteria:
 - 1. Project consists of either:
 - (i) Collocation on a legally existing tower;
 - (ii) Upgrades to legally existing equipment; or
 - (iii) Similar projects.
 - 2. Project does not involve:
 - (i) New towers;
 - (ii) Extending the height of existing towers;
 - (iii) New access roads or expansions of existing access roads; or
 - (iv) Similar projects.
 - b. The zoning administrator's determination regarding no impact or de minimis impact shall be in writing and shall be subject to appeal to the development review board in accordance with 24 V.S.A. § 4465. Furthermore, the zoning administrator shall mail a copy of any positive determination to all abutting landowners.
 - c. If the zoning administrator determines that a facility will have more than a de minimis impact under the criteria established in this section, the zoning administrator shall refer the application to the development review board for review as a conditional use.

(Ord. No. O-2019-2, § 3.8, 9-23-2019)

Sec. 30-583. - Business incubator; business/professional and manufacturing/distribution facility.

Business/professional and manufacturing/distribution facilities are an allowed conditional use in districts GENERAL BUSINESS, CENTRAL BUSINESS, Residential Commercial , INDUSTRIAL/COMMERCIAL and Industrial for the purpose of fostering growth of small companies to

increase the chances for economic survival and growth by providing a range of business development services to similar entities under one roof. This use will allow for lower cost spaces by decreasing overhead costs through shared technology, conference area, office support, commercial kitchen and utilities. Primary occupants for business and professional services typically include medical services, accounting, marketing, engineering, graphic design, etc. Small manufacturing and distribution may include product manufacturers, industrial processes, warehousing, shipping and receiving. Business/professional and manufacturing/distribution facilities which are also allowed in DDCOD.

- (1) Site plan review by the development review board is required.
- (2) Individual certificate of occupancy permits for each use will be required.

(Ord. No. O-2019-2, § 3.9, 9-23-2019)

Sec. 30-584. - Campgrounds.

- (a) In the RESIDENTIAL/AGRICULTURAL 2-ACRE and the RESIDENTIAL/AGRICULTURAL 5-ACRE districts, campgrounds, as defined in section 30-6, are allowed as conditional uses, provided that the area shall have obtained a wastewater permit from the state.
- (b) Campgrounds must be in compliance with the state rules and regulations for trailer camps or campgrounds.
- (c) Campgrounds must receive site plan approval from the development review board.
- (d) Campers on non-campground parcels; limitations. Nothing in this section shall prevent a property owner in any district from parking their own, or a guest's travel trailer or recreational vehicle on the property to be used as temporary living quarters by non-paying guests for up to two weeks.

(Ord. No. O-2019-2, § 3.10, 9-23-2019)

Sec. 30-585. - Day care.

- (a) A day care home serving six or fewer children is exempt from local bylaw review. A certified letter of approval from the state agency of human services shall be filed with the administrative officer with a site plan and floor plan which will be forwarded to the emergency services department.
- (b) A state-registered or licensed family child care home serving no more than six full-time children and four part-time children shall require site plan approval.
- (c) A state-registered or licensed facility or residential dwelling serving more than six full-time and four part-time children for group care and/or educational development shall require a conditional use permit and site plan approval. (Defined in 33 V.S.A. § 4902(3)(A).)
- (d) Adult day care. An adult day care facility is a facility which provides supervised activities, a range of professional health, social and therapeutic services, meals, and limited care to adults during the day, but which does not provide overnight accommodations except for the care givers and members of the care givers' families.

(Ord. No. O-2019-2, § 3.11, 9-23-2019)

Sec. 30-586. - Dish antennae.

- (a) Pursuant to 47 CFR 1.4000 et seq., this section does not apply to:
 - (1) An antenna that is:

- a. Used to receive broadcast satellite service, including direct-to-home satellite service, or to receive or transmit fixed wireless signals via satellite; and
 - b. One meter or less in diameter;
 - (2) An antenna that is:
 - a. Used to receive video programming services via multipoint distribution services, including multichannel multipoint distribution services, instructional television fixed services, and local multipoint distribution services, or to receive or transmit fixed wireless signals other than satellite; and
 - b. One meter or less in diameter or diagonal measurement;
 - (3) An antenna that is used to receive television broadcast signals; or
 - (4) A mast supporting an antenna described in subsections (a)(1) through (3) of this section.
- (b) A satellite dish antenna that does not meet the criteria of 47 CFR 1.4000, may not be installed in any district without conditional use approval of the development review board and a zoning permit issued by the administrative officer. The standards for conditional use approval are:
- (1) Satellite dishes located in nonresidential districts shall be located on a structure or in rear yards and be screened from view from adjacent properties and streets.
 - (2) Satellite dishes located in residential districts shall be located in rear yards unless the applicant demonstrates that adequate reception is impossible in such a location, in which case it may be located in a side yard.
 - (3) If the development review board determines that the above standards cannot be met, the development review board may alter the requirements of this section to the extent necessary to obtain adequate signals. The development review board may place reasonable conditions on its approval to minimize visual or other impacts on neighboring streets or properties.

(Ord. No. O-2019-2, § 3.12, 9-23-2019)

Sec. 30-587. - Dwelling unit—Two-family.

In districts where two-family dwelling units are permitted, the administrative officer may issue a permit only when all of the following conditions are met:

- (1) The parcel is in a zoning district where two-family dwelling units are allowed.
- (2) The required off-street parking shall not be located in the area between the front lot line and the front line of the building. However, the applicant can apply to the development review board for modification of this requirement if unusual site conditions prevent the provision of parking elsewhere on the site.
- (3) Any existing or proposed septic system must be designed to accommodate the total number of bedrooms within the two dwellings. It is the responsibility of the applicant to obtain a state permit for an on-site septic system, prior to receiving a final local permit, that will accommodate the two dwelling units.
- (4) In the HIGH DENSITY RESIDENTIAL and MEDIUM DENSITY RESIDENTIAL districts, two-family dwelling units must provide at least 20 percent of the site as green space.
- (5) In the RESIDENTIAL COMMERCIAL district, two-family dwelling units must provide at least ten percent of the site as green space.

(Ord. No. O-2019-2, § 3.13, 9-23-2019)

Sec. 30-588. - Dwelling unit—Multi-family.

Depending upon the district, multi-family dwelling units are allowed in accordance with the applicable zoning district provisions or as part of a planned residential development, subject to the following provisions:

- (1) The parcel is in a zoning district where two-family and multi-family dwelling units are permitted.
- (2) In the LAND RESERVE 25-ACRE, LAND RESERVE 10-ACRE, RESIDENTIAL/AGRICULTURAL 5-ACRE and RESIDENTIAL/AGRICULTURAL 2-ACRE zoning districts, multi-family dwelling units are limited to up to 4 units.
- (3) The required off-street parking for a multi-family dwelling unit shall not be located in the area between the front lot line and the front line of the building. As part of site plan approval and conditional use approval, however, the development review board may modify this requirement if unusual site conditions prevent the provision of parking elsewhere on the site.
- (4) In the HIGH DENSITY RESIDENTIAL and MEDIUM DENSITY RESIDENTIAL districts, multifamily residential projects must provide at least 20 percent of the site as green space.
- (5) In the RESIDENTIAL COMMERCIAL district, multifamily residential projects must provide at least ten percent of the site as green space.
- (6) In the HIGH DENSITY RESIDENTIAL, RC and MEDIUM DENSITY RESIDENTIAL districts, multifamily dwelling units may be of a "townhouse," "cottage court" or "garden apartment" design.
- (7) In the GENERAL BUSINESS and CENTRAL BUSINESS districts, multifamily dwelling units may be of a "townhouse," "cottage court," "garden apartment" or "multi-story" apartment design. Multi-story apartments shall contain no more than eight stories.

(Ord. No. O-2019-2, § 3.14, 9-23-2019)

Sec. 30-589. - Extraction of earth and mineral resources.

The following standards for operation and rehabilitation of all earth and mineral resource extraction operations, including extraction of soil, sand or gravel, shall apply to new operations and the extension of existing operations. The extension of an existing extraction operation shall be considered as excavation of previously undisturbed land surface area. The pre-existence of an operation for removal of topsoil, or a condition of the land where topsoil has been removed, shall not be considered the same as a pre-existing resource extraction operation. Continuation of existing operations shall be permitted on contiguous property where the land or gravel rights were owned or under option to the operator on the effective date of this ordinance, if such extensions comply with the remainder of this section.

- (1) *Approval required; performance bond.* The extraction of earth or mineral resources shall not be permitted until the development review board has approved a plan for reclamation of the site. The plan shall be submitted by the applicant and shall outline excavation procedures that specify phasing of the operation such that, upon completion of each phase, the excavated sections are reclaimed and left in a safe, attractive and useful condition. The development review board may require a performance bond to cover the costs of such phased reclamation of the site. This subsection shall not apply when the extraction is incidental to the construction of a building or a road on the same premises or where extraction will not exceed 100 cubic yards per year.
- (2) *Reclamation plan.* The plan for reclamation shall at least include:
 - a. Grading so that no slope is steeper than one-on-two;
 - b. Installation of at least four inches of topsoil;
 - c. Mulching, fertilizing and replanting to prevent erosion;

- d. Provision for the stability of the entire site and erosion prevention;
 - e. Provision for all drainage ways to be retained or relocated, and kept in a condition that prevents erosion; and
 - f. Compliance with VT Department of Environmental Conservation Best Management Practices.
- (3) *Operating requirements.* Extraction operations shall conform to the following:
- a. No blasting shall occur within 100 feet of any property line and no excavation or stockpiling of materials shall be located within 50 feet of any building, road or property line, unless other satisfactory agreement has been reached with the abutting property owner involved.
 - b. No power-activated crushing or sorting machinery or equipment shall be located within 300 feet of any occupied building without consent of the occupants or within 300 feet of any street or property line without consent of the abutter. All such machinery shall be equipped with satisfactory dust elimination devices.
 - c. During the period of excavation, slopes created in excess of 45 degrees (1 to 1 slope) shall be adequately posted for public safety, until rehabilitation is completed.
 - d. The operator shall control all surface drainage affected by the operation to prevent erosion debris and other loose materials from entering any drainage course, road or adjacent property. All provisions to control natural drainage shall meet with the approval of the development review board.
 - e. Excavation shall not jeopardize the stability of soils at any property lines.
 - f. Permanent structures shall comply with the setback and other requirements of the zoning district in which the operation is located.
 - g. Stripping of topsoil for sale or for use on other premises, except soil made surplus by a construction project, may be permitted, provided that no less than four inches of topsoil is retained and reseeded over the entire stripped area.
 - h. Compliance with state department of environmental conservation stormwater management regulations, as amended.

(Ord. No. O-2019-2, § 3.15, 9-23-2019)

Sec. 30-590. - Farm structures.

- (a) The term "farm structure" means a building, enclosure, or fence for housing livestock, raising horticultural or agronomic plants or carrying out other practices associated with accepted agricultural or farming practices, including a silo (see "agriculture" and "farming" defined in section 30-6), but excludes a dwelling for human habitation.
- (b) To qualify for the exemption from local zoning or to build a farm structure without following local zoning setbacks, a property owner must first demonstrate to the state that their operation is a "farm" as defined by section 2.05 of the accepted agricultural practices (AAPs) and is engaged in accepted agricultural practices as defined in section 3.2 of the AAPs. A small farm operation (SFO) is defined as follows: "operates four or more acres for farming; has filed a 1040(F)-tax form once in the last two years; or earns an annual gross income of more than \$2,000.00 from the sale of agricultural products."
- (c) An exempt farm structure may exceed building height or footprint requirements.
- (d) A zoning permit is required to convert an exempt farm structure from an agricultural to a nonagricultural use.

(Ord. No. O-2019-2, § 3.16, 9-23-2019)

Sec. 30-591. - Forestry.

Forestry uses shall include the maintenance, construction and alteration of logging roads, skid ways, landings, fences, and forest drainage systems. The following requirements shall be met:

- (1) All slash and tops from within 50 feet of a public right-of-way shall be removed immediately.
- (2) No more than 50 percent of the basal area of standing timber within 50 feet of a public right-of-way may be cut.
- (3) Suitable measures for the prevention of excessive soil erosion onto public rights-of-way shall be installed and maintained.
- (4) Landowners who intend to conduct a heavy cut of 40 acres or more on land owned or controlled by the landowner are required by 10 V.S.A. ch. 83 (10 V.S.A. § 2625) to file a "notice of intent to cut" with the department of forests, parks and recreation (FPR).

(Ord. No. O-2019-2, § 3.17, 9-23-2019)

Sec. 30-592. - Fuel storage and distribution facilities.

Fuel storage and distribution facilities, as defined in section 30-6, are allowed in the GENERAL BUSINESS, INDUSTRIAL/COMMERCIAL, EXIT 7, and Industrial districts upon conditional use approval of the development review board, provided that the following conditions are also satisfied:

- (1) Minimum lot size shall be two acres.
- (2) Minimum side and rear yard setbacks shall be 75 feet.
- (3) Minimum front yard setback shall be 35 feet.
- (4) There shall be a landscaped screening area along the side and rear lot lines no less than 35 feet deep. Reasonable accommodations for sidewalks/walkways, and public spaces shall be made. Existing trees, shrubs, and other vegetation shall be preserved on the site to the extent possible.
- (5) A metal fence no less than six feet in height shall surround all equipment related to the storage and distribution of fuel.
- (6) The applicant shall provide a master plan for the build-out of the site that addresses the issues of truck circulation, containment of spills and emergency procedures in case of fire or explosion; conditional use approval is dependent on development review board approval of the master plan.
- (7) Facilities for the storage and transfer of pressurized gaseous fuels shall be separated from other fuels.
- (8) Fuel storage and distribution facilities must meet all state and federal safety standards.

(Ord. No. O-2019-2, § 3.18, 9-23-2019)

Sec. 30-593. - Gasoline stations.

In all districts where allowed, gasoline stations or motor vehicle repair facilities shall comply with the following:

- (1) A gasoline station lot shall not be located within 300 feet of any lot occupied by a school, hospital, library or religious institution.

- (2) Lot size shall be at least 15,000 square feet, and in no case shall it be smaller than the minimum lot allowed in the district in which the facility is located. New gasoline stations lot size minimum is 25,000 square feet.
- (3) Lot frontage shall be at least 150 feet.
- (4) Pumps, lubricating and other service devices shall be located at least 35 feet from the front, side and rear lot lines.
- (5) All fuel and oil shall be stored at least 35 feet from any property lines.
- (6) All automobile parts and dismantled vehicles are to be stored within a building, and no repair work that exceeds 15 minutes is to be performed outside a building.
- (7) There shall be no more than two access driveways from all streets. Construction of curb cuts shall be in accordance with state agency of transportation B-71 for Commercial Drives. The maximum width of each access driveway shall be 40 feet; the minimum shall be 24 feet.
- (8) A suitably curbed landscaped area shall be maintained at least five feet in depth along all street frontage not used as a driveway.

(Ord. No. O-2019-2, § 3.19, 9-23-2019)

Sec. 30-594. - Group homes.

In accordance with 24 V.S.A. § 4412(1)(G), a state-licensed or -registered group home serving not more than eight persons who are disabled as defined in 9 V.S.A. § 4501, shall be considered by right as a permitted single-family dwelling unit. A residential care home, to be operated under state licensing or registration serving nine or more who have a handicap or disability as defined in 9 V.S.A. § 4501, shall be reviewed as a multifamily dwelling and shall be subject to conditional use review.

(Ord. No. O-2019-2, § 3.20, 9-23-2019)

Sec. 30-595. – Air transportation services.

- (a) Helicopter pads associated with hospitals and emergency facilities may be permitted as accessory uses provided that all setback requirements are met.
- (b) Helicopter pads, airstrips or other air transportation services are subject to site plan and conditional use approval by the development review board, shall be no less than 100 feet from any property line, and shall be screened from adjacent properties and public roads.

(Ord. No. O-2019-2, § 3.21, 9-23-2019)

Sec. 30-596. - Home business.

Home businesses, as defined in section 30-6, shall be allowed in districts as specified in article II of this chapter. Home businesses shall conform to the requirements of this section. A home occupation that grows to exceed the restrictions set forth in section 30-597 must obtain a permit as a home business in accordance with this section. A home business in a residential district that grows to exceed the restrictions of this section must relocate to a district in which the activity is a permitted or an allowed conditional use. A home business in a nonresidential district that grows to exceed the restrictions of this section must meet all requirements (including use restrictions) of the district in which it is located. The specific conditions for a home business are:

- (1) The home business is clearly secondary to the use of the building for dwelling purposes, and shall be operated by a resident of the dwelling;

- (2) The home business shall be carried on wholly within the dwelling/residence or accessory structures to the dwelling/residence, and shall occupy no more than 1,100 square feet of floor space. Home businesses carried on wholly within the dwelling/residence are limited to 50 percent of the dwelling area;
- (3) The home business shall employ no more than three on-premises employees who are not residents of the premises;
- (4) There shall be no exterior displays other than those permitted under these ordinances;
- (5) There shall be no exterior storage of materials, no exterior indication of the home business and no variation from the residential character of the principal structure;
- (6) Parking shall be provided off-street in accordance with section 30-659 of these ordinances which states: "...home businesses shall provide off-street parking for each non-resident employee and sufficient enough to accommodate all customers, but not less than one customer space";
- (7) A home business shall not include service or repair of motor vehicles in MEDIUM DENSITY RESIDENTIAL and HIGH DENSITY RESIDENTIAL zoning districts; and
- (8) Objectionable circumstances such as noise, vibration, smoke, odors, or electrical disturbance shall not be produced.

(Ord. No. O-2019-2, § 3.22, 9-23-2019)

Sec. 30-597. - Home occupations.

Home occupations, as defined in section 30-6, shall be allowed in districts as specified in article II of this chapter.

Exceptions: no permit shall be required if the following conditions are met:

- (1) Resident owner of the business is the only employee;
- (2) No clients on site;
- (3) No signs or outdoor storage;
- (4) No deliveries; and,
- (5) Office use only.

The following conditions must be met for all uses other than office use only:

- (1) The home occupation is clearly secondary to the use of the building for dwelling purposes;
- (2) The home occupation shall be carried on by residents of the premises only;
- (3) The home occupation shall be carried on wholly within the dwelling/residence or accessory structures to the dwelling/residence, and shall occupy no more than 600 square feet of floor space. Home occupations carried on wholly within the dwelling/residence are limited to 25 percent of the dwelling area;
- (4) There shall be no exterior displays or signs other than those permitted under this ordinance;
- (5) There shall be no exterior storage of materials, no exterior indication of the home occupation and no variation from the residential character of the principal structure;
- (6) Objectionable circumstances such as noise, vibration, smoke, odors, or electrical disturbance shall not be produced;
- (7) A home occupation shall not include service or repair of motor vehicles; and

- (8) Parking shall be provided off-street in accordance with section 30-659 which states: "... home occupations shall provide off-street parking sufficient to accommodate all customers, but not less than one off-street space, unless the applicant provides evidence that the home occupation will not have customers coming to the site."

(Ord. No. O-2019-2, § 3.23, 9-23-2019)

Sec. 30-598. - Inn.

An inn is the use of one or more structures (typically a private home or accessory building or buildings designed to appear as such) to provide short-term accommodations for guests and may include a restaurant, bar, event facilities, spa or fitness club as an accessory use. Such structure must have a resident manager or appropriate staff when occupied by guests, and shall:

- (1) Be allowed in all districts, except IND.
- (2) Require site plan approval from the development review board.

(Ord. No. O-2019-2, § 3.24, 9-23-2019)

Sec. 30-599. - Makerspace.

- (a) A makerspace is a place in which people can gather to work on projects while sharing ideas, equipment, and knowledge. Makerspaces often combine shared tools, manufacturing equipment, and industrial processes that would otherwise be inaccessible or unaffordable such as 3-D printers, digital fabrication machines and computer-aided design (CAD) software, as well as peer to peer and/or professional assistance for the purpose of enabling members to design, prototype and fabricate new products. Conditional use and site plan review is required. (Sections 30-722 and 30-723.)
- (b) Makerspaces, as defined in section 30-6, shall be allowed in districts as specified in article II of this chapter upon conditional use approval of the development review board, provided that the following conditions are also satisfied:
 - (1) There shall be no outdoor storage of materials used or generated by the activity.
 - (2) The potential for noise, fumes, and dust shall be evaluated by the development review board and a finding shall be made that no surrounding properties will be adversely affected by noise, fumes, or dust associated with the use.
 - (3) No use shall, as part of normal operations, produce vibrations which are detectable without instruments at the property line.
 - (4) The site shall provide sufficient loading and unloading areas so that traffic will not back up onto adjacent or nearby streets.
 - (5) User access to the site shall be limited to those times as recommended by the development review board and such times shall be posted on the site.
 - (6) Parking shall be provided in accordance with section 30-659.
 - (7) Limited retail and tour-oriented observation hours, related to manufactured items, shall be set at days and times specified by the development review board.
 - (8) Fire, explosive and similar safety hazards which would substantially increase the risk to an abutting property, or which would place an unreasonable burden on the fire department, shall be prohibited.

(Ord. No. O-2019-2, § 3.25, 9-23-2019)

Sec. 30-600. - Mobile home parks.

- (a) *Applicability.* A new or expanded mobile home park may be allowed in designated zoning districts subject to review by the development review board under article VII of this chapter, and the provisions of this section. All standards applicable to dwellings in the district within which the mobile home park is located shall apply equally to dwellings located within the park, unless otherwise specified below.
- (b) *Application requirements.* In addition to the application information required under section 30-722, the applicant for a mobile home park shall also submit a site development plan that shows the following:
 - (1) Lot boundaries, required setbacks and buffers, and distances to the nearest intersecting streets;
 - (2) Designated mobile home sites;
 - (3) Existing and proposed building footprints and elevations, including existing buildings on adjoining lots which are within 100 feet of the boundaries of the mobile home park;
 - (4) Existing and proposed vehicle and pedestrian circulation, including accesses, park roads, pedestrian paths, and parking areas;
 - (5) Existing and proposed open spaces and other common areas;
 - (6) Existing and proposed park infrastructure, including water and wastewater systems, utilities, drainage and stormwater management systems, and associated easements or rights-of-way; and
 - (7) A detailed landscaping plan.
- (c) *Siting requirements.* All mobile home parks shall be sited on a lot that is:
 - (1) A minimum of ten acres in area;
 - (2) Served by a public or community water supply and wastewater system; and
 - (3) Well-drained, with land and soil conditions that are suitable for park development.
- (d) *Design standards.*
 - (1) The maximum number of mobile homes in a mobile home park shall not exceed four mobile homes per gross acre of the park.
 - (2) The mobile home park shall meet all setback requirements for the district in which it is located. A landscaped buffer strip, not less than 20 feet in width, shall be provided along all property and street lines. The development review board may require increased setback distances and/or buffering and screening to minimize or avoid adverse impacts to adjoining properties and public rights-of-way.
 - (3) Open space for recreation and playground purposes, occupying not less than ten percent of the gross mobile home park area, shall be provided in a convenient location for use by park residents. Such open space shall be suitably landscaped, equipped and furnished, and screened or protected from parking and service areas.
 - (4) Designated rights-of-way for mobile home park roads shall be at least 50 feet wide; park roads shall have a maintained gravel or paved surface at least 20 feet wide and be adequately lighted.
 - (5) Each individual mobile home shall be located on a site having a minimum width of 50 feet and a minimum area of 6,000 square feet, which is defined by four inches by four inches by three feet reinforced concrete markers at each corner.
 - (6) Each mobile home, and associated accessory structures, shall be set back a minimum of 20 feet from adjoining sites and roadways.

- (7) Each site shall contain permanent, immovable service connections.
- (8) There shall be two parking spaces per mobile home, at least one of which is on the mobile home site. Common parking areas, and bicycle racks or storage areas, for the use of residents and visitors may also be provided in accordance with section 30-657.
- (e) *Operation and maintenance.* The mobile home park owner, or designated operator, shall, as a condition of development review board approval:
 - (1) Maintain all park buildings, roads, parking areas, paths, utilities, infrastructure, landscaping, open space and common areas in good condition, and shall provide for the regular collection and removal of recyclables, waste and garbage;
 - (2) Remove snow from all park roads, parking and service areas;
 - (3) Plant and maintain a minimum of two trees (minimum 2.0 inches diameter at breast height or greater) on each mobile home site; and
 - (4) Not engage in retail sale of mobile homes in connection with the operation of the park.

Failure to meet these operation and maintenance requirements shall constitute a violation of permit conditions and this ordinance, subject to enforcement action under article X, division 6 of this chapter.
- (f) *Review of mobile home accessory structures.* The owner of a mobile home within an approved mobile home park may apply for a zoning permit under article X of this chapter for a deck or accessory structure which meets site setback requirements under subsection (b) of this chapter, without additional approval by the development review board under article VII of this chapter.

(Ord. No. O-2019-2, § 3.26, 9-23-2019)

State Law reference— Equal treatment of mobile homes, manufactured homes. 24 V.S.A. § 4412(1)(B).

Sec. 30-601. - Outdoor markets.

Outdoor markets may be located in any district after receiving conditional use approval (section 30-723) from the development review board in accordance with the provisions of this ordinance. The following requirements shall also be applied:

- (1) The applicant shall demonstrate that adequate parking is available for vendors' vehicles and customers' vehicles;
- (2) The applicant shall provide a satisfactory plan for controlling trash and other litter and preventing it from being deposited on nearby properties;
- (3) The applicant shall demonstrate that an adequate water supply will be available whenever the market is in operation;
- (4) The applicant shall demonstrate that adequate sanitary facilities will be available and operating whenever the market is in operation.

(Ord. No. O-2019-2, § 3.27, 9-23-2019)

Sec. 30-602. - Commercial storage facilities.

Commercial storage facilities may be located in the HIGH DENSITY RESIDENTIAL , RC and GENERAL BUSINESS districts after receiving conditional use approval (section 30-723) from the development review board in accordance with the provisions of this ordinance. The following requirements shall also be applied:

- (1) The applicant shall demonstrate that adequate parking and circulation are available for customers' vehicles.
- (2) The facility shall be designed to fit into the surrounding neighborhood and/or shall include landscaping that screens structures from view of the road and neighboring properties.

(Ord. No. O-2019-2, § 3.28, 9-23-2019)

Sec. 30-603. - Public facilities.

In accordance with 24 V.S.A. § 4413(a), the following uses may be regulated only with respect to location, size, height, building bulk, yards, courts, setbacks, density of buildings, off-street parking, loading facilities, traffic, noise, lighting, landscaping, and screening requirements, and only to the extent that regulations do not have the effect of interfering with the intended functional use:

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

(Ord. No. O-2019-2, § 3.29, 9-23-2019)

Sec. 30-604. - Recreational vehicles.

- (a) It shall be unlawful for any person to park a recreational vehicle/camper except:
 - (1) In an approved campground;
 - (2) In an approved camper sales lot; or
 - (3) A recreation vehicle/camper parked on private property shall not be used as permanent living quarters and shall not be hooked up to any water or sewer utilities. An owner who invites someone to park a recreational vehicle/camper on their property shall not allow said use to exceed a period of time of 30 days.
- (b) No building or structure intended for human occupancy shall be erected, altered or converted to another use unless adequate potable water and wastewater disposal systems are provided in compliance with the state wastewater system and potable water supply rules and applicable state regulations.

(Ord. No. O-2019-2, § 3.30, 9-23-2019)

Sec. 30-605. - Small repair services.

Small repair services are permitted in GENERAL BUSINESS, CENTRAL BUSINESS, INDUSTRIAL/COMMERCIAL and Industrial districts and may be located in the RESIDENTIAL COMMERCIAL district after receiving conditional use approval (section 30-723) from the development review board in accordance with the provisions of this ordinance. The following requirements shall also be applied: The activity is wholly conducted indoors.

(Ord. No. O-2019-2, § 3.31, 9-23-2019)

Sec. 30-606. – Rooming House.

A rooming house may be located in MEDIUM DENSITY RESIDENTIAL , HIGH DENSITY RESIDENTIAL , GENERAL BUSINESS, CENTRAL BUSINESS and RESIDENTIAL-COMMERCIAL zoning districts after receiving conditional use approval (section 30-723) from the development review board in accordance with the provisions of this ordinance. The purpose of this bylaw is to provide safe living standards for rooming house occupants and to protect the character of the neighborhood in which the rooming house is located. This ordinance does not include group homes as defined in Section 3.20. The following requirements shall also be applied:

- (a) Sufficient off-street parking shall be provided at the rate of one parking space per bedroom or at the discretion of the DRB.
- (b) Each rooming house shall have no more than one kitchen facility whether shared or not.
- (c) Rooming houses are a conditional use in the HIGH DENSITY RESIDENTIAL , MEDIUM DENSITY RESIDENTIAL , RC, GENERAL BUSINESS, CENTRAL BUSINESS, RESIDENTIAL/AGRICULTURAL 2-ACRE , RESIDENTIAL/AGRICULTURAL 5-ACRE , LAND RESERVE 10-ACRE and LAND RESERVE 25-ACRE zoning districts. Rooming houses are not permitted in any other zoning district.
- (d) The number of individuals housed in each bedroom of a rooming house will also be determined by the development review board through the site plan review and conditional use process.
- (e) A rooming house that exists on the date this section was adopted by the Selectboard (January 5, 2017) may continue to exist as a nonconforming use for a period not to exceed two years, at which time the use shall cease, unless in the interim the development review board has granted the owner of the parcel a site plan review approval and conditional use approval of the use of the parcel for a rooming house, subject to the same standards as set forth in subsection (c) of this section. The grandfathering for a period of two years is subject to the owner registering a rooming house that existed prior to the passage of this section within 60 days of the date this section is adopted by the Selectboard. A rooming house that exists at the time of the passage of this section, which use is discontinued for a period of 60 days, shall be a nonconforming use and rooming house use shall not be reestablished unless the owner of the parcel has obtained conditional use approval and site plan review approval of the rooming house use from the development review board.
- (f) Rooming Houses shall comply with all requirements of the Vermont Rental Housing code Enforcement Act 188.
- (g) Rooming House shall have rules that address safe living and protect the character of the neighborhood. Said rules shall be posted in a common living area.
- (h) The land owner shall place a Knox box on the property and register it with the Springfield Fire Department.
- (i) The land owner shall register annually with the rental registry.
- (j) A Certificate of Occupancy will not be released until approval has been given by the State Fire Marshall, Springfield Health Officer and Town Zoning Administrator.

Sec. XXX. – Rural Enterprise

Purpose statement: to preserve existing farm buildings and barns and allow adaptive reuse as rural enterprises.

Rural Enterprises as defined in Article 7, shall be allowed in RESIDENTIAL/AGRICULTURAL 2-ACRE , RESIDENTIAL/AGRICULTURAL 5-ACRE , LAND RESERVE 10-ACRE and LAND RESERVE 25-ACRE districts only. The specific conditions for a rural enterprise are:

1. Commercial activity must be carried on within the existing farm building only.
2. There shall be no restriction on how much square footage the business may occupy within the structure.
3. No outside storage of materials or exterior indication of a rural enterprise and no variation from the illusion of a farm building.
4. A Rural Enterprise may employ up to 5 employees, not including the owner of the property.
5. Suggested uses may include: yoga studio, artist studio, woodworking shop, automotive repair, commercial kitchen, etc.
6. Prohibited uses: industrial or heavy manufacturing, trucking business, retail sales of products not produced onsite, commercial warehouse or other uses not conducive to the character of the area or impacts on Class 3 roads (unpaved, rural roads).
7. Parking to be located at the rear of the building or at the discretion of the Development Review Board if extenuating circumstances exist.
8. Must comply with all local and State permitting. All applicable permits must be obtained before a final Certificate of Occupancy will be issued.
9. A Conditional Use permit is required.

(Ord. No. O-2019-2, § 3.32, 9-23-2019)

Sec. 30-607. - Salvage and recycling facilities.

- (a) Salvage and recycling facilities are of two types:
 - (1) Class I facilities accept and process only household wastes such as paper, plastic, glass, newspaper, tin cans, small appliances, etc.
 - (2) Class II facilities accept and process larger appliances such as motor vehicles, mechanical equipment, industrial waste, construction debris, etc.
- (b) Class I salvage and recycling facilities may be allowed in the GENERAL BUSINESS district as a conditional use in accordance with the provisions of section 30-723, and following site plan approval by the development review board in accordance with the provisions of section 30-722.
- (c) Class II salvage and recycling facilities may be allowed in the IND districts in conjunction with a regional solid waste management facility as a conditional use in accordance with the provisions of section 30-723, provided that it is licensed to operate in the state in accordance with 24 V.S.A. § 2241 et seq.

(Ord. No. O-2019-2, § 3.33, 9-23-2019)

State Law reference— Salvage yards, 24 V.S.A. § 2241 et seq.

Sec. 30-608. - Seasonal roadside produce stands.

Seasonal stands for the sale of agricultural produce may be located off-site, provided that:

- (1) All stands shall meet the setback requirements of the district in which they are located.
- (2) Off-street parking shall be in compliance with section 30-659 and section 30-722
- (3) Applicants shall contact the state department of transportation and/or town department of highways for access review.

(Ord. No. O-2019-2, § 3.34, 9-23-2019)

Sec. 30-609. - Short-term rentals.

- (a) The town recognizes the benefit of short-term rentals to homeowners, visitors and the community. However, it is important not to create a nuisance or change the residential character of the area. A permit is not required during foliage season (September 15 through October 21) when the owner or primary tenant is in residence throughout the rental period and the provisions of subsections (b)(4) through (7) of this section are met.
- (b) The following provisions shall apply to ensure that the commercial use of residential property does not adversely affect the neighborhood in which short-term rentals are located:
 - (1) Conditional use approval is required for rental periods of fewer than 30 days.
 - (2) All associated parking shall be on-site in designated spaces and comply with section 30-659.
 - (3) Rubbish service shall be provided and containers shall be maintained out-of-sight, not viewed from the street.
 - (4) Notice to renters of house rules pertaining to parking, rubbish, noise, parties, etc., shall be visibly displayed in the dwelling.
 - (5) Name, address and telephone number of a manager shall be filed with the application and kept up to date.
 - (6) Prohibitions:
 - a. Weddings, parties, catered events, and similar events.
 - b. Signs and other outside indications the dwelling is used as a short-term rental.
 - c. Outdoor activities between 9:00 p.m. and 7:00 a.m.
 - (7) A change of ownership shall require a new permit.

(Ord. No. O-2019-2, § 3.35, 9-23-2019)

Sec. 30-610. - Solid waste management facilities.

In the IND district, facilities for the temporary storage and transfer or disposal of refuse and waste materials are allowed as a conditional use in accordance with the provisions of section 30-723, provided that the facility meets all of the requirements for solid waste management facilities established by the state.

(Ord. No. O-2019-2, § 3.36, 9-23-2019)

Sec. 30-611. - Wireless telecommunications facilities.

See broadcast facilities, section 30-582.

(Ord. No. O-2019-2, § 3.37, 9-23-2019)

Sec. 30-612. - Temporary structures and temporary uses.

- (a) Temporary structure permits, on subject construction site property, may be issued by the administrative officer for a period not to exceed six months, for nonconforming uses incidental to construction projects (use of a trailer/mobile home for office or storage space) or for special events (large tent for wedding, etc.).
- (b) Temporary structures, building or tents intended for public assembly use (larger than 1,200 square feet) are considered a public building by the state fire marshal and shall require a state permit and a zoning permit for site plan review (section 30-722).
- (c) The permit shall be conditioned upon agreement by the owner to dismantle and remove the structure upon expiration of the permit. Such permits may be renewed upon application for an additional six-month period.
- (d) Such a structure shall comply with all setback standards and other dimensional standards for the district in which it is located, and shall not be used for dwelling purposes.

(Ord. No. O-2019-2, § 4.22, 9-23-2019)

Sec. 30-613. - Unsafe buildings.

Nothing in this ordinance shall limit the ability of the town to provide for the removal, repair or demolition of any building determined to be unsafe in accordance with the provisions of chapter 8, article II.

(Ord. No. O-2019-2, § 4.23, 9-23-2019)

Secs. 30-614. - Commercial Mobile Food and/or Merchandise Units

A mobile food and/or merchandise business stationed in one locality or traveling from place-to-place selling food or merchandise.

1. A Site Approval permit is required. This process can take up to 60 days so it is imperative that the applicant submit their request well in advance of their desired start-up date.
2. After initial DRB approval, all units shall require an annual registration with the Zoning Administrator. There will be no annual registration fee
3. A temporary food/merchandise unit is allowed in all districts with the exception of MDR/HDR zoning districts.
4. Temporary units on private property require written approval by the landowner.
5. Traveling mobile food/merchandise units must secure written permission from all property owners and Site Plan Approval from the DRB.

6. A seasonal mobile food unit may have temporary outdoor seating which must be safely placed away from parking.
7. Any associated seating and accessory items such as dumpsters shall be removed from the property at the expiration of the permit.
8. Prohibited items and vendors: used goods, antiques and collectibles.
9. Hours of operation shall be at the discretion of the Development Review Board.
10. Prior approval and/ recommendation from the police /fire / public works department for both a zoning permit and annual renewal.
11. Permission from VTrans if accessed from a State highway (Mark Pickering 802-254-5011).
12. Temporary units must obtain a license from the Springfield Town Clerk and the Vermont Department of Health. Contact Dick Martindale 802-540-5123 or www.healthvermont.gov/environment/food-lodging. Applicants must contact the Vermont Department of Health thirty (30) days before the planned opening.
13. All licenses and permits must be received before a Certificate of Occupancy is approved.
14. Modifications to an approved site plan or change in location will require an amendment to the permit.
15. Change in business ownership will require a new permit.
16. Change in property ownership will require written permission to be filed with the Zoning office.
17. A mobile food unit may not broadcast music or loud announcements
18. No permit is required for mobile units within a permitted special event.
19. Signs:
 - a. All signs must be placed on the unit.
 - b. One “open” flag is permitted which must not be placed in the public right-of-way.
 - c. All other flags are prohibited.
 - d. Banners on accessory vehicles are prohibited.
 - e. Internally illuminated signs are allowed, however flashing, oscillating or revolving signs are prohibited.

Secs. 30-615—30-644. - Reserved.

ARTICLE IV. - GENERAL REGULATIONS

Sec. 30-645. - Applicability.

The following general standards, including provisions required under 24 V.S.A. § 4412, apply to all uses and structures as specified within the town.

(Ord. No. O-2019-2, § 4.0, 9-23-2019)

Sec. 30-646. - Access and frontage requirements.

- (a) In accordance with 24 V.S.A. § 4412(3), no land development may be permitted on lots which do not have either frontage on a public road (Class 1, 2 or 3 town highway) or public waters, or with the approval of the development review board, access to such a road or waters by a permanent easement or right-of-way at least 20 feet in width. Such rights-of-way shall serve no more than two lots or dwelling units. For access subject to development review board approval, the development review board may consider intended use, safety, traffic, and road and site conditions in granting or denying such approval.
- (b) All new accesses proposed after the effective date of this bylaw are subject to all access and frontage requirements contained herein, as well as applicable provisions of the town subdivision regulations and town driveway standards. A change in use, expansion of an existing use or significant modification of an existing access shall be subject to these provisions.
- (c) Access onto town highways is subject to the approval of the Selectboard or its designee, and for state highways, the state agency of transportation. As a condition of access approval, compliance with all municipal land use regulations is required. Local access permits or state access letters of intent must be obtained prior to the issuance of a zoning permit.
- (d) Lot frontage requirements apply to lots served by private development roads as well as lots served by public roads.
- (e) In no case shall any development be permitted which is accessible only by intersection with a Class 4 town highway. However, the applicant may petition the town Selectboard to upgrade the highway, if the public good and necessity requires, to a Class 3 town highway, but in so doing the applicant shall bear the costs of upgrading that road.
- (f) With the exception of accesses used solely for agricultural or forestry purposes, no lot shall be served by more than one access. Additional accesses may be approved by the development review board in the event that:
 - (1) The additional access is necessary to ensure vehicular and pedestrian safety;
 - (2) The strict compliance with this standard would, due to the presence of one or more physical features (e.g., rivers and streams, steep slopes, wetlands), result in a less desirable development or subdivision design than would be possible with the allowance of an additional access; or
 - (3) A traffic management plan is developed in association with a planned unit development approved in accordance with article VIII of this chapter.
- (g) Applicants for a zoning permit for any parcel where the number of existing accesses exceeds the number allowed under this section must eliminate or combine accesses in order to meet the applicable standards unless otherwise approved by the appropriate municipal panel.
- (h) An access shall be located at least 100 feet from any intersection of public road rights-of-way (125 feet from centerline) for all uses except single- and two-family dwellings, which shall be at least 50 feet from such intersections (75 feet from centerline), unless otherwise approved in accordance with conditional use approval under section 30-723 or subdivision approval.

- (i) Shared accesses are encouraged, and may be required for development subject to subdivision, site plan and/or conditional use approval. The interests of each owner shall be protected by an agreement of deed provisions for private, joint maintenance of the common access.
- (j) Accesses serving more than three lots shall be subject to E911 assignments and town road standards, that is, the Town Road and Bridge Standards, Town of Springfield, Vermont (herein "town road and bridge standards"), adopted by the Selectboard on January 27, 2014, and as from time to time amended.
- (k) Driveways, which serve no more than three lots, shall meet the following standards, unless approved by the DRB:
 - (1) Driveways shall be constructed to town driveway standards (see town road and bridge standards) unless otherwise required under subdivision, site plan or conditional use review.
 - (2) No driveway shall exceed a slope of three percent within 35 feet of an intersection with the travel-way of a road, or shall intersect with a road at a horizontal angle of less than 70 degrees.
 - (3) Driveways that exceed a 12 percent grade must provide a detailed driveway plan and driveway profiles prepared by a state licensed engineer. Driveways must not exceed a 20 percent grade.
 - (4) Driveways exceeding 400 feet in length must include, at minimum, one 12-foot by 50-foot pull-off area.

(Ord. No. O-2019-2, § 4.1, 9-23-2019)

Sec. 30-647. - Conversions and changes of use.

Conversions or changes in the use of land, existing buildings, or other structures are subject to the provisions of this bylaw as follows:

- (1) The proposed use shall be subject to all the requirements of this bylaw pertaining to such use, including, but not limited to, any district, general or specific requirements, as well as subdivision regulations and all other municipal regulations currently in effect.
- (2) An accessory structure such as a garage or barn may be converted to a principal use allowed within the district in which it is located only if the structure is located on a subdivided lot which conforms to the lot size, setback, parking and other requirements applicable to the relevant district and proposed use.
- (3) A conversion or change of use from one permitted use to another permitted use which involves the creation of new floor space or outdoor storage space, requires additional on-site parking, or has different minimum lot size or dimensional requirements, will require a zoning permit issued by the administrative officer under article X, division 2 of this chapter. Site plan review under section 30-722 may also be required.
- (4) A conversion or change from a permitted use to a conditional use may be approved by the development review board subject to conditional use review under section 30-723.
- (5) A conversion or change of use involving a nonconforming use and/or structure is also subject to review under section 30-647.

(Ord. No. O-2019-2, § 4.2, 9-23-2019)

Sec. 30-648. - Equal treatment of housing.

- (a) Except as provided in 24 V.S.A. §§ 4412(1)(E) and 4414(1)(E), design review districts, and 24 V.S.A. § 4414(1)(F), local historic districts and landmarks, no bylaw shall have the effect of excluding

mobile homes, modular housing or prefabricated housing from the town, except upon the terms and conditions as conventional housing is excluded.

- (b) Ordinance shall designate appropriate districts and reasonable regulations for multi-unit or multifamily dwellings. No bylaw shall have the effect of excluding these multi-unit or multifamily dwellings from the town. (24 V.S.A. § 4412(1)(D).)
- (c) No bylaw shall have the effect of excluding low- and moderate-income housing.

(Ord. No. O-2019-2, § 4.3, 9-23-2019)

Sec. 30-649. - Conformance with other regulations.

All permitted and conditional uses must be in compliance with all other regulations, including all federal, state and local regulations. Where there are inconsistencies between regulations, the more stringent regulations shall apply.

(Ord. No. O-2019-2, § 4.4, 9-23-2019)

Sec. 30-650. - Damaged or destroyed structures.

- (a) Within three months of a structure being damaged or destroyed by any cause, the owner must act to either:
 - (1) Stabilize and secure it as necessary to protect public health and safety and to protect it from the elements, prior to commencing reconstruction; or
 - (2) Demolish it and remove all structural materials and debris from the site, restore the site to a natural grade, and re-establish ground cover to prevent erosion.
- (b) The administrative officer may grant up to three ten-month extensions upon finding that the site does not pose a hazard to public health or safety and that the owner has reasonable cause for not commencing repair, reconstruction or demolition.
- (c) A zoning permit will not be required to repair or reconstruct a damaged or destroyed structure and use it as before, provided that:
 - (1) Repair or reconstruction commences within three months of the damage or destruction, or of the extension;
 - (2) The structure as repaired or reconstructed does not exceed the original floor area;
 - (3) The structure as repaired or reconstructed will be located within the original footprint.
 - (4) Nonconforming structure. If a nonconforming structure is damaged or destroyed, the structure as repaired or reconstructed must not be more nonconforming than the original structure. However, properties in the flood hazard areas will require a permit to repair or reconstruct.

(Ord. No. O-2019-2, § 4.5, 9-23-2019)

Sec. 30-651. – Permanent Perimeter Fences.

No wall, fence or shrubbery shall be erected, maintained or planted on any lot which obstructs or interferes with traffic visibility or public safety. Fences that are below six feet in height and meet the setbacks for the districts in which they are located do not need a permit. (See exemptions, section 30-916.)

- (1) Fences may be erected on side and rear property lines (i.e., perimeter fences) and are not required to meet setback requirements unless they border a highway/sidewalk right-of-way.

- (2) Perimeter fences along both the side and rear property lines shall not exceed six (6') feet in height.
- (3) Fences along front lot lines shall not exceed four (4') feet in height.
- (4) An exemption may be granted in special circumstances with Conditional Use Approval from the Development Review Board if the following conditions are met:
 - a. The fence will have no adverse impact on adjacent properties or the character of the neighborhood;
 - b. The fence is required for the safe operation of the permitted activities on the property.
 - c. The fence is not in the highway right-of-way.
- (5) Additionally, an owner whose property is on a steep slope may petition the Development Review Board for permission to place a six (6') foot fence on the front elevation of their property.
- (6) Fences shall not be located within the triangular area formed by the lot lines at a street intersection and the line connecting them at points 30 feet from the intersection of the lot lines.
- (7) Fences shall not deprive adjacent property owners of light and air.
- (8) Electric fences are permitted only for agricultural purposes.
- (9) Fences shall be located no closer than five (5') feet from any abutting highway, road, street or sidewalk.
- (10) Fences abutting state roads shall adhere to state agency of transportation right-of-way setbacks and shall not infringe upon sight lines. Applicant must contact the AOT (802-254-5011) as setbacks will vary from roadway to roadway and segment to segment.
- (11) Any fence proposed to be placed within the public right-of-way shall require Selectboard or AOT approval.

(Ord. No. O-2019-2, § 4.6, 9-23-2019)

Sec. 30-652. - Filling of low areas.

Filling of land with loam, rock, stone, gravel, sand or other such material when incidental to development or construction which has been granted a permit under this ordinance, is allowed in any district, except the SFHA, provided that:

- (1) The filled surface is graded to a slope no steeper than one on two, covered with four inches of topsoil, mulched, fertilized and re-seeded to prevent erosion; and
- (2) Natural drainage flows are not obstructed or diverted onto adjacent property.

(Ord. No. O-2019-2, § 4.7, 9-23-2019)

Sec. 30-653. - Height limitations.

- (a) Except within 2,000 feet of an aircraft landing strip, nothing herein contained shall be interpreted to limit or restrict the height of silos, church spires, cupolas, bells, clocks, fire and observation towers, antenna structures, wind turbines with blades less than 20 feet in diameter, and roof-top solar collectors less than ten feet high, which are mounted on complying structures, broadcast facilities, or essential public utility structures per 24 V.S.A. § 4412(6).
- (b) Broadcast facilities, wireless telecommunications facilities, water or cooling towers, oil or gas holders, elevator bulkheads, chimneys or similar structures in excess of the height limitation for the

district in which they are to be located may be approved upon conditional use approval by the development review board.

- (c) With the exceptions specified in subsections (a) and (b) of this section, height limitations for all structures shall be as specified for the individual zoning districts.

(Ord. No. O-2019-2, § 4.8, 9-23-2019)

Sec. 30-654. - Incomplete development.

If land development authorized by a zoning permit is not substantially completed prior to the permit expiring, the applicant must demolish or secure any partially completed structures, remove all structural materials from the site, restore the site to a natural grade, and re-establish ground cover to prevent erosion. The site must be cleaned up, secured and stabilized within six months after the permit expires.

(Ord. No. O-2019-2, § 4.9, 9-23-2019)

Sec. 30-655. - Lighting.

The residents of the town recognize that inappropriate and poorly designed or installed exterior lighting can cause unsafe and unpleasant conditions and limit the ability to enjoy the night-time sky. To reduce these undesirable effects, the following regulations are established:

- (1) *Applicability.* On all properties falling within the Observatory Protection Overlay District, and in all other districts, all properties except those of one- and two-family residential structures and active farms, the installation or replacement of any exterior lighting fixtures shall require a zoning permit, and said permit may not be issued unless the proposed installation is found (by the development review board or the administrative officer) to conform to all applicable provisions of this section.
 - a. When the lighting installation or replacement is part of a development proposal for which site plan approval is required under this ordinance, the development review board shall review and approve the lighting installation as part of its site plan approval.
 - b. Exterior lighting installations involving the installation or replacement of six or fewer lighting fixtures may be approved by the administrative officer. All others must be approved by the development review board.
 - c. The applicant shall submit to the town sufficient information (site plans, specifications, designs, analyses, etc.) to enable the town to determine that the applicable provisions will be satisfied.
- (2) *Exterior lighting in the Exit Seven (E7) District, Industrial (IND) District, Industrial/Commercial (IND/C) District, Residential Commercial (RC) District, Central Business (CB) District, General Business (GB) District, High Density Residential (HDR) District, and Medium Density Residential (MDR) District.*
 - a. *Parking lot lighting, where provided.*
 1. All lighting fixtures serving parking lots shall be low angle cut-off fixtures as defined by the Illumination Engineers Society of North America (IESNA). Such fixtures limit 90 percent of the light to a cone falling below 80 degrees from the vertical, ten percent to the area between 80 and 90 degrees from the vertical, and prevent any light from being radiated above 90 degrees from the vertical.
 2. Lighting fixtures shall be mounted no more than 25 feet above the surface of the parking lot.

3. Lighting levels shall be measured as the horizontal illuminance of the parking lot surface and measured in footcandles. For safety purposes, the minimum illuminance provided shall not be less than 0.2 footcandles.
 4. The uniformity of illumination shall be measured by a uniformity ratio defined as the ratio of the average level of illuminance divided by the minimum level. This ratio shall not exceed 4:1.
 5. The light source (lamp or bulb) shall be of a type having a Color Rendering Index (CRI) of no less than 60.
 - b. *Security lighting.* The purpose of and need for security lighting must be explicitly stated, and the area to be illuminated for security purposes shall be specifically delineated. To the extent that the designated area is illuminated by lighting for other purposes, independent security lighting installations will be discouraged.
 1. All security lighting fixtures shall be shielded and aimed so that illumination is directed only to the designated area. In no case shall lighting be directed above a horizontal plane through the lighting fixture.
 2. Security lighting fixtures shall be mounted no more than 25 feet above grade.
 3. The average lighting level on the ground in the designated area shall not exceed 2.0 footcandles.
 4. Vertical surfaces (i.e., building facades and walls) may be illuminated up to a level eight feet above grade or eight feet above the bottoms of doorways or entries, whichever is greater. The average lighting level on such vertical surfaces shall not exceed 2.0 footcandles.
 5. Security lighting fixtures may be mounted on poles located no more than ten feet from the perimeter of the designated secure area.
 6. Security lights intended to illuminate a perimeter (such as a fence line) shall include motion sensors and be designed to be off unless triggered by an intruder located within five feet of the perimeter.
 7. The light source (lamp or bulb) shall be of a type having a Color Rendering Index (CRI) of no less than 60.
 - c. *Illuminated signs.* Illuminated signs shall meet the requirements set forth in the signs section of this ordinance (article V of this chapter).
 - d. *Street lighting.* Street lighting shall meet the standards set forth in the town's public works specifications and subdivision regulations, and shall be cutoff fixtures as defined in subsection (2)a.1 of this section.
- (3) *Exterior lighting in all other districts.* In all other districts, parking lot lighting and street lighting are to be discouraged.
- a. Where the development review board determines that parking lot lighting is needed, it shall conform the requirements of subsection (2)a of this section.
 - b. Where the development review board determines that street lighting is needed, it shall conform to the requirements of subsection (2)d of this section, and shall be installed to illuminate intersections and other potential danger points only.
- (4) *Observatory Protection Overlay District.* Exterior lighting on properties falling all or partly within the OPD shall conform to all requirements of the overlay district, in addition to all requirements of this section.

Sec. 30-656. - Lot and yard requirements.

- (a) *Reduction of lot area.* No lot shall be so reduced in area that the area, yards, lot width, frontage, coverage or other requirements of this ordinance shall be smaller than herein prescribed for each district. The provisions of this section shall not apply when part of a lot is taken for a public purpose; this provision is not subject to variance consideration by the development review board.
- (b) *Required area of yards.* Space required under this ordinance to satisfy area or other open space requirements in relation to one building shall not be counted as part of a required yard, area or open space for any other building.
- (c) *Yards adjoining a street.* Any yard adjoining a street shall meet the front yard setback requirements of this ordinance.
- (d) *Lots in two districts.* Where a district boundary line divides a lot which was in single ownership at the time of passage of this ordinance, the development review board may, as a conditional use, permit the extension of either district beyond the existing boundary into the portion of the lot falling outside of that district by an amount not to exceed the following limits:
 - (1) In the LAND RESERVE 25-ACRE, LAND RESERVE 10-ACRE, RESIDENTIAL/AGRICULTURAL 5-ACRE and RESIDENTIAL/AGRICULTURAL 2-ACRE districts: 100 feet;
 - (2) In all other districts: 50 feet.
- (e) *Existing small lots.* Any lot in existence prior to the adoption of zoning may be developed even if it no longer complies with minimum lot size standards. Existing small lots are subject to all requirements as set forth for the zoning district in which the lot is located except lot size and setback. Setbacks shall comply with lot sizes in districts to which the existing small lots can compare (e.g., a two-acre lot in an RESIDENTIAL/AGRICULTURAL 5-ACRE district shall comply with setbacks of the RESIDENTIAL/AGRICULTURAL 2-ACRE district).

(Ord. No. O-2019-2, § 4.11, 9-23-2019)

Sec. 30-657. - Multiple structures and uses on one lot.

More than one structure and/or more than one use may be allowed on a single lot, provided that the following conditions are satisfied:

- (1) *General.*
 - a. If any of the uses or structures requires conditional use approval, approval must be obtained for all structures or uses.
 - b. If any of the uses or structures requires site plan approval, approval must be obtained for all structures or uses.
 - c. Off-street loading and parking requirements, specified in section 30-659, must be satisfied for all uses and structures.
- (2) *Multiple structures on a single lot.*
 - a. All structures must satisfy all setback requirements for the district in which the lot is located.
 - b. The maximum structure coverage limitation for the district must be satisfied by the total of all structures on the lot.
- (3) *Multiple uses on a single lot.* All uses must be allowed in the district in which the lot is located.

(Ord. No. O-2019-2, § 4.12, 9-23-2019)

Sec. 30-658. - Nonconformities.

- (a) *Nonconforming uses.* The following provisions shall apply to all uses existing on the effective date of this ordinance which do not conform to the requirements set forth in this ordinance and to all existing uses that in the future do not conform because of any subsequent amendment to this ordinance:
- (1) Any nonconforming use of a structure or land may be continued indefinitely.
 - (2) No nonconforming use shall be added to, expanded or enlarged.
 - (3) A nonconforming use shall not be changed to another nonconforming use without approval by the development review board, and then only to a use which, in the opinion of the development review board, is no more nonconforming than the previous nonconforming use.
 - (4) A nonconforming use shall not be re-established if such use has been discontinued for a period of 12 months or has been changed to, or replaced by, a conforming use. Intent to resume a nonconforming use shall not confer the right to do so.
 - (5) A building that houses a nonconforming use may be enlarged or rebuilt after being damaged for any reason, so long as the space devoted to the nonconforming use is no more than existed prior to the enlargement or rebuilding, and the nonconforming use is reinstated within two years of such damage; if the restoration of such building, regardless of intent, is not completed within two years the nonconforming use of such building shall be deemed to have been discontinued, unless such nonconforming use is carried on without interruption in the undamaged part of the building.
- (b) *Nonconforming structures.* The following provisions shall apply to all buildings and structures existing on the effective date of this ordinance which do not conform to the requirements set forth in this ordinance and to all existing structures that in the future do not conform because of any subsequent amendment to this ordinance:
- (1) A nonconforming structure may continue to be occupied and used indefinitely.
 - (2) Nothing in this section shall be deemed to prevent normal maintenance and repair of a nonconforming structure, provided that such action does not increase the degree of nonconformity.
 - (3) A nonconforming structure which is damaged or destroyed by 75 percent of its market value by any event may not be rebuilt without conditional use approval by the development review board, and the rebuilt structure must be at least as much in conformity as the original structure.
 - (4) A nonconforming structure may be moved, enlarged, altered, extended, reconstructed or restored, provided that the extension or expansion is in conformance with all provisions of this ordinance, and that the extension or expansion does not increase the degree of nonconformity of the original structure. This section shall not be construed to permit any unsafe structure, or to affect all proper procedures to regulate or prohibit the unsafe use of a structure.
- (c) *Nonconforming lots.* See the Existing Small Lot provisions in Sec. 30-656(e).

(Ord. No. O-2019-2, § 4.13, 9-23-2019)

Sec. 30-659. - Parking and loading.

- (a) *Loading.* For every building hereafter erected, altered, extended or changed in use for the purpose of business, trade, or industry, there shall be provided gravel or paved surfaced off-street space for loading and unloading of vehicles as set forth below:
- (1) Hotels, motels, hospitals, commercial, business, service and industrial establishments: one off-street loading space of at least 2,500 square feet for every 10,000 square feet of floor area.

- (2) Wholesale, warehouse, freight, and trucking use: one off-street loading space of at least 1,000 square feet for every 7,500 square feet of floor area.
- (b) *Parking.* Off-street parking spaces shall be provided in accordance with this section in all districts when any use is established or any existing use is enlarged.
- (1) Dimensions. Parking spaces and maneuvering aisles shall have minimum dimensions as shown in the following table:

Parking Angle	Stall Width	Stall Aisle	Depth One Way	Widths Two Way
90°	9'	18'	24'	24'
60°	9'	18'	18'	24'
45°	9'	18'	15'	24'
Parallel	8'	22'	14'	24'
All handicapped spaces shall be 12 feet wide.				

- (2) Within the CENTRAL BUSINESS District, there are no minimum parking space or loading requirements, but any parking or loading areas that will be provided shall meet the other provisions of this Section (30-659). In addition, no additional off-street surface parking in the CENTRAL BUSINESS District may be constructed between the street and the front on the building (this does not apply to parcels where parking is the principal use). (3) Home businesses.
- a.
- b. Home businesses shall provide off-street parking for each non-resident employee and sufficient to accommodate all customers, but not less than one customer space.
- (4) In all districts other than the CENTRAL BUSINESS district, off-street parking shall be required as follows:

Use	Parking Spaces
Residential	1 per dwelling unit
Lodging	1 per lodging unit
Restaurant/bar	1 per 3 seats (peak capacity)
Professional business office	1 per 300 sq. ft. of area

Retail sales/service*	1 per 300 sq. ft. of business area, plus 1 additional space
Other	As required by the development review board under site plan review

*The development review board may reduce these requirements when the applicant demonstrates that the use is a low traffic generator. Typically, when calculated to end with 0.5, round up parking spaces that are required.

- (c) *On-site parking, loading, and/or service area requirements.* On-site parking, loading, and/or service area requirements may be reduced or waived by the development review board under site plan or conditional use review, based on a determination under one or more of the following provisions that, due to circumstances unique to the development, the strict application of these standards is unnecessary:
- (1) Green areas are to be set aside and maintained as open space for future conversion to parking, loading or services area in the event that the amount of space initially permitted is deemed inadequate to meet demonstrated need;
 - (2) Shared use of parking, loading and/or service areas on the same or contiguous lots by two or more establishments is proposed;
 - (3) Sufficient off-site parking has been procured (e.g., through lease agreements) in a private or municipal parking lot;
 - (4) The proposal is specifically for the development of multifamily, elderly or affordable housing; or
 - (5) In the CENTRAL BUSINESS district for any permitted or conditional use (except any dwelling unit or establishment that provides overnight accommodations) that is within 300 feet of a municipal parking facility.

(Ord. No. O-2019-2, § 4.14, 9-23-2019)

Sec. 30-660. - Performance standards.

In accordance with 24 V.S.A. § 4414(5), the following standards of performance are to be met and maintained by all uses in all districts. In determining ongoing compliance, the burden of proof shall fall on the applicant, property owner, and/or all successors and assigns.

- (1) No land or structure in any zoning district shall be used or occupied in any manner so as to create dangerous, injurious, noxious or otherwise objectionable conditions which adversely affect the reasonable use of adjoining or nearby properties.
- (2) The following standards apply to all uses, with the exception of agriculture and forestry. In determining ongoing compliance, the burden of proof shall fall on the applicant and/or all successors and assigns. No use, under normal conditions, shall cause, create or result in:
 - a. Noticeable, or clearly apparent vibration which, when transmitted through the ground, is discernible at property lines without the aid of instruments;
 - b. Smoke dust, odors, noxious gases, or other forms of air pollution which constitute a nuisance to other landowners, businesses, or residents; which endanger or adversely affect public health, safety, or welfare; which cause damage to property, business, or vegetation; or which are offensive or uncharacteristic of the area;

- c. Releases of heat, cold, moisture, mist, fog, precipitation or condensation beyond the property lines of the property on which it is located, or to a height likely to be detrimental to the public safety, health, or welfare;
- d. Any electromagnetic disturbances, or any electronic emissions or signals which will repeatedly and substantially interfere with the reception of radio, television, or other electronic signals, or which are otherwise detrimental to the public health, safety and welfare, beyond the property lines of the property on which it is located;
- e. Glare, light or reflection which constitutes a nuisance to other property owners or tenants, which impairs the vision of motor vehicle operators, or which is detrimental to the public health, safety, or welfare;
- f. Liquid or solid wastes or refuse in excess of available capacities for proper disposal; which cannot be disposed of by available or existing methods without undue burden to municipal facilities; which pollute groundwater and surface water; or which are otherwise detrimental to the public health, safety, and welfare;
- g. Undue fire, safety, explosive or other hazard which endangers neighboring properties, or the general public, or which results in a significantly increased burden on municipal facilities and services; or
- h. Noise in excess of the following decibel levels at the property line:
 - 1. General external exposure levels - dB(A) (decibels in a scale perceptible to the human ear).
 - (i) Unacceptable:
 - A. Exceeds 80 dB(A) 60 minutes per 24 hours;
 - B. Exceeds 75 dB(A) eight hours per 24 hours;
 - (ii) Discretionary, normally unacceptable:
 - A. Exceeds 65 dB(A) eight hours per 24 hours;
 - B. Loud repetitive sounds on site;
 - (iii) Discretionary, normally acceptable: Does not exceed 65 dB(A) more than eight hours per 24 hours.
 - 2. Land use category.
 - (i) Tracts of land in which serenity and quiet are of extraordinary significance and serve an important public need, and where the preservation of those qualities is essential for the area to continue to serve its intended purpose. Such areas could include amphitheaters, particular parks, or portions of parks, or open spaces which are dedicated to, or recognized for, activities requiring special qualities of serenity and quiet. Decibel Level - 60 dB(A).
 - (ii) Residences, motels, hotels, public meeting rooms, schools, churches, libraries, hospitals, picnic areas, recreation areas, playgrounds, active sports areas, and parks. Decibel Level - 70 dB(A).
 - (iii) Developed lands, properties or activities not included in subsections (2)h.2(i) and (ii) of this section (see subsection (2)h.1 of this section).
 - 3. Exemptions. Emergency standby generators are exempt from these requirements.
- (3) Agricultural operations are subject to required agricultural practices (RAPs) as defined and administered by the state agency of agriculture.
- (4) Forestry operations are subject to acceptable management practices (AMPs) as defined and administered by the state department of forests, parks and recreation.

(Ord. No. O-2019-2, § 4.15, 9-23-2019)

Sec. 30-661. - Pre-existing uses.

In the enforcement of this ordinance, there shall be no interference with permitted and conditional uses which were in existence prior to the adoption of this ordinance, until or unless they are enlarged or changed.

(Ord. No. O-2019-2, § 4.16, 9-23-2019)

Sec. 30-662. - Outdoor storage in residential districts.

- (a) No scrap or waste material not originating on the premises may be stored or disposed of on any lot, except at a state certified solid waste disposal or transfer facility.
- (b) No scrap or waste material originating on the premises may be stored on any lot unless within a building, except that 30 days shall be allowed for the removal of scrap or waste material resulting from a construction operation, or from fire, flood or similar emergency. Outdoor storage shall not be permitted in excess of 30 days except with the issuance of a temporary zoning permit by the administrative officer for a period not to exceed 30 days. Further extensions may be granted by the development review board subject to review under article VII of this chapter.
- (c) No snowmobile, boat, or other recreational vehicles not registered or inspected within the past 30 days shall be parked in the front yard in any district. When such vehicles or boats are stored elsewhere, they shall be stored in a manner that conforms with accessory uses. No unregistered or uninspected motor vehicle shall be parked on the premises, outside of a structure, in any district for more than 30 days.

(Ord. No. O-2019-2, § 4.17, 9-23-2019)

Sec. 30-663. - Steep slopes.

All development involving the excavation, filling, or regrading of land having a slope of 20 percent or more shall be subject to review by the development review board under article VII of this chapter. Under this provision, the development review board shall require, for review and approval, the submission of erosion control and stormwater management plans, prepared by a licensed professional engineer which:

- (1) Cover all phases of development, including site preparation, construction, and post-construction;
- (2) Incorporate best management practices for erosion control and stormwater management as defined by the state department of environmental conservation; and
- (3) Identify related long-term maintenance and management requirements.

(Ord. No. O-2019-2, § 4.19, 9-23-2019)

Sec. 30-664. - Storage of flammable materials.

The storage of all flammable materials and the equipment in which they are stored are controlled under the fire code of the state as administered by the state fire marshal. Storage of flammable materials (other than bulk storage for commercial distribution) consistent with this Code is permitted in some zoning districts, but will require a zoning permit if the storage capacity is over 1,000 gallons. Bulk storage for commercial distribution is only allowed in GENERAL BUSINESS and INDUSTRIAL districts.

(Ord. No. O-2019-2, § 4.20, 9-23-2019)

Secs. 30-665—30-676. - Reserved.

ARTICLE V. - SIGNS

Sec. 30-677. - Permit required.

- (a) The purpose of sign ordinance is to encourage the orderly and appropriate design, scale and placement of signs. The provisions of this section are intended to protect public safety, promote effective identification, communication and wayfinding and to maintain and enhance an attractive visual environment that fosters a healthy economy.
- (b) A zoning permit is required for the construction or erection of new signs, as defined in section 30-6, and/or the movement, enlargement, alteration, or reconstruction of existing permitted signs shall be deemed land development as herein defined and shall require a zoning permit except as may be specifically provided in this article. Repainting or changing the message on an existing permitted sign shall not be considered alteration.
- (b) A theater marquee shall be considered an accessory use and shall not be considered a sign under this ordinance. See section 30-576.

(Ord. No. O-2019-2, § 4.18(intro. ¶), 9-23-2019)

Sec. 30-678. - General sign standards.

The following standards shall apply to all signs in all districts:

- (1) **Location.** Signs shall be located where they will be most easily read to reduce the size needed for legibility. The zoning administrator may require the adjustment or relocation of any sign to ensure vehicular or pedestrian safety.
 - a. Wall signs and projecting signs shall be securely fixed to the wall of a principal structure and shall not obscure architectural features of the building.
 - b. No permanent signs shall be placed on the river side of a building unless the main entrance to the building is located on the river.
 - c. No signs shall be placed within the State right-of-way. See Vermont Statutes, Title 19, Section 702. Applicants must contact Vermont DOT (802-279-9599).
 - d. No sign shall be placed within the town right-of-way. The town right-of-way is presumed to be 3 rods wide (49 ½ feet). The town right-of-way shall be measured 1 ½ rods (24.75 feet) from the center of the traveled portion of the roadway. Many roads are less than 3 rods wide and roads in commercial areas may be substantially wider. Contact Town Highway Superintendent (886-2208).
- (2) **Design.** Every sign shall be designed, lighted, illuminated and located so that it does not:
 - a. Impair public safety;
 - b. Obstruct the lines of vision for pedestrians or vehicles entering or leaving a street (see subsection (13) of this section for restrictions applicable to freestanding signs);
 - c. Obstruct or confuse the meaning of any traffic sign or signal; or
 - d. Obstruct any door, window or fire escape.
- (3) **Materials.** All signs shall be constructed of durable materials and shall be maintained in safe condition and repair at all times.

- (4) *Light sources, externally illuminated signs.* Light sources illuminating any sign shall be shielded with the light primarily focused on the sign, preferably from above to avoid illumination of the night sky or to create glare, undue distraction, or hazard, either to the surrounding area or to pedestrian or vehicular traffic.
- (5) *Internally illuminated signs.*
- a. Internally illuminated signs shall not be allowed in the LAND RESERVE 25-ACRE, LAND RESERVE 10-ACRE, RESIDENTIAL/AGRICULTURAL 5-ACRE, RESIDENTIAL/AGRICULTURAL 2-ACRE, MEDIUM DENSITY RESIDENTIAL, HIGH DENSITY RESIDENTIAL, or RESIDENTIAL COMMERCIAL districts;
 - b. Internally illuminated signs shall be designed so as to not produce unnecessary glare or brightness. Letters and logos shall make up no more than 40 percent of the sign area and shall be of a material with a luminous transmittance no greater than 35 percent;
 - c. Light sources shall be fluorescent, LED or other energy efficient light source, no closer than 3½ inches from the surface, and shall be no less than 12 inches on center;
 - d. The applicant shall provide a certificate from the sign manufacturer that any internally illuminated sign conforms to these requirements.
- (6) *Sign area.* The sign area shall be computed as the area of the sign board which carries or supports the lettering or message. The number of on-premises signs and the maximum area (size) of signs permitted for specific uses within each zoning district is set forth in subsections (7) through (10) of this section.
- a. The sum of the areas of each part of a sign built in separate sections shall constitute its area.
 - b.

A single sign (other than a wall sign) may contain two faces and the area of the sign shall be computed as the area of one face.
 - c. A rectangle shall be drawn around an irregularly shaped sign, logo or free-standing channel letters to calculate the total square footage of the sign or message.
- (7) *Signs in LAND RESERVE 25-ACRE, LAND RESERVE 10-ACRE, RESIDENTIAL/AGRICULTURAL 5-ACRE, RESIDENTIAL/AGRICULTURAL 2-ACRE, MEDIUM DENSITY RESIDENTIAL, HIGH DENSITY RESIDENTIAL districts.* The following signs are permitted when located on the premises on which the structure, use or business is located:
- a. One sign announcing a home occupations or home business, not exceeding six square feet; or
 - b. Up to two signs identifying any other use allowed in the district, the total of the two signs not to exceed 20 square feet.
- (8) *Signs in the RESIDENTIAL COMMERCIAL district.* The following signs are permitted when located on the premises on which the structure, use, or business is located:
- a. One sign announcing a home occupation or home business, six square feet; or
 - b. For other uses allowed within the district, any two of the following:
 1. One freestanding sign per lot, no larger than 20 square feet;
 2. One wall sign for business. This sign shall be no longer than 85 percent of the lineal frontage of the building occupied by the business, and in no case shall exceed 32 square feet in area.
 3. One projecting sign per business, no larger than 20 square feet.

- (9) *Signs in the GENERAL BUSINESS, Industrial and INDUSTRIAL/COMMERCIAL districts.* The following signs are permitted when located on the premises on which the structure, use or business is located:
- One sign announcing a home occupations or home business, not exceeding six square feet; or
 - Signs for other permitted uses may include:
 - One freestanding sign per lot, no larger than 32 square feet; and
 - One wall sign per business. This sign shall be no longer than 85 percent of the lineal frontage of the building occupied by the business, and the lettering shall not exceed the height of 36 inches; or
 - One projecting sign per business, no larger than 32 square feet, located on the building in which the business being advertised is located.
- (10) *Signs in CENTRAL BUSINESS district.* The following signs are permitted when located on the premises on which the structure is situated:
- Business with basement level or ground floor location.* Each allowed business or use with a basement level or ground floor location in the CENTRAL BUSINESS district shall be permitted one projecting sign or one freestanding sign is specified in Option 2 below.
Option 1:
 - One projecting sign only, which shall not exceed 32 square feet in area;
 - One freestanding sign only, which shall not exceed 32 square feet in area.
 Option 2:
 - A combination of signs which may include any two of the following:
 - One wall sign which:
 - Shall not be greater three feet in overall height; and
 - Shall be no longer than 85 percent of the overall length of the storefront;
 - One projecting sign which:
 - Shall not exceed ten square feet in overall area; and
 - Shall not be more than six feet in overall height; or
 - One freestanding sign which shall not exceed ten square feet in area.
 - Business with location above the ground floor.* A business with a location above the ground or street-level shall be allowed a sign mounted near a window of the business being identified, as either of the following:
 - One wall-mounted sign, no larger than eight square feet in area; or
 - One projecting sign which shall not exceed eight square feet in area and shall not extend more than four feet from the face of the building wall.

LR-25 LR-10 RA-5 RA-2 MDR HDR	Residential Commercial	General Business Industrial Ind/Commercial	Central Business

SIGN TYPE	Home occ. Home business (not to exceed 6 sq. ft.) or Up to 2 signs for other allowed uses (not to exceed 20 sq. ft. total)	Home occ. Home business (not to exceed 6 sq. ft.) or <u>For other uses:</u> <u>(choice of 2):</u> 1 free-standing (no larger than 20 sq. ft.); 1 wall (no longer than 85% of lineal frontage of the building occupied by the business and not to exceed 32 sq. ft.; or 1 projecting (no larger than 20 sq. ft.)	Home occ. Home business (not to exceed 6 sq. ft.) or <u>For other uses</u> <u>(choice of 2)</u> 1 free-standing (no larger than 32 sq. ft.); 1 wall (no longer than 85% of lineal frontage of the building occupied by the business and the lettering shall not exceed 36"; or 1 projecting (no larger than 32 sq. ft.)	Each business on the basement/ground floor: <u>OPTION 1:</u> 1 projecting sign ONLY (not to exceed 32 sf); Or 1 freestanding sign ONLY (not to exceed 32 sf) <u>OPTION 2:</u> (choice of 2) 1 wall sign (which shall not be greater than 3' in height and no longer than 85% of overall lineal frontage of storefront); or 1 projecting sign (not to exceed 10 sq. ft. in overall area & shall not exceed 6' in height); or 1 freestanding sign which shall not exceed 10 sq. ft. in area. See bylaw 4.18 A (10) <u>Business above ground level:</u> 1 wall sign (no larger than 8 sq.ft.) or 1 projecting (no larger than 8 sq. ft. & shall not extend more than 4' from face of wall.)
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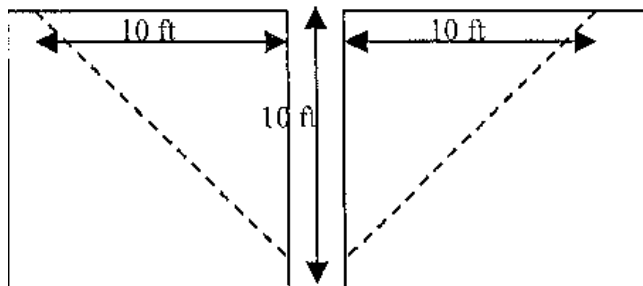
- (11) *Special signs; administrative officer discretion.* The following special signs may be permitted upon approval by the administrative officer if the administrative officer finds that such a sign is in

the public interest, that it will not be detrimental to surrounding properties, and that it will not create a safety hazard:

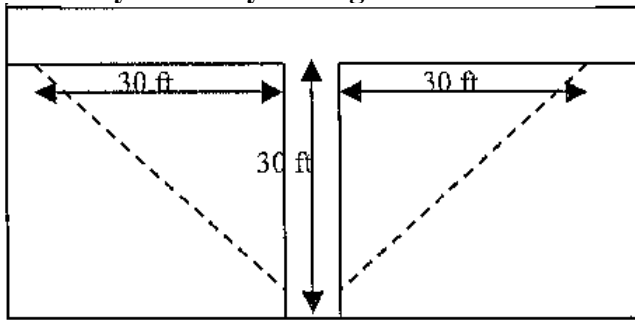
- a. Signs necessary and beneficial to the public safety and welfare may be permitted in all districts.
- b. Temporary signs due to street closure may be placed off-site to direct patrons to area merchants at the discretion of the Zoning Administrator.
- c. A sign identifying the commonly accepted name of a commercial building, provided that the following conditions are met:
 1. The sign shall be located on the same lot as the building;
 2. Embedded, historical signs may remain whether the original business is currently viable or not;
 3. If the sign is freestanding, there shall be suitable landscaping around the sign's base;
 4. The sign shall not contain more than 12 square feet of sign area per face and contain no more than two faces;
 5. The sign shall be no more than ten feet in height.
- d. State of Vermont Official Business Directory signs.
- e. Shopping plaza/industrial park/mall signs. A shopping plaza, industrial park or mall may have one freestanding directory sign. Each business within the plaza, park or mall may have a sign within the directory sign. The entire directory sign shall not exceed:
 1. 50 square feet for five or fewer businesses;
 2. 75 square feet for six to ten businesses;
 3. 100 square feet for ten to 15 businesses;
 4. 150 square feet for more than 15 businesses; and
 5. 25 feet in height.
- f. A business with two separate street frontages (each with its own entrance open for public access) may be permitted one additional secondary wall-mounted sign only on the secondary frontage; such sign shall be:
 1. No greater than two feet in overall height; and
 2. No longer than 85 percent of the overall length of the business' secondary store frontage or 20 feet, whichever is less.
- g. Business without frontage on a public road: A free-standing sign may be placed along a public road with permission of the property owner. State approval is required for businesses along a State highway.
- h. A business directory sign may be permitted for the identification of ground floor businesses without direct access on to the street or businesses with a principal location above the ground floor. Said directory shall be located within the immediate vicinity of the building entrance. Each business identified by the directory shall be permitted. No more than two square feet in area of directory signing is allowed. Each directory sign shall not exceed eight square feet and overall area.
- i. Signs announcing the name of the subdivision or development. A freestanding sign indicating the name of a housing development, subdivision or apartment complex may be allowed, provided that the following conditions are met:
 1. The sign shall be on the same parcel as the development;

2. The sign shall not contain more than 24 square feet per face, and shall not contain more than two faces;
 3. The sign shall be no more than ten feet in height;
 4. There shall be appropriate landscaping around the sign's base;
 5. The sign shall not be illuminated.
- j. Sign requests may be scheduled for a DRB hearing at the discretion of the Administrative Officer.
- (12) *Special signs; development review board discretion; plaza/industrial park/mall signs only.*
- a. The development review board may approve larger plaza/industrial park/mall signs after making a finding that such a sign is in the public interest, that it will not have an undue adverse detrimental effect on the surrounding properties, and that it will not create a safety hazard.
 - b. Exceptionally long buildings (i.e. 100 River Street): the DRB may approve a master sign plan to include an additional free-standing sign on a separate street entrance and other signage as deemed reasonable. Multiple upper floor signs mounted on a building must be compatible in type, scale and placement.
 - c. Temporary signs at the recommendation of the Zoning Administration to the DRB hearing process.
- (13) *Freestanding signs.* No freestanding sign may:
- a. Except for "special signs" as provided in subsections (11) and (12) of this section, exceed 20 feet in overall height above finished grade for nonresidential uses, or ten feet for subdivision, apartment or housing complex.
 - b. Be closer than ten feet to a neighboring property line except with the approval of the downtown design review advisory commission in the Central Business District.

Driveway Visibility Triangle



- c. Be placed within the town or State right-of-way (See General Sign Standards (A) (1) (c-d) and no closer than ten (10) feet to the street, whichever is less.
- d. Be located within the visibility triangle at the intersection formed by connecting points on the right-of-way lines located 30 feet from the point of intersection of those intersection of those right-of-way lines (see diagram, below).

Roadway Visibility Triangle

- e. Be located within the visibility triangle at the intersection of a street and a driveway formed by connecting points located ten feet along the right-of-way and the edge of the driveway, as shown in the Driveway Visibility Triangle diagram.
 - f. All freestanding signs must be appropriately landscaped around the base of the sign.
- (14) *Projecting signs.* Projecting signs shall be securely fixed to the front wall of a building and shall not obscure any architectural features of the building. Signs mounted on a roof are considered projecting signs. No projecting sign may:
- a. Extend within the area used by vehicular or pedestrian traffic;
 - b. Extend more than five feet from the building wall, or as otherwise restricted in this bylaw;
 - c. Be less than ten feet above finished grade;
 - d. Be constructed so that its highest point extends above the peak of the roof of the building on which it is mounted. Signs may not be mounted on roofs in the Central Business District.
- (15) *Wall signs.*
- a. With the exception of Raceway and Channel Letter signs, wall signs shall be mounted on and flush with the front wall of a building and shall not obscure architectural features of a building.
 - b. A wall sign may be located in a front window as long as it does not exceed 25 percent of the area of the window in which it is located.
 - c. Channel Letter Signs: Channel Letter Signs are wall signs that are composed of three-dimensional graphics with individual letters and may or may not have separate illumination. Channel Letter signs may be mounted by a raceway mount, direct or flush mount or a backer mount and shall be no longer than 85% of overall lineal frontage of the storefront. Unlit Channel Letter Signs are usually referred to as dimensional letters. Channel Letter Signs are prohibited on historic brick or masonry buildings due to the need for excessive wall penetrations.
 - d. Raceway Signs: A raceway sign consists of a mounted platform which houses wiring and electrical components. The raceway platform is mounted to the building with minimal drilling. Individual letters are then attached to the raceway. The raceway may be painted to match the color of the building or sign band. Raceway signs shall not project from the wall in excess of fifteen (15) inches from the wall to which it is attached and shall be no longer than 85% of overall lineal frontage of the storefront.
- (16) *Portable signs.* Any structure without a permanent foundation or otherwise permanently attached to a fixed location, which can be carried, towed, hauled, or driven and is primarily designed to be moved rather than be limited to a fixed location. Portable signs may include, but are not limited to, “sandwich board” style signs.

- a. A portable sign may not be located in any public right-of-way, where it interferes with vehicular or pedestrian circulation, or where it obstructs lines of sight for traffic entering or leaving a public roadway.
 - b. In the Central Business District, portable signs must be placed next to the building so as not to interfere with car doors; and must be no more than the narrower of either two feet in width or one-half the width of the sidewalk.
 - c. A portable sign may be used to advertise a special sale or other event, but for no more than one week in duration.
 - d. A business may use a single portable sign not exceeding six square feet per face to advertise daily specials or sales, but must be removed when the business is not open.
 - e. Illuminated portable signs must meet all other provisions of this article.
- (17) *Gasoline stations.* In addition to other signs permitted under subsections (9) and (10) of this section, gasoline stations are permitted one pump affixed pricing sign per pump, each not to exceed two square feet in area, in addition to subsections (1) through (12) of this section.

(18)

Electronic message display. Electronic message display (EMD) signs must meet the following standards and are subject to conditional use review by the development review board:

- a. An EMD sign shall be permitted only on municipal and school properties only.
- b. An EMD sign shall have two components: a traditional sign (top) and an electronic message display (bottom).
- c. An EMD sign shall not exceed a maximum of 32 square feet and shall be a maximum height of ten feet.
- d. An EMD sign shall be static and shall not have any distracting appearance of motion, including, but not limited to, flashing, blinking, shimmering, scrolling, pulsating as well as animation, streaming or live-time video or holographic displays.
- e. An EMD sign that is readily visible to drivers of vehicles on any public way shall have characters of sufficient size to be easily discerned and must not constitute a safety hazard by being a distraction to drivers.
- f. The message display area may have a maximum of three lines of characters, including all letters, numbers, spaces, or other symbols.
- g. The area occupied by the message on an electronic message display may comprise no more than 50 percent of the maximum total allowable sign area.
- h. A maximum of two colors shall be used for an electronic message or at the discretion of the development review board.
- i. Dwell time/frequency change. Messages may change no more than once every 45 seconds unless modified by the development review board.
- j. When the display of an electronic message changes, it must change as rapidly as is technologically practicable with no phasing, rolling, scrolling, flashing, or blending.
- k. An EMD sign shall include internal ambient light monitors that automatically adjust the brightness level of its display according to natural ambient light conditions.
- l. An EMD sign shall contain a default mechanism that freezes the sign in one position if a malfunction occurs.
- m. The hours of operation of an EMD shall be permitted from 6:00 a.m. to 11:00 p.m. except in the case of a public emergency such as an "Amber Alert," weather advisory or other public emergency.

- n. Signs placed along state highways, must contact VTrans (802-279-9599).
- o. The EMD sign must meet all local and state setback requirements.
- p. EMD signs must be FCC compliant and must not interfere with wireless technology.
- q. EMD signs in existence at the time of the adoption of this bylaw, which do not conform to the requirements of this bylaw, shall be considered nonconforming signs.
- r. All permanent signs and sign structures shall be brought into conformance with the sign standards when and if the following occurs:
 - 1. The sign is removed, relocated, or significantly altered. Significant alterations include changes in the size or dimension of the sign. Change to the copy or the replacement of a sign face on a nonconforming sign shall not be considered a significant alteration.
 - 2. If more than 50 percent of the sign area is damaged, it shall be repaired to conform to this bylaw.
 - 3. An alteration in the structure of a sign support.
 - 4. A change in the mechanical facilities or type of illumination.
 - 5. A change in the material of the sign face.

(19) Temporary Business Signs: New or relocated businesses may apply for one sign made of temporary and durable materials for a period not to exceed 6 months. All existing sign standards regarding placement and size must be adhered to. There will be no permit fee with the exception of the town clerk recording fee. A permanent sign permit must be attained after the 6-month waiver.

(Ord. No. O-2019-2, § 4.18(A), 9-23-2019)

Sec. 30-679. - Signs which do not require a permit.

The following signs do not require a permit and are permitted in all districts:

- (1) Signs wholly within the confines of a building.
- (2)

Entrance and exit signs located near a driveway not exceeding two square feet each, and which do not include a business name or logo.

- (3) Two enclosed display cases for a theater, which display cases shall not exceed 16 square feet in overall area each. Said display cases shall be used exclusively for the display of advertising/promoting for the motion picture/pictures currently being shown, or coming attractions.
- (4) Signs to be maintained for not more than two weeks announcing an auction, campaign, drive or event of a civic, philanthropic or religious organization. Each sign shall not exceed two square feet and must be placed on private property.
- (5) Banners placed on the Riverside athletic field fence or other municipal/school properties are prohibited. Necessary nonprofit messages can be advertised on the Riverside School EMD sign or the Springfield Police Department EMD sign.
- (6) Street spanning signs (banners) to be maintained for not more than two weeks announcing an auction, campaign, drive or event of a civic, philanthropic or religious organization. Each shall be allowed only in CENTRAL BUSINESS and GENERAL BUSINESS zoning districts.
- (7) Temporary signs:

- a. Temporary real estate signs, none of which exceed six (6) sq. ft. in overall area. Said sign shall only be permitted on property which is either being sold or leased, and shall be removed within thirty (30) days from the date on which its intended purpose has been fulfilled.
 - b. A temporary construction sign located on the property which is being developed. Said sign shall not exceed thirty-two (32) sq. ft. in area and shall be removed immediately when its stated purpose has been fulfilled.
 - c. Temporary signs due to street closure may be placed off-site to direct patrons to area merchants at the discretion of the Administrative Officer.
 - d. Temporary signs advertising a yard, garage, estate or lawn sale so long as the sign or signs are removed within twenty-four (24) hours of the end of the sale. Signs may be placed on private property other than the location of the actual yard sale with permission of the land owner. Such signs are prohibited within the public right-of-way including the town traffic islands by the Springfield Plaza and the intersection of Clinton Street and Mineral Street or other town owned properties.
 - e. Temporary signs due to street closure may be placed off-site to direct patrons to area merchants at the discretion of the Administrative Officer
 - f. Temporary Business Signs: New or relocated businesses may apply for one sign, made of temporary and durable materials for a period not to exceed 6 months. All existing sign ordinance regarding placement and size must be adhered to. There will be no permit fee with the exception of the town clerk recording fee. A permanent sign permit must be attained after the 6-month waiver.
- (8) A theater marquee shall be considered an accessory use and shall not be considered a sign under this ordinance.
- (9) Political campaign signs announcing a candidacy or issue for an election, provided:
- a. They are on private property with the owner's permission;
 - b. They are not posted within the public highway right-of-way; and
 - c. The signs are removed within 24 hours of the end of the election.
- (10) Local nonprofit and local agricultural product/produce signs may be placed on the town owned traffic island by the Springfield Plaza. Signs must be removed within 24 hours of the event and after the growing sales season. Signs may not be larger than 6 sq. ft. or taller than 3' from the ground to the top of the sign. Yard sale signs are prohibited. The definition of the word local is "entities which are located and operated within Springfield".
- (11) One banner/flag sign may be attached to a building. The lowest part must be eight (8) feet above the sidewalk or street as to not interfere with pedestrian traffic in the public right-of-way. The banner/flag sign must have permission of the building owner.
- (12) Menu boards no larger than four (4) sq. ft. permanently mounted to the building or a post. This sign does not count towards the total square footage allowed.
- (13) Wayfinding signs are exempt and do not require a zoning permit.

- (14) A farm stand may display not more than 4 non-illuminated signs advertising seasonal products. Such signs shall not count towards the maximum area of signs allowed. Each sign shall not be more than 4 square feet in area and shall not be displayed longer than the specific growing season.
- (15) Murals and art installations do not require a permit provided such signs do not contain commercial messaging. Murals and art installations located in the Downtown Design Review District shall require a Design Review/Development Review Hearing.

(Ord. No. O-2019-2, § 4.18(B), 9-23-2019)

Sec. 30-680. - Prohibited signs.

The following signs shall be prohibited in every district:

- (1) Signs that move, flash or oscillate or signs that incorporate any ribbon, streamer, spinner, balloon, inflatable or other similar moving device designed to attract attention. "Time and Temperature" signs shall not be considered a flashing sign. Barber shop poles and generic seasonal holiday displays shall not be considered signs and do not require a permit.;
- (2) In the Central Business District, any freestanding objects or devices designed to catch attention, other than temporary signs as described in section 30-679(8);
- (3) Freestanding signs in excess of 20 feet in the GENERAL BUSINESS, Industrial or INDUSTRIAL/COMMERCIAL districts or higher than ten feet in all other districts;
- (4) Signs which impair public safety;
- (5) Signs not in conformance with this ordinance;
- (6) Any sign, permanent or temporary, located within a town or state highway right-of-way, except for official business directory signs maintained by the state, and official traffic control signs (this prohibition includes political campaign signs); and
- (7) The use of a stationary vehicle or trailer specifically placed at an off-site location for commercial marketing purposes. Utility vehicles parked on-site are exempted from this prohibition.
- (8) Snipe signs: A sign tacked, nailed, posted, pasted, glued, or otherwise attached to trees, poles, stakes, fences, public benches, streetlights, or other objects, or placed on any public property or in a public right-of-way or on any private property without the permission of the property owner. This does not include the town kiosk board at the Main Street bus stop shelter.
9. Signs not prohibited or provided elsewhere in this section may be permitted upon written decision and approval of the Development Review Board after a public hearing if the Development Review Board finds that such a sign is in the public interest and is not detrimental to surrounding properties.

(Ord. No. O-2019-2, § 4.18(C), 9-23-2019)

Sec. 30-681. - Removal of signs.

All signs relating to a business shall be removed by the owner of the property on which the signs are located within 90 days following the closing of said business. A business shall be deemed closed when it ceases to admit the general public onto the business premises on a regular weekly basis. Seasonal closures are exempted from this provision.

Sec. XXX. – Nonconforming signs.

Signs legally in existence at the time of the adoption of this bylaw, which do not conform to the requirements of this bylaw, shall be considered nonconforming signs and shall be brought into conformance with the sign ordinance if the following occurs:

1. The sign is removed, relocated, or significantly altered. Significant alterations include changes in the size or dimension of the sign. Changes to the sign copy or the replacement of a sign face on a nonconforming sign shall not be considered a significant alteration.
2. If more than 50% of the sign area is damaged, it shall be repaired to conform to this bylaw.
3. An alteration in the structure of a sign support.
4. A change in the mechanical facilities or type of illumination.
5. A change in the material of the sign face.
6. The property on which the nonconforming sign is located submits a subdivision or land development application requiring municipal review and approval.
7. The property on which the nonconforming sign is located undergoes a change of land use requiring the issuance of either a use and occupancy permit.
8. Signs on the premises of legally nonconforming uses may remain until the existing use of the premises is discontinued.

Sec. XXX. - Violations and enforcement.

The placement of a sign that is not in conformance with the provisions of this bylaw shall constitute a violation. Violators shall be required to remove the sign. The Administrative Officer shall follow the enforcement requirements of the zoning ordinance found in Section 6.3. Pursuant to 24 V.S.A. §4451: no such action will be taken until seven (7) days after the violator has received written notice of violation by certified mail stating the nature of the violation and the opportunity to correct the violation without penalty. No seven (7) day advance notice is required for repeat offenses or violations or for signs that endanger public safety.

Sec. XXX. An application as provided in Article 5 is necessary for those requests pertaining to all signs covered by the requirements of this Section. Submission requirements shall also include all the following as applicable:

1. A completed application form, signed by the property owner with applicable fee.
2. A scaled rendering of the proposed sign indicating its dimensions in square inches or feet (length, width, height).
3. Applications involving freestanding signs shall include a scaled site plan indicating location of all existing and proposed signs on the lot, all setbacks in feet from property lines and/or rights-of-ways, and the location of any clear sight triangle if applicable. Proposed signs along State roads, must contact Vermont DOT (802-279-9599).
4. Applications involving awning, canopy, outdoor display case, projecting, window, and/or wall signs shall include a scaled building elevation (a photograph is permissible) indicating location of all existing and proposed signs on the building façade and the linear frontage of the establishment.
5. Where applicable, the type and method of illumination (i.e. external, internal, or backlit), including the fixture style, placement, and bulb wattage. Applications involving an Electronic Messaging Display sign must also provide written certification from the sign manufacturer that the sign includes an internal ambient light monitor that automatically adjust the brightness level of its display according to natural ambient light conditions. Sign permit applications, submission requirements, review and decision-making.(Ord. No. O-2019-2, § 4.18(D), 9-23-2019)

Secs. 30-682—30-701. - Reserved.

ARTICLE VI. - STREAMS AND SURFACE WATERS

Sec. 30-702. - Streams and watercourses.

- (a) No structure shall be placed, and no land shall be excavated, filled or graded in any zoning district within a distance of 25 feet measured horizontally from the following surface waters except with approval of the development review board, subject to review under article VII of this chapter:
 - (1) Top of slope, where the channel runs adjacent to a valley wall or high terrace, or top of the normal bank, where the channel has access to its floodplain, of any stream or watercourse shown on Flood Ready Vermont maps; or
 - (2) The delineated boundary of a Class 3 wetland, as shown on the natural resource map in the town plan and as defined under the state wetland rules.
- (b) Class 1 and 2 wetlands shall be regulated by the state wetland rules. Land within the Riverfront Protection Overlay District must also comply with the provisions of that district. (See article II, division 2, subdivision XVII.)

(Ord. No. O-2019-2, § 4.21(A), 9-23-2019)

Sec. 30-703. - General standards.

It is the objective of this article to promote the establishment and protection of heavily vegetated areas of native or historically common non-invasive vegetation and trees along the town's waterbodies to reduce the impact of stormwater runoff, prevent soil erosion, protect wildlife and fish habitat, and maintain water quality.

- (1) Except as provided in subsection (2) of this section, all lands within a riparian buffer shall be left in an undisturbed, vegetated condition.
- (2) Removal of dead trees or trees of immediate threat to human safety as well as reasonable pruning of existing trees and the planting of trees or pollinator habitat according to an approved plan is permitted.
- (3) The creation of new lawn areas within riparian buffers is not permitted. Property owners already encroaching on the riparian buffer are encouraged to return mowed areas to their naturally vegetated state. Supplemental planting with appropriate native or historically common non-invasive vegetation to restore and enhance the effective filtering and bank stabilization functions of a riparian buffer is encouraged.
- (4) Any areas within a riparian buffer that are not vegetated or that are disturbed during construction shall be seeded with a naturalized mix of grasses rather than standard lawn grass, unless such would not be in accordance with a proposed and approved beautification project.

(Ord. No. O-2019-2, § 4.21(B), 9-23-2019)

Sec. 30-704. - Buffer management.

The development review board may require, for review and approval, in addition to other required application materials, the submission of a buffer management plan describing the long-term management of land within required setback areas to protect surface water quality, fish and wildlife habitat, and stormwater management systems. It is understood that buffer management shall also take into consideration that the town places a high value on the human enjoyment of and ability to view, access, and utilize its river fronts and the lands along the same.

(Ord. No. O-2019-2, § 4.21(C), 9-23-2019)

Sec. 30-705. - Development review board determination.

Prior to granting such approval, the development review board shall find that the proposed construction, earth excavation, filling or grading, will not contribute to any impeded drainage, flood hazard, erosion silting, or other substantial adverse effect on natural conditions, or on fish or wildlife habitat, nor interfere with the present or planned stormwater drainage system of the town.

(Ord. No. O-2019-2, § 4.21(D), 9-23-2019)

Sec. 30-706. - Modification of setback standards.

The development review board may approve modification to the setback standards set forth in section 30-702 in accordance with article VII of this chapter, and after a determination that the proposed modification meets the following standards:

- (1) The proposed development is in the CENTRAL BUSINESS district. No buffer is required for properties that are already developed in this district; or
- (2) The proposed development is located within the RC, HIGH DENSITY RESIDENTIAL, GENERAL BUSINESS, Industrial, INDUSTRIAL/COMMERCIAL, or EXIT 7 districts and is a redevelopment project or located on a site of a size and shape that does not allow for the full buffer requirement or is part of a town-approved multi-use or pedestrian trail, path or walkway; and
- (3) Measures are undertaken to protect water quality, such as, but not limited to, the planting of shade trees adjacent to streambanks, establishing vegetated buffer areas along streambanks and within a minimum of 15 feet from the top of the bank (exempt in CENTRAL BUSINESS district), minimizing the use of impervious surfaces (paving and other development) except with regard to town-approved multi-use trails or paths, and/or implementing stormwater management provisions to collect and disperse stormwater away from the stream or river.

(Ord. No. O-2019-2, § 4.21(E), 9-23-2019)

Sec. 30-707. - Exemptions from buffer requirements.

Required setback areas are to be maintained in a vegetated, undisturbed state, unless otherwise permitted by the development review board as part of an approved buffer management plan. The following structures or uses may also be allowed, subject to approval by the development review board, within setback areas required under this article:

- (1) Road, driveway and utility crossings;
- (2) Bank stabilization and restoration projects, in accordance with applicable state and federal regulations;
- (3) Stormwater management and flood control facilities, in accordance with applicable state and federal regulations;
- (4) Structures specifically intended to provide access to surface waters and wetlands (such as docks, boardwalks, or boat launches);
- (5) Town-approved multi-use or pedestrian trails, paths, or walkways; and
- (6) Projects part of a corrective action plan (CAP) approved by the EPA or the state agency of natural resources.

(Ord. No. O-2019-2, § 4.21(F), 9-23-2019)

Sec. 30-708. - Wetlands.

The application for a proposed project which may impact a Class 1 or 2 wetland, a designated floodplain area, or would impound or alter a stream watercourse shall be referred to the agency of natural resources, prior to review and approval by the development review board in accordance with article VII of this chapter. Notice for proposed watercourse alterations or relocations also shall be given to adjacent, upstream and downstream communities.

(Ord. No. O-2019-2, § 4.21(G), 9-23-2019)

Secs. 30-709—30-719. - Reserved.

ARTICLE VII. - DEVELOPMENT REVIEW

Summary of the Development Review Process (for reference and overview purposes only)

Permitted Use

- a) Uses that are established by right.
- b) See Article X, Division 2 [24 V.S.A. §§ 4414, 4449]
- c) Requires a zoning permit issued by ZA.
- d) Application must be in conformance with all applicable zoning standards.

Site Plan

- a) Evaluates internal site layout and design.
- b) See Sec. 30-722 [24 V.S.A. § 4416]
- c) Requires approval by DRB after public hearing with 7 days notice.
- d) Standards:
 - 1) Safety and efficiency of traffic access
 - 2) Adequacy of circulation, parking and loading facilities
 - 3) Bicycle and pedestrian access
 - 4) Landscaping and screening
 - 5) Stormwater and drainage
 - 6) Lighting
 - 7) Outdoor storage
 - 8) Outdoor display

Conditional Use

- a) Regulates external impacts of development.
- b) See Sec. 30-723 [24 V.S.A. § 4414(3)]
- c) Requires approval by DRB after public hearing with 14 days notice.
- d) Standards:
 - 1) Capacity of existing or planned community facilities or services
 - 2) Character of the area affected
 - 3) Traffic on roads and highways in the vicinity
 - 4) Bylaws and ordinances then in effect
 - 5) Utilization of renewable energy resources
 - 6) Site plan review general standards
 - 7) Site plan review district standards
 - 8) Building design
 - 9) Protection of natural resources
 - 10) Performance standards
 - 11) Protection of water quality

Administrative Review

- a) ZA may review and approved certain types of projects in lieu of the DRB in order to expedite the review process
- b) See Sec. 30-919 [24 V.S.A. § 4464(c)]

Downtown Design Review

- a) Regulates the design of structures within the Downtown Design Control Overlay District.
- b) See Sec. 30-724 [24 V.S.A. § 4414(E)]
- c) Requires a two-step process: review by Downtown Design Review Advisory Commission after a public hearing with 7 days notice, approval by DRB after public hearing with 7 days notice.
- d) Requirements:
 - 1) Design criteria (historic character, distinctive materials, visual pattern)
 - 2) Demolition/re-use plan
 - 3) Exterior lighting
 - 4) Signs

Planned Unit Development

- a) Allows for flexibility in project design.
- b) See Article VIII [24 V.S.A. § 4417]
- c) Requires approval by DRB after public hearing with 14 days notice.
- d) Standards:
 - 1) Allowed uses per zoning district in which it is located
 - 2) Clustered plan of development
 - 3) Create public benefits
 - 4) Number of dwelling units shall not exceed 125% allowed in the zoning district in which it is located
 - e) Subdivision review is also required

Flood Hazard

- a) Ensures that development meets or exceeds National Flood Insurance Program standards
- b) See Article IX [24 V.S.A. § 4424]
- c) Requires a flood permit for all applicable development located within flood hazard areas. Some development activities require Permitted Use Review, others require Conditional Use Review.
- d) Standards: see Article IX, Subdivision II.

Certificate of Occupancy

- a) Ensures that all permitted development is constructed in accordance with applicable permit conditions and zoning ordinance standards
- b) See Sec. 30-944 [24 V.S.A. § 4449(2)]
- c) Requires a Certificate of Occupancy issued by the ZA.
- d) Standards:
 - 1) Development substantially complete
 - 2) Development complies with zoning all applicable zoning requirements and permit conditions.
 - 3) State Building Energy Standards Certificate

Waiver (new)

- a) Allows for a reduction in zoning dimensional standards
- b) See proposed Sec. 30-XXX [24. V.S.A. 4414(8)]
- c) Requires approval by DRB after public hearing with 14 days notice.
- d) Standards/Criteria:
 - 1) Conditional Use Standards
 - 2) Waiver Review Criteria

Variance

- a) Very stringent criteria to modify zoning standards based on unique circumstances
- b) See Division 5 [24 V.S.A. § 4469]
- c) Requires approval by DRB after public hearing with 14 days notice.
- d) Standards/Criteria:
 - 1) Unique physical circumstances or conditions
 - 2) Variance is necessary to enable reasonable use of the property
 - 3) Unnecessary hardship not created by applicant
 - 4) Will not alter character of neighborhood
 - 5) Minimum variance to provide relief

Appeals

- a) Interested person may appeal a decision of the ZA
- b) See Sec. 30-962 [24 V.S.A. § 4465]
- c) Requires approval by DRB after public hearing with 14 days notice.

Subdivision

- a) Controls the pattern of future development. This involves the layout of new lots, driveways, subdivision roads, extension of utilities and facilities, and the creation of easements/rights-of-way to serve landlocked lots.
- b) See Article XX [24 V.S.A. § 4418]
- c) Consists of different levels of review:
 - 1) Boundary Line Adjustment – Administrative review required to adjust lot line locations, but no new lots are created and previous subdivision approval are not amended.
 - 2) Subdivision – Development Review Board approval is required after a public hearing with 15 days notice for all subdivisions. Applications must meet all applicable standards (e.g. lots must meet dimensional standards for zoning district, all driveways, roads and other utilities and infrastructure must meet applicable standards).

Sec. 30-720. - Applicability and coordination of review processes.

- (a) *Administrative review.* In accordance with 24 V.S.A. § 4464(c), the administrative officer may review and approve new development and amendments to previously approved development. Section 30-919 outlines those activities that the administrative officer is authorized to review under this ordinance.
- (b) *Site plan review.* Pursuant to section 30-722 and 24 V.S.A. § 4416, the site plan review shall apply to all allowed uses as designated in article II of this chapter, excluding single- and two-family dwellings, residential accessory uses or structures (including accessory dwellings, home occupations within a dwelling unit, day care home, and group homes occupied by eight or fewer clients/residents), signs, agriculture and/or forestry. Uses designated as conditional uses in article II of this chapter are not subject to additional site plan review procedures outside of section 30-723(e)(1).
- (c) *Conditional use review.* Pursuant to section 30-723 and 24 V.S.A. § 4414(3), the conditional use review shall apply to all conditional uses as designated in article II of this chapter or as otherwise specified under article III of this chapter.
- (d) *Downtown design review.* Pursuant to section 30-724 and 24 V.S.A. § 4414(1)(E), the Downtown design review shall apply to all development, including, but not limited to, fencing, lighting, signage, alterations, rehabilitation, reconstruction, new construction and demolition within the Downtown Design Control Overlay District as designated in article II of this chapter.
- (x) *Subdivision review.* Pursuant to section 30-725 and 24 V.S.A. §§ 4418, 4463 and 4464(c), boundary adjustments and minor subdivisions are subject to administrative review and approval; and major subdivisions, resubdivisions and the creation of rights-of-way to access landlocked lots are subject to subdivision review and approval by the Development Review Board.
- (e) *Planned unit development (PUD) review.* Pursuant to article VIII of this chapter and 24 V.S.A. § 4417, the planned unit development (PUD) review may be applied at the request of the applicant, or as required under article II or VIII of this chapter, to any size parcel in designated zoning districts.
- (f) *Flood hazard review.* Pursuant to article IX of this chapter, 24 V.S.A. § 4424 and 10 V.S.A. § 753, the flood hazard review shall apply to all development, including, but not limited to, new or expanded single-family dwellings as designated in article II of this chapter. Specific uses subject to site plan or conditional use review shall be reviewed concurrently with article IX of this chapter.
- (g) *Combined review.* If more than one type of review is required for a project, the reviews, to the extent feasible, shall be conducted concurrently (see article XX).

(Ord. No. O-2019-2, § 5.0, 9-23-2019)

Sec. 30-721. - Application submission requirements.

- (a) *Site plan, conditional uses and Downtown Design Control District.* Applications for site plan, conditional use and Downtown Design Control District review shall include a completed application form provided by the town, all required fees, and a development plan and associated materials that includes the information described in Table 30-721.
- (b) *Planned unit developments (PUDs).* Applications for PUDs shall include:
 - (1) All information required for major subdivision, as set forth in the town subdivision regulations.
 - (2) On a map of the scale required by the subdivision regulations, detail showing the location, height and spacing of building sites, parking areas and property to be held in common.
 - (3) A narrative statement by the applicant describing the character of the development and the reasons for the particular approach proposed. Such statement shall also describe the nature of all proposed modifications, changes or additions from the existing land use development ordinances, and the proposed standards and criteria for the development, including standards for the design, dimensions and spacing of buildings and sizes of lots and open spaces.
 - (4) If residential units are proposed, a calculation of the number of units or lots which could be permitted if the land were subdivided in strict conformance with the minimum lot size for dwelling units in the district in which the land is situated, together with a brief narrative outlining the methodology which was used in making the calculation. For the purposes of this calculation, the applicant shall exclude at least all land greater than 25 percent in slope, all land which lies under water, the amount of land required by this ordinance for all commercial or industrial uses proposed and land held within a designated floodway. The total number of residential units allowed may be increased by up to 25 percent of the total allowed under zoning district standards in accordance with article VIII of this chapter.
- (c) *Flood hazard.* Applications for flood hazard review shall include a completed application form provided by the town, all required fees, and a development plan and associated materials that includes the information described in Table 30-721. The application also shall include:
 - (1) An elevation certificate, prepared by a state licensed land surveyor or professional engineer, showing the elevation, in relation to mean sea level, of the lowest habitable floor, including basement, of all new or substantially improved structures;
 - (2) The methods and levels to which any structure will be floodproofed and certification by the applicant's engineer or architect that the design and proposed methods of construction are in accordance with the floodproofing requirements of this ordinance;
 - (3) The relationship of the above to the channel, floodway and base flood elevations;
 - (4) A description of the extent to which any watercourses will be altered or relocated as a result of the proposed development;
 - (5) Base flood elevation data for planned unit development subdivisions, including existing and proposed contours, at one-foot intervals, for any proposed building sites and/or building envelopes located within the flood hazard area (see town subdivision regulations);
 - (6) Any additional information required pursuant to section 30-757; and
 - (7) Such other information deemed necessary by the development review board for determining the suitability of the site for the proposed development.

Table 30-721. Application Requirements					
Required Application Information		SPR	CUR	DDR	FHA
1.	Name, address and telephone number of owners of record of the property; name, address, telephone number, and interest of the applicant, if different than the owners of record; name and address of the person or firm preparing the application and plans; date of the application and related plans; tax map identification number and parcel size	√	√	√	√
2.					
3.	A plan drawn to scale showing the following:	√	√	√	√
a.	North arrow and scale	√	√	√	√
b.	Legal property boundaries for the property	√	√	√	√
c.	A general indication of existing and proposed site conditions and features, including topography, land use, vegetation, critical habitat areas, floodplains and wetlands; zoning district boundaries; structures (building footprints); structures and other outstanding features within 200 feet or on adjacent properties, whichever is less; distance to all property lines from proposed structures; signs, walls and fences; historic sites; roads, driveways, easements and rights-of-way, and utilities	√	√	√	√
d.	Traffic and pedestrian circulation within the site; location and dimension of parking, loading and snow retention areas; access to neighboring properties and public roads; sidewalks, pathways and trails in the vicinity	√	√	√	√
e.	Photographs of existing site and/or structures	√	√	√	√
4.	Site location map showing the location of the project in relation to nearby town highways, adjoining parcels and uses and zoning district boundaries	√	√	N/A	√
5.	Proposed landscaping and screening plan, including plant details (size, location, species)	√	√	N/A	N/A
6.	Grading and drainage plan (showing areas of cut and fill and proposed drainage patterns and provision for stormwater management)	√	√	N/A	√

7.	Description of proposed water supply and wastewater disposal	√	√	N/A	√
8.	Proposed lighting plan, including the design, number, and type of fixtures, and location of all exterior lighting	√	√	√	N/A
9.	Preliminary building elevations for new or altered structures, including an indication of the exterior facade design, window treatment and roof and siding materials	√	√	√	N/A
10.	Phasing schedule for completion of all proposed development and site improvements	N/A	√	N/A	N/A
11.	Estimate of traffic to be generated by the project and the impact of such traffic on area roads	N/A	√	N/A	N/A

SPR = Site Plan

CUR = Conditional Use

DDR = Downtown Design

FHA = Flood Hazard

√ = required

N/A = Not Applicable

The development review board may require additional information depending upon the scope and location of the proposed project, including, but not limited to, the following:

1. Forest management, tree removal and vegetation management plans.
2. Stormwater management and erosion control plans.
3. Visual impact analysis (photographs or drawings of site).
4. Community service impact assessments (analysis of fiscal costs and benefits to the town).
5. Traffic impact analysis.
6. Open space management plan.
7. Site reclamation plan (for proposed projects involving extraction).
8. Habitat impact assessment.
9. Other information or studies necessary for the development review board to conduct a comprehensive review.

(Ord. No. O-2019-2, § 5.1, 9-23-2019)

Sec. 30-722. - Site plan review standards and procedures.

- (a) *Application.* An application for site plan review, including a site development plan prepared in accordance with Table 30-721, and associated fee, shall be submitted to the administrative officer for consideration at the next available regularly scheduled meeting of the development review board.
- (b) *Review procedure.* The administrative officer shall refer a complete application for site plan review to the development review board and schedule a public hearing of the development review board, to be warned and held in accordance with sections 30-1092 and 30-1093, to review the application and to determine whether the proposed use or structure conforms to the site plan review standards set forth below. The development review board shall act to approve, approve with conditions, or disapprove any application within 45 days of the date of final hearing adjournment, and shall issue a written decision, to include findings, any conditions, and provisions for appeal in accordance with article X, division 4 of this chapter. Failure to act within the 45-day period shall be deemed approval on the 46th day. In approving a project with conditions, the development review board may require specific modifications to the design, layout, scale and/or configuration of the project.
- (c) *Attendance at hearing.* The applicant, or applicant's duly authorized representative, must attend the hearing to present and discuss the proposed site plan. An interested person, as defined in 24 V.S.A. § 4465(b), shall be in attendance to participate in the discussion, or if unable to attend, shall request party status in writing to the development review board, and participate by expressing their questions or comments in writing.
- (d) *General standards.* The development review board may consider and impose appropriate safeguards, modifications and conditions relative to the following standards:
 - (1) *Safety and efficiency of traffic access.* Vehicular access and intersections with roads shall meet all applicable town and state design standards, including those set forth in section 30-646. Properties within the Highway Corridor Overlay District must also comply with the standards in that district (article II, division 2, subdivision XX of this chapter). The development review board may also:
 - a. Limit the number and size of curb cuts to a single access. Pre-existing, noncomplying curb cuts may require the reduction, consolidation or elimination of noncomplying curb cuts;
 - b. Require shared access between adjoining properties for areas of compatible adjacent uses; congested or unsafe turning areas; or parcels with access to more than one road;
 - c. Limit access to a side street or secondary road;
 - d. Require the installation of acceleration, deceleration, and/or turning lanes on the street or highway adjacent to any access, or service or connecting roads if it determines such installation necessary for traffic safety;
 - e. Require the provision of joint facilities between or among adjacent uses for access, parking and utilities, the total size of which shall be at least equal to the sum of the minimum required for each activity;
 - f. Limit the number and width of any access drives to secure traffic safety and the purposes of this ordinance;Whenever a proposed site plan involves access to a state highway, the applicant shall include a letter of intent from the agency of transportation confirming that the agency has reviewed the proposed site plan and is prepared to issue an access permit under 19 V.S.A. § 1111, and setting out any conditions that the agency proposes to attach to the section 1111 permit. (See 24 V.S.A. § 4416.)
 - (2) *Adequacy of circulation, parking and loading facilities.* Parking and loading facilities shall be provided per the requirements of section 30-659, and in accordance with the following:
 - a. Parking shall be designed to minimize the visibility of parking areas from off-site through the location, landscaping and screening of such areas. Parking shall be located to the rear or interior side (side not fronting on a public road) of buildings, unless otherwise permitted by the development review board due to site conditions which would prevent the

- reasonable use of the property if this standard were strictly enforced. Large, uninterrupted expanses of parking shall be avoided.
- b. Driveway connections to parking areas on adjacent properties, or provision for future connection, shall be required where feasible. In the event that such connections allow for shared parking between properties, the overall parking requirements may be reduced pursuant to section 30-659(c).
 - c. Adequate parking facilities for people with disabilities shall be required.
 - d. Loading and delivery areas within the site shall be adequate to meet the anticipated needs of the use in a manner that does not interfere with parking, internal circulation and landscaping.
- (3) *Bicycle and pedestrian access.* Pedestrian circulation within the site, and access through the site to adjacent properties and along public roads, shall be provided. Such access may take the form of sidewalks, walking and/or bicycle paths, or other facilities depending upon the property's location, site conditions and proximity to other facilities. Bicycle racks may be required for commercial and public uses intended for general public access. In addition, adequate access from the parking area and sidewalks to the buildings that are open to the general public shall be provided for people with disabilities.
- (4) *Landscaping and screening.* Landscaping shall enhance the features and conditions unique to each site, and should include a combination of shade and street trees, shrubs, planting beds, well-kept grasses and ground covers. Landscaping may be required in front and side yards, adjacent to parking areas, where rear yards abut residential properties or public roads, and as otherwise necessary to provide adequate screening. Landscaping plans should emphasize the following:
- a. The preservation of existing ground cover and trees, especially those that are mature or determined to be of special horticultural or landscape value.
 - b. The use of both deciduous and coniferous shade trees in available yard area, especially front and side yards and parking areas. Shade trees may be placed to interrupt the facades of buildings, break-up expanses of parking, visually reduce the scale and bulk of large buildings, integrate the site with the surrounding landscape and to enhance environmental quality (e.g., wildlife habitat, soil stabilization, stormwater retention, air quality, energy conservation). Shade trees are especially important in instances where street trees are not practical because of site constraints.
 - c. The use of street trees along well-traveled roads. Street trees should be planted where site conditions make such plantings practical, and are required for properties in the Highway Corridor Overlay District (article II, division 2, subdivision XX of this chapter). Such trees shall be planted along the edge of the road right-of-way to create a canopy effect and shall be an indigenous, deciduous species tolerant of road-salt, soil compaction and drought.
 - d. The development review board may require solid fencing and/or plantings to screen all outdoor lighting, outdoor storage areas and parking from the view of adjacent residential areas.
 - e. The development review board may require a three-year plan for all proposed landscaping and may require bonding or other surety to ensure installation and maintenance in accordance with section 30-1094(2). Replacement of dead or diseased landscaping shall be a condition of the permit.
 - f. Rain gardens and other innovative ways to filter run-off are encouraged.
- (5) *Stormwater and drainage.* Adequate provisions shall be made for the management of erosion, sedimentation, stormwater runoff, and disturbance of subsurface water sources that causes runoff onto adjoining properties. Surface water and subsurface water runoff shall be minimized and, if possible, detained on site. The development review board may require a stormwater management and erosion control plan, consistent with the 2017 state stormwater management

manual, certified as such and prepared by a professional engineer licensed by the state. The plan shall provide detailed information regarding proposed erosion and sedimentation control measures to be employed during all stages of the development (including site preparation, construction and post-construction). The development review board may waive compliance with this provision in situations involving minimal disturbance of the site and/or limited areas of steep slope in which the development clearly poses a negligible risk to water quality, public facilities and roads, and nearby properties.

(6) *Lighting.*

- a. Exterior lighting shall be confined to the intended use and kept to the minimum required for pedestrian and vehicular safety, but shall confine outdoor lighting principally with the property for security and intended use, consistent with the character of the neighborhood in which it is located.
- b. All permanent outdoor lighting fixtures shall not direct light onto adjacent properties, roads, or public waters; and shall minimize glare. All lighting fixtures shall be shielded downwards to minimize light from escaping into the darkened or night sky. All security lighting fixtures shall be motion sensitive fixtures and/or low luminance lamps. The development review board may restrict the height and/or location of fixtures and the maximum level of illumination on all or a portion of the property.
- c. The extent of this section is not contrary to or conflicting with the standards of design guidelines of the Outdoor Lighting Manual for Vermont Municipalities (1996) or its subsequent revisions, the development review board and applicants shall comply with the standards of recommendation therein.
- d. The development review board may impose conditions on exterior lighting in order to ensure compliance with the provisions of section 30-655.

(7) *Outdoor storage.* The storage or display of outside materials, goods, supplies, vehicles, machinery or other materials shall be prohibited unless specifically approved by the development review board. Secured, covered areas shall be provided for the collection and on-site storage of trash and recyclables generated by the proposed development. If the development review board approves outdoor storage, it may place conditions on the area and location of such storage, and may require appropriate screening.

(8) *Outdoor display.*

- a. *General Business District.* Items may be displayed in the General Business District as follows:
 1. The display of one item located immediately in front of the establishment. All items must be brought in at closing, but no later than night fall.
 2. No items may be illuminated nor create a glare.
 3. No items shall obstruct public right-of-way, sidewalk or parking area.
- b. *Central Business District.* Items may be displayed in the Central Business District as follows:
 1. Only items that are normally used out-of-doors, except clothing apparel.
 2. Display area is limited to ten percent of the interior retail space not including storage areas, and shall not exceed 250 square feet.
 3. Display area is restricted to one side of the building not to exceed five feet in width measured from the building's foundation edge and shall not violate setback.
- c. *Special conditions applicable to regional solid waste management facilities and salvage and recycling establishments.* In addition to the general standards listed above, the following conditions shall apply to regional solid waste management facilities and salvage and recycling establishments:

1. There shall be a landscaped screening area no less than 50 feet in depth, separating the facility from all adjacent properties or public roads;
 2. There shall be a fence no less than six feet in height surrounding the entire facility;
 3. There shall be a plan, approved by the development review board, for the control of loose rubbish and for the control of noise, dust and odor.
- (e) *Terms of approval.* The applicant must initiate development as presented in site plan review within one year or forfeit approval of site plan review.
- (f) *Performance bond.* The development review board may require a performance bond or other surety, in a form and amount acceptable by the legislative body, to cover the cost of landscaping and any other improvements the development review board designates.

(Ord. No. O-2019-2, § 5.2, 9-23-2019)

Sec. 30-723. - Conditional use standards and procedures.

- (a) *Application.* An application for conditional use review, including a development plan prepared in accordance with section 30-721, and associated fee, shall be submitted to the administrative officer at least 20 days prior to the next available scheduled meeting of the development review board (DRB).
- (b) *Review procedure.* The administrative officer shall refer a complete application to the development review board and schedule a public hearing of the development review board, to be warned and held in accordance with sections 30-1092 and 30-1093, for the development review board's next available meeting date. The development review board will consider whether the proposed use or structure conforms to the conditional use standards set forth below. The development review board shall act to approve, approve with conditions, or disapprove any application for conditional use review within 45 days after the date of final adjournment of the public hearing held under this section, and shall issue a written decision, in accordance with section 30-1094, to include findings, any conditions, and provisions for appeal. Failure to act within 45 days shall be deemed approval, effective the 46th day. In approving a project with conditions, the development review board may require specific modifications to the scale, layout and/or design of the project, or place restrictions on its operation and/or intensity to ensure compliance with this section.
- (c) *Attendance at hearing.* The applicant, or applicant's duly authorized representative, must attend the hearing to present and discuss the proposed application. An interested person, as defined in 24 V.S.A. § 4465(b), shall be in attendance to participate in the discussion, or if unable to attend, shall request party status in writing to the development review board, and participate by expressing their questions or comments in writing.
- (d) *General standards.* Conditional use approval shall be granted by the development review board upon their determination that the proposed use or structure shall not have an undue adverse effect on any of the following:
- (1) The capacity of existing or planned community facilities or services. The development review board shall consider the demand for community services and facilities which will result from the proposed development, and determine whether that demand will exceed the capacity of existing facilities or services. In making such a determination, the development review board will consider any capital program or budget in effect at the time of application. Conditions may be imposed regarding the timing and phasing of development to minimize the impact on schools and other community facilities and services.
 - (2) The character of the area affected. As defined by the purposes of the zoning district within which the project is located, and specifically stated policies and standards of the town plan. The development review board shall consider the location, scale and intensity of the proposed project relative to the use and character of adjoining properties and other properties likely to be

affected by the proposed use. The development review board also shall consider the proposed project's compatibility with the purpose and character of the affected district as defined by this ordinance, the town plan, and the testimony of affected property owners and other interested persons. Proposed activities that would adversely affect the character of the neighborhood, area or district shall not be approved unless the adverse impacts can be avoided or mitigated through changes to the location, design, scale, operation, composition and/or intensity of the proposed project or use.

- (3) Traffic on roads and highways in the vicinity. The development review board shall consider the projected impact of traffic resulting from the proposed development on the capacity, safety, efficiency and use of affected public roads, bridges, and intersections. The development review board will rely on accepted transportation standards in evaluating traffic impacts, and shall not approve a project that would result in the creation of unsafe conditions for pedestrians or motorists or unacceptable levels of service for local roads, highways and intersections, unless such conditions or levels of service can be mitigated by the applicant through physical improvements to the road network and/or traffic management strategies.
 - (4) Bylaws and ordinances then in effect. A conditional use request must comply with all municipal ordinances, bylaws and regulations in effect at the time of submission of the application, including conformance with the policies of the town plan and compliance with conditions of prior permits or approvals, including subdivision approval.
 - (5) The utilization of renewable energy resources. The development review board will consider whether the proposed development will interfere with the sustainable use of renewable energy resources either through use of those resources or on the proposed project's impact on the future availability of such resources.
- (e) *Specific standards.* In addition to the general standards set forth in subsection (d) of this section, the following shall apply to all conditional uses:
- (1) Site plan review general standards set forth in section 30-722(d) shall apply to all conditional uses reviewed under this section.
 - (2) Site plan review district standards set forth in section 30-722(d) shall apply to all conditional uses located within the designated district and reviewed under this section.
 - (3) Building design. The design and location of structures will be compatible with their proposed setting and context, as determined in relation to zoning district objectives and requirements, existing site conditions and features, and adjoining structures and uses. Conditions may be imposed with regard to siting, density, setbacks, height, type and pitch of roofs, massing and/or orientation, to ensure compatibility.
 - (4) Protection of natural resources. Proposed development shall not have an adverse impact on important natural resources or fragile features located on the parcel, including wetlands, steep slopes, rivers and streams, critical wildlife and fish habitat and habitat diversity, groundwater source protection areas, and/or floodplains identified in the town plan or through field investigation. The development review board may require the following protection measures to ensure the protection of natural resources and fragile features:
 - a. The establishment of buffer areas;
 - b. Permanent protection through conservation easements or other deed restrictions in accordance with section 30-741;
 - c. The designation of established building locations and/or building envelopes to ensure that activities incidental to the operation of the conditional use, including clearing and yard area, do not adversely impact identified resources; and/or
 - d. The preparation and implementation of management plans for protected resources and associated buffers.

- (5) Performance standards. All conditional uses shall meet the standards set forth in section 30-660.
- (6) Protection of water quality. The proposed development shall not result in any direct or indirect discharge of waste, contaminants or stormwater, or any in-ground disposal of wastewater, in a manner that would adversely impact existing or planned, public or private, water supplies (including both groundwater and surface water). See section 30-663.
- (f) *Modification of standards for minor projects.* The development review board may modify one or more of the standards set forth in subsection (d) or (e) of this section should the development review board determine that the proposed use:
 - (1) Will not result in an exterior change to an existing building; and
 - (2) Will not require alterations to an existing site (e.g., will not result in additional parking requirements, existing landscaping is adequate, etc.).
- (g) *Additional conditions.* Additional specific conditions may be imposed by the development review board.
- (h) *Appeals.* A decision of the development review board may be appealed in accordance with 24 V.S.A. § 4471.

(Ord. No. O-2019-2, § 5.3, 9-23-2019)

Sec. 30-724. - Downtown Design Control Overlay District standards and procedures.

- (a) *Design review approval.* Except as otherwise provided in this bylaw:
 - (1) A change in use or type of occupancy shall not require design review approval.
 - (2) The following acts are prohibited within the Downtown Design Control Overlay District without first obtaining design review approval from the development review board or approval of minor projects from the zoning administrator:
 - a. Construct or relocate a building.
 - b. Add or alter the exterior of any structure or portion of a structure, including, but not limited to, buildings, permanent fences, awnings, canopies, and gazebos.
 - c. Illuminate a sign, path or street, landscape feature, or any exterior feature of the structure.
- (b) *Application.*
 - (1) An application for Downtown Design Control Overlay District review along with the associated fee shall be submitted to the zoning administrator at least seven days in advance of the next available regularly scheduled meeting of the downtown design review advisory commission and 14 days before the regularly scheduled development review board meeting. In addition to standard application materials, an application for design review shall include a detailed statement of the proposed construction or alteration, including:
 - a. Its appropriateness to the neighborhood, surroundings or existing structures.
 - b. A detailed, scaled drawing that clearly illustrates the proposed construction or alteration.
 - c. Drawings or photographs showing existing conditions of the structure to be altered.
 - d. Catalogue cut sheets and/or product renderings of lighting fixtures, fences or other equipment to be added to the exterior of the building.
 - e. Other relevant information necessary for proper consideration of the application to be determined by the zoning administrator.
 - (2) Review by the downtown design review advisory commission.

- a. Within 15 days of a filing of a completed application, the applicant shall meet with the downtown design review advisory commission to present and review a design that meets with the criteria of subsection (d) of this section. The initial meeting may be continued upon mutual consent of the downtown design review advisory commission and applicant.
 - b. The zoning administrator shall determine the completeness of an application, schedule a hearing with the downtown design review advisory commission and subsequent hearing with the development review board.
 - c. At the close of the downtown design review advisory commission hearing, the zoning administrator shall forward the downtown design review advisory commission's written recommendation to the development review board.
 - d. The downtown design review advisory commission functions in a customer service capacity to enable the applicant to prepare for a successful outcome at the upcoming development review board hearing. The downtown design review advisory commission shall advise applicants of potential responses of the development review board and suggest remedies to assist in preparing a more successful application in preparation for the following design review hearing with the development review board.
 - e. The downtown design review advisory commission and applicant may mutually agree to continue the hearing for further design review in order to prepare more detailed plans.
- (3) The downtown design review advisory commission shall keep a written record of its discussion and recommendations, which shall be maintained as a public record of the town.
- (4) Review by the development review board of the design review application.
- a. The applicant shall have the primary responsibility of presenting the proposal to the development review board and establishing that the proposal meets the criteria in subsection (d) of this section.
 - b. The decision issued by the development review board may, but need not, adopt the recommendations of the downtown design review advisory commission.
 - c. Unless there is a mutual written agreement between the development review board and the applicant, the following requirements shall apply:
 - 1. After receiving the applicant's testimony and after reviewing the application materials and the downtown design review advisory commission's recommendation, the development review board shall issue its decision in writing to the applicant within 45 days from the close of testimony.
 - 2. Failure of the development review board to issue its decision within the time and in the manner specified shall constitute an automatic granting of design review approval, the occurrence of which shall be certified in writing to the applicant by the administrative officer. This stipulation applies only to design review approval and not to any additional zoning requirements that may apply to the application proposal.
 - d. The applicant and the development review board may mutually agree to the extension of time for action by the downtown design review advisory commission or the development review board for submission of additional information by the applicant.
 - e. The applicant shall be notified in writing of the decision and conditions of approval of the development review board.
- (c) *Review limitations.*
- (1) It is the intention of this ordinance that new construction or alterations should blend with existing architectural styles or existing decorative details of other buildings within the Downtown Design Control Overlay District.
 - (2) The development review board shall not adopt or impose any specific architectural style in the administration of this bylaw.

- (3) The development review board and downtown design review advisory commission shall not be overly restrictive in their judgment of plans for construction or alterations of structures of little historic or design value. Furthermore, the development review board and the downtown design review advisory commission shall not be overly restrictive in their consideration of plans for energy conservation.
- (d) *Design criteria.* Before granting design review approval, the development review board shall find that any proposal substantially conforms to the following design criteria:
 - (1) The historic character of a property shall be retained and preserved. The removal of distinctive materials or alteration of features, spaces, and spatial relationships that characterize a property shall be avoided.
 - (2) Distinctive materials, features and construction techniques or examples of craftsmanship that characterize a property shall be preserved. New additions, exterior alterations, or related new construction shall protect the integrity of the property and its environment through use of appropriate historic materials, features, size, scale, and proportioning that is compatible with that of surrounding structures.
 - (3) Pattern. The visual pattern established by the alternation of solids (walls) and openings (windows and doors) in the facade of buildings creates a rhythm. These patterns of solids and openings shall be considered in new construction or alteration of an existing building. Variation of spacing between the buildings in the immediate area shall be considered in the construction or alteration of a building.
- (e) *Design review minor application.* Minor changes such as conversion to energy efficient windows, minimal lighting, maintenance to canopies, and minimal alterations not visible to the passing public may be issued an administrative permit. If the downtown design review advisory commission recommends approval as a minor application, the zoning administrator will issue a permit. If not, a full design review process could be required. The zoning administrator shall inform the development review board of all approved minor applications.
- (f) *Demolition.*
 - (1) Demolition or removal of a building or structure shall require design plan approval from the development review board.
 - (2) Before a building or structure is demolished or removed, the applicant shall present a plan for the re-use of the vacated site to determine if the plan meets the criteria for approval as stated in this bylaw.
 - (3) In the event that the development review board determines upon testimony offered that there may be valid reason for preservation, the development review board may impose a waiting period of no more than 45 days.
 - (4) The purpose of this provision is to afford a person or organization the opportunity to acquire or to arrange for the preservation of such building.
 - (5) Notwithstanding the above, any building with substantial structural instability resulting from fire or natural disaster, not a condition caused or suffered by the owner, shall be exempt from the provisions of this section.
- (g) *Exterior lighting.*
 - (1) Exterior lighting shall conform to the requirements of section 30-655 as the same relates to the Central Business Zoning District.
 - (2) In addition, any new exterior lighting in the Downtown Design Control Overlay District, that is highly visible from Main Street, shall be compatible with the period of the related building or area of the Downtown Design Control Overlay District. The applicant must provide information on the type of proposed lighting fixture and the wattage of the bulb shall be provided in the application.

- (3) Applicants must demonstrate that the amount, type, intensity and location of all exterior lighting is complementary to buildings and structures on site and neighboring properties.
- (h) *Signs.* Signs within the Downtown Design Control Overlay District shall meet the general and dimensional requirements for signs in the underlying zoning district in which the property is located. This applies to wall, projecting, freestanding, awning and portable signs. Signs which meet the requirements of section 30-660 and the underlying district may be approved by the zoning administrator.
 - (1) The proposed sign shall be sited to coordinate with the facade of the building. Wall signs shall be located within a sign band, if one exists.
 - (2) In addition, the size, location, design, texture, lighting, and material of all exterior signs shall be complimentary to buildings and structures on the site and surrounding properties.

(Ord. No. O-2019-2, § 5.4, 9-23-2019)

Sec. 30-725. – Subdivision standards and procedures

- (a) *Applicability.* In accordance with 24 V.S.A. §4418, whenever any subdivision of land is proposed in the Town of Springfield, subdivision approval is required before the applicant commences any construction, grading, clearing, or land development. All subdivisions of land, uses and structures lawfully in existence as of the effective date of these regulations are allowed to continue indefinitely. Changes, alterations or expansions to pre-existing subdivisions, structures or uses shall be subject to all applicable requirements of these regulations.
- (b) *Boundary Adjustments.* All boundary adjustments are subject to administrative review and approval in accordance with 24 V.S.A. §4464(c), and must meet the procedures and standards in this ordinance.
 - (1) *Applications.* The applicant shall provide the administrative officer a complete application signed by both property owners, with all applicable fees, along with a scale drawing of the lots being adjusted which shows the following:
 - a. The existing and proposed boundaries of both lots;
 - b. The existing and proposed perimeter dimensions of both lots;
 - c. The existing and proposed area of both lots; and
 - d. The names and addresses of the owners of both lots and of adjacent properties.
 - (2) *Review and Approval.* The administrative officer is authorized to review and approve applications for boundary line adjustments, provided that the applicant satisfies all of the following standards:
 - a. No new lots are being created;
 - b. No lot is being made nonconforming or more nonconforming;
 - c. No structure is being made nonconforming or more nonconforming; and
 - d. All other provisions of the Land Use Development Ordinance are met.

The administrative officer reserves the right to refer any application to the Development Review Board where it is deemed that Board level review or interpretation is appropriate or necessary. In such cases, the applicant shall be responsible for any additional fees or submittals needed for Board review.

- (3) *Filing.* The applicant shall submit for recording a plat within 180 days of the effective date of the approval is issued for the boundary line adjustment. If the applicant fails to submit a final plat within 180 days, the permit will expire and the applicant must re-apply.

- (4) *Waivers.* The applicant may apply for a waiver for a full perimeter survey. The administrative officer may approve of the waiver if the full perimeter of the lot is more than 25 acres in total land area.
- (c) *Sketch Plan Review (optional).* A sketch plan review is intended to be an informal, non-binding discussion between the subdivider and the development review board to ensure that the proposed subdivision is consistent with the requirements of these regulations, and to explore optional layouts prior to the investment in detailed site layout and engineering. This review step is optional. Applicants are encouraged to be prepared to discuss options on tracing overlays of the scale drawing submitted to the development review board.
- (1) *Application.* The applicant shall provide the administrative officer a complete application, along with a sketch which shows their rough subdivision concept. Applicants are encouraged to submit very simplistic sketches, such as a tax map with hand drawn, approximate proposed lots.
- (2) *Notification.* The administrative officer will notify the applicant and all abutting property owners in writing of the public meeting at which the sketch plan discussion will take place.
- (3) *Review Meeting.* Within 30 days of the receipt of a sketch plan application, the administrative officer will add an informal sketch plan discussion to the next DRB agenda. During the public meeting, the development review board shall review the application and provide informal, non-binding recommendations to the applicant, including preliminary feedback about the subdivision and zoning standards as they apply to the project concept.
- (d) *Subdivision Review.* All major subdivisions, amendments to existing subdivisions, and the creation of rights-of-way to access landlocked lots are subject to subdivision review and approval by the Development Review Board in accordance with the requirements in subsection (e).
- (1) *Applications.* The applicant shall provide the administrative officer a complete application signed, with all applicable fees, along with a subdivision plat. The plat shall show all dimensions in feet and decimals of a foot, and be drawn to a scale suitable for review by the development review board. It shall be clearly and legibly drawn, and the size of the sheet shall be of standard drawing size. Such sheets shall have a margin of two inches outside of the border lines on the left side for the binding and one-inch margin outside the border along the remaining sides. The plat shall include the following information:
- a. Date, North arrow, Legend
 - b. Preparer information, Revision dates, Certifications
 - c. Scale (not greater than 1 inch = 200 feet unless waived for large parcels)
 - d. Project boundaries and property lines
 - e. Existing and proposed lot lines, dimensions, parcel and lot numbers
 - f. Adjoining land uses, subdivisions, roads, drainage and utilities (including location and size of culverts and water and sewer mains)
 - g. Zoning district designations and boundaries
 - h. Development limitations based on the locations of significant natural features as identified in the Town Plan and Land Use Development Ordinance, including but not limited to flood hazard areas, surface water features (wetlands, ponds, streams) and associated buffers, steep slopes (20% or greater), archeological resources, prime agricultural soils, critical wildlife habitat (deer wintering areas, rare plants and animal communities), historic sites and features (stone walls, cellar holes), and wellhead protection areas.
 - i. Existing and proposed elevations, contour lines within 100 feet of any site development (structures, driveway, etc.)
 - j. Existing and proposed driveways, roads, paths, parking areas, associated rights-of-way or easements
 - k. Monument locations should be shown on the plat and set in the ground

- l. Vicinity map showing the location of the proposed subdivision in relation to town boundaries, major roads and surface water features
 - m. Required plat endorsement (Subsection 7).
 - n. Additional plat requirements or supporting information if required based on the complexity of the proposed developments and as determined by the Development Review Board:
 - 1) Proposed utilities, water and wastewater systems and associated rights-of-way or easements on the plat
 - 2) Proposed building or development envelopes on the plat
 - 3) Proposed conservation easement and/or buffer areas on the plat
 - 4) Supplemental drawings/plans: road profiles, road, intersection and parking area geometry and construction schematics, proposed landscaping and screening
 - 5) Engineering reports (water and wastewater systems)
 - 6) Existing and proposed traffic generation rates and volumes
 - 7) Off-site easements (for water, wastewater, access, etc.)
 - 8) Proposed phasing schedule
 - 9) Proposed deed restrictions
 - 10) Proposed homeowner or tenant associations or agreements
 - 11) Proposed performance bond or surety
- (2) *Supporting materials.* In addition to maps and drawings, written materials shall also be submitted to the development review board, if applicable:
- a. Statement of compliance with the Town Plan and applicable Land Use Development Ordinance provisions.
 - b. Copy of all other local permits or approvals, or pending applications.
 - c. Local or state access permits or letter of intent.
 - d. VT Agency of Natural Resources Project Review Sheet.
 - e. Written request to the Select Board for a preliminary determination of the Town's willingness to accept any roads, utilities or other community facilities for the subdivision
- (3) *Number of Copies.* The subdivider shall provide the administrative officer with six copies of the following: the completed application form; the final subdivision plat; all supporting materials; all offers of conveyance, covenants and agreements; and all construction drawings for all site work and improvements required by these regulations.
- (4) *Notification.* Within 30 days of receipt of a complete application, the administrative officer shall warn a public hearing in accordance with Sec. 30-1092, and will notify the applicant and all owners of abutting properties of the date of the public hearing when the development review board will consider the proposed subdivision as required by state statute. In the case of a plat located within five hundred (500) feet of a municipal boundary, a copy of the notice shall be sent to the Clerk of the adjacent municipality, at least fifteen (15) days before the public hearing.
- (5) *Standards.* The development review board shall review the proposed subdivision to ensure that it is in compliance with these regulations and the following subdivision standards:
- a. All proposed lots shall be surveyed and shall meet the minimum dimensional standards for the district within which the lot is located.
 - b. New lots shall be designed to meet their intended purpose; elongated lots and lots with irregular shapes (curves, jogs, dog-legs, etc.) must not be created unless warranted by conditions of topography, the location of natural features or existing road conditions.
 - c. Corner lots shall have sufficient width to permit a front yard setback on each street while side lot lines shall generally be at right angles to straight streets, or radial to curved street lines.
 - d. Existing features, including but not limited to water courses and drainage ways, pathways, historic sites and structures, shorelands, fence and tree lines, wetlands, areas characterized by shallow soils or steep slopes, prominent geologic features, or any other unique features

- which have been identified in the Town Plan and/or which in the development review board's judgement are an asset to the site and/or community, shall be identified and preserved insofar as possible through careful placement of buildings and appropriate lot configuration.
- e. Subdivision boundaries, lot layout and building sites shall be located and configured to avoid the fragmentation and/or development of prime agricultural soils and forestry lands. To avoid negative impacts, access roads, driveways and utility corridors may be restricted to field edges or, in the event that no other land is practical for development, on the least fertile soils in order to minimize the use of productive agricultural or forest lands.
 - f. Land shall be subdivided and developed to retain, insofar as possible, the natural contours and to conserve the natural cover and soil. The development review board may require the preparation of a sedimentation and erosion control plan to ensure that site improvements, including excavation, road and driveway construction and site clearing and grading, shall not unduly impact neighboring properties or surface waters. Such a plan, if required, shall be prepared by a licensed Vermont Engineer.
 - g. All proposed access roads and driveways must meet the standards set forth in Section 30-646. The development review board may require additional information to evaluate impacts of the proposed development on traffic and road safety and capacity.
 - h. Subdivisions located along existing or proposed public transit routes may be required to provide a transit stop or shelter.
 - i. Subdivisions in areas served by existing or planned sidewalks or bicycle facilities must incorporate adequate facilities to make connections to facilitate pedestrian and bicycle access to and from the subdivision. The development review board may require a twenty-foot wide perpetual easement or right-of-way for future pedestrian or bicycle connections between the subdivision and adjacent neighborhoods, schools, recreation areas or shopping areas.
 - j. The proposed subdivision will not create an undue burden on public facilities or create an unreasonable demand for public services, including but not limited to fire and police protection, schools and area roads and highways. Letters from municipal department heads may be included in the application to demonstrate that this standard has been met.
 - k. Proposed building lots shall be served by adequate water supply and wastewater disposal systems. A complete application must include copies of a state water and wastewater permit or permit application.
 - l. All other provisions of the Land Use Development Ordinance are met.
- (6) *Action by the Development Review Board.* The development review board shall, within 45 days from the adjournment of the public hearing, act to approve, approve with conditions or disapprove the subdivision in accordance with 24 V.S.A. § 4463. In the event that the development review board fails to act on the proposed subdivision within 45 days specified above, the plat shall be deemed approved. Provisions for appeal of these regulations shall be set forth in the written decision of the DRB.

The development review board may require a performance bond or other surety, in a form and amount acceptable by the legislative body, to cover the cost of any required improvements the development review board designates.

The development review board may set conditions to the approval of any subdivision if it deems the conditions necessary to the achievement of the purpose and objectives of these regulations.

Consulting engineering and legal services may be contracted by the town to ensure that subdivision plans and construction of any required improves meet the applicable standards and conditions of approval. Such services shall be paid for by the subdivider.

- (7) *Endorsement.* Every approved subdivision plat shall carry the following endorsement on the Mylar copy to be filed with the town clerk:

"Approved by the Development Review Board of the Town of Springfield, Vermont, on the _____ day of _____, 20____, subject to all requirements and conditions of said Approval.

Signed this _____ day of _____, 20____, by _____, on behalf of the Springfield Development Review Board."

- (8) *Filing.* After final approval by the development review board, completion of the requirements of subdivision III of this division and section 22-395 and notation to that effect upon the final subdivision plat, the subdivision shall be deemed to have final approval. The subdivider shall have prepared a final plat which incorporates all changes required by the development review board and which meets the requirements of 27, V.S.A., ch. 17 (27 V.S.A. § 1401 et seq.). Such final plat shall be endorsed by the development review board chairperson and filed in the office of the town clerk. Any subdivision not so filed or recorded within 180 days of the date upon which such plat is approved or considered approved by reason of the failure of the development review board to act shall become null and void, unless the particular circumstances of said applicant warrant the administrative officer development review board to grant an extension which shall not exceed two additional periods of 90 additional days.
- (9) *Phasing.* At the time the development review board grants final approval to a major subdivision, it may permit the plat to be divided into two or more phases, subject to any conditions the development review board deems necessary to ensure the orderly development of the plat. The applicant may, with development review board approval, file a plat corresponding to one or more phases, provided that any plat so filed corresponds to no less than ten percent of the total approved subdivision. In these circumstances, plat approval on the remaining sections of the plat shall remain in effect for three years or a period of time mutually agreed to by the Selectboard, the development review board and the subdivider. The development review board may require, however, that plats for subsequent phases may not be filed until work on previously filed phases is substantially complete.

If at any time field changes to the approved subdivision which modify the location and configuration of roads or the configuration or lots, the subdivider shall submit the revised plat to the development review board for approval as an amended subdivision in accordance with article III, division 6 of this chapter.

If the project is subject to phasing under this section, and if field changes in any phase modify the location and configuration of roads or the configuration of lots, no subsequent phase may be started until the development review board has approved a revised plat as an amended subdivision in accordance with article III, division 6 of this chapter.

- (10) *Waivers.* The applicant may apply for waivers for one or more subdivision requirements, including standards and/or procedural requirements. Where the development review board finds that extraordinary and unnecessary hardship may result from strict compliance with these subdivision regulations or where there are special circumstances of a particular plat, it may waive the requirements of these subdivision regulations so that substantial justice may be done and the public interest secured. The development review board shall first find that the waivers will not have the effect of nullifying the intent and purpose of the official map, the town plan, or the zoning regulations, where such exist.

Secs. 30-726—30-736. - Reserved.

ARTICLE VIII. - PLANNED UNIT DEVELOPMENT

Sec. 30-737. - Approval.

In accordance with 24 V.S.A. § 4417, the development review board may approve planned unit developments in all districts. The planning commission is empowered to vary certain provisions of these

Land Use Development regulations in accordance with 24 V.S.A. § 4417. Planned unit developments may be approved simultaneously with subdivision approval, provided that the purposes and requirements of this article are met in addition to those of the town subdivision regulations.

(Ord. No. O-2019-2, § 5.5(intro ¶), 9-23-2019)

Sec. 30-738. - Purpose.

The purposes of planned unit developments are as follows:

- (1) To encourage compact, pedestrian-oriented development and redevelopment, and to promote a mix of residential uses or nonresidential uses, or both.
- (2) To implement the policies of the town plan.
- (3) To encourage any development in the countryside to be compatible with the use and character of surrounding rural lands.
- (4) To provide for flexibility in site and lot layout, building design, placement and clustering of buildings, use of open areas, provision of circulation facilities, including pedestrian facilities and parking, and related site and design considerations that will best achieve the goals of the area as articulated in the town plan and ordinances.
- (5) To provide for the conservation of open space features recognized as worthy of conservation in the town plan and ordinances, such as the preservation of agricultural land, forest land, trails, and other recreational resources, critical and sensitive natural areas, scenic resources and protection from natural hazards.
- (6) To provide for the efficient use of public facilities and infrastructure.
- (7) To encourage and preserve opportunities for energy-efficient development and redevelopment.

(Ord. No. O-2019-2, § 5.5, 9-23-2019)

Sec. 30-739. - General standards.

In addition to the standards set forth in the town subdivision regulations, the following shall apply to planned unit developments:

- (1) Uses allowed in a planned unit development are those uses allowed in the district in which the development is located.
- (2) The planned unit development shall include a clustered plan of development
- (3) The planned unit development shall create public benefits that would not be evident if the parcel were developed in strict conformance with the lot and building requirements for the district in which the development is located.
- (4) The number of dwelling units allowed in the planned residential development shall not exceed 125 percent of the number which, in the development review board's judgment, could be developed on the parcel in conformance with the Land Use Development regulations for the district in which the development is located.
- (5) In computing the number of dwelling units for purposes of subsection (4) of this section, land shall be excluded if the slope exceeds 25 percent if the land is underwater, if the land is classified as "wetland" per state regulations, and if it is otherwise undevelopable.

(Ord. No. O-2019-2, § 5.5, 9-23-2019)

Sec. 30-740. - Submissions.

In addition to meeting submission requirements of the town subdivision regulations, the planned unit development application shall also include:

- (1) A site plan showing location, height, and spacing of buildings or building sites, open spaces, landscaping, off-street parking spaces, septic areas, wells, utilities, easements or rights-of-way, major land forms, fences, stone walls, historic features and other pertinent topographical and physical features, at a scale sufficient to permit study of the plan;
- (2) A sound proposal for the financing and membership of the management organization which will maintain and operate the property in common ownership such as community facilities, private roads or open spaces. This proposal must clearly outline who will be legally responsible for such commonly owned property for as long as the development exists;
- (3) A statement setting forth the nature of all proposed modifications, changes or supplementation of existing Land Use Development regulations;
- (4) If residential units are proposed, a calculation of the number of dwelling units to be constructed, together with a narrative outlining the methodology which was used in making the calculation.

(Ord. No. O-2019-2, § 5.5, 9-23-2019)

Sec. 30-741. - Procedure.

In addition to conforming with all procedural requirements of the town subdivision regulations, the following procedures will be followed:

- (1) The development review board shall hold a public hearing to consider the proposed planned unit development. This public hearing may coincide with any public hearing required for subdivision approval.
- (2) In considering the maximum number of dwelling units to be allowed in a planned unit development, the planning commission may decide to disallow acreage which it considers undevelopable or acreage being developed for some other purpose.
- (3) If the proposed planned unit development creates property to be held in common ownership, such as community facilities or open spaces, the development review board, as a condition of approval, may establish such conditions on ownership, maintenance and financing of such property, as it deems necessary to ensure preservation of the property for its intended uses for as long as the property exists.
- (4) The development review board shall render its decision on the application at the same time that it renders a decision on final subdivision approval in accordance with the town subdivision regulations. In addition to the subdivision approval required on the plat, any modification of the Land Use Development regulations approved under this article shall be specifically set forth in terms of standards and criteria for the design, bulk and spacing of buildings and the sizes of lots and open spaces which shall be required, and these shall be noted or appended.

(Ord. No. O-2019-2, § 5.5, 9-23-2019)

Secs. 30-742—30-754. - Reserved.

ARTICLE IX. - FLOOD HAZARD REVIEW PROCEDURE

DIVISION 1. STATUTORY AUTHORIZATION AND EFFECT

In accordance with 24 V.S.A. Chapter 117, §§ 4424 and 4414, there is hereby established a bylaw for areas at risk of flood damage in the Town of Springfield, Vermont. Except as additionally described below, all administrative procedures follow municipal procedures under 24 V.S.A. Chapter 117.

Sec. 30-755. It is the purpose of the Flood Hazard Review Procedures to:

- A. Implement the goals, policies, and recommendations in the current municipal plan;
- B. Minimize and prevent the loss of life and property, the disruption of commerce, the impairment of the tax base, and the extraordinary public expenditures and demands on public services that result from flooding-related inundation hazards.
- C. Ensure that the selection, design, creation, and use of development in flood hazard areas is reasonably safe, accomplished in a manner that minimizes or eliminates the potential for loss and damage to life and property due to flooding-related inundation hazards, and does not impair stream equilibrium or floodplain services.
- D. Manage all flood hazard areas designated pursuant to 10 V.S.A. §§ 751 and 753.
- E. Make the Town of Springfield, its citizens, and businesses eligible for federal flood insurance, federal disaster recovery funds, and hazard mitigation funds, as may be available.

Sec. 30-756 Other Provisions

- A. Precedence
These flood hazard review provisions shall not in any way impair or remove the necessity of compliance with any other local, state, or federal laws or regulations. Where this bylaw imposes a greater restriction the provisions herein shall take precedence.
- B. Validity and Severability
If any portion of these flood hazard review provisions is held unconstitutional or invalid by a competent court, the remainder of this bylaw shall not be affected.
- C. Warning of Disclaimer of Liability
These flood hazard review provisions do not imply that land outside of the areas covered by this bylaw will be free from flood damages. These provisions shall not create liability on the part of the Town of Springfield, or any municipal official or employee thereof, for any flood damages that result from reliance on this bylaw, or any administrative decision lawfully made hereunder.

DIVISION 2. ADMINISTRATION

Sec. 30-757 Administrative Officer & Appropriate Municipal Panel

- A. Administrative Officer (AO). An Administrative Officer (AO) shall be appointed to administer these flood hazard review provisions pursuant to 24 V.S.A. § 4448. The AO shall administer these provisions literally and in doing so shall inspect development, maintain records, enforce this bylaw, and perform all other necessary tasks to carry out the provisions of this bylaw and the statutory requirements of 24 V.S.A. Chapter 117. The AO shall not have the power to permit any land development that is not in conformance with this Ordinance.
- B. Appropriate Municipal Panel (AMP).
 1. The Appropriate Municipal Panel (AMP) for the flood hazard review provisions shall be the Development Review Board (DRB), which shall be appointed by the Selectboard in accordance with 24 V.S.A. § 4460.
 2. The DRB shall have the duties and responsibilities as described in 24 V.S.A. Chapter 117 and as otherwise required by the municipal ordinances.

Sec. 30-758 Application Administration RequirementsA. Application Submission Requirements. All Applications for development shall include:

1. **Site Plan.** A site plan that depicts the proposed development, all water bodies, all Hazard Overlay District boundaries, the shortest horizontal distance from the proposed development to the top of bank of any river, any existing and proposed drainage, any proposed fill, pre- and post-development grades, and the elevation of the proposed lowest floor as referenced to the same vertical datum as the elevation on the current Flood Insurance Rate Maps;
2. **Project Review Sheet.** A Vermont Agency of Natural Resources Project Review Sheet.
3. **Supplemental Application Requirements.** Some applications may require additional information based on the location and type of the development. The following information shall be developed and provided with an application, as required below:
 - a. **Base Flood Elevation (BFE).** BFE information is required for:
 - i. Replacement, substantially improved, or substantially damaged structures located within any Flood Hazard Overlay District, including Zone A, where no BFEs have been provided;
 - ii. Projects requiring elevation or dry-floodproofing above BFE;
 - iii. Additions to existing historic structures; and
 - iv. Any accessory structure proposed to be built in accordance with Section 30-763(B)(4) and having building utility systems that will need to be protected from flood waters through elevation above the BFE.
 - b. **Floodway Data.** The following information is required for development located in the floodway. All floodway data shall be certified by a registered professional engineer (PE). All submitted proposals shall include electronic input/output files and mapping showing cross-section locations.
 - i. Hydraulic calculations demonstrating no rise in BFE or velocity for proposed new or expanded encroachments within the Floodway District.
 - ii. In accordance with 44 C.F.R. § 60.3(c)(10), where BFE data has been provided by FEMA, but no floodway areas have been designated, the applicant shall provide a floodway delineation that demonstrates that the proposed development, when combined with all existing and anticipated future development, will not increase the water surface elevation of the base flood by more than one (1) foot at any point within the community.
 - c. **Waivers.** Upon written request from the applicant, the DRB may waive specific application requirements when the data or information is not needed to comply with Sections D. and E. of this bylaw.

B. Referrals

1. Upon receipt of a complete application for new construction or a substantial improvement, the AO shall submit a copy of the application and supporting information to the State National Flood Insurance Program (NFIP) Coordinator at the Vermont Agency of Natural Resources, in accordance with 24 V.S.A. § 4424. A permit may be issued only following receipt of comments from the Agency, or the expiration of 30 days from the date the application was mailed to the Agency, whichever is sooner. The AO and DRB shall consider all comments from ANR.
2. Any application for a proposed conditional use or a request for a variance from these regulations shall be referred to the DRB in accordance with 24 V.S.A. § 4460.
3. If the applicant is seeking a permit for the alteration or relocation of a watercourse, copies of the application shall also be submitted to the adjacent communities, the River Management Engineer at the Vermont Agency of Natural Resources, and the Army Corps of Engineers.

Copies of such notice shall be provided to the State National Flood Insurance Program (NFIP) Coordinator at the Vermont Agency of Natural Resources, Department of Environmental Conservation. A permit may be issued only following receipt of comments from the Vermont Agency of Natural Resources, or the expiration of 30 days from the date the application was mailed to the Vermont Agency of Natural Resources, whichever is sooner.

C. Public Notice

1. Prior to the issuance of a permit, proposals needing conditional use review, non-conforming structures and uses review, or approval for a variance, must have a warned public hearing. A copy of the application shall be submitted to ANR at least 30 days prior to the date of the public hearing. Public notice of the hearing shall be provided at least 15 days before the date of the hearing by all the following:
 - a. Publication of the date, place, and purpose of the hearing in the newspaper of general circulation in the Town of Springfield;
 - b. Posting of the same information in three or more public places within the Town of Springfield, including posting within view from the public right-of-way nearest to the property for which an application is made;
 - c. Written notification to the applicant and to owners of all properties adjoining the property subject to development, without regard to any public right-of-way, and in any situation in which a variance is sought regarding setbacks from a State highway, written notification to the Secretary of Transportation. The notification shall include a description of the proposed project and shall be accompanied by information that clearly informs the recipient where additional information may be obtained, and that participation in the local proceeding is a prerequisite to the right to take any subsequent appeal; and
 - d. For hearings on subdivision plats located within 500 feet of a municipal boundary, written notification to the clerk of the adjoining municipality.
2. Public notice of all other types of development review hearings, including site plan review, shall be given not less than seven days prior to the date of the public hearing, and shall include at minimum all the following:
 - a. Posting of the date, place, and purpose of the hearing in three or more public places within the municipality in conformance with the time and location requirements of 1 V.S.A. § 312(c)(2); and
 - b. Written notification to the applicant and to owners of all properties adjoining the property subject to development, without regard to public rights-of-way, and in any situation in which a variance is sought regarding setbacks from a State highway, written notification to the Secretary of Transportation. The notification shall include a description of the proposed project, information that clearly informs the recipient where additional

information may be obtained, and that participation in the local proceeding is a prerequisite to the right to take any subsequent appeal.

3. The applicant shall bear the cost of the public warning and notification of adjoining landowners.
4. No defect in the form or substance of any required public notice under this section shall invalidate the action of the AMP where reasonable efforts have been made to provide adequate posting and notice. However, the action shall be invalid when the defective posting or notice was materially misleading in content. If an action is ruled to be invalid by the Environmental Court Division of the Superior Court or by the AMP itself, the action shall be remanded to the applicable municipal panel to provide new posting and notice, hold a new hearing, and take a new action.

D. Decisions

1. The AO/DRB shall consider comments from the ANR when making a decision on an application.
2. Decisions on applications that go to the DRB for review shall be made in accordance with 24 V.S.A. § 4464.

E. Permits. A permit shall be issued by the AO only in accordance with 24 V.S.A. Chapter 117 and the following provisions:

1. Within 30 days of receipt of a complete application, including all application materials and fees, the AO shall act to either issue or deny a permit in writing, or to refer the application to the DRB or to ANR for consideration, as required by Section 30-758(B) [Referrals]. In accordance with 24 V.S.A. § 4448 [Appointment and Powers of Administrative Officer], if the AO fails to act with regard to a complete application for a permit within the 30-day period, a permit shall be deemed issued on the 31st day, unless the permit is for new construction or substantial improvement, in which case a permit shall not be issued until the AO has complied with the requirements of Section 30-758(B) [Referrals].
2. No permit shall be issued by the AO for any use or structure which requires the approval of the DRB until such approval has been obtained. For permit applications that must be referred to a state agency for review, no permit shall be issued until a response has been received from the State, or the expiration of 30 days following the submission of the application to the State, whichever is sooner.
3. A permit shall include a statement that any and all appeals shall be made within 15 days of permit issuance and shall require posting of a notice of permit on a form prescribed by the Town of Springfield within view from the public right-of-way most nearly adjacent to the subject property until the appeals period has passed. A permit shall also include a statement, approved by the Secretary of Natural Resources, that State permits may be required, and that

the permittee should contact State agencies to determine what permits must be obtained before any construction may commence.

4. The AO, within three days of the date of issuance of a permit, shall deliver a copy of the permit to the listers of the municipality, and shall post a copy of the permit in the Town Offices for a period of 15 days from the date of issuance.
 5. Effective Date. No permit shall take effect until the time for appeal (15 days) has passed, or in the event that a notice appeal is properly filed, no such permit shall take effect until adjudication of that appeal by the AMP is complete and the time for taking an appeal to the Environmental Division of the Superior Court has passed without an appeal being taken. If an appeal is taken to the Environmental Division, the permit shall not take effect until the Environmental Division rules in accordance with 10 V.S.A. § 8504 on whether to issue a stay, or until the expiration of 15 days, whichever comes first.
 6. Notice of Permit. The notice of a permit must be displayed within view from the public right-of-way nearest to the property until the time for appeal has passed.
 7. Within 30 days after a permit has been issued or within 30 days of the issuance of any notice of violation, the appropriate municipal official shall:
 - a. Deliver the original or a legible copy of the permit or notice of violation or a notice of permit generally in the form set forth in 24 V.S.A. § 1154(c) to the town clerk for recording as provided in 24 V.S.A. § 1154(a); and
 - b. File a copy of that permit in the offices of the Town of Springfield in a location where all municipal land use permits shall be kept.
 8. Expiration
 - a. A zoning permit shall remain valid for two (2) years from the date it is issued. If, before that time expires, the applicant files a renewal application and has made substantial progress of the land development described in the permit, the AO shall issue not more than two consecutive 12-month permit renewals without fee. If a zoning permit expires without substantial land development, the permit shall become null and void.
 - b. If a permit expires, any land development on the lot covered under that permit must cease. All subsequent land development must be approved after the submission of a new application for a permit, and all laws and ordinances then in effect will be applicable.
 - c. Permits shall run with the land regardless of owner.
- F. **Variances.** Variances may be granted in writing by the DRB only in accordance with all the criteria in 24 V.S.A. § 4469 after a public hearing noticed in accordance Section 30-758(C) [Public Notice], consistent with 24 V.S.A. § 4464. If the proposed development is located within any Flood Hazard Overlay District, the proposal shall comply with 44 C.F.R. § 60.6.

1. Any variance issued in the Flood Hazard Area shall not increase flood heights and shall inform the applicant in writing over the signature of a community official that the issuance of a variance to construct a structure below the BFE increases risk to life and property and will result in increased flood insurance premiums up to amounts as high as \$25 for \$100 of coverage. Such notification shall be maintained with a record of all variance actions.

G. Appeals of a Permit Decision

1. Appeals from any decision or act of the AO in connection with this bylaw shall be made as provided for in 24 V.S.A. § 4465. Additional provisions applicable to appeal of a substantial improvement or substantial damage determination made by the AO can be found in subparagraph 30-759(B) [Substantial Improvement and Substantial Damage Determinations, Post Flood Procedures].
2. Whenever the DRB does not grant a conditional use permit or a variance request on any basis other than the failure of the applicant to submit a complete application, such action may not be reconsidered by the respective DRB at a later time unless in accordance with 24 V.S.A. § 4470. The applicant shall clearly demonstrate that:
 - a. Circumstances affecting the property that is the subject of the application have substantially changed,
 - b. New information is available that could not with reasonable diligence have been presented at a previous hearing. A request to be heard on this basis shall be filed with the AO within the time period for an appeal. However, such a request does not extend the period within which an appeal shall be taken.
 - c. Appeals from any decision or act of the DRB in connection with this bylaw shall be made to the Vermont Superior Court, Environmental Division as provided for in 24 V.S.A. § 4471.

Sec. 30-759 **Administrative Responsibilities, Records**

A. Records. The AO shall properly file and maintain a record of:

1. All permits issued for development under the jurisdiction of this bylaw;
2. A FEMA Elevation Certificate with the as-built elevation (consistent with the datum of the elevation on the current Flood Insurance Rate Maps for the community) of the lowest floor, including basement, of all new, replacement, substantially improved, substantially damaged or flood-proofed buildings (not including accessory buildings) in the Flood Hazard Area;
3. All floodproofing and other certifications required under this regulation; and
4. All decisions of the AO and DRB (including those for substantial improvement, substantial damage, variances, and violations) and all supporting findings of fact, conclusions, and conditions.

B. Substantial Improvement and Substantial Damage Determinations, Post Flood Procedures

1. When a proposal for the renovation, rehabilitation, restoration, or repair of a structure located within any Flood Hazard Overlay District is reviewed, the AO shall make a substantial improvement determination.
2. In the event of damage to a structure located within any Flood Hazard Overlay District from flooding or other causes (such as, but not limited to, fire, wind or snow), the AO shall make a substantial damage determination based on the damage sustained by the structure regardless of intended repair at that time.
3. Substantial improvement or substantial damage determinations shall be made in accordance with current FEMA guidelines¹ or procedure established by the DRB in accordance with 24 V.S.A. § 1972 and 24 V.S.A. § 4461 and shall be used to determine the appropriate development standards for repair and rebuilding.
4. A substantial improvement or substantial damage determination can be appealed by an applicant or property owner to the DRB in accordance with sub-paragraph 30-758(G) [Appeals of a Permit Decision] of this bylaw. In the consideration of an appeal of the AO's determination, the DRB shall consider additional documentation provided by the applicant which may include:
 - a. A recent building appraisal (within the past calendar year, or as determined to still be applicable) completed by a licensed and qualified real estate appraiser that documents the structure's market value (excluding land value) prior to the damage or improvement; or
 - b. A project/repair cost estimate provided by a qualified contractor, professional engineer or licensed architect. The material and labor cost estimate shall include a detailed accounting of the proposed improvements, additions, reconstruction or rehabilitation work, repairs or associated construction and development; or
 - c. In the case of substantial damage, an estimate of structure damage provided or reviewed by a local official from FEMA's *Substantial Damage Estimator* software.

C. Certificate of Occupancy

1. In accordance with 24 V.S.A. § 4449, it shall be unlawful to use or occupy, or permit the use or occupancy of any land or structure, or part thereof, created, erected, changed, converted, or wholly or partly altered or enlarged in its use or structure within the areas affected by this bylaw, until a certificate of occupancy is issued by the AO stating that the proposed use of the structure or land conforms to the requirements of this bylaw.
2. A certificate of occupancy is not required for structures that were built in compliance with the bylaws at the time of construction and have not been improved since the adoption of this bylaw.

¹ FEMA P-758, Substantial Improvement/Substantial Damage Desk Reference: <https://www.fema.gov/media-library/assets/documents/18562>

3. Upon receipt of the application for a certificate of occupancy, the AO shall review the permit conditions and inspect the premises to ensure that:
 - a. any required state and federal permits that have been received,
 - b. all work has been completed in conformance with the zoning permit and associated approvals, and
 - c. all required as-built documentation has been submitted to the AO (e.g. updated FEMA Elevation Certificate, dry floodproofing certificate, as-built volumetric analysis, or as-built floodway encroachment analysis).
4. If the AO fails to grant or deny the certificate of occupancy within 29 days of the submission of the application, the certificate shall be deemed issued on the 30th day. If a certificate of occupancy cannot be issued, notice will be sent to the owner and copied to the lender.

D. Enforcement

1. This bylaw shall be enforced in accordance with 24 V.S.A. §§ 1974a, 4451, and 4452. All notices of violation shall be provided to the State NFIP Coordinator.
2. No new flood insurance shall be provided for any property which the Federal Insurance Administrator finds has been declared to be in violation of local flood hazard area regulations. If any appeals have been resolved, but the violation remains, the AO shall submit a declaration to the Administrator of the National Flood Insurance Program requesting a denial of flood insurance to the property pursuant to Section 1316 of the National Flood Insurance Act of 1968, as amended. New and renewal flood insurance shall be denied to a structure upon a finding by the Federal Insurance Administrator of a valid declaration of a violation.

DIVISION 3. INUNDATION: FLOOD HAZARD AREA OVERLAY (FHO) DISTRICT

Sec. 30-760. Statement of Purpose for Managing Inundation Hazards

- A. To allow for the wise use of floodplain lands in a way that minimizes potential damage to existing structures and development located within this hazard zone.
- B. Provide an adequate means of protecting the beneficial functions of undeveloped floodplains and development that is already located within floodplains.
- C. Avoid encroachments in flood hazard areas that may result in cumulative degradation of natural floodplain function leading to increased flood elevations, velocities, and river instability.
- D. To protect infill and redevelopment from inundation hazards.
- E. To discourage new encroachments on undeveloped property within the FHO that provide for floodwater and sediment storage.

Sec. 30-761. Lands to Which this Bylaw Applies

- A. Special Flood Hazard Areas
This bylaw shall apply to the Special Flood Hazard Areas (SFHAs, hereafter referred to as “flood hazard areas” or “FHAs”) in the Town of Springfield, Vermont as described below. Flood Hazard

Areas are identified in and on the most current flood insurance studies and maps² published by the Department of Homeland Security, Federal Emergency Management Agency (FEMA), National Flood Insurance Program (NFIP), as provided by the Secretary of the Agency of Natural Resources (ANR) pursuant to 10 V.S.A. § 753, which are hereby adopted by reference and declared to be part of this bylaw.

Establishment of the FHO District

The FHO is an overlay district. All other requirements of the underlying district or another overlay district shall apply in addition to the provisions herein, unless it is otherwise so indicated. If there is a conflict with another such district, the stricter provision shall apply. The flood hazard area, as delineated by FEMA, may contain two parts; the floodway where limited development may be permitted and the remaining part of the flood hazard area (outside of the floodway) called the flood fringe. Within the flood hazard area, the inundation risk and type of damages may differ according to the type of flooding that occurs. Therefore, the identified FHO district is separated into different sub-districts to provide protection based upon flooding type:

1. The floodway - The floodway is depicted on the Flood Insurance Rate Maps/Flood Boundary and Floodway Maps for this community³.
2. The flood fringe - identified as the area of the FEMA Special Flood Hazard Area (labeled as Zone A, AE, A1-30, AH, AO) outside of the floodway on the most current NFIP maps.

Unless one of these sub-districts is specifically named, reference to the FHO District includes both.

B. Base Flood Elevations and Floodway Limits

1. Where available, base flood elevations and floodway limits provided by the NFIP and in the Flood Insurance Study and accompanying maps shall be used to administer and enforce this bylaw.
2. The floodway, as adopted by this community, shall consist of the channel of a river or other watercourse and the adjacent land areas that shall be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot at any point.
3. In the FHO District where base flood elevations and/or floodway limits have not been provided by the NFIP in the Flood Insurance Study and accompanying maps, it is the applicant's responsibility to develop the necessary data, as specified in Section C [Administration]. Where available, the applicant shall use data provided by FEMA, or state or federal agencies to administer this bylaw.

C. Jurisdictional Determination and Interpretation

1. The information presented on any maps, or contained in any studies, adopted by reference, is presumed accurate.

² Where Flood Insurance Rate Maps have not been published, this includes Special Flood Hazard Areas identified on Flood Hazard Boundary Maps produced by the Federal Insurance Administration.

³ Please note that the floodway may be shown on a separate map panel entitled "Flood Boundary and Floodway Map" for maps made in 1986 or earlier. Maps can be accessed online at <https://msc.fema.gov>

2. If uncertainty exists with respect to the boundaries of the FHO District, the location of the boundary shall be determined by the Administrative Officer (AO). The AO may require additional topographic or base flood elevation information if necessary to make such determination. If available, the AO shall use a FEMA Letter of Map Amendment (LOMA) or Letter of Map Revision (LOMR) in making a determination. Once issued, the LOMA or LOMR shall constitute proof of the FHO boundary and whether the proposed development is within the FHO⁴.
3. A FEMA Letter of Map Revision based on Fill (LOMR-F) that has been issued after the effective date of this bylaw shall not be used to remove lands from the jurisdiction of this bylaw.
4. When the AO deems a property is within the FHO, an applicant seeking to challenge such determination shall have 15 days from the date of receiving the AO's determination to notify the AO of his or her intent to seek proof of the boundary. Upon timely filing of such notification letter by the applicant, the application for the zoning permit shall not be considered complete until the AO has received a LOMA or LOMR issued by FEMA or any other evidence identified in such notice.

Sec. 30-762 Development Classifications and Permit Requirements in the FHO District

- A. Exempted Activities. The following activities do not require a permit under this section of this bylaw:
1. The removal of a building or other improvement in whole or in part, so long as the ground elevations under and adjacent to the removed structure remain unchanged. Please be aware that for damaged structures where FEMA mitigation funds may be used, the damaged structure may be required to remain in place until funds are granted.
 2. Routine maintenance of existing buildings in the usual course of business required or undertaken to conserve the original condition, while compensating for normal wear and tear. Routine maintenance includes actions necessary for retaining or restoring a piece of equipment, machine, or system to the specified operable condition to achieve its maximum useful life and does not include expansions or improvements to development.
 3. Interior improvements to existing buildings that cost less than 500 dollars.
 4. Maintenance of existing sidewalks, roads, parking areas, or stormwater drainage; this does not include expansions.
 5. Maintenance of existing bridges, culverts, and channel stabilization activities; this does not include expansions.
 6. Streambank armoring and stabilization, retaining walls, and abutment work that do not reduce the cross-sectional flow area of the river or stream channel and have coverage under a Stream Alteration Permit, if required, under 10 V.S.A. Chapter 41 and the rules adopted thereunder.
 7. The following activities are exempt from municipal regulation, but may require a permit under the State's "Vermont Flood Hazard Area and River Corridor Rule" (Environmental Protection Rule, Chapter 29):
 - a. State-owned and -operated institutions and facilities.
 - b. Forestry operations and silvicultural (forestry) activities conducted in accordance with the Vermont Department of Forests and Parks Acceptable Management Practices for Maintaining Water Quality on

⁴ <https://www.fema.gov/letter-map-amendment-letter-map-revision-based-fill-process>

- Logging Jobs in Vermont or other accepted silvicultural practices, as defined by the Commissioner of Forests, Parks and Recreation.
- c. Agricultural activities conducted in accordance with the Vermont Agency of Agriculture Food and Market's Required Agricultural Practices (RAPs). Prior to the construction of farm structures, the farmer shall notify the AO in writing of the proposed activity. The notice shall contain a sketch of the proposed structure including setbacks.
 - d. Public utility power generating plants and transmission facilities regulated under 30 V.S.A. § 248.
 - e. Telecommunications facilities regulated under 30 V.S.A. § 248a;
8. Planting projects which do not include any construction or grading activities in accordance with 24 V.S.A. § 4424(c).
9. Subdivision of land that does not involve or authorize development.
- B. Permits. Except as provided in Section 30-762(A) [Exempted Activities], a permit is required from the AO for all development that is located within the FHO District. Development that requires conditional use approval or a variance from the Development Review Board (DRB) under this bylaw must have such approvals prior to the issuance of a permit by the AO.
1. All permits shall require that a permittee have all other necessary permits from state and federal agencies before work may begin.
- C. Administrative Review; Permitted Development. The following development activities in the FHO District meeting the Development Standards in Section 30-763 require an administrative review from the AO and may receive a permit from the AO without review by the DRB:
- 1. Within the entire FHO District:
 - a. Above grade development located on ground, which has not been elevated by the placement of fill, that is one foot above base flood elevation and documented with field-surveyed topographic information certified by a registered professional engineer or licensed land surveyor.
 - b. Open fencing and signs elevated on poles or posts that create minimal resistance to the movement of floodwater.
 - c. At-grade parking or other at-grade/below grade development that will not create an obstruction to flood flows.
 - d. Municipal transportation infrastructure improvements designed and constructed by the Vermont Agency of Transportation that have written confirmation from the ANR Regional Floodplain Manager that the project is designed to meet or exceed the applicable standards in this bylaw.
 - e. River and floodplain restoration projects, including dam removal, that restore natural and beneficial floodplain functions and include written confirmation from the ANR Regional Floodplain Manager that the project is designed to meet or exceed the applicable standards in this bylaw.
 - 2. Within the Flood Fringe Sub-district:
 - a. Improvements or repairs from damage to structures that do not expand the existing footprint and do not meet the definition of "substantial improvement" or "substantial damage".
 - b. Accessory structures not greater than 500 square feet.
 - c. Development related to on-site septic or water supply systems.
 - d. Building utilities.
 - e. Recreational vehicles or travel trailers.

- f. New fill for existing associated transportation and utility networks or to accommodate a replacement on-site septic system, if it can be demonstrated that no other practicable alternative is available.
- D. Prohibited Development. Except as provided in Section 30-762(A) Exempted Activity], the following is prohibited:
 - 1. Within the entire FHO District:
 - a. Fully enclosed areas below grade on all sides, including below grade crawlspaces and basements.
 - b. New critical facilities.
 - 2. Within the Floodway Sub-district:
 - a. New accessory structures.
 - b. New encroachments, except for minor improvements⁵ to existing structures or relating to bridges, culverts, roads, stabilization projects, public utilities, river and/or floodplain restoration projects, or health and safety measures.
 - c. Changes to existing structures where the footprint of the structure is proposed to expand laterally into the floodway greater than 500 square feet.
 - d. Storage of materials or junk yards.
- E. Conditional Use Review. In accordance with 24 V.S.A. § 4414, conditional use review and approval by the DRB is required prior to the issuance of a permit by the AO for any activity in the FHO District that is not exempt or eligible for administrative review.
- F. Non-Conforming Structures and Uses
 - 1. A nonconforming structure in the FHO District that has been substantially damaged or destroyed may be reconstructed in its original location only if it is rebuilt to comply with all requirements of the National Flood Insurance Program and this bylaw;
 - 2. Nonconforming structures and uses shall be considered abandoned where the structures or uses are discontinued for more than 12 months. An abandoned structure shall not be permitted for re-occupancy unless brought into compliance with this bylaw. An abandoned use shall not be permitted unless brought into compliance with this bylaw.

Sec. 30-763 Development Standards

The criteria below are the minimum standards for development in the FHO District. If the floodway or flood fringe is not specified, the standard applies to the entire FHO District. Where more than one district is involved, the most restrictive standard shall take precedence.

- A. Floodway Sub-district. Within the floodway sub-district, the following standards apply:
 - 1. New encroachments are prohibited within the floodway, except for the following, which also shall comply with Section 30-763(A)(2) below:
 - a. changes to existing structures where the footprint is proposed to expand horizontally into the floodway less than 500 square feet;
 - b. new encroachments relating to bridges, culverts, roads, stabilization projects, public utilities, functionally dependent uses, and river or floodplain restoration projects;
 - c. new encroachments relating to health and safety measures, such as replacement of pre-existing on-site septic and water supply systems, if no other practicable alternative is available;

⁵ Minor improvements are those that would not affect base flood elevations, consistent with the provisions of FEMA P-480; Desk Reference for Local Officials: https://www.fema.gov/pdf/floodplain/nfip_sg_unit_5.pdf

2. For all proposed new encroachments and above-grade development, a hydraulic analysis is required to be provided for review. The analysis should be performed in accordance with standard engineering practice, by a registered professional engineer, certifying that the proposed development will:
 - a. Not result in any increase in flood levels during the occurrence of the base flood;
 - b. Not increase any risk to surrounding properties, facilities, or structures from erosion or flooding.
 3. For development that is either below grade or will not result in any change in grade, the hydrologic & hydraulic (H&H) analyses may be waived, where the applicant will provide pre- and post-development elevations demonstrating that there will be no change in grade, and that the development will be adequately protected from scour.
 4. For any new encroachment that is proposed within the floodway sub-district where a hydraulic analysis is required, the applicant may provide a FEMA Conditional Letter of Map Revision (CLOMR)6, in lieu of a hydraulic analysis, to demonstrate that the proposed activity will not have an adverse impact.
- B. The FHO District (Zones A1-30, AE, AH, AO). Within the FHO District, the following standards apply:
1. All development, except development that is exempt under Section 30-762(A) [Exempted activities], shall be:
 - a. Reasonably safe from flooding.
 - b. Designed (or modified) and adequately anchored to prevent flotation, collapse, release, or lateral movement of the structure.
 - c. Constructed with materials resistant to flood damage.
 - d. Constructed by methods and practices that minimize flood damage.
 - e. Constructed with electrical, heating, ventilation, plumbing and air conditioning equipment and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.
 - f. Adequately drained to reduce exposure to flood hazards.
 - g. Required to elevate or floodproof any fuel storage tanks to at least two feet above the base flood elevation. This can be achieved by:
 - i. Elevating the fuel storage tank a minimum of two feet above the BFE and securely anchoring the tank to prevent flotation. The tank shall be located on the land-ward or downstream side of the building and all inlets, fill openings, line connections, and vents shall be elevated to two feet above the BFE. Any structure or platform used to elevate the tank shall be designed to withstand anticipated flood loads and forces;
 - ii. In places where elevation of the fuel storage tank is not possible due to the location of existing fuel hookup/fuel lines into an existing building:
 - A. The tank shall be securely anchored to prevent floatation while protecting it from flood forces and debris. Any structure or platform used to anchor and protect the tank shall be designed to withstand anticipated flood forces and debris. The tank vent pipe/valve shall be located at a minimum two feet above the BFE; or
 - B. Storage tanks may be placed underground, if securely anchored and certified by a qualified professional and are protected from flood forces such as scour, erosion, velocity flow, and buoyancy (uplift) force.
 2. For any new structure, replacement structure, substantially improved structure, or structure that has experienced substantial damage, outdoor utilities (electrical, heating, ventilation, plumbing, and air conditioning equipment) and other service facilities (such as sewer, gas, and water systems), shall be

- located on the landward or downstream side of the building and/or behind structural elements, and located and constructed to minimize or eliminate flood damage.
3. In Zones AE and A1 – A30 where floodway limits have not been determined, development shall not be permitted unless it is demonstrated that the cumulative effect of the proposed development, when combined with all other existing and anticipated encroachment, will not increase the base flood elevation more than one foot at any point within the community. The demonstration shall be supported by technical data that conforms to standard hydraulic engineering principles and certified by a registered professional engineer (see Section C – Administration for more information about application submittal requirements).
 4. For new, replacement or substantially improved structures, or for structures that have incurred substantial damage, fully enclosed areas below grade on all sides (including below grade crawlspaces and basements) are prohibited.
 5. Recreational vehicles, equipment and boat trailers, portable toilets, construction trailers, and other travel trailers shall:
 - a. Be currently registered, licensed and ready for highway use; or
 - b. Be on site for fewer than 180 consecutive days; or
 - c. Meet the requirements for structures in Section 30-763 as appropriate.
 6. Water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system.
 7. Sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters.
 8. On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.
 9. The flood carrying capacity within any altered or relocated portion of any watercourse shall be maintained, any alteration or relocation shall not result in any decrease of stream stability.
 10. Bridges, culverts and channel management activities, which by their nature shall be placed in or over the watercourse, shall have a Stream Alteration permit from the Agency of Natural Resources, if required.
 11. Subdivisions and Planned Unit Developments shall be accessible by dry land access outside of any FHO District.
 12. Structural Standards
 - a. New structures, existing structures to be substantially improved or replaced, or that have incurred substantial damage shall be located such that the lowest floor is at least two feet above base flood elevation. This shall be documented in the proposed and as-built condition with a FEMA Elevation Certificate.
 - b. New non-residential structures, and non-residential structures to be substantially improved, replaced, or that have incurred substantial damage shall:
 - i. Meet the standards of Section 30-763 (B)(12)(a), above; or
 - ii. Have the lowest floor, including basement, together with attendant utility and sanitary facilities, designed so that two feet above the base flood elevation the structure is dry floodproofed, meaning watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy.
 - iii. A permit for dry floodproofing shall not be issued until a registered professional engineer or architect has reviewed the structural design, specifications, and plans, and has certified that the design and proposed methods of construction are in accordance with accepted standards of practice for meeting the provisions of this subsection;
 - iv. Dry floodproofing measures used to meet the above floodproofing standard shall work without the use of human intervention at the time of flooding. Exceptions to this standard are when the facility is adequately staffed at all hours with people trained and able to deploy the facility's floodproofing measures, or if the structure is located in a floodplain that has a National Weather Service flood forecast stream gauge that provides adequate advanced warning of potential flooding for the deployment of the floodproofing system.

- c. Critical facilities that are to be replaced, substantially improved, or meet the definition of substantial damage shall be constructed so that the lowest floor, including basement, shall be elevated or dry-floodproofed at least one foot above the elevation of the 0.2% annual flood height (500-year floodplain), or three feet above base flood elevation, whichever is higher. A critical facility shall have at least one access road connected to land outside the 0.2% annual chance floodplain that is capable of accommodating emergency services vehicles. The top of the access road shall be no lower than six inches below the elevation of the 0.2% annual chance flood event.
- d. For historic structures that would meet the definition of substantial improvement or substantial damage if not for their historic structure designation, the improved or repaired building shall meet the following mitigation performance standards for areas below the base flood elevation:
 - i. Any future damage to enclosures below the lowest floor shall not result in damage to the foundation, utility connections, or elevated portions of the building or nearby structures;
 - ii. Utility connections (e.g., electricity, water, sewer, natural gas) shall be protected from inundation and scour or be easily repaired;
 - iii. The building foundation shall be structurally sound and reinforced to withstand a base flood event;
 - iv. The structure's historic designation shall not be precluded;
 - v. The likelihood of flood waters entering the structure during the base flood is reduced; and
 - vi. There shall be no expansion of uses below base flood elevation except for parking, storage, building access, or, in the case of non-residential buildings, where the space is dry floodproofed.
- e. Fully enclosed areas that are above grade, below the lowest floor, below BFE, and subject to flooding, shall:
 - i. Be solely used for parking of vehicles, storage, or building access, and such a condition shall clearly be stated on any permits; and
 - ii. Be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Such designs shall be certified by a registered professional engineer or architect, or meet or exceed the following minimum criteria: A minimum of two openings on two walls 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 adjacent grade. Openings may be equipped with screens, louvers, valves, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters; and
 - iii. Include a signed non-conversion agreement from the owner of the structure with the permit application stating that the enclosed area below the BFE will not be converted to another use not listed above in Section 30-763 (B)(12)(e)(i) and that the community would have the ability to inspect the exterior and interior of the enclosed area in compliance with the standards laid out in the non-conversion agreement.
- f. A small accessory structure of 500 square feet or less need not be elevated to the base flood elevation, provided the structure is placed on the building site so as to offer the minimum resistance to the flow of floodwaters and shall meet the criteria in Section 30-763 (B)(12)(e) above.

ARTICLE --. – COMBINED REVIEW

In accordance with 24 V.S.A. §4462, in cases where a proposed project will require more than one type of development review, the DRB may warn and hold a joint hearing or single hearing for the purpose of reviewing and acting on the proposal. The Administrative Officer shall identify proposed projects appropriate for combined review and assist applicants in preparing and submitting coordinated applications to facilitate combined review.

Notice for a combined review hearing shall be made in accordance with 24 V.S.A. §4464(a)(1). The hearing notice shall include a statement that the hearing will be a combined review of the proposed project and list each review process that will be conducted at the hearing.

All hearing and decision requirements and all deadlines applicable to each review process shall apply. Separate written decisions may be issued for each review conducted as part of the combined review, but shall be coordinated where appropriate.

ARTICLE X. - ADMINISTRATION AND ENFORCEMENT

DIVISION 1. - GENERALLY

Secs. 30-884—30-914. - Reserved.

DIVISION 2. - ZONING PERMIT^[2]

Footnotes:

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State Law reference— Zoning permit, 24 V.S.A. § 4449.

Sec. 30-915. - Required permits to precede development.

- (a) In accordance with 24 V.S.A. § 4449, the application for and receipt of a zoning permit issued by the administrative officer shall precede any initiation of development as defined herein, except for development which is specifically exempted from this ordinance under section 30-916.
- (b) Additionally, according to town ordinance and policy, any development may require a town permit for a driveway (from Highway Superintendent), or connection to town water or sewer (from Director of Public Works). State permits are required for all new on-site septic systems beginning July 1, 2007. Renovations or alterations of any commercial, retail, or rental unit may also require a construction permit by the state to be obtained from the division of fire safety. Compliance with any property specific restrictions or covenants is the responsibility of the applicant or property owner. For other business licenses, contact the town clerk.

(Ord. No. O-2019-2, § 6.0(A), 9-23-2019)

Sec. 30-916. - Exemptions.

Except as provided in article IX of this chapter, no zoning permit shall be required for the following activities:

- (1) Required Agricultural Practices (RAP's) including the construction of farm structures, as those practices are defined by the secretary of agriculture, food and markets, in accordance with 24 V.S.A. § 4413(d). Written notification, including a sketch plan showing structure setback distances from road rights-of-way, property lines, and surface waters, shall be submitted to the administrative officer prior to any construction, as required for AAPs. Such structures shall meet all setbacks established by the Secretary of Agriculture, Food and Markets.
- (2) Accepted management practices (AMPs) for silviculture (forestry) as those practices are defined by the commission of forests, parks and recreation in accordance with 24 V.S.A. § 4413(d).

- (3) Power generation and transmission facilities which are regulated under 30 V.S.A. § 248 by the Vermont public utility commission in accordance with 24 V.S.A. § 4413(b). Such facilities, however, shall conform to policies and objective specified for such development in the town plan.
- (4) Solar panels on flat roofs [24 V.S.A. §4413 (g)(1)].
- (5) De minimis impacts to telecommunications facilities as described in 24 V.S.A. §4413 (h).

Hunting, fishing and trapping as specified under 24 V.S.A. § 2295 on private or public land. This does not include facilities supporting such activities as firing ranges or rod and gun clubs, which for the purpose of this ordinance, are defined as outdoor recreation facilities or private club houses.

- (5) Normal maintenance and repair of an existing structure which does not result in exterior alterations or expansion or a change of use, except as required in the Downtown Design Control Overlay District (DDCOD).
- (6) Interior alterations or repairs to a structure which do not result in exterior alterations or expansion or a change in use.
- (7) Exterior alterations to structures which are not located within the Downtown Design Control Overlay District (DDCOD) and which do not result in any change to the footprint or height of the structure or a change in use. Exterior alterations to structures within the DDCOD are subject to review by the downtown design review advisory commission.
- (8) Residential entry stairs (excluding decks and porches), handicap access ramps, walkways and fences or walls less than six feet in height which meet setbacks, and do not extend into or obstruct public rights-of-way or interfere with corner visibilities or sight distances for vehicular traffic.
- (9) Minor grading and excavation associated with road and driveway maintenance (e.g., including culvert replacement and resurfacing), and lawn and yard maintenance (e.g., for gardening or landscaping), or which is otherwise incidental to an approved use. (However, a permit for work within the state or town right-of-way may be required.) This specifically does not include extraction and quarrying activities for which a permit is specifically required in this ordinance.
- (10) Outdoor recreational trails (e.g., walking, hiking, cross country skiing and snow mobile trails) which do not require grading, construction, or the installation of structures or parking areas.
- (11) Small accessory buildings associated with residential uses which are less than 120 square feet of floor area and less than eight feet in height, and are not located within required setback areas.
- (12) Garage sales, yard sales, or similar activities that do not exceed three consecutive days, nor more than 12 total days in any calendar year.

(Ord. No. O-2019-2, § 6.0(B), 9-23-2019)

Sec. 30-917. - Application requirements.

An application for a zoning permit shall be filed with the administrative officer on forms provided by the town. Required application fees, as set by the legislative body, also shall be submitted with each application. In addition, the following information will be required:

- (1) *Permitted uses.* Applications for a permitted use shall include, but not be limited to, a sketch plan, on paper no smaller than 8.5 inches by 11 inches, drawn to scale, that depicts the following:
 - a. The dimensions of the lot, including existing property boundaries;
 - b. The location, footprint and height of existing and proposed structures or additions;

- c. The location of existing and proposed access (curb cuts), driveways and parking areas;
 - d. The location of existing and proposed easements and rights-of-way;
 - e. Existing and required setbacks from property boundaries, road rights-of-way, surface waters and wetlands;
 - f. The location of existing and proposed water and wastewater systems; and
 - g. Other such information as required by the administrative officer to determine conformance with this ordinance.
- (2) *Other uses.* In addition to the above permit application requirements, the application for development requiring approval under conditional use, site plan, downtown design review, flood hazard area, and/or planned unit or planned residential development review shall include a site development plan prepared in accordance with Table 30-721.

(Ord. No. O-2019-2, § 6.0(C), 9-23-2019)

Sec. 30-918. - Issuance of zoning permits.

No zoning permit shall be issued by the administrative officer until a complete application, including all forms, materials, and fees, has been received, and all applicable approvals have been obtained in accordance with the following provisions:

- (1) No zoning permit shall be issued by the administrative officer for any use or structure which requires approval of the development review board, Selectboard, public works, state and/or health officer until such approvals and/or permits have been obtained and presented to the administrative officer.
- (2) For uses within the Flood Hazard Area Overlay District requiring state agency referral, no zoning permit shall be issued until the expiration of 30 days following the submission of a report to the state department of environmental conservation in accordance with 24 V.S.A. § 4424(2)(D).
- (3) If public notice is issued with respect to a public hearing by the legislative body for the purpose of adopting or amending this ordinance, applications shall be reviewed under the proposed amendment for a period of 150 days following that notice. If the amendment has not been adopted by the conclusion of the 150-day period or if the proposed amendment is rejected, the application shall be reviewed under the existing ordinance at no additional charge in accordance with 24 V.S.A. § 4449(d).
- (4) Within 30 days of receipt of a completed application, including all application materials, fees and approvals, the administrative officer shall act to either issue or deny a permit in writing, or to refer the complete application to the development review board, pursuant to 24 V.S.A. §§ 4448 and 4449. If the administrative officer fails to act within the 30-day period, a permit shall be deemed issued on the 31st day. Decisions shall be sent by registered mail to the applicant explaining any conditions of approval or reasons for denial, and include a statement of the time in which an appeal may be made under division 4 of this article.
- (5) Each permit issued shall require the applicant to post a notice of permit, on a form prescribed by the town, within view from the public right-of-way nearest to the subject property until the time for appeal has passed.
- (6) Within three days of issuance, the administrative officer shall deliver a copy of the permit to the listers, and post, for a period of 15 days from issuance, a copy at the town office.

(Ord. No. O-2019-2, § 6.0(D), 9-23-2019)

Sec. 30-919. - Administrative review.

In accordance with 24 V.S.A. § 4464(c), the administrative officer may review and approve new development and amendments to previously approved development.

- (1) The administrative officer may approve amendments to previously approved development providing it shall not have the effect of substantively altering any impact under any of the standards set forth in the ordinance or have the effect of substantively altering any of the findings of fact or conditions of the most recent approval. In the Downtown Design Control Overlay District such approval may only be granted after review by the downtown design review advisory commission.
- (2) The administrative officer may approve a one-year extension of the permit expiration date after written request and explanation of the reason for the extension by the applicant and signed by the property owner.
- (3) Exterior lighting installations involving the installation or replacement of six or fewer lighting fixtures may be approved by the administrative officer except in the DDROC. All others must be approved by the development review board.
- (4) The administrative officer may approve boundary adjustments and minor subdivisions.

(Ord. No. O-2019-2, § 6.0(E), 9-23-2019)

Sec. 30-920. - Effective dates.

No zoning permit shall take effect until the time for appeal under division 4 of this article has passed or, in the event that a notice of appeal has been properly filed, until final adjudication of the appeal. A zoning permit shall remain in effect for a period of one year from the date of issuance, but, provided the regulations have not been amended in a way that would affect the use or structure of the subject of the permit, the permittee may request an extension of the permit up to a year, which the administrative officer may allow. The extension must be in writing signed by the administrative officer. If the work described therein is not commenced and diligently prosecuted within this one-year period, the zoning permit shall become void. All associated approvals (conditional use, site plan, etc.) shall expire with the zoning permit.

(Ord. No. O-2019-2, § 6.0(F), 9-23-2019)

Secs. 30-921—30-943. - Reserved.

DIVISION 3. - CERTIFICATE OF OCCUPANCY^{[\[3\]](#)}

Footnotes:

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State Law reference— Certificate of occupancy, 24 V.S.A. § 4449.

Sec. 30-944. - Required before land use or occupancy; certified compliance; application process.

In accordance with 24 V.S.A. § 4449(2), a certificate of occupancy issued by the administrative officer shall be required prior to the use or occupancy of any land or structure, or part thereof, for which a zoning permit has been issued.

- (1) All new structures (except accessory structures), substantial improvements, commercial change of use or permits, upon determination by the development review board, shall require a certificate of occupancy before such use or permit may vest. Said certificate of occupancy shall

show that the premises comply with all applicable provisions of this ordinance and the permit as granted.

- (2) The administrative officer will include an application for a certificate of occupancy with the zoning permit.
- (3) A certificate of occupancy shall not be issued until all necessary approvals and permits required by this ordinance have been obtained for the project, and the administrative officer determines that the project has been substantially completed in conformance with all local approvals and permits.
- (4) Within 14 days of receipt of the application for a certificate of occupancy, the administrative officer may inspect the premises to ensure that all work has been substantially completed in conformance with the zoning permit and associated approvals, including all applicable permit conditions.
- (5) If the administrative officer does not act on a complete application for a certificate of compliance within 30 days, the applicant may file an appeal directly with the Development Review Board to recognize that the administrative officer's failure to act within the 30-day period resulted in a "deemed approval" of the application.
- (6) If denying an application, the administrative officer shall:
 - a. State the reasons for the denial;
 - b. Inform the applicant that such applicant may appeal the denial to the development review board within 15 days of the date of the decision; and
 - c. Include a copy of division 4 of this article, which explains the appeal process.
- (7) If the administrative officer denies the application for a certificate of compliance, the applicant may re-apply after remedying any conditions identified as the reason for the denial and prior to the expiration of the zoning permit.
- (8) Neither the town nor the administrative officer is responsible for any certificate of occupancy issued in good faith after a reasonable inspection.
- (9) Owners-builders may apply for a temporary certificate of occupancy, to be reviewed annually, which will allow occupancy in the structure until completion of construction. In certain circumstances to be determined by the administrative officer, a conditional certificate of occupancy may be issued. The owner of property must still obtain a final certificate of occupancy once the project is deemed complete.
- (10) Where a zoning permit requires a new septic system or a change in the existing septic system, a state installation certificate and copy of final septic plan shall be filed with the town clerk's office before a certificate of occupancy can be issued.
- (11) Where applicable, a residential building energy standards certificate per 30 V.S.A. § 51 shall be filed with the town clerk's office before a certificate of occupancy can be issued.
- (12) Where applicable, a commercial building energy standards certificate per 30 V.S.A. § 53 shall be filed with the town clerk's office before a certificate of occupancy can be issued.

(Ord. No. O-2019-2, § 6.0(G), 9-23-2019)

Secs. 30-945—30-961. - Reserved.

DIVISION 4. - APPEALS

Sec. 30-962. - Decisions of the administrative officer.

- (a) In accordance with 24 V.S.A. §§ 4465 and 4466, any interested person may appeal a decision or act of the administrative officer by filing a notice of appeal with the secretary of the development review board, or the town clerk if no secretary has been elected, within 15 days of the date of such decision or act. A copy of the notice of appeal shall also be filed with the administrative officer.
- (b) Interested person. In accordance with 24 V.S.A. § 4465, the definition of an interested person includes the following:
 - (1) A person owning title to a property, or a municipality or solid waste management district empowered to condemn it or an interest in it, affected by this bylaw, who alleges that this bylaw imposes on the property unreasonable or inappropriate restrictions of present or potential use under the particular circumstances of the case.
 - (2) The town or an adjoining municipality.
 - (3) A person owning or occupying property in the immediate neighborhood of a property that is the subject of a decision or act taken under this bylaw, who can demonstrate a physical or environmental impact on the person's interest under the criteria reviewed, and who alleges that the decision or act, if confirmed, will not be in accord with the policies, purposes or terms of the plan or bylaw of the town.
 - (4) Any ten persons who may be any combination of voters or real property owners within the town or an adjoining municipality who, by signed petition to the development review board, allege that any relief requested by a person under this section, if granted, will not be in accord with the policies, purposes, or terms of the plan or bylaw of the town. The petition must designate one person to serve as the representative of the petitioners regarding all matters related to the appeal.
 - (5) Any department or administrative subdivision of the state owning property or any interest therein within the town or adjoining municipality, and the state agency of commerce and community development.
 - a. The notice of appeal 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, and the alleged grounds why the relief is believed proper under the circumstances.
 - b. Pursuant to 24 V.S.A. § 4468, the development review board shall hold a public hearing on a notice of appeal within 60 days of its filing. The development review board shall give public notice of the hearing under section 30-1092 and mail a copy of the hearing notice to the appellant at least 15 days prior to the hearing date. Any hearing held under this section may be adjourned from time to time, provided that the date and place of the adjourned hearing shall be announced at the hearing.
 - c. Any interested person empowered to take an appeal with respect to the property at issue may appear and be heard in person or represented by an agent or attorney at the hearing.
 - d. The rules of evidence applicable at these hearings shall be the same as the rules of evidence applicable in contested cases in hearings before administrative agencies as set forth in 3 V.S.A. § 810.
 - e. In accordance with 24 V.S.A. § 4470, the development review board may reject an appeal without hearing, and render a decision within ten days of the filing of a notice of appeal, if the development review board determines that the issues raised by the appellant have been decided in an earlier appeal, or are based on substantially or materially the same facts, by or on behalf of the appellant.
 - f. A decision on appeal, to include written findings of fact, shall be rendered within 45 days of the date of final hearing adjournment in accordance with division 7 of this article and 24 V.S.A. § 4464. Failure to issue a decision within the 45-day period shall be deemed approval, effective on the 46th day. Copies of the decision shall be mailed to the appellant

and hearing participants, and filed with the administrative officer and town clerk in accordance with the Act.

(Ord. No. O-2019-2, § 6.1(A), 9-23-2019)

Sec. 30-963. - Decisions of the development review board.

Any interested person who has participated in a hearing of the development review board may appeal a decision rendered in that proceeding within 30 days of such decision to the state environmental court, in accordance with 24 V.S.A. §§ 4471 and 4472.

- (1) "Participation" shall consist of offering, through oral or written testimony, evidence or a statement of concern related to the subject of the proceeding.
- (2) A notice of appeal shall be filed by certified mailing, with fees, to the environmental court and by mailing a copy to the town clerk or the administrative officer, if so designated, who shall supply a list of interested persons to the appellant within five working days. Upon receipt of the list of interested persons, the appellant shall, by certified mail, provide a copy of the notice of appeal to every interested person listed.

(Ord. No. O-2019-2, § 6.1(B), 9-23-2019)

Secs. 30-964—30-984. - Reserved.

DIVISION XX. - Waivers

Sec. 30-XXX. - Waivers of Dimensional Standards

As allowed under 24. V.S.A. 4414(8), a waiver of dimensional standards (front, rear and side yard requirements) may be applied for within any zoning district. All waiver applications are subject to approval by the Development Review Board, and must meet the requirements and review procedures under Section 30-723 for conditional uses as well as the following waiver provisions.

- (1) Applicability. Waivers of dimensional setbacks are limited to reductions to any required front, side or rear setback for legally existing primary structures to accommodate:
 - a. ADA accessibility improvements;
 - b. Life safety improvements;
 - c. Unheated, open-sided additions (e.g. decks, stairways, entryways, etc.);
 - d. Building systems (e.g. air conditioning, generators); or,
 - e. Renewable energy structures that could not be reasonably developed without a waiver.
 - f. Dimensional standard required per the Highway Corridor Overlay District.
- (2) Review Criteria. The Development Review Board may approve a waiver request upon finding that:
 - a. Granting a waiver will not result in an unsafe condition of the lot or to the public.
 - b. The proposal incorporates design techniques (restricted height, lack of windows), screening (fencing or plantings) or other remedies to reasonably limit impact or the potential for impact upon the neighbors or public rights-of-way.
 - c. The waiver requested will not impair sight distances on, nor impede the maintenance of, public or private roads or sidewalks.

- d. The proposed work or construction does not encroach into the required front, side or rear yard setbacks any more than necessary to accomplish the desired results.
 - e. The proposed development is compatible in scale and design of structures and the overall existing development pattern of the surrounding area.
 - f. The waiver resolves a practical difficulty in developing the property and allows reasonable use of the property;
 - g. In the case of historic properties, the waiver is essential to the preservation and renovation of the historic building or the preservation of the historic pattern of land use of the surrounding area.
- (3) Decisions and Conditions. The Development Review Board shall make its decision on the request for waiver by applying the facts presented both in the application and at the public hearing to the criteria listed herein. In approving a waiver request, the Development Review Board shall determine and may impose conditions to ensure that the waiver is the minimum required to afford relief and represents the least deviation possible from the dimensional requirements. These conditions may include, but need not be limited to, the following:
- a. Limiting the size of the structure;
 - b. Requiring the mitigation of impacts to adjoining properties and/or uses, to public rights-of-way through building design (e.g. limiting window placement), layout, landscaping or screening;
 - c. Reducing the encroachment into the required front, side or rear yard setbacks;
 - d. Reducing the waiver requested to ensure that the waiver represents the minimum waiver that will afford relief and will represent the least deviation possible from the land use development ordinance; and,
 - e. Controlling the location and number of vehicular access points.
 - f. Requiring the application to have professional site plans prepared by a surveyor, engineer, architect or landscape architect licensed by the State of Vermont.
- (4) Limitations of Waiver Approval. Any waiver granted under this section shall be limited to the specific property to which it has been granted. A waiver on one property shall not be construed as a general guideline or standard for any other property.

DIVISION 5. - VARIANCES

Sec. 30-985. - Authorization for variance; conditions.

The development review board is empowered to authorize a variance from the provisions of this ordinance on appeal under division 4 of this article, for specific cases where, owing to special conditions of a property, literal enforcement of this ordinance will result in an unnecessary hardship. In accordance with 24 V.S.A. § 4469, however, the development review board may approve a variance only if all of the following facts are found, and the findings are specified in its written decision:

- (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 Land Use Development regulations in the neighborhood or district in which the property is located;
- (2) That, because of such physical circumstances and conditions, there is no possibility that the property can be developed in strict conformity with the provisions of the 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, nor be detrimental to the public welfare; and
- (5) That the variance, if authorized, will represent the minimum that will afford relief and will represent the least deviation possible from the Land Use Development regulations and from the plan.

(Ord. No. O-2019-2, § 6.2(A), 9-23-2019)

Sec. 30-986. - Variance for renewable energy resource structure.

On an appeal for a variance from the provisions of this ordinance that is requested for a structure that is primarily a renewable energy resource structure, the development review board may grant such variance only if it finds that all of the facts listed in 24 V.S.A. § 4469(b) are found in the affirmative and specified in its decision.

(Ord. No. O-2019-2, § 6.2(B), 9-23-2019)

Sec. 30-987. - Variances within the Flood Hazard Area Overlay District.

Variances within the Flood Hazard Area Overlay District shall be granted by the development review board only in accordance with 24 V.S.A. § 4469(d) and the criteria for granting variances found in 44 CFR 60.6 of the National Flood Insurance Program regulations, and article IX, division 2, subdivision III, of this chapter.

(Ord. No. O-2019-2, § 6.2(C), 9-23-2019)

Sec. 30-988. - Other conditions.

In granting a variance, the development review board may impose conditions it deems necessary and appropriate under the circumstances to implement the purposes of this bylaw and the municipal plan currently in effect. In no case shall the development review board grant a variance for a use which is not permitted or conditionally permitted within the zoning district, or which results in an increase in allowable density.

(Ord. No. O-2019-2, § 6.2(D), 9-23-2019)

Secs. 30-989—30-1019. - Reserved.

DIVISION 6. - VIOLATIONS AND ENFORCEMENT

Sec. 30-1020. - Penalties for noncompliance.

- (a) The commencement or continuation of any development or use that is not in conformance with the provisions of this bylaw shall constitute a violation. A violation of this chapter shall be a civil matter enforced in accordance with the provisions 24 V.S.A. §§ 1974a et seq., and 1977 et seq., as amended, and as described in subsections (b) of this section.
- (b) A civil penalty of not more than \$800.00 may be imposed for a violation of a civil ordinance in accordance with 24 V.S.A. §1974a. Each day the violation continues shall constitute a separate violation.

- (c) If the enforcement strategy in subsection (b) of this section is not sufficient to deter violations, enforcement proceedings may also be initiated pursuant to 24 V.S.A. § 4451 et seq., as they exist or are hereafter amended or revised. These additional penalties may be up to \$200.00 per day (with each day constituting a separate violation), and issuance of injunctions. Regarding enforcement actions under 24 V.S.A. § 4451 et seq., no action may be brought unless the alleged offender has had at least seven days' notice by certified mail that a violation exists. The warning notice shall state that a violation exists; that the alleged offender has an opportunity to cure the violation within the seven days; and that the alleged offender will not be entitled to an additional warning notice for a violation occurring after the seven days. The issuance of a notice of violation may be appealed in accordance with division 4 of this article. Action may be brought without notice and opportunity to cure if the alleged offender repeats the violation of the bylaw after the seven-day notice period and within the next succeeding 12 months.
- (d) All fines imposed and collected for violations shall be paid over to the Vermont Judicial Bureau.
- (e) Issuing officials authorized to enforce these zoning regulations include the town manager, administrative officer, code enforcement officer and/or constable.

(Ord. No. O-2019-2, § 6.3(A), 9-23-2019)

Sec. 30-1021. - Limitations on enforcement.

The town shall observe the 15-year limitations on enforcement proceedings relating to municipal land use permits as set forth in 24 V.S.A. § 4454.

(Ord. No. O-2019-2, § 6.3(B), 9-23-2019)

Secs. 30-1022—30-1040. - Reserved.

DIVISION 7. - MUNICIPAL ADMINISTRATIVE REQUIREMENTS

Subdivision I. - In General

Secs. 30-1041—30-1063. - Reserved.

Subdivision II. - Appointments

Sec. 30-1064. - Appointments to be in association with the Act.

The appointments in this subdivision shall be made in association with the administration and enforcement of this ordinance as provided for in the Act.

(Ord. No. O-2019-2, § 6.4(A), 9-23-2019)

Sec. 30-1065. - Administrative officer.

- (a) The Selectboard shall appoint an administrative officer from nominations submitted by the planning commission for a term of three years in accordance with 24 V.S.A. § 4448. The Selectboard may remove an administrative officer for cause at any time after consultation with the planning commission.
- (b) An acting administrative officer may be appointed by the legislative body, from nominations submitted by the planning commission, who shall have the same duties and responsibilities of the administrative officer in the administrative officer's absence. In the event an acting administrative

officer is appointed, the legislative body shall establish clear policies regarding the authority of the administrative officer relative to the authority of the acting administrative officer. (24 V.S.A. § 4448(b).)

- (c) The administrative officer shall literally administer and strictly enforce the provisions of this ordinance, and in doing so shall inspect development, maintain records, and perform other related tasks as is necessary and appropriate.

(Ord. No. O-2019-2, § 6.4(A)(1), 9-23-2019)

Sec. 30-1066. - Development review board.

The development review board shall consist of not less than five nor more than nine members. Members of the development review board, which may consist of one or more members of the planning commission, shall be appointed by the Selectboard in accordance with 24 V.S.A. § 4460. One or more alternates also may be appointed by the Selectboard to serve for members in the event of an absence or conflict of interest. The development review board shall adopt rules of procedure and rules of ethics with regard to conflicts of interest to guide its official conduct in accordance with the requirements of 24 V.S.A. §§ 4461 and 4464 and Vermont's Open Meeting Law (1 V.S.A. §§ 310 through 314); and shall have powers and duties as set forth in the Act to administer the provisions of this bylaw, including, but not limited to, the power to hear and decide:

- (1) Appeals from any decision or act of the administrative officer under division 4 of this article;
- (2) Rights-of-way or easements for development lacking frontage;
- (3) Variance requests under division 5 of this article;
- (4) Site plan approval under section 30-722;
- (5) Conditional use approval under section 30-723;
- (6) Design review approval under section 30-724;
- (7) Planned unit development under article VIII of this chapter;
- (8) Flood hazard review under article IX of this chapter; and
- (9) Subdivision review under the town subdivision regulations.

(Ord. No. O-2019-2, § 6.4(A)(2), 9-23-2019)

Sec. 30-1067. - Downtown design review advisory commission.

For purposes of this ordinance, the downtown design review advisory commission, established and appointed by the Selectboard in accordance with 24 V.S.A. §§ 4433 and 4464(d), shall have the authority under this ordinance to hold meetings, subject to Vermont's Open Meeting Law (1 V.S.A. §§ 310 through 314) and to:

- (1) Review applications and prepare recommendations on each of the review standards under section 30-724 that are within the downtown design review advisory commission's purview for consideration by the development review board at a public hearing on the application;
- (2) Meet with the applicant, interested parties, or both, conduct site visits, and perform other fact finding that will enable the preparation of the downtown design review advisory commission's recommendations; and
- (3) Inform applicants of any areas of concern prior to the development review board public hearing, and suggest remedies to correct identified deficiencies in the application.

- (4) Keep a written record of discussions and recommendations which shall be maintained as a public record of the municipality.

(Ord. No. O-2019-2, § 6.4(A)(3), 9-23-2019)

Sec. 30-1068. - Planning commission.

- (a) The planning commission shall consist of not less than three nor more than nine members appointed by the legislative body in accordance with 24 V.S.A. §§ 4321 through 4323. At least a majority of members shall be residents of the town. Any member of the commission may be removed at any time by a unanimous vote of the legislative body.
- (b) The commission shall adopt rules of procedure and rules of ethics with respect to conflicts of interest to guide its official conduct, as required under 24 V.S.A. § 4461(a) and Vermont's Open Meeting Law and shall have powers and duties as set forth in 24 V.S.A. §§ 4325 and 4441, including but not limited to the powers to:
 - (1) Prepare and review proposed amendments to this ordinance;
 - (2) Prepare reports documenting the conformance of proposed bylaw amendments to the town plan in effect;
 - (3) Prepare and submit to the Selectboard a capital budget and program;
 - (4) Hold warned public hearings on proposed amendments to this ordinance;
 - (5) Participate as a statutory party under Act 250 Review Procedures; and
 - (6) Prepare or update the Town Plan every 8 years.

(Ord. No. O-2019-2, § 6.4(A)(4), 9-23-2019)

Sec. 30-1069. - Fee schedule.

In accordance with 24 V.S.A. § 4440, the Selectboard shall establish a schedule of fees to be charged in administering this ordinance, with the intent of covering the town's administrative costs. The Selectboard may also establish procedures and standards for requiring an applicant to pay for the reasonable costs of an independent technical review of an application.

(Ord. No. O-2019-2, § 6.4(B), 9-23-2019)

Secs. 30-1070—30-1091. - Reserved.

Subdivision III. - Hearing Requirements

Sec. 30-1092. - Public notice for warned public hearings and other review proceedings.

- (a) Pursuant to 24 V.S.A. § 4464, a warned public hearing shall be required for conditional use review (section 30-723), planned unit development applications (article VIII of this chapter), flood hazard review (article IX of this chapter) and appeals and variances (divisions 4 and 5 of this article). Any public notice for a warned public hearing shall be given not less than 15 days prior to the date of the public hearing by all of the following:
 - (1) Publication of the date, place and purpose of the hearing in a newspaper of general circulation in the town;

- (2) Posting of the same information in three or more public places within the town and at <http://www.springfieldvt.govoffice2.com>, which is the municipal website, in conformance with the requirements of 1 V.S.A. § 312(c)(2), including the posting of a hearing notice within view from the public right-of-way nearest to the property for which the application is being made;
 - (3) Written notification to the applicant and to owners of all properties adjoining the property subject to development, without regard to public rights-of-way, which includes a description of the proposed project, information that clearly informs the recipient where additional information may be obtained, and that participation in the local proceeding is a prerequisite to the right to take any subsequent appeal; and
 - (4) For hearings on planned unit development subdivision plats located within 500 feet of a municipal boundary, written notification to the clerk of the adjoining municipality. (See the town subdivision regulations.)
- (b) Public notice of all other types of quasi-judicial development review proceedings, including Downtown Design Control District review, site plan review hearings (section 30-722), shall be given not less than seven days prior to the date of the public hearing, and shall, at minimum, include the following:
- (1) Posting of the date, place and purpose of the hearing in three or more public places within the town in conformance with the requirements of 1 V.S.A. § 312(c)(2); and
 - (2) Written notification to the applicant and to owners of all properties adjoining the property subject to development, without regard to public rights-of-way, which includes a description of the proposed project, information that clearly informs the recipient where additional information may be obtained, and that participation in the local proceeding is a prerequisite to the right to take any subsequent appeal.
- (c) No defect in the form or substance of any required public notice under this section shall invalidate the action of the development review board where reasonable efforts have been made to provide adequate posting and notice. However, the action shall be invalid when the defective posting or notice was materially misleading in content. If an action is ruled to be invalid by the development review board or the environmental court, the action shall be remanded to the development review board to provide new posting and notice, hold a new hearing, and take a new action.
- (d) Public hearings concerning proposed amendments to this ordinance shall be noticed and warned in accordance with 24 V.S.A. §§ 4441 and 4444.

(Ord. No. O-2019-2, § 6.4(C), 9-23-2019)

Sec. 30-1093. - Meeting and hearing requirements.

- (a) *Development review board.* In accordance with 24 V.S.A. §§ 4461 and 4464, all meetings and hearings of the development review board, except for deliberative and executive sessions, shall be open to the public. In addition:
- (1) For the conduct of any meeting and the taking of any action, a quorum shall be not less than a majority of the members of the development review board, and any action shall be taken by a concurrence of the majority of the development review board.
 - (2) The development review board shall keep minutes of its proceedings, showing the vote of each member upon each question or, if absent or failing to vote, indicating this, and shall keep records of its examinations and other official actions which shall be filed immediately in the town office as public records.
 - (3) Public hearings shall be noticed and warned in accordance with section 30-1092. In any regulatory hearing of the development review board there shall be an opportunity for each person wishing to achieve status as an interested person, for purposes of participation or appeal under division 4 of this article to demonstrate that the criteria for achieving such status

are met. The development review board shall keep a written record of the name, address, and participation of each of these persons.

- (4) The officers of the development review board may administer oaths and compel the attendance of witnesses and the production of material germane to any issue under review.
 - (5) The development review board may recess a public hearing on any application or appeal pending submission of additional information, but should close evidence promptly after all parties have submitted requested information.
- (b) *Downtown design review advisory commission.* In accordance with 24 V.S.A. § 4464(d), meetings of the downtown design review advisory commission to review an application under this ordinance shall comply with Vermont's Open Meeting Law and requirements of the commission's rules of procedure, but shall not be conducted as public hearings before a quasi-judicial body. Commission recommendations may be presented in writing at or before the development review board public hearing on the application, or may be presented orally at the public hearing.

(Ord. No. O-2019-2, § 6.4(D), 9-23-2019)

Sec. 30-1094. - Decisions.

In accordance with 24 V.S.A. § 4464(b), the development review board may recess proceedings on any application pending the submission of additional information. The development review board will close evidence promptly after all parties have submitted requested information, and shall issue a decision within 45 days after the adjournment of the hearing. Failure to issue a decision within the 45-day period shall be deemed approval and shall be effective the 46th day.

- (1) All decisions shall be issued in writing and shall separately state findings of fact and conclusions of law. Findings of fact shall explicitly and concisely restate the underlying facts that support the decision, based exclusively on evidence of the record. Conclusions shall be based on the findings of fact. The decision shall also include a statement of the time within which appeals may be taken under division 4 of this article.
- (2) In rendering a decision in favor of the applicant, the development review board may attach additional reasonable conditions and safeguards as it deems necessary to implement the purposes of the Act, this ordinance, and the town plan currently in effect. This may include, as a condition of approval, the submission of a three-year performance bond, escrow account, or other form or surety acceptable to the Selectboard, which may be extended for an additional three-year period with the consent of the owner, to ensure the completion of a project, adequate stabilization, or protection of public facilities that may be affected by a project.
- (3) All decisions shall be sent by certified mail, within the required 45-day period, to the applicant and the applicant's designated agents or to the appellant on matters of appeal. Copies of the decision shall be mailed by regular mail to the applicant's agent and to any person who attended the hearing and specifically requests a copy be sent to them. Copies of the notice of decision will also be kept on file with the zoning administrator and town clerk as part of the public record of the town.
- (4) In accordance with 24 V.S.A. § 4464(c), any decision issued by the development review board may authorize that subsequent changes or amendments to an approved project may be allowed subject to administrative review by the administrative officer, rather than development review board review, in accordance with the following, which shall be specified in the development review board's decision:
 - a. The decision shall clearly specify the thresholds and conditions under which administrative review and approval shall be allowed.

- b. The thresholds and conditions shall be structured such that no new development shall be approved that results in substantial impact under the requirements of this ordinance, or any of the thresholds or conditions set forth in the decision.
- c. No amendment issued as an administrative review shall have the effect of substantially altering the findings of fact of any development review board approval in effect.
- d. Any decision of the administrative officer authorized in this manner may be appealed to the development review board in accordance with section 30-962

(Ord. No. O-2019-2, § 6.4(E), 9-23-2019)

Sec. 30-1095. - Recording requirements.

The administrative officer shall maintain a complete record of all applications, reviews, decisions, appeals, and variances made under this ordinance, and any administrative actions taken pursuant thereto.

- (1) In accordance with 24 V.S.A. § 4449(c), within 30 days after a municipal land use permit, including, but not limited to, a zoning permit and associated approvals, has been issued, or within 30 days of the issuance of a notice of violation, the administrative officer shall deliver the original or a legible copy of the municipal land use permit or notice of violation, or a notice of the municipal land use permit generally in the form set forth in 24 V.S.A. § 1154(c), to the town clerk for recording as provided in 24 V.S.A. § 1154(a). The applicant may be charged the cost of recording fees.
- (2) In addition to permit recording requirements under subsection (1) of this section, for all development approved within the Flood Hazard Area Overlay District, the administrative officer shall maintain a record of:
 - a. All zoning permits issued within the district;
 - b. The elevation (consistent with the datum of the elevation on the NFIP maps for the community) of the lowest floor, including basement, of all new or substantially improved buildings;
 - c. The elevation (consistent with the datum of the elevation on the NFIP maps for the community) to which buildings have been floodproofed;
 - d. All floodproofing certifications required under this regulation; and
 - e. All variance actions, including justification for their issuance.

(Ord. No. O-2019-2, § 6.4(F), 9-23-2019)

Sec. 30-1096. - Availability and distribution of documents.

In accordance with 24 V.S.A. § 4445, copies of this ordinance, other related municipal regulations and ordinances, and the town plan shall be made available to the public during normal business hours in the town clerk's office.

(Ord. No. O-2019-2, § 6.4(G), 9-23-2019)

Sec. 30-1097. - Termination of permit.

Construction authorized by an approved zoning permit shall commence within six months of the date of issuance and shall be completed within two years of its date. Upon request, the development review

board may extend the term of a permit for one-year intervals, if the development review board finds that there is a reasonable basis for the extension.

(Ord. No. O-2019-2, § 6.4(H), 9-23-2019)

Sec. 30-1098. - Notification.

After foundation forms have been set and at least 24 hours prior to pouring foundations, the applicant shall notify the administrative officer of the time when the foundations are to be poured. Prior to the pouring, the administrative officer may inspect the project to ascertain that all setbacks are met and that the structure is located as shown on approved plans.

(Ord. No. O-2019-2, § 6.4(I), 9-23-2019)