

Town of St. George, Vermont

Land Use Regulations

Adopted September 19, 2019

XX XXX 2019	Sections 1.02, 1.06, 3.15, 7.05, 7.07 and 7.22 amended (to include Flood Hazard and River Corridor provisions). Section 2.11 added (Flood Hazard and River Corridor Overlay District).
20 Jun 2013	Sections 2.04, 6.02, and 6.03 amended. Boundary line between the Village Center and Village Neighborhood district adjusted.
17 May 2012	Section 7.08(B)(2) added with subsequent subsection renumbered (waiver for civic facilities).
16 Jun 2011	Section 3.15(A)(1) added (waiver of riparian buffer distances).
22 Jul 2010	Unified Land Use Regulations adopted, replacing previous Zoning Regulations, Zoning Map and Subdivision Regulations in their entirety.
15 Dec 2005	Zoning Regulations amended.
1998	Zoning Regulations amended.
1996	Zoning Regulations amended.
1982	Zoning Regulations amended.
4 Nov 1980	Subdivision Regulations initially adopted.
1974	Zoning Regulations amended.
1966	Zoning Regulations initially adopted.

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Article 1. General Provisions

SECTION 1.01. TITLE

- (A) These regulations shall be known and cited as the *Town of St. George Land Use Regulations*.

COMMON ABBREVIATIONS:

DRB: Development Review Board
ZA: Zoning Administrator
PC: Planning Commission
PUD: Planned Unit Development
TDR: Transferable Development Right

SECTION 1.02. AUTHORITY

- (A) These regulations are enacted in accordance with the Vermont Planning and Development Act, 24 VSA Chapter 117, 24 VSA Chapter 59 and 10 VSA Chapter 32.

SECTION 1.03. GENERAL PURPOSE

- (A) It is the purpose of these regulations to:
- (1) Protect the public health, safety and welfare;
 - (2) Protect the value of property;
 - (3) Facilitate provision of public services and infrastructure;
 - (4) Provide for orderly development in the Town of St. George;
 - (5) Direct and manage growth in the Town of St. George in a manner that minimizes sprawl;
 - (6) Preserve the town's quality of life;
 - (7) Enhance St. George's sense of community;
 - (8) Provide for adequate light, air and privacy, to secure safety from fire, flood and other danger, and to prevent overcrowding of the land and undue congestion of population;
 - (9) Guide public and private policy and action in order to provide adequate and efficient transportation, water, sewage, schools, parks, playgrounds, recreation, and other public requirements and facilities;
 - (10) Provide the most beneficial relationship between the uses of land and buildings, and the circulation of traffic through town, having particular regard to the avoidance of traffic congestion;
 - (11) Ensure that public facilities are available and will have a sufficient capacity to serve any proposed development;
 - (12) Prevent the pollution of air, streams, ponds and lakes, assure the adequacy of drainage facilities, safeguard the water tables, and to encourage the wise use and management of natural resources throughout the town in order to preserve the integrity, stability, and natural beauty of the community and the value of land;
 - (13) Preserve the natural beauty and topography of the town and to ensure appropriate development with regard to these natural features; and
 - (14) Implement the policies set forth in the *St. George Town Plan* and 24 VSA Chapter 117.

COMMON ABBREVIATIONS:

DRB: Development Review Board
 ZA: Zoning Administrator
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See 24 VSA § 4303.

SECTION 1.04. APPLICABILITY

- (A) A permit shall be required for all land development. All land development shall conform to these regulations.
- (B) Land development is defined as:
 - (1) The construction, reconstruction, conversion, structural alteration, relocation or enlargement of any building or structure.
 - (2) Any mining, excavation, or filling of land.
 - (3) Any change in use of any structure or land, or extension of use of any structure or land.
 - (4) The division of a parcel into two or more lots.
- (C) Any land development not specifically authorized under these regulations is prohibited unless specifically exempted as per Section 1.05 or Section 1.06 of these regulations.
- (D) The application of these regulations is subject to all applicable provisions of 24 VSA Chapter 117.

SECTION 1.05. STATE LIMITATIONS

See 24 VSA § 4413(a), § 4413(b), and § 4413(d).

- (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 the regulations do not have the effect of interfering with the intended functional use. These regulations make reasonable provision for the siting of public facilities within specified zoning districts, indicating locations deemed appropriate for such uses.
 - (1) State- or community-owned and operated institutions and facilities;
 - (2) Public and private schools and other education facilities certified by the state;
 - (3) Churches and other places of worship, convents and parish houses;
 - (4) Public and private hospitals;
 - (5) Regional solid waste management facilities certified by the state; and
 - (6) Hazardous waste management facilities certified by the state.
- (B) These regulations shall not apply to utility facilities requiring the issuance of a Certificate of Public Good by the Public Service Board. Such facilities, however, should conform to all applicable policies and objectives of the *St. George Town Plan*.

ARTICLE 1: GENERAL PROVISIONS

- (C) These regulations shall not apply to accepted agricultural and silvicultural practices, including the construction of farm structures, as defined by the Secretary of Agriculture, Food and Markets or the Commissioner of Forests, Parks and Recreation.
- (1) While no town permits are required for construction of a farm structure, a farm operator shall notify the ZA of the intent to build a farm structure and shall abide by the setback requirements of the zoning district in which the structure will be located, as per the Secretary of Agriculture's policy. The secretary may grant a waiver to the setback requirements upon written request and after notifying the town.
- (D) These regulations comply with all other limitations on municipal bylaws specified in 24 VSA Chapter 117.

SECTION 1.06. EXEMPTIONS

- (A) Except within the Flood Hazard and River Corridor overlay district, the following projects, structures or uses do not require a zoning permit, but shall be constructed or undertaken in accordance with the provisions of these regulations, including all setbacks and dimensional requirements unless otherwise specified in these regulations:
- (1) The normal maintenance and repair of existing structures, utilities and infrastructure that does not result in any change to the footprint or height of a structure or any change in use, excluding changes to telecommunications facilities as specified in Section 4.11(D) of these regulations.
 - (2) Interior alterations that do not result in any change in use or intensification of use, and that do not do not alter or expand the exterior of the structure.
 - (3) Emergency repairs as specified in Section 2.01(A) of these regulations.
 - (4) Doghouses, sheds, playhouses, tree houses or similar structures not to exceed 100 square feet in floor area and 10 feet in height. In the case of multiple small accessory structures located on single lot, the area of all structures of the same type or intended for the same use shall be added together to determine eligibility for this exemption.
 - (5) One lightweight, portable structure not to exceed 200 square feet in floor area and 10 feet in height.
 - (6) Fences or walls not more than 4 ½ feet tall that do not interfere with corner visibility, road safety and maintenance practices as specified in Section 3.07 of these regulations.
 - (7) Chimneys.
 - (8) Patios, terraces and similar unroofed structures at grade.
 - (9) Residential entry stairs (excluding decks and porches), handicap ramps and walkways that do not obstruct public rights-of-way.
 - (10) Arbors, trellises, pergolas and similar decorative or support structures related to a gardening use.
 - (11) Minor grading and excavation associated with normal road, driveway and parking area maintenance and residential lawn and yard maintenance.
 - (12) Temporary dwellings as specified in Section 3.19 (D) of these regulations.
 - (13) Signs listed in Section 3.16 (C).
 - (14) Holiday light displays and streetlights as specified in Section 3.12 (B).
 - (15) Garage sales, yard sales or auctions lasting not more than 4 consecutive days and not more than a total of 12 days per calendar year.
 - (16) Special events as specified in Section 3.19 (E) of these regulations.

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- (17) Farm stands as specified in Section 4.04 (B) of these regulations.
- (18) Road, sidewalk, bridge, infrastructure, and utility improvements and maintenance and related appurtenances within public rights-of-way.
- (19) Antennas and masts as specified in Section 4.11 (C) of these regulations.

SECTION 1.07. AMENDMENT

- (A) Amendments to these regulations shall be prepared and adopted in accordance with 24 VSA Chapter 117.

SECTION 1.08. REPEAL OF PREVIOUS REGULATIONS

- (A) These regulations are a unified development bylaw, which amend and replace St. George's previous Zoning Bylaws and Subdivision Regulations in their entirety. The previous bylaws and regulations shall be repealed upon adoption of these regulations.

SECTION 1.09. SEVERABILITY

- (A) The invalidity of any provision of these regulations shall not invalidate the remaining provisions.

SECTION 1.10. EFFECTIVE DATE

- (A) These regulations and all subsequent amendments shall become effective upon adoption.

See 24 VSA § 4303.

SECTION 1.11. PRIOR APPROVALS

- (A) All approved subdivision plats duly filed in the town land records before the adoption or amendment of these regulations remain valid and shall not expire.
- (B) Construction approved before adoption or amendment of these regulations shall require no additional permit or permit amendment, if such construction is completed within 3 years from the date of such adoption.
- (C) The town shall not require any change in plans or construction of a structure, or use, for which a permit had been issued and which has subsequently been made non-complying or non-conforming by the amendment of these regulations, if activities authorized by the permit are completed while the permit is valid.

Article 2. Zoning Districts

SECTION 2.01. ESTABLISHMENT

- (A) **Zoning Districts.** The following zoning districts are established in the Town of St. George:
- (1) Village Center (VC) [Section 2.04]
 - (2) Village Center Reserve (VCR) [Section 2.05]
 - (3) Village Neighborhood (VN) [Section 2.06]
 - (4) Medium-Density Residential (MDR) [Section 2.07]
 - (5) Low-Density Residential (LDR) [Section 2.08]
 - (6) Rural Development (RD) [Section 2.09]
 - (7) Business Park Overlay District (BPO) [Section 2.10]
- (B) **Official Zoning Map.**
- (1) The location and boundaries of the zoning districts are established as shown on the Official Zoning Map, which is incorporated into these regulations.
 - (2) The Official Zoning Map shall be available for public review at the town offices during normal business hours. A small-scale, unofficial copy of the map is reproduced in Section 2.03 of these regulations for convenience only.
 - (3) The ZA shall locate the boundary of any zoning district by scaling distances off the Official Zoning Map. Any appeal of the ZA's interpretation of a zoning district boundary shall be heard by the PC, which shall make a final determination of the boundary location based on a review of the best available GIS data.
 - (4) Where a district boundary line divides a lot, the applicant may extend the standards for either portion of the lot up to 50 feet beyond the district line into the remaining portion of the lot.
 - (5) Where the town line divides a lot, the standards of these regulations shall apply to that portion of the lot that is in the Town of St. George in the same manner as if it were a separate lot entirely situated in the town.
- (C) **Allowed Uses.** The land uses allowed in each district are listed in this article as follows:
- (1) **Uses Allowed Administratively.** Uses listed as permitted (P) require a zoning permit from the ZA in accordance with Section 7.05 of these regulations.
 - (2) **Uses Allowed Conditionally.** Uses listed as conditional (C) require approval by the DRB in accordance with Section 7.09 of these regulations before the ZA may issue a zoning permit in accordance with Section 7.05 of these regulations.

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See definitions of uses in Article 8.

SECTION 2.02. USE SUMMARY TABLE

		VC	VCR	VN	MDR	LDR	RD	BPO
RESIDENTIAL								
1110	Single-family detached dwelling			P	P	P	P	
1120	Single-family attached dwelling	C		C				
1130	Two-family dwelling			P	P	P		
1140	Multi-family dwelling	C		C	C			
1150	Accessory apartment			P	P	P	P	
1160	Rental dwelling	C						
1170	Live-work unit	C		C	C			
1180	Farm-worker housing			C	C	C	C	
1210	Assisted living			C				
1230	Group home	P	P	P	P	P	P	
1240	Transitional housing	C		C				
1250	Crisis shelter			C				
1260	Temporary shelter			C				
1310	Home occupation	P	P	P	P	P	P	
1320	Home-based business	C		C	C	C	C	
1330	Energy generating system	C		C	C	C	C	C
1340	Accessory structure or use	P	P	P	P	P	P	P
PUBLIC AND CIVIC								
2110	Public education facility	C	C					
2120	Private education facility	C		C	C	C	C	
2200	Cultural facility	C		C				
2300	Religious facility	C		C				
2400	Daycare facility	C		C				
2500	Healthcare facility	C						
2600	Noncommercial rec & entertainment	C		C		C	C	P
2610	Outdoor recreation facility		C		C			
2700	Civic facility	C	C					
2740	Cemetery			C	C		C	
2810	Community utilities & infrastructure	C	C	C	C	C	C	P
2830	Wireless telecommunications antenna	C	C	C	C	C	C	P
2840	Telecommunications tower	C	C	C	C	C	C	C
2850	Parking lot or structure	C		C	C			C
2860	Highway maintenance facility						C	C
2870	Transit stop or station	C		C	C			

ARTICLE 2. ZONING DISTRICTS

		VC	VCR	VN	MDR	LDR	RD	BPO
COMMERCIAL								
3100	Animal services & ag-support						C	
3110	Kennel					C		
3140	Stable					C		C
3200	Eating and drinking establishment	C						
3210	Restaurant			C	C			
3300	Financial services facility	C						
3400	Retail store	C		C				
3510	Gas station	C						
3520	Vehicle & equipment sales	C						C
3530	Vehicle & equipment service	C						C
3600	Office	C		C				C
3700	Personal service facility	C		C				
3800	Lodging	C						
3820	Inn			C	C	C	C	
3850	Rental cottages					C	C	
3860	Campground					C	C	
3870	Retreat center				C	C	C	
3900	Commercial rec & entertainment	C						C
3910	Outdoor recreation facility				C	C	C	
INDUSTRIAL								
4100	Manufacturing facility	C					C	C
4200	Warehousing or storage facility	C					C	C
4300	Shipping or distribution facility						C	C
4400	Construction-related facility						C	C
4500	Wholesale sales facility	C						C
4600	Crematorium						C	C
4700	Research and development facility	C		C				C
4800	Artist/craftsperson work/sales facility	C		C	C		C	C
WORKING LAND & OPEN SPACE								
5100	Agriculture	P	P	P	P	P	P	P
5200	Forestry	P	P	P	P	P	P	P
5300	Extraction					C	C	
5400	Nature preserve	C	C	C	C	C	C	
5500	Nursery				C	C	C	C
5610	Farm-based business	C	C	C	C	C	C	
5620	Farm product sales	C	C	C	C	C	C	
5630	Wood processing						C	C
MIXED USE								
6000	Mixed use	C		C	C	C	C	C

COMMON ABBREVIATIONS:

DRB: Development Review Board

ZA: Zoning Administrator

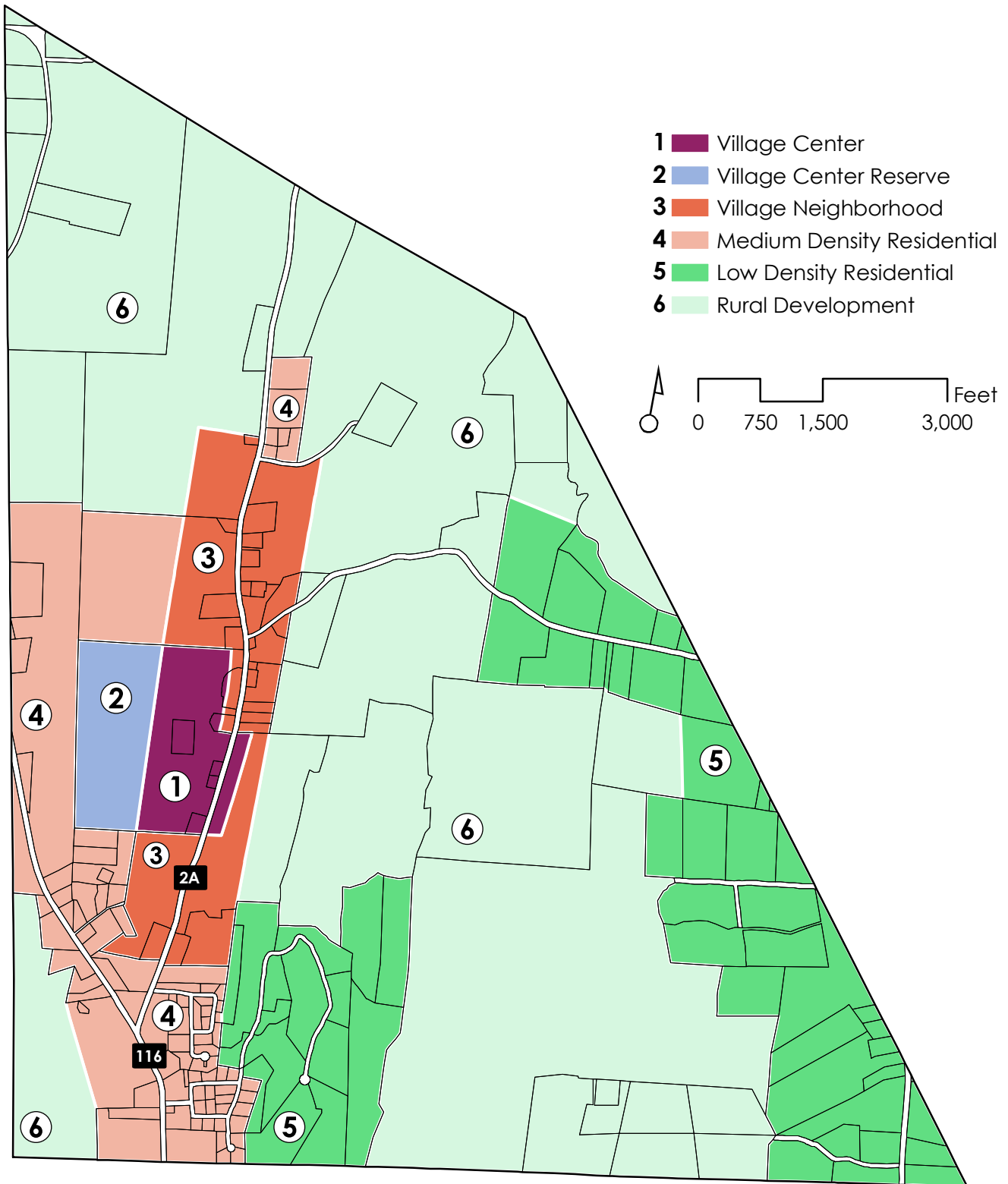
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PUD: Planned Unit Development

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See definitions of uses in Article 8.

SECTION 2.03. ZONING MAP



SECTION 2.04. VILLAGE CENTER (VC) DISTRICT

(A) Purpose. The purpose of this district is to implement the goals and policies of the *St. George Town Plan* as most recently amended. The *Town Plan* sets forth a vision for the Village Center “as the nucleus of a densely developed, compact, human-scaled, pedestrian-oriented, mixed-use village. Such a village should have a network of interconnected streets with wide sidewalks, steady street tree plantings and buildings set close to the frontages. Mixed-use development will be promoted on the property and civic uses will be directed to the village center planning sub-area along with a majority of the town’s non-residential growth – as is characteristic of traditional downtowns and village centers throughout Vermont.” Specifically, the *Town Plan* calls on St. George to:

- (1) Enact regulations that will establish a clear delineation between the proposed village center and outlying rural lands in terms of density, development patterns and allowed uses.
- (2) Direct the majority of the town’s growth to the village planning area.
- (3) Target the village planning area as a location for new or expanded public facilities and economic development.
- (4) Prevent strip development along the state highways.
- (5) Explore new and innovative measures to achieve the traditional settlement pattern of a compact village center surrounded by rural countryside.
- (6) Enforce slow movement of vehicles through the design of streets within the village center and provide ample public space for sidewalks, landscaping, street lighting, etc.
- (7) Require new residential streets and access roads to be constructed to standards based on design speeds of 35 miles per hour outside the village center or 25 miles per hour within the village center.
- (8) Establish a land use pattern that concentrates development into mixed-use growth centers in order to reduce the number of vehicle miles that must be traveled to meet a household’s basic needs.
- (9) Provide opportunities for appropriately-scaled business activities within a mixed-use village center.
- (10) Promote mixed-use development within the village center to allow the creation of jobs and housing in close proximity.
- (11) Guide the majority of the town’s non-residential development to the village center.
- (12) Limit the total amount of retail square footage allowed in town based on what would be needed to serve the population of the town.
- (13) Establish a maximum square footage for retail stores to ensure that commercial activities are of a scale appropriate to a small town.

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See Sections 5.5, 5.7, 5.8 and 5.11 of the St. George Town Plan.



Examples of mixed-use, multi-story, village-scale development with buildings built to the street, sidewalks, on-street parking and pedestrian amenities.

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Examples of traditional New England downtowns and village centers.

(B) Character of the Area. The desired character of this zoning district is described in the *St. George Town Plan* as that of a traditional New England village. Specifically, it should be a place that has:

- (1) A mix of uses in close proximity to each other bringing people together for a variety of activities –including town affairs, work, living, recreation, business, shopping, and entertainment – attracting and benefiting people of all ages and income levels.
- (2) A physical layout with higher densities in comparison to outlying areas and a distinct, defined geographical edge that establishes an identity or a sense of place.
- (3) A pedestrian-friendly environment in which most uses are within a 5- or 10-minute walk (1,500 to 3,000 feet) of each other and a transportation system that is designed primarily for pedestrians and secondarily for vehicles.
- (4) A strong public presence, such as greens or parks, municipal buildings, post office, school or other public spaces or buildings.
- (5) An atmosphere that is friendly and inviting.
- (6) A presence of special features, such as historic buildings, landmarks and views.
- (7) Multi-story buildings that maximize the use of vertical space while maintaining a human scale at street level.
- (8) Buildings located close to the street built at the street line or with very shallow setbacks.
- (9) Principal buildings closer to the street than associated accessory buildings (such as garages).
- (10) Narrow, interconnected, tree-lined streets.
- (11) Short and/or irregularly shaped blocks.
- (12) Buildings whose main entrance is oriented to the street.
- (13) Limited amounts of land devoted to parking, especially as visible from the street.
- (14) On-street parking.
- (15) Diversity in the size of buildings and lots.

(C) Permitted Uses.

1230	Group home	5100	Agriculture
1310	Home occupation	5200	Forestry
1340	Accessory structure or use		

(D) Conditional Uses.

1120 Single-family attached dwelling	2870 Transit stop or station
1140 Multi-family dwelling	3200 Eating and drinking establishment
1160 Rental dwelling	3300 Financial services facility
1170 Live-work unit	3400 Retail store
1240 Transitional housing	3510 Gas station
1320 Home-based business	3520 Vehicle & equipment sales
1330 Energy generating system	3530 Vehicle & equipment service
2110 Public education facility	3600 Office
2120 Private education facility	3700 Personal service facility
2200 Cultural facility	3800 Lodging
2300 Religious facility	3900 Commercial rec & entertainment
2400 Daycare facility	4100 Manufacturing facility
2500 Healthcare facility	4200 Warehousing or storage facility
2600 Noncommercial rec & entertainment	4500 Wholesale sales facility
2700 Civic facility	4700 Research & development facility
2810 Community utilities & infrastructure	4800 Artist/craftsperson work/sales
2830 Wireless telecom antenna	5400 Nature preserve
2840 Telecommunications tower	5610 Farm-based business
2850 Parking lot or structure	5620 Farm product sales
	6000 Mixed use

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(E) Dimensional Standards.

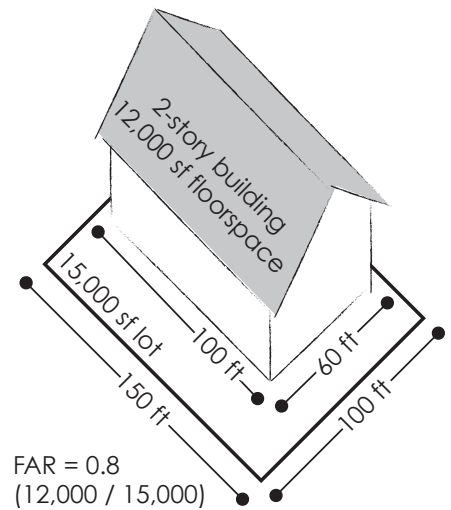
	Min	Max
(1) Residential Density	n/a	12 units per acre
(2) Floor Area Ratio (FAR) ^a	n/a	0.8
(3) Lot Size	2,500 sf	n/a
(4) Lot Frontage	25 ft	100 ft
(5) Lot Depth	100 ft	n/a
(6) Lot Coverage	n/a	90%
(7) Front Setback (principal structure)	0 ft	15 ft
(8) Side Setback (principal structure)	0 ft	50 ft combined
(9) Rear Setback (principal structure)	10 ft	n/a
(10) Height (principal structure) ^b	2 stories	3 stories
(11) Footprint (principal structure) ^c	n/a	10,000 sf
(12) Front Setback (accessory structure) ^d	20 ft	n/a
(13) Side Setback (accessory structure)	10 ft	n/a
(14) Rear Setback (accessory structure)	10 ft	n/a
(15) Height (accessory structure)	n/a	2 stories
(16) Footprint (accessory structure)	n/a	1,000 sf

^a Applies to non-residential & mixed uses. DRB may waive the FAR for Public & Civic uses.

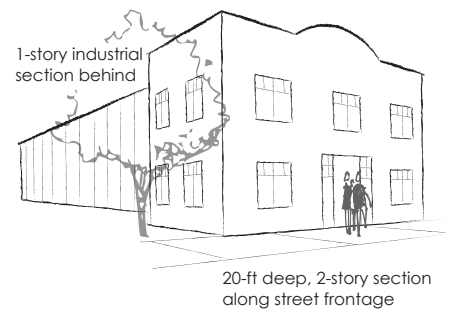
^b Minimum height requirements shall apply for a depth of 20 ft as measured from the **building front**line. A 4th story may be allowed through **TDR** as per **Section 6.03**.

^c DRB may waive max **footprint** for Public & Civic uses. For pre-existing **nonconforming structures**, max footprint shall be permitted to increase up to 100% (to be calculated based on footprint as of the effective date of these regulations). For any use, the max footprint may be increased up to 40,000 sf through **TDR** as per **Section 6.03**.

^d **Setback** measured from **frontline** of **principal building**.



FLOOR AREA RATIO (FAR)



MINIMUM HEIGHT REQUIREMENT

(F) District Standards.

- (1) **Mixed Use.** All projects shall include a mix of residential and nonresidential uses. Projects may include mixed-use buildings or multiple residential or nonresidential buildings. No project shall have less than 20% or more than 80% of its total habitable or leasable floor area devoted to residential uses, except as permitted by Section 2.03(F)(1)(a) below. All principal buildings shall contain at least one dwelling unit. Floor area used for parking shall not be considered habitable or leasable for the purposes of this provision.
 - (a) **Temporary Residential Use.** It is the intent of these regulations to afford reasonable flexibility of use in order to minimize building vacancies. To this end, mixed-use projects shall be permitted to allocate up to 90% of the total habitable or leasable floor area to residential use if at least one nonresidential unit has been vacant or unleased for more than one year following completion of the project and issuance of the final Certificate of Occupancy, or for more than one year following three consecutive years of nonresidential use. If the project is phased, then each individual phase of the project shall comply with the provisions of this section.
 - (b) **Live-Work Units.** For the purposes of this section, floor area used as a live-work unit shall be considered nonresidential. Conversion of space to a live-work unit(s) shall be exempt from the one-year vacancy requirement set forth in Paragraph (a) above, but shall require approval by the DRB as a conditional use.
 - (c) No more than 90% of total habitable or leasable floor area shall be residential use. Commercial uses shall be located predominately along street frontages in order to promote the goals of the district. The storefront appearance and architectural guidelines required for commercial buildings must be maintained during residential use; including display windows and front entry doors along the road frontage(s).
- (2) **Architectural Guidelines.** To achieve the purposes of this district – development of a “downtown” for St. George – applicants are strongly encouraged to incorporate as many of the following design principles in their projects as possible. The DRB shall be guided by these principles to determine whether proposed projects further the purposes of this district and the applicable goals of the *Town Plan*. Substantial incorporation of these design principles into a project shall be evidence of conformance with the character of the area and design criteria of Article 5.
 - (a) Main building entrances should face the road and should be easily identifiable and scaled to the size of the road they front. In commercial and mixed-use buildings, doors and entryways should be modeled on traditional storefront design, be recessed and be compatible with the architectural style of the building.
 - (b) Commercial and mixed-use buildings should be designed with display windows and signs facing the road they front.
 - (c) The front elevation of commercial and mixed-use buildings should provide a minimum of 60% and a maximum of 85% transparency at ground level. Such buildings should include large front windows on the ground level, with sills between 12 to 18 inches above sidewalk level and lintels 9 to 12 feet above sidewalk level. Clear glass should be used on ground-floor windows. The use of transom windows is encouraged.
 - (d) If shutters are used, appropriate hardware should be used and shutters should be proportioned to cover one-half the width of the window.
 - (e) Buildings situated at corners should “wrap” the corner by continuing façade elements such as the cornice or other horizontal features on all street elevations.
 - (f) New façades should include base, middle and top levels and coordinate the relative height of these façade elements with those of any adjacent or nearby buildings.
 - (g) Roof forms may include a symmetrical pitched roof or a flat roof with a cornice. Sloping roof structures should use dormers and gables to give the façade more visual character. Slopes of pitched roofs should be not less than 5:12, except that porch roofs may be sheds with pitches not less than 3:12. All gables should be parallel or perpendicular to the road. Sloping roofs should ensure the fall of snow, ice or rain does not create a hazard for pedestrians.
 - (h) Recommended façade materials include common red brick (bare or painted), special masonry units (textured, colored, or painted), natural stone, or wood clapboard. Beige, multi-tone, or imitation brick siding; bare

masonry units; asphalt or vinyl siding; and imitation stone or exterior insulation finish systems (E.I.F.S.) should be avoided.

- (i) Recommended trim materials include finished grade, painted, or stained wood. Bare lumber grade wood or plywood should be avoided.
 - (j) Recommended window materials include anodized aluminum or vinyl clad frame, or painted or stained wood.
 - (k) Recommended lintel and sill materials include brick, stone, wood or colored concrete. Bare aluminum frames should be avoided. Clear, frosted or stained glass is recommended; tinted or mirrored glass should be avoided.
 - (l) Recommended roof materials include black or single tone asphalt shingles, standing seam roof with small seam width or natural slate. Recommended materials for parapet caps include stone, concrete or limestone.
 - (m) Canvas and metal awnings may be used; plastic awnings should be avoided.
 - (n) Recommended hard surface materials include asphalt, patterned asphalt, brick, paving stone and patterned concrete. Asphalt use should be limited to parking and loading areas.
 - (o) Signs should be simple and integrated into the design of the building. Buildings intended for retail uses should provide sign panels (flat, often recessed areas above a storefront designed to accommodate a wall sign).
- (3) **Scale and Massing of Large Buildings.** Buildings with a footprint of 3,000 square feet or greater shall be designed with varying setbacks, heights, roof treatments, doorways, window openings, and other structural, architectural or decorative elements to reduce apparent size and scale of the building as viewed from the road.
- (4) **Parking.** In addition to the provisions of Section 3.13, the following shall apply to parking within this district:
- (a) Parking shall be prohibited between the front lot line and principal building frontline.
 - (b) Off-street parking not located behind a building shall be visually screened from the road year-round through elevation change, landscaping, fences, and/or walls.
 - (c) Lots entirely devoted to surface parking without a principal building shall not exceed a width of 60 feet for a depth of 50 feet as measured from the front lot line and shall provide a 15-foot deep pocket park along all portions of their frontage not part of an access drive.
- (5) **Sidewalks.** Sidewalks (including informal walkways and footpaths) shall:
- (a) Be provided along the frontage of all lots to ensure pedestrian access.
 - (b) Be not less than 6 feet wide.
 - (c) Be constructed of paving brick, concrete, concrete pavers, or concrete with brick paver borders. Asphalt shall not be used.
 - (d) Create a linked network of walkways connecting all uses.

COMMON ABBREVIATIONS:

- DRB: Development Review Board
- ZA: Zoning Administrator
- PC: Planning Commission
- PUD: Planned Unit Development
- TDR: Transferable Development Right



SCALE AND MASSING

This large grocery store (+50,000 sf) has been designed to look like a series of smaller buildings as viewed from the street.

- (6) **Street Trees.** Street trees shall be planted along each side of all roads, public or private, existing or proposed in accordance with the following:
- (a) Street trees shall be spaced at intervals no greater than 40 feet along both sides of all roads, excluding rear access lanes and alleys. Where such a regular planting plan is deemed incompatible with the proposed development or not feasible due to site-specific, physical conditions, the DRB may approve alternative planting plans such as groupings of trees. In accordance with Section 3.09(D)(6), the DRB may modify landscaping requirements to accommodate development designed to achieve the purposes and character of this district.
 - (b) Existing healthy and mature trees may be counted towards the street tree planting requirement.
 - (c) New street trees shall have a minimum caliper of 2.5 inches and should:
 - (i) Be primarily native, deciduous shade trees (see list of recommended species on page 3-8).
 - (ii) Cast moderate to dense shade in the summer.
 - (iii) Have a typical life span of more than 60 years.
 - (iv) Mature to a height of at least 50 feet.
 - (v) Be tolerant of pollution and direct or reflected heat.
 - (vi) Require little maintenance by being mechanically strong (not brittle) and insect and disease resistant.
 - (vii) Be able to survive 2 years with no irrigation after establishment.
 - (d) When planted in front of storefronts or within 25 feet of an intersection, street trees shall consist of deciduous species that branch above 8 feet, or can be trimmed to that height without destroying their natural form.

SECTION 2.05. VILLAGE CENTER RESERVE (VCR) DISTRICT

COMMON ABBREVIATIONS:

DRB: Development Review Board
 ZA: Zoning Administrator
 PC: Planning Commission
 PUD: Planned Unit Development
 TDR: Transferable Development Right

(A) Purpose. The purpose of this district is to implement the goals and policies of the *St. George Town Plan* as most recently amended. This district includes those portions of the town center property to the west of the VELCO right-of-way. This district is intended to reserve these lands for future village center uses and provide an opportunity for village center expansion if the lands to the east of the VELCO right-of-way become fully built-out in accordance with the purposes and desired character described in Section 2.04 of these regulations.

(B) Permitted Uses.

1230	Group home	5100	Agriculture
1310	Home occupation	5200	Forestry
1340	Accessory structure or use		

(C) Conditional Uses.

2110	Public education facility	2840	Telecommunications tower
2610	Outdoor recreation facility	5400	Nature preserve
2700	Civic facility	5610	Farm-based business
2810	Community utilities & infrastructure	5620	Farm product sales
2830	Wireless telecom antenna		

(D) District Standards.

- (1) The subdivision of land or construction of structures shall require approval as a PUD. The DRB shall set the dimensional standards of lots or structures as appropriate for the intended use or function.
- (2) The subdivision of land or construction of structures shall be in conformance with any adopted Official Map or village center master plan.

COMMON ABBREVIATIONS:

DRB: Development Review Board
 ZA: Zoning Administrator
 PC: Planning Commission
 PUD: Planned Unit Development
 TDR: Transferable Development Right

See Sections 5.5, 5.7, 5.8, 5.10 and 5.11 of the *St. George Town Plan*.

SECTION 2.06. VILLAGE NEIGHBORHOOD (VN) DISTRICT

(A) Purpose. The purpose of this district is to implement the goals and policies of the *St. George Town Plan* as most recently amended. The Town Plan “envisions that over time these lands will be developed into predominately residential neighborhoods extending from the town center property in a manner compatible with the character of a traditional New England village. This planning sub-area should accommodate a wide range of building types, including attached and multi-family dwellings, at village-scale densities. Interconnected streets, sidewalks, narrow frontages and small- to medium-sized blocks should characterize future development.” Specifically, the *Town Plan* calls on St. George to:

- (1) Enact regulations that will establish a clear delineation between the proposed village center and outlying rural lands in terms of density, development patterns and allowed uses.
 - (2) Direct the majority of the town’s growth to the village planning area.
 - (3) Prevent strip development along the state highways.
 - (4) Explore new and innovative measures to achieve the traditional settlement pattern of a compact village center surrounded by rural countryside.
 - (5) Enforce slow movement of vehicles through the design of streets within the village center and provide ample public space for sidewalks, landscaping, street lighting, etc.
 - (6) Establish a land use pattern that concentrates development into mixed-use growth centers in order to reduce the number of vehicle miles that must be traveled to meet a household’s basic needs.
 - (7) Require new residential streets and access roads to be constructed to standards based on design speeds of 35 miles per hour outside the village center or 25 miles per hour within the village center.
 - (8) Promote mixed-use development within the village center to allow the creation of jobs and housing in close proximity.
 - (9) Seek opportunities and support private and/or non-profit efforts to rehabilitate or upgrade the town’s housing stock.
 - (10) Allow for a diversity of housing types within the town.
 - (11) Explore options to ensure that any housing developments constructed in town be diverse both in their architectural character and price point.
- (B) Character of the Area.** The desired character of this zoning district is described in the *St. George Town Plan* as that of a traditional New England village neighborhood. Specifically, it should be a place that:
- (1) Is compact, safe and walkable from end to end. A walkable neighborhood is defined by the distance a person can walk in about 10 minutes.
 - (2) Offers elements of variety and variability. It should have a diversity of housing types and a mix of neighborhood uses. The neighborhood should have homes that are attractive and well sited on reasonably sized lots with private outdoor spaces. Lot sizes should vary to cater to multiple market segments. Differences in building design, architectural detail, landscaping, and side setbacks should break the mold of a cookie-cutter pattern.
 - (3) Has a network of interconnected roads with few dead ends. Roads should be narrow and designed to minimize speeding and shortcuts. Local roads should not carry through traffic. They should also have strong

pedestrian connections – via sidewalks and trails – to adjoining neighborhoods, civic buildings, retail areas and parks.

- (4) Has a recognizable identity and discernible boundaries.
- (5) Has a human scale that makes people feel comfortable in it. Civic amenities, landscaped roads, shaded sidewalks, and open space should enrich residents’ quality of life.
- (6) Provides for both chance meetings and personal privacy through its roads, pedestrian connections and lot design. The ‘public face’ of most houses (front door, porch, front yard) should face the road, increasing the opportunity for chance meetings with neighbors. There should also be places for planned meetings, from common greens to public community centers. Back yards should be private.
- (7) Offers a connection to nature through a consciously designed open space system. The open space system should be made up of formal elements (tree-lined roads, walkways, parks, greens), recreational elements (playgrounds, fields, courts) and informal elements (trails, buffer zones, wildlife habitat, preserved natural features, scenic resources). All three types of open space are critical to creating a ‘livable’ neighborhood that balances the public with the private, and the convenient access of a village center with the natural beauty and tranquility of a rural community.

(C) Permitted Uses.

1110 Single-family detached dwelling	1310 Home occupation
1130 Two-family dwelling	1340 Accessory structure or use
1150 Accessory apartment	5100 Agriculture
1230 Group home	5200 Forestry

(D) Conditional Uses.

1120 Single-family attached dwelling	2810 Community utilities & infrastructure
1140 Multi-family dwelling	2830 Wireless telecom antenna
1170 Live-work unit	2840 Telecommunications tower
1180 Farm-worker housing	2850 Parking lot or structure
1210 Assisted living	2870 Transit stop or station
1240 Transitional housing	3210 Restaurant
1250 Crisis shelter	3400 Retail store
1260 Temporary shelter	3600 Office
1320 Home-based business	3700 Personal service facility
1330 Energy generating system	3820 Inn
2120 Private education facility	4700 Research & development facility
2200 Cultural facility	4800 Artist/craftsperson work/sales
2300 Religious facility	5400 Nature preserve
2400 Daycare facility	5610 Farm-based business
2600 Noncommercial rec & entertainment	5620 Farm product sales
2740 Cemetery	6000 Mixed use



Examples of village-style residential development.

(E) Dimensional Standards.

	Min	Max
(1) Residential Density		4 units per acre
(2) Lot Size	1/2 acre	n/a
(3) Lot Frontage	75 ft	n/a
(4) Lot Depth	125 ft	n/a
(5) Lot Coverage	n/a	50%
(6) Front Setback (principal structure)	15 ft	50 ft
(7) Side Setback (principal structure)	10 ft	n/a
(8) Rear Setback (principal structure)	30 ft	n/a
(9) Height (principal structure)	n/a	3 stories
(10) Footprint (principal structure)	n/a	5,000 sf
(11) Front Setback (accessory structure) ^a	20 ft	n/a
(12) Side Setback (accessory structure)	10 ft	n/a
(13) Rear Setback (accessory structure)	10 ft	n/a
(14) Height (accessory structure)	n/a	2 stories
(15) Footprint (accessory structure)	n/a	750 sf

Examples of two-family and multi-family housing designed to be compatible in scale and character with traditional single-family homes.



^a Setback measured from frontline of principal building.

(F) District Standards.

(1) **Design Guidelines.** To achieve the purposes of this district, applicants are strongly encouraged to incorporate as many of the following design principles in their projects as possible. The DRB shall be guided by these principles to determine whether proposed projects further the purposes of this district and the applicable goals of the *Town Plan*. Substantial incorporation of these design principles into a project shall be evidence of conformance with the character of the area and design criteria of **Article 5**.

- (a) Housing types, shapes and materials should be varied. In addition to detached single-family dwellings, development of attached dwellings, two-family dwellings, multi-family dwellings and accessory apartments is encouraged. Multi-family and attached dwellings should be designed to resemble large single-family dwellings.
- (b) Architectural styles should be complementary and have similar architectural forms and detailing. The goal should be to construct a streetscape that provides continuity while avoiding monotony and provides opportunity for occasional variability.
- (c) Within any single residential development, at least two-thirds of the single-family dwellings should be oriented with their gable ends facing the road. Use of house designs appropriate to narrow lots is encouraged.
- (d) Pitched roofs with slopes between 8:12 and 12:12 are encouraged. Roof lines should be designed to provide shade

in the summer while allowing sunlight to penetrate the inside of the home during winter months. Consider how and where the roofs will shed snow and design accordingly.

- (e) Windows should be square or vertical. Horizontal window shapes and large picture windows facing the road should be avoided. Divided panes should be used to add scale to large window openings. Avoid placing windows where people can look into adjacent homes, especially across narrow side yards. Avoid blank walls on homes and garages, especially on walls that face the road.
 - (f) The visual impact of garage doors facing the road should be minimized by siting the garage to face the side or back of the lot if there is sufficient lot width. When the garage must face the road, it should be set back from the front facade so the front door of the home is prominent. Trim or windows should be added to the garage doors to bring them in scale with the facade of the home.
 - (g) Front doorways should be highly visible from the road.
 - (h) Within any single residential development, at least one-third of the single-family dwellings should have a covered front entry porch. Ideally, the level of the front porch should be raised 2 or 3 feet above the sidewalk. Porches should be at least 6 feet deep to comfortably accommodate a place to sit. If there is no porch, some type of covering should be provided over the front door for shelter from the elements. This can add an interesting architectural detail to further enhance the character of the neighborhood.
 - (i) Some new neighborhoods may warrant a gateway announcing an entrance to the neighborhood with simple signs, stone or wood structures, and landscaping. However, since most historic village neighborhoods in Vermont are not marked in any way, it is more appropriate to have no distinguishing sign or landmark, and simply extend any road and open space patterns that are already present on adjoining property.
- (2) **Open Space Guidelines.** The open space system should be an integral part of the design of new neighborhoods. To achieve the purposes of this district, applicants are strongly encouraged to incorporate as many of the following open space recommendations into their projects as possible. The DRB shall be guided by these recommendations to determine whether proposed projects further the purposes of this district and the applicable goals of the *Town Plan*. Substantial incorporation of these open space recommendations into a project shall be evidence of conformance with the natural resources and recreation criteria of Article 5.
- (a) Some type of open space should be provided within 500 feet of every home, especially those designed for seniors or families with young children.

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- (b) Along with the conscious design of the open space system and layout of lots, odd-shaped leftover spaces are sometimes created. Such areas could be used to provide opportunities for small sitting areas, community gardens, or pocket parks that add personality and interest to the neighborhood.
- (c) Sidewalks should be required on at least one side of all new roads. Trees should be planted to shade sidewalks and define the edge between road and yard. Where appropriate, paths for off-road walking, bicycling and jogging should be provided.
- (d) Opportunities to provide interconnections with adjacent open space and path systems should be explored.
- (e) Important natural features should be a key component in the open space system.
- (f) Where opportunity exists, scenic vistas should be used as focal points in the design of the open space system.
- (g) Stormwater management may be incorporated into the open space design by filtering run-off through vegetated swales, settling ponds or created wetlands.

SECTION 2.07. MEDIUM-DENSITY RESIDENTIAL (MDR) DISTRICT

(A) Purpose. The purpose of this district is to implement the goals and policies of the *St. George Town Plan* as most recently amended. The Town Plan describes this district as “existing residential neighborhoods” and envisions “few changes to the current pattern and density of land use within this planning area.”

(B) Permitted Uses.

1110	Single-family detached dwelling	1310	Home occupation
1130	Two-family dwelling	1340	Accessory structure or use
1150	Accessory apartment	5100	Agriculture
1230	Group home	5200	Forestry

(C) Conditional Uses.

1140	Multi-family dwelling	2870	Transit stop or station
1170	Live-work unit	3210	Restaurant
1180	Farm-worker housing	3820	Inn
1320	Home-based business	3870	Retreat center
1330	Energy generating system	3910	Outdoor recreation facility
2120	Private education facility	4800	Artist/craftsperson work/sales
2610	Outdoor recreation facility	5400	Nature preserve
2740	Cemetery	5500	Nursery
2810	Community utilities & infrastructure	5610	Farm-based business
2830	Wireless telecom antenna	5620	Farm product sales
2840	Telecommunications tower	6000	Mixed use
2850	Parking lot or structure		

(D) Dimensional Standards.

	Min	Max
(1) Residential Density		1 unit per acre
(2) Lot Size	2 acres	n/a
(3) Lot Frontage	200 ft	n/a
(4) Lot Depth	300 ft	n/a
(5) Lot Coverage	n/a	10%
(6) Front Setback (principal structure)	30 ft	75 ft
(7) Side Setback (principal structure)	20 ft	n/a
(8) Rear Setback (principal structure)	50 ft	n/a
(9) Height (principal structure)	n/a	2 stories
(10) Footprint (principal structure)	n/a	3,000 sf
(11) Front Setback (accessory structure) ^a	20 ft	n/a
(12) Side Setback (accessory structure)	10 ft	n/a
(13) Rear Setback (accessory structure)	10 ft	n/a
(14) Height (accessory structure)	n/a	2 stories
(15) Footprint (accessory structure)	n/a	750 sf

^a Setback measured from frontline of principal building.



Above, examples of attractive medium-density residential neighborhoods.

Below, examples of neighborhoods with suburban characteristics to be avoided including cookie-cutter development patterns, “snout houses” with prominent garages, and excessively wide, curvilinear streets that fail to calm traffic.



COMMON ABBREVIATIONS:

DRB: Development Review Board
 ZA: Zoning Administrator
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 TDR: Transferable Development Right

See Sections 5.1, 5.2 and 5.11 of the *St. George Town Plan*.



PUDs that cluster development and preserve larger tracts of open space are preferable to these examples of large-lot rural residential development.

SECTION 2.08. LOW-DENSITY RESIDENTIAL (LDR) DISTRICT

(A) **Purpose.** The purpose of this district is to implement the goals and policies of the *St. George Town Plan* as most recently amended. The Town Plan envisions “overall density remaining low” in this district and states that “cluster development would be more desirable than a continuation of the current pattern of large-lot development.” Development in this district is encouraged to “locate on open lands over forested lands to the greatest extent feasible. If development will be occurring in forested areas, the amount of clearing should be limited and efforts made to minimize fragmentation of forest habitat.” Specifically, the Town Plan calls on St. George to:

- (1) Enact regulations that will establish a clear delineation between the proposed village center and outlying rural lands in terms of density, development patterns and allowed uses.
- (2) Promote the preservation of open space, forested habitat and agricultural land in the rural areas of town.
- (3) Limit further fragmentation of the town’s significant blocks of forest land.
- (4) Explore new and innovative measures to achieve the traditional settlement pattern of a compact village center surrounded by rural countryside.
- (5) Use development envelopes to locate development in order to limit impacts on sensitive natural features and preserve open space.
- (6) Conserve open space as buffers between neighborhoods outside the village center.
- (7) Encourage master planning and use of the town’s PUD provisions to cluster development for large-scale projects and major subdivisions.
- (8) Provide incentives to promote use of the PUD provisions to cluster development while preserving large tracts of productive farm or forest land.

(B) Permitted Uses.

1110	Single-family detached dwelling	1310	Home occupation
1130	Two-family dwelling	1340	Accessory structure or use
1150	Accessory apartment	5100	Agriculture
1230	Group home	5200	Forestry

(C) Conditional Uses.

1180	Farm-worker housing	3850	Rental cottages
1320	Home-based business	3860	Campground
1330	Energy generating system	3870	Retreat center
2120	Private education facility	3910	Outdoor recreation facility
2600	Noncommercial rec & entertainment	5300	Extraction
2810	Community utilities & infrastructure	5400	Nature preserve
2830	Wireless telecom antenna	5500	Nursery
2840	Telecommunications tower	5610	Farm-based business
3110	Kennel	5620	Farm product sales
3140	Stable	6000	Mixed use
3820	Inn		

(D) Dimensional Standards.

	Min	Max
(1) Lot Size	10 acres	n/a
(2) Development Envelope ^a	n/a	2 acres
(3) Lot Width	330 ft	n/a
(4) Lot Depth	330 ft	n/a
(5) Lot Coverage	n/a	5%
(6) Setback From Road (principal structure)	50 ft	n/a
(7) Setback From Lot Lines (principal structure)	50 ft	n/a
(8) Height (principal structure)	n/a	2 stories
(9) Footprint (principal structure)	n/a	5,000 sf
(10) Setback From Road (accessory structure)	50 ft	n/a
(11) Setback From Lot Lines (accessory structure)	25 ft	n/a
(12) Height (accessory structure)	n/a	2 stories
(13) Footprint (accessory structure)	n/a	750 sf

^a All lots being created shall require the designation of a development envelope, which shall be designed to further the purposes and promote the desired settlement pattern of this district. On-site water and/or wastewater infrastructure may be located outside the development envelope.

SECTION 2.09. RURAL DEVELOPMENT (RD) DISTRICT

(A) **Purpose.** The purpose of this district is to implement the goals and policies of the *St. George Town Plan* as most recently amended. The Town Plan states “The town, however, desires to maintain the rural character of these lands created through two centuries of productive use. St. George should be creative and consider innovative techniques to maintain this character for future generations, while respecting the rights of current property owners for a reasonable return on their investment and financial security after years of work as stewards of the land.” It also states “In order to protect environmental quality and preserve the scenic character of the town’s hills and ridgelines, development within this planning area should be undertaken in a manner that minimizes the fragmentation of forest habitat, limits the amount of clearing, and is not highly visible from public property or rights-of-way. The scale, height, building materials, color and reflectivity of proposed development should be reviewed to reduce the impacts of hillside or ridgeline development on the aesthetic character of its surroundings and the scenic qualities of the town.” Specifically, the Town Plan calls on St. George to:

- (1) Enact regulations that will establish a clear delineation between the proposed village center and outlying rural lands in terms of density, development patterns and allowed uses.
- (2) Promote the preservation of open space, forested habitat and agricultural land in the rural areas of town.
- (3) Limit further fragmentation of the town’s significant blocks of forest land.
- (4) Explore new and innovative measures to achieve the traditional settlement pattern of a compact village center surrounded by rural countryside.
- (5) Require buffers between development and sensitive natural features to be maintained in a natural state.
- (6) Use development envelopes to locate development in order to limit impacts on sensitive natural features and preserve open space.
- (7) Conserve open space as buffers between neighborhoods outside the village center.
- (8) Reduce the density of development on steep slopes.
- (9) Retain woody vegetation and limit the amount of impervious surface on the town’s steep slopes in order to reduce the potential for erosion and associated water pollution.
- (10) Prohibit the clear-cutting of forest unless approved by the County Forester or unless the purpose is to convert woodland for agricultural use.
- (11) Encourage master planning and use of the town’s PUD provisions to cluster development for large-scale projects and major subdivisions.
- (12) Prohibit development that would disrupt the ecological functions of critical wildlife habitat, such as deer wintering areas and bear mast stands.
- (13) Promote the conservation of critical wildlife habitat.
- (14) Seek opportunities, including partnerships with neighboring communities, conservation organizations and private entities, to conserve farm or forest land through permanent easement or transfer of development rights.
- (15) Allow for agriculture as a by-right use and provide flexibility for farm-based businesses within the town’s regulations.
- (16) Discourage the fragmentation of land parcels appropriately sized for productive farm or forestry use.
- (17) Provide incentives to promote use of the PUD provisions to cluster development while preserving large tracts of productive farm or forest land.

- (18) Allow for creative approaches to development that would conserve open land while ensuring current owners of large parcels of a return on their investment.
- (19) Allow agricultural-support businesses and encourage business development that relies on locally grown or harvested farm or forest products.
- (20) Allow flexibility within the town’s regulations for the adaptive reuse of existing agricultural structures for commercial or industrial use.
- (21) Provide flexibility within the town’s regulations for the adaptive reuse of existing agricultural structures as residences.

(B) Permitted Uses.

1110	Single-family detached dwelling	1310	Home occupation
1150	Accessory apartment	1340	Accessory structure or use
1230	Group home	5100	Agriculture
		5200	Forestry

(C) Conditional Uses.

1180	Farm-worker housing	3910	Outdoor recreation facility
1320	Home-based business	4100	Manufacturing facility
1330	Energy generating system	4200	Warehousing or storage facility
2120	Private education facility	4300	Shipping or distribution facility
2600	Noncommercial rec & entertainment	4400	Construction-related facility
2740	Cemetery	4600	Crematorium
2810	Community utilities & infrastructure	4800	Artist/craftsperson work/sales
2830	Wireless telecom antenna	5300	Extraction
2840	Telecommunications tower	5400	Nature preserve
2860	Highway maintenance facility	5500	Nursery
3100	Animal services & ag-support	5610	Farm-based business
3820	Inn	5620	Farm product sales
3850	Rental cottages	5630	Wood processing
3860	Campground	6000	Mixed use
3870	Retreat center		

COMMON ABBREVIATIONS:

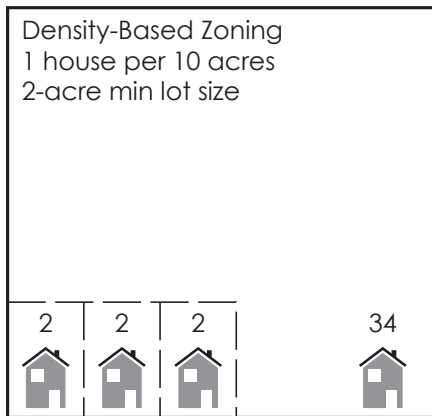
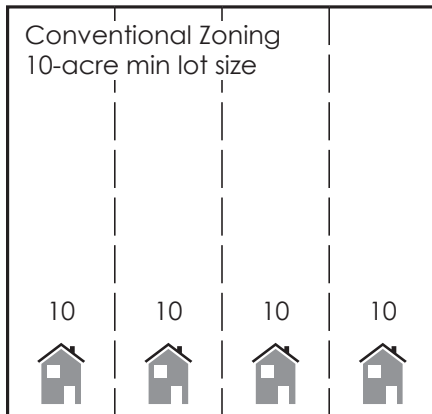
- DRB: Development Review Board
- ZA: Zoning Administrator
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- PUD: Planned Unit Development
- TDR: Transferable Development Right

See Sections 5.1, 5.2, 5.8 and 5.11 of the *St. George Town Plan*.

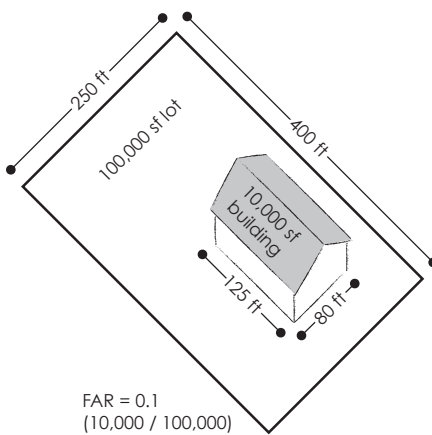


Rural residential development that clusters homes on small lots to conserve larger acres for open space, protect important natural resources and/or provide opportunities for continued agricultural use may, in certain instances, be preferable to development that fragments rural lands into large lots.

RESIDENTIAL DENSITY



Density-based zoning maintains a low overall density while allowing for the subdivision of smaller lots, reducing fragmentation of rural land.



FLOOR AREA RATIO (FAR)

(D) Dimensional Standards.

	Min	Max
(1) Residential Density	n/a	1 du / 10 acres
(2) Floor Area Ratio (FAR) ^a	n/a	0.1
(3) Lot Size	2 acres	n/a
(4) Development Envelope ^b	n/a	2 acres
(5) Lot Width	200 ft	n/a
(6) Lot Depth	300 ft	n/a
(7) Lot Coverage	n/a	10%
(8) Front Setback (principal structure)	50 ft	n/a
(9) Side Setback (principal structure)	50 ft	n/a
(10) Rear Setback (principal structure)	50 ft	n/a
(11) Height (principal structure)	n/a	2 stories
(12) Footprint (principal structure)	n/a	10,000 sf
(13) Front Setback (accessory structure)	50 ft	n/a
(14) Side Setback (accessory structure)	50 ft	n/a
(15) Rear Setback (accessory structure)	50 ft	n/a
(16) Height (accessory structure)	n/a	2 stories
(17) Footprint (accessory structure)	n/a	2,500 sf

^a Applies to all non-residential and mixed uses.

^b All residential lots being created that will be 5 acres or larger in size require the designation of a development envelope, which shall be designed to further the purposes and promote the desired settlement pattern of this district. On-site water and/or wastewater infrastructure may be located outside the development envelope.

(E) **District Standards.** To achieve the purposes of this district, applicants shall conform with the following standards and are strongly encouraged to incorporate the associated recommendations into their projects as applicable to the project site. The DRB shall be guided by these standards and recommendations to determine whether proposed projects further the purposes of this district and the applicable goals of the *St. George Town Plan*, and conform with the character of the area, design, historic, and cultural and natural resources criteria of [Article 5](#).

- (1) **Forestry.** Forestry activities shall meet all applicable state regulations and shall, at a minimum, comply with the Vermont Department of Forests, Parks and Recreation’s acceptable management practices.
- (2) **Preservation of Agricultural Lands.** Lots and development envelopes shall be configured to maintain the agricultural potential of prime soils and productive fields or pastures to the greatest extent feasible. To this end:
 - (a) Development shall be located along the edges of fields or pastures whenever possible. Building locations adjacent to, but not within, tree lines and wooded field edges are preferred. When such siting is not possible, development should be located on the least productive land.
- (3) **Preservation of Rural Character.** Development shall be compatible with the rural character of the district. To this end:

- (a) Existing vegetation patterns shall be preserved outside the development envelope to the greatest extent feasible.
 - (i) Where development envelopes are located in wooded areas, a wooded buffer of at least 30 feet shall be retained between the development envelope and the road.
 - (ii) Maintenance of open fields and pastures may be required as a condition of approval.
 - (iii) Limits may be placed on clearing outside development envelopes as a condition of approval.
- (b) The plan shall be designed to fit development into the existing landscape to the greatest extent feasible.
 - (i) The design should follow natural features such as landform, water features and/or the shapes of fields or pastures, or woodlots.
 - (ii) Existing site features such as hedgerows or fence lines, should be preserved and incorporated into the development plan.
 - (iii) Existing structures, including barns, silos and/or other agricultural accessory buildings, should be preserved and re-used.
 - (iv) Signs or distinguishing landmarks used to identify a development shall reflect the character of the development and its natural setting.
 - (v) Street lighting shall only be installed where site-specific safety conditions warrant. The DRB may place conditions on the location, height, intensity and design of any outdoor lighting.
 - (vi) Unless deemed appropriate by the DRB to protect public safety, the use of natural materials and colors for engineered structures is encouraged. Minimal use of bright white on visible structures such as curbing, culverts, walls, drives, parking areas and outlet structures is encouraged.
- (4) **Protection of Natural Resources.** Development within this district shall be undertaken in a manner that protects important natural resources. To this end:
 - (a) Development envelopes shall be configured to limit adverse impacts on natural resources and fragile features as identified in the *Town Plan* or through site investigation including, but not limited to, wetlands, streams, critical wildlife habitat, steep slopes, areas of unstable soils, soils generally unsuited for development or on-site septic disposal.
 - (b) An undisturbed, naturally vegetated riparian buffer shall be maintained for a distance of 50 feet from all streams within this district, including unmapped or intermittent streams. The DRB may allow minimal clearing as needed for road, driveway or utility crossings within the designated buffer.
 - (c) The DRB may require submission of a wildlife management plan on sites that include critical wildlife habitat.
- (5) **Preservation of Scenic Character.** In order to limit the environmental and visual impacts of development within this district, the following standards shall apply to new development:
 - (a) Development envelopes shall be located in a manner that will ensure structures will be minimally visible from off-site, will not stand in contrast to surrounding landscape patterns or features.
 - (b) Building sites shall be placed downslope of hilltops and ridgelines and shall be located in a manner as not to break the view or exceed the elevation of the ridgeline as viewed from public lands or rights-of-way. Clearing of existing vegetation within 50 feet of any identified ridgelines shall be avoided to the greatest extent feasible.
 - (c) Roof lines and roof surfaces should be an important part of the building design and should reflect the natural slope of the terrain.
 - (d) Building materials and colors shall be compatible with the natural setting. Exterior colors should be limited to earth tones found in nearby natural vegetation and/or soil, or be or mimic the color of natural building materials such as stone or wood. Use of highly reflective building materials should be avoided on structures that will be visible from public vantage points.
 - (e) Any grading or earth moving operation shall be planned and executed in such a manner that final contours appear to be consistent with the existing terrain, both on and adjacent to the site. Foundations should be constructed to reflect the natural slope of the terrain.
 - (f) The removal of native vegetation, especially large trees, shall be minimized. Trees with a caliper in excess of 6 inches shall only be removed for construction of roads, driveways or structures. Selective clearing for lawns and septic systems shall be designated on the site plan. This provision shall not be interpreted to prevent woodland management in accordance with a plan approved by an appropriate state or federal agency.
 - (g) Landscaping and plantings shall be utilized to screen buildings in open or prominent areas. Landscaping and plantings shall be generally compatible with native vegetation.

SECTION 2.10. BUSINESS PARK OVERLAY (BPO) DISTRICT

- (A) **Purpose.** The intent of this overlay district is to allow for planned development of the 8 acres of town center lands sold for the purpose of establishing a business park in order to promote job creation and diversify St. George's tax base, and to implement the goals and policies of the *St. George Town Plan* as most recently amended.
- (B) **Applicability.** This overlay district shall include Town Center Lots 7, 8, 8A, 9, 10 and Parcel A as shown on the 13 October 1998 plat filed in the Town of St. George Land Use Records. Further development of these lands shall be in accordance either with the provisions of this overlay district or the underlying Village Center district (Section 2.04), as requested by the applicant. If the applicant chooses to exercise the provisions of this section, the standards and requirements below shall replace the standards and requirements of the underlying Village Center district in their entirety.
- (C) **Master Plan Required.** The entire 8-acre business park shall be considered a single site for the purposes of review under the provisions of this section, regardless of any future property transfers, subdivision, merger and/or sale of individual lots within the park. The master plan shall establish general parameters for development on the site to include at a minimum:
- (1) The location of building envelopes, internal access and circulation system, and parking areas.
 - (2) A general land use allocation plan indicating the type and intensity of use planned for the various individual lots and/or buildings.
 - (3) Total peak hour traffic to be generated by the planned development, broken down between employee/customer trips and truck trips.
 - (4) Total parking required to serve the planned development.
 - (5) Total water and wastewater capacity required to serve the planned development, current capacity available and options for meeting any additional capacity needs in excess of what is currently available.
 - (6) A stormwater management plan for the entire park.
 - (7) A landscaping plan for the entire park.
 - (8) Performance standards, at a minimum to be as specified in Section 3.14.
- (D) **Expiration.** The right to exercise the provisions of this overlay district shall expire on December 31, 2015. Expiration shall not prevent future development in accordance with any master plan for the business park approved by the DRB before December 31, 2015.

(E) Review Process. Development under the provisions of this section shall be reviewed as a PUD in conjunction with submission and approval of a master plan for the entire park. The master plan, once approved, will establish the general parameters that shall be used to guide review of future specific development proposals. When considering future applications for conditional uses, the DRB shall limit its review to those elements of the proposed project not covered by the approved master plan. Upon DRB approval of a master plan for the business park, and conditional use approval as applicable, the ZA may issue zoning permits for development that complies with all the conditions of the park’s approved master plan. If the ZA determines that a proposed project is not consistent with all the conditions of the approved master plan, the application shall be referred to the DRB for review as an amendment to the approved master plan.

(F) Permitted Uses.

1340	Accessory structure or use	2830	Wireless telecom antenna
2600	Noncommercial rec & entertainment	5100	Agriculture
2810	Community utilities & infrastructure	5200	Forestry

(G) Conditional Uses.

1330	Energy generating system	4200	Warehousing or storage facility
2840	Telecommunications tower	4300	Shipping or distribution facility
2850	Parking lot or structure	4400	Construction-related facility
2860	Highway maintenance facility	4500	Wholesale sales facility
3400	Retail store	4600	Crematorium
3520	Vehicle & equipment sales	4700	Research & development facility
3530	Vehicle & equipment service	4800	Artist/craftsperson work/sales
3600	Office	5500	Nursery
3900	Commercial rec & entertainment	5630	Wood processing
4100	Manufacturing facility	6000	Mixed use

(H) Dimensional Standards.

	Min	Max
(1) Floor Area Ratio (FAR) ^a	n/a	0.5
(2) Lot Coverage ^a	n/a	75%
(3) Setback From Adjoining Parcels	30 ft	n/a
(4) Setback From Internal Lot Lines	10 ft	n/a
(5) Building Separation	20 ft	n/a
(6) Height	n/a	35 ft
(7) Building Footprint	n/a	50,000 sf

^a Maximum FAR and lot coverage shall be calculated for the 8-acre business park as a whole, rather than for each lot individually.

COMMON ABBREVIATIONS:

- DRB: Development Review Board
- ZA: Zoning Administrator
- PC: Planning Commission
- PUD: Planned Unit Development
- TDR: Transferable Development Right

(I) District Standards. The following standards shall apply to development in this district:

- (1) Buildings shall be oriented with primary consideration being given to the visual impact from the perspective of the driver or pedestrian on existing public roads in the vicinity or any planned village center roads shown on an adopted Official Map or Village Center Master Plan. The view of the park from existing or planned roads should be dominated by naturalistic landscaping, fencing and/or building facades. Large expanses of parking and/or blank walls visible from off-site should be avoided.
- (2) Landscaping shall be in accordance with [Section 3.09\(D\)](#) except that foundation plantings required by [Section 3.09\(D\)\(3\)](#) shall only be required along building facades and the green strip buffer required by [Section 3.09\(D\)\(4\)](#) shall be reduced to 10 feet. In addition, required setbacks along the external boundaries of the park shall be maintained as landscaped greenspace. Within those setbacks, landscaping should include a mix of deciduous and evergreen trees and shrubs, perennials and groundcovers planted in a naturalistic manner (rather than a mass of uniform materials and consistent spacing) to provide an attractive backdrop throughout the year for village center development outside the business park, and should be particularly focused on the southern and eastern sides of the business park outside the VELCO right-of-way. Existing vegetation that screens the park from the west and north should be retained to the greatest extent feasible. The applicant shall not be required to entirely block all views into the business park, but to implement a landscaping plan that screens the least attractive elements of the site (e.g., parking, loading, storage and service areas), breaks up the view of large buildings, and provides visual interest as viewed from elsewhere in the village center. Required greenspace and landscaping may be incorporated into the site's stormwater management system and the DRB may waive or modify landscaping requirements to accommodate low-impact development techniques as specified in [Section 3.13\(C\)\(5\)](#).
- (3) The size and footprint of the individual buildings may vary depending on use of the building and characteristics of the lot. However, the building materials, textures and colors should be coordinated throughout the park. Use of non-reflective materials and subtle, earth-tone colors is encouraged. Color, texture and architectural elements should be used to emphasize entrances and break the monotony, scale and massing of large buildings, particularly on building facades. Use of energy efficient materials and design is encouraged.
- (4) The park shall be limited to a single, primary access onto Barber Road. The DRB may approve a secondary access if deemed necessary for emergency response or to facilitate improved circulation and safety within the village center as a whole. Otherwise, access shall be in accordance with [Section 3.02](#).
- (5) Parking, loading and service areas shall be located in accordance with [Section 3.13](#) except that the DRB may waive the requirement that parking be located behind the building frontline if parking will be effectively screened as viewed from outside the park. Loading docks shall not face Barber Road. In accordance with [Section 3.09\(D\)](#), service, storage, parking and loading areas, as well as mechanical equipment, shall be substantially screened from view from outside the park through use of building placement, architectural elements, landscaping, fencing, and/or berms. The provisions of [Section 3.09\(D\)](#) shall not be applied to screening from vantage points within the park.
- (6) Lighting shall be in accordance with [Section 3.12\(C\)](#).
- (7) Signage shall be in accordance with [Section 3.16](#).
- (8) Except as specified in this section, all other applicable standards of these regulations shall apply to new development within this district.

SECTION 2.11. FLOOD HAZARD AND RIVER CORRIDOR OVERLAY (FHRCO) DISTRICT

- (A) **Purpose.** The Flood Hazard and River Corridor Overlay District regulates land development within the special flood hazard area and river corridors to:
- (1) Avoid and minimize the loss of life and property, the disruption of commerce, the impairment of the tax base, and the extraordinary public expenditures and demands on public services that result from flooding related inundation and erosion;
 - (2) Ensure that the selection, design, creation, and use of development in hazard areas is reasonably safe and accomplished in a manner that is consistent with public wellbeing, does not impair stream equilibrium, floodplain services, or the river corridor; and
 - (3) Manage flood hazard areas in accordance with state and federal regulations so that the Town of St. George, its residents and businesses will remain eligible for federal flood insurance, federal disaster recovery funds, and hazard mitigation funds.
- (B) **Precedence.** Any provision of this section will take precedence if it imposes a greater restriction than another provision of these regulations or any other town, state or federal regulations.
- (C) **Liability.** The provisions of this section do not:
- (1) Imply that land outside this overlay district or that land development undertaken in conformance with this section will be free from flooding or erosion hazards; and
 - (2) Create liability on the part of the Town of St. George, or any town official or employee, for flood damage.
- (D) **Applicability.** The provisions of this section apply to the:
- (1) Special flood hazard area as established in the most recent flood insurance studies and maps published by the Federal Emergency Management Agency's (FEMA) National Flood Insurance Program. The Town of St. George has adopted the flood insurance studies and maps by reference and incorporated them into these regulations. If there is uncertainty with regard to the boundary of the special flood hazard area, the applicant may provide a letter of map amendment from FEMA to certify its location.
 - (2) River corridors as established by the Vermont Agency of Natural Resources including the Statewide River Corridors and the area within 50 feet from the top of slope along any stream without a defined corridor. The Town of St. George has adopted the state river corridor maps and, as most recently amended, by reference and incorporated them into these regulations. If there is uncertainty with regard to the boundary of the river corridor, the applicant may provide a letter of determination from the Vermont Agency of Natural Resources to certify its location.
- (E) **Exemptions.** The following land development and uses are exempt from the provisions of this section:
- (1) The removal of a structure in whole or part.
 - (2) Maintenance of existing roads and stormwater drainage.
 - (3) Silvicultural activities conducted in accordance with the Vermont Department of Forest, Parks and Recreation Acceptable Management Practices.
 - (4) Agricultural activities conducted in accordance with the Vermont Agency of Agriculture's Required Agricultural Practices (see [Section 1.05](#)).
- (F) **Base Flood Elevations and Floodway Limits.** The Town of St. George will use the base flood elevations and floodway limits provided by the National Flood Insurance Program to administer and enforce the provisions of this section. Where the National Flood Insurance Program has not provided base flood elevations and/or floodway limits, the applicant must provide the information necessary to demonstrate conformance with the standards of this section and must use data from FEMA or other federal or state agencies where available.

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- (G) **Development Prohibited.** The Town of St. George prohibits:
 - (1) All development within the special flood hazard area.
 - (2) All development within the river corridor except as specifically authorized under Section 3.15 of these regulations.
- (H) **Variances.** Variances within this overlay district may be granted by the DRB in accordance with the provisions of Section 7.07. Any variance must include a written statement informing the applicant that the issuance of a variance to construct a structure below the base flood elevation 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.
- (I) **Nonconformities.** The DRB may approve the repair, relocation, replacement or enlargement of a nonconformity within this overlay district as a conditional use and provided that:
 - (1) The applicant submits a written determination from the Vermont Agency of Natural Resources certifying that the proposed development fully conforms to the minimum standards for development within flood hazard areas or river corridors, applicable.
 - (2) If a nonconforming structure has been substantially damaged or destroyed, the applicant demonstrates that it cannot be relocated to or rebuilt on a less hazardous location on the lot.
- (J) **Definitions.** The definitions below apply to terms used within this section. Any term not defined below will be as defined in Article 8.
 - (1) “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”).
 - (2) “Base Flood Elevation” (BFE) is the elevation of the water surface elevation resulting from a flood that has a 1 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.
 - (3) “Development” (updated) means any human-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations, or storage of equipment or materials.
 - (4) “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).

- (5) “Flood Insurance Study” 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.
- (6) “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.
- (7) “Recreational vehicle” (updated) means a vehicle which is: (a) Built on a single chassis; (b) 400 square feet or less when measured at the largest horizontal projection; (c) Designed to be self-propelled or permanently towable by a light duty truck; and (d) Designed primarily not for use as a permanent dwelling but as a temporary living quarters for recreational, camping, travel, or seasonal use.
- (8) “River Corridor” (to replace fluvial erosion hazard area) means the land area adjacent to a river that is required to accommodate the dimensions, slope, planform, and buffer of the naturally stable channel and that is necessary for the natural maintenance or natural restoration of a dynamic equilibrium condition, as that term is defined in 10 V.S.A. §1422, and for minimization of fluvial erosion hazards, as delineated by the Agency in accordance with the ANR River Corridor Protection Guide.
- (9) “Special Flood Hazard Area” is the floodplain within a community subject to a 1 percent or greater chance of flooding in any given year. For purposes of these regulations, 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 the Federal Emergency Management Agency. 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.
- (10) “Structure” (updated) means, for regulatory purposes under this bylaw, a walled and roofed building, as well as a manufactured home, and any related built systems, including gas or liquid storage tanks.
- (11) “Top of Bank” means that vertical point along a stream bank where an abrupt change in slope is evident. For streams in wider valleys it is the point where the stream is generally able to overflow

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the banks and enter the floodplain. For steep and narrow valleys, it will generally be the same as the top of slope.

- (12) “Violation” means the failure of a structure or other development to be fully compliant with this bylaw. 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.

Article 3. General Standards

SECTION 3.01. ABANDONMENT, STABILIZATION & DEMOLITION

- (A) No zoning permit shall be required for the stabilization of damaged structures to prevent hazards to public health or safety, or to adjoining properties, structures or uses; nor for the timely repair or reconstruction of damaged structures to the extent of their prior condition and use. Rebuilding that results in changes in density, dimension or use under applicable provisions of these regulations shall require a zoning permit. If rebuilding a nonconforming structure, see Section 3.11 (E) of these regulations.
- (B) Within 6 months after the abandonment of a permanent or temporary structure that has been demolished, destroyed, or substantially damaged, or upon the expiration of a zoning permit for a structure not substantially completed, the owner shall either:
 - (1) Apply for a zoning permit under Section 7.05 of these regulations to resume repair, reconstruction or construction, thus confirming the intent not to abandon the structure; or
 - (2) Remove all improvements and materials from the site, restore the site to a normal grade and establish ground cover sufficient to prevent erosion.
- (C) The demolition of structures listed on the National or State Registers of Historic Places shall be reviewed as a conditional use in accordance with the provisions of Article 5 and Section 7.09 of these regulations.

SECTION 3.02. ACCESS, DRIVEWAYS AND ROADS

- (A) **Interior Lots.** The DRB may allow development on interior lots in existence prior to the effective date of these regulations and may approve creation of new interior lots in the Low-Density and Rural Development districts, which do not have frontage on state highways or Class I, II, or III town roads. Access to a public road shall be provided by means of a permanent easement or right-of-way at least 30 feet wide. In deciding whether to grant, condition or deny approval, the DRB shall consider the intended use of the property, safety, traffic, road and site conditions, the purpose of the district in which the lot is located and associated policies of the *St. George Town Plan*. In all other districts, lots created after the effective date of these regulations are subject to all applicable provisions of these regulations regarding access and frontage unless otherwise approved by the DRB as a PUD.
- (B) **Class IV Town Roads and Legal Trails.** As per 19 VSA § 310, the town is not required to maintain designated Class IV town roads

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See 24 VSA § 4412(3).

or legal trails to provide year-round access to adjoining properties. Before being used to provide access to property being developed, a Class IV town road or legal trail shall be upgraded to meet the more stringent of the standards of Paragraph (G) below or the standards of any adopted town highway ordinance. Upgrade of a Class IV town road or legal trail shall require the approval of the Selectboard. Upgrade and maintenance of a Class IV road or legal trail, as required for development and emergency vehicle access, shall be the responsibility of the applicant and subsequent landowners.

(C) **Frontage on Private Roads.** Frontage requirements for lots served by private roads shall be the same as the requirements for lots served by public roads.

(D) **Access.** Access onto public roads is subject to approval by the St. George Selectboard or, in the case of state highways, approval by the Vermont Agency of Transportation. Access permits shall be obtained prior to the issuance of a zoning permit. In the event approval by the DRB is required for the development, the access permit shall be obtained after DRB approval. In addition, the following provisions shall apply:

(1) With the exception of accesses used solely for agricultural or forestry purposes or where otherwise specified in these regulations, no lot may be served by more than 1 curb cut. The DRB may waive this provision under Section 7.08 of these regulations and approve additional accesses in the event that:

(a) The additional access is deemed necessary to ensure vehicular and pedestrian safety;

(b) The strict compliance with this provision would, due to the presence of one or more physical features (e.g., rivers and streams, steep slopes, wetlands), result in a less desirable site layout and design than would be possible with the allowance of an additional access;

(c) A traffic management plan is developed and implemented that will improve vehicular and pedestrian safety and result in a traffic circulation and parking arrangement within the site that better achieves the purposes of these regulations than would be possible with a single access; or

(d) The lot(s) is occupied by a mixed-used development and the additional access would result in better traffic circulation and safety than a single access.

(2) Where a property occupies a corner of two intersecting roads, access shall be on the less traveled road. This provision may be waived by the DRB only if the applicant can demonstrate that access on the more heavily traveled road would be safer.

(3) Access to properties located along state highways may be limited to secondary or frontage roads. In the event that a frontage road is planned (i.e., identified in the *St. George Town Plan*, or any adopted Official Map and/or Capital Budget), but is not yet constructed, temporary access may be permitted with conditional use approval from the DRB. In granting temporary access, the DRB may place appropriate conditions that the access be relocated within a reasonable time after construction of the frontage road.

(4) In appropriate instances, including the presence of compatible adjacent uses, areas characterized by heavy traffic, congestion and frequent and/or unsafe turning movements, or lots having direct access to state highways, the DRB may require provision for shared access between adjoining properties. Construction of shared access may be required at the time of project development if similar provision has been made on contiguous parcels, or may be required at a later time contingent upon future development of neighboring properties.

(5) Applicants for a zoning permit for any lot with more than one access shall eliminate or combine accesses in order to meet the provisions of this section, unless otherwise approved by the DRB.

(6) Subdivision of a parcel after the effective date of these regulations shall not create a right to construct more than one access unless otherwise approved by the DRB.

(7) Access shall be limited to a defined width of 40 feet or less as approved by the DRB. In the case of excessively wide pre-existing driveways or uncontrolled access that extends along most of a property's frontage, the DRB shall

ARTICLE 3. GENERAL DEVELOPMENT STANDARDS

require the reduction in access width as a condition of approval, unless the applicant can demonstrate that such reduction would place an undue burden on the continued operation of a pre-existing land use.

- (8) Existing structures which do not meet these standards because of pre-existing site conditions may be required to make improvements necessary to bring the property into greater compliance with the provisions of this section as a condition of approval in accordance with the provisions of Article 5 and Section 7.09.

(E) Residential Driveways. New driveways serving not more than 3 dwellings shall meet the following standards:

- (1) Driveways shall be constructed to Vermont Agency of Transportation *B-71 Standards for Commercial and Residential Driveways* unless otherwise approved by the DRB.
- (2) Driveways shall be not less than 12 feet nor more than 24 feet in width.
- (3) Driveways shall not exceed a 12% slope over any 50-foot section.
- (4) Driveways shall be set back a minimum of 15 feet from adjoining property lines unless providing shared access to contiguous properties.

(F) Non-Residential Driveways. New driveways serving not more than 2 lots to be developed with non-residential uses shall meet the following standards:

- (1) Driveways shall be constructed to Vermont Agency of Transportation *B-71 Standards for Commercial and Residential Driveways* unless otherwise approved by the DRB.
- (2) Driveways shall be not less than 18 feet nor more than 40 feet in width.
- (3) Driveways shall not exceed a 12% slope over any 50-foot section.
- (4) Driveways shall be set back a minimum of 25 feet from adjoining property lines unless providing shared access to contiguous properties.

(G) Private Roads. All other accesses shall be considered private roads. Private roads shall be designed in accordance with any adopted town highway ordinances currently in effect and shall conform to the dimensional and geometric design standards specified in the Vermont Agency of Transportation's *A-76 Standards for Development Roads* unless otherwise approved by the DRB. Private roads may be taken over by the town only in accordance with town road policies and ordinances, and state statutes governing the laying out of public rights-of-way.

COMMON ABBREVIATIONS:

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TDR: Transferable Development Right



EXTENSIVE CUT & FILL DISCOURAGED

SECTION 3.03. BOUNDARY ADJUSTMENT

(A) The ZA may approve boundary adjustments that meet all the criteria below. The DRB shall review changes in lot lines that do not meet these standards as a subdivision under Section 7.10 and the standards of Article 5 and Article 6 of these regulations.

- (1) Neither lot (nor any structure or use on it) is, or shall become if the proposed adjustment is approved, nonconforming based on the standards of the zoning district(s) in which it is located. Notwithstanding, the ZA may act on a

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See Chapter 1 of the
Environmental Protection Rules
§1-403(12)

boundary adjustment involving an existing nonconformity if the proposed adjustment will result in the elimination or reduction of the nonconformity.

- (2) The boundary adjustment shall not make either lot more developable based on the standards of the zoning district(s) in which it is located (i.e., by increasing the acreage or road frontage to allow for further subdivision or the potential for a greater number of lots).
- (B) Applicants shall submit a sketch plan for review by the ZA. Applicants shall also submit a copy of the state Potable Water and Wastewater permits for each reconfigured lot or a written determination from the Agency of Natural Resources exempting the boundary adjustment from the requirements of the state regulations.
- (C) A survey, stamped by a surveyor registered in Vermont, shall be completed locating the new boundary and eliminating the former boundary. If the lot is 5 acres or greater in area, the applicant shall not be required to survey it in its entirety and may survey only those portions necessary to establish the new boundary.
- (D) Within 180 days of approval by the ZA, applicants shall file a final plat for recording in the town land records as required in Section 7.10(F) of these regulations. Failure to file within 180 days voids approval of the plat. Applicants shall also file new deed descriptions that eliminate any reference to the old boundary and correctly describe the new configuration, or attach revised descriptions that shall be incorporated into the deeds at a later time.

SECTION 3.04. CONVERSION OR CHANGE OF USE

- (A) The conversion or change in use of land or structures to another use is subject to the provisions of these regulations as follows:
 - (1) The proposed use shall be subject to all the requirements of these regulations pertaining to such use, as well as any other applicable municipal, state or federal regulations currently in effect.
 - (2) A conversion or change of use from one permitted use to another permitted use, or from a conditional use to a permitted use, requires a zoning permit issued by the ZA under Section 7.05 of these regulations.
 - (3) A conversion or change of use from a permitted to a conditional use, or from a conditional use to another conditional use, requires conditional use approval from the DRB in accordance with the provisions of Article 5 and Section 7.09.

SECTION 3.05. DISHES AND ANTENNAS

- (A) Dishes and antennas shall be located in the rear yard or mounted on the rear facade of the building they serve. The DRB may waive this requirement, in accordance with Section 7.08 of these regulations, if the following criteria are met:
- (1) Quality reception requires alternative siting.
 - (2) Screening that does not impair reception is used to minimize the visibility of the installation from public rights-of-way and neighboring properties.

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SECTION 3.06. EQUAL TREATMENT OF HOUSING

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

See 24 VSA § 4412(1).

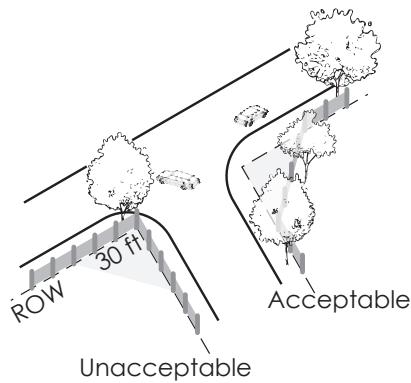
SECTION 3.07. FENCES

- (A) In this section, fence and wall shall be interchangeable terms.
- (B) Except as specifically exempted in Section 1.06 (A)(5) of these regulations, the construction or installation of a fence may be permitted as an accessory use upon application and receipt of a

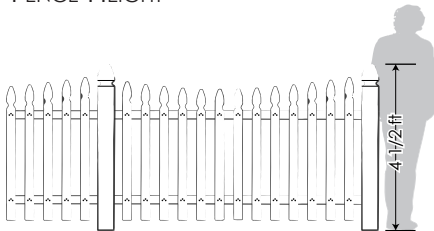
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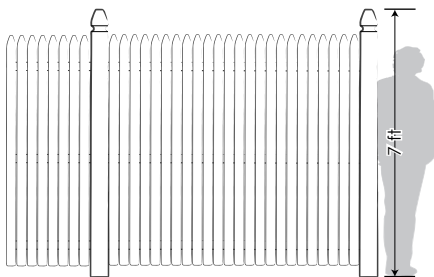
VISIBILITY AT INTERSECTIONS



FENCE HEIGHT



Fences up to 4 1/2 feet tall are exempt from these regulations and DO NOT require a zoning permit.
 Fences taller than 4 1/2 feet DO require a zoning permit.
 Fences 7 feet or greater in height ALSO require conditional use approval.



zoning permit in accordance with [Section 7.05](#) of these regulations. All fences shall be subject to the following provisions:

- (1) A fence shall be erected within the boundaries of the applicant's property and shall be placed wholly within but not on the property boundaries. Setback requirements shall not apply to fences except as specified in this section.
- (2) A fence shall be erected so that its smooth or finished side faces an abutting property or road. All fence posts shall be placed on the inside of the fence, except for a fence to contain livestock.
- (3) No part of any fence shall be placed in such manner as to visually obstruct vehicular or pedestrian traffic. The placement of fences near the corner of a property at the intersection of two roads shall provide for a clear vision area defined as a triangular area formed by the right-of-way lines at points which are 30 feet distant from the intersection of the right-of-way lines and measured along such lines.
- (4) A fence over 7 feet in height shall require approval by the DRB as a conditional use in accordance with the provisions of [Article 5](#) and [Section 7.09](#).
- (5) A fence over 7 feet in height shall be considered a structure subject to normal setback requirements for the district in which it is located, unless otherwise approved by the DRB.
- (6) No fence shall be erected in such a manner as to inhibit or divert the natural drainage flow or cause the blockage or damming of surface water.
- (7) No fence shall be erected that may create a fire hazard or other dangerous condition or that may result in obstruction to fire fighting.
- (8) Fences shall be maintained in a safe and substantial condition.
- (9) No fence shall be located or constructed on a terrace or wall that will have an overall height of more than that permitted, unless otherwise approved by the DRB.

(C) **Prohibited Fences and Materials.** The following fences and fencing materials are specifically prohibited:

- (1) Barbed, razor or ribbon wire or broken glass as part of any fence, unless approved by the DRB.
- (2) Pointed metal fences.
- (3) Canvas and/or cloth fences, except when used to protect shrubs and vegetation.
- (4) Poultry and/or turkey wire fences within minimum front, side and rear yards.
- (5) Snow control fences from May 1 to November 1.

SECTION 3.08. HEIGHT REQUIREMENTS

- (A) Except for the following structures, which are specifically exempt from the height provisions of these regulations, no structure shall exceed district height requirements unless such structure meets the standards set forth in Paragraphs C and D, below.
 - (1) Agricultural structures, including barns and silos;
 - (2) Steeples, spires and belfries on religious and public buildings;
 - (3) Exempt telecommunication facilities as per Section 4.11 (C) of these regulations; and
 - (4) Accessory structures attached to or mounted on a public or residential building, such as chimneys, and weather vanes, which are not more than 50 feet in height from the average finished grade at ground level to the highest point of the structure.
- (B) Maximum building height shall be measured in stories as established in Article 2. No story shall exceed a height of 16 feet unless approved by the DRB in accordance with Subparagraph (C)(1) below. For all other structures, maximum height shall not exceed 35 feet as measured from the lowest grade at ground level to the highest point of the structure unless otherwise specified in these regulations.
- (C) The DRB may waive the height restrictions in accordance with Section 7.08 and approve a building height in excess of the standards for the district in which it is located:
 - (1) For structures associated with an industrial, communication or utility use in which the additional height is necessary for reasonable operation or function.
 - (2) For accessory structures associated with the production of renewable energy that are not more than 100 feet in height from the lowest grade at ground level to the highest point of the structure.
 - (3) For a vertical architectural element that does not exceed 10% of the building's total footprint.
- (D) In approving structure or story heights in excess of the standards of these regulations, the DRB shall find that:
 - (1) The proposed structure does not constitute a hazard to public safety, or to adjoining properties;
 - (2) The front, side and rear setbacks are sufficient to protect adjoining properties and rights-of-way in the event of structural collapse; and
 - (3) The structure will not be used for advertising purposes.

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See 24 VSA § 4413(D).

WAIVERS FOR HEIGHT REQUIREMENTS



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RECOMMENDED STREET TREES:

Hedge Maple (*Acer campestre*)
 Freeman Maple (*Acer x freemanii*)
 *Red Maple (*Acer rubrum*)
 Muscledwood (*Carpinus carolina*)
 *Hackberry (*Celtis occidentalis*)
 Turkish Filbert (*Corylus colurna*)
 *White Ash (*Fraxinus americana*)
 *Green Ash (*Fraxinus pennsylvanica*)
 *Blue Ash (*Fraxinus quadrangulata*)
 Ginkgo (*Ginkgo biloba*)
 Honeylocust (*Gleditsia triacanthos*)
 *Ironwood (*Ostrya virginiana*)
 Callery Pear (*Pyrus calleryana*)
 English Oak (*Quercus robur*)
 *Red Oak (*Quercus rubra*)
 Black Locust (*Robinia pseudoacacia*)
 *American Linden (*Tilia americana*)
 Littleleaf Linden (*Tilia cordata*)
 Bigleaf Linden (*Tilia platyphyllos*)

 * Species native to Vermont

NATIVE TREES AND SHRUBS:

Low Shrubs

Leatherleaf (*Chamaedaphne calyculata*)
 Sweet Fern (*Comptonia peregrina*)
 Bush-honeysuckle (*Diervilla lonicera*)
 Crowberry (*Empetrum nigrum*)
 Checkerberry (*Gaultheria procumbens*)
 Common Juniper (*Juniperus communis*)
 Sheep Laurel (*Kalmia augustifolia*)
 Bush Cinquefoil (*Potentilla fruticosa*)
 Lowbush Blueberry (*Vaccinium angustifolium*)
 Cowberry (*Vaccinium vitis-idaea*)

Small Shrubs

Black Chokeberry (*Aronia melanocarpa*)
 Leatherwood (*Dirca palustris*)
 Fragrant Sumac (*Rhus aromatica*)
 Snowberry (*Symphoricarpos albus*)
 Mapleleaf Viburnum (*Viburnum acerifolium*)

- (E) The DRB may require that the portion of any building above the height specified in these regulations remain unoccupied except for normal maintenance.

SECTION 3.09. LANDSCAPING AND SCREENING

- (A) **Purpose.** These standards are intended to guide the installation of landscaping and screening that is designed to:

- (1) Enhance the overall appearance of individual properties;
- (2) Integrate new development into its surroundings;
- (3) Preserve and enhance the particular identity of individual sites; and
- (4) Maintain compatibility among neighboring properties and consistency within the community.

- (B) **General Landscaping Standards.**

- (1) Landscaping shall be designed to achieve the purposes of this section, strengthen the features and conditions unique to each site, and should include a combination of shade trees, shrubs and ground covers. Landscaping shall be required in front and side yards, adjacent to parking areas and where rear yards abut residential properties or public roads.
- (2) Maximum effort shall be made to save existing mature trees, especially those along property lines and roads. During construction, no material or temporary soil deposits shall be placed within the drip line of trees or shrubs designated on the landscape plan to be retained. Protective barriers, such as snow and silt fences, shall be installed during construction around the drip lines of trees and plantings that are to remain on the site and may be damaged by construction activity. The DRB may require that existing trees to be saved in the area affected by the development shall be replaced with large tree specimens (up to 6-inch caliper) in the event of death during or after site development.
- (3) Landscaping plans shall emphasize the use of native shade trees in available yard area, especially front and side yards and parking areas. Shade trees shall be placed to interrupt the facades of buildings, to visually reduce the scale and bulk of large buildings, to integrate the site with the surrounding landscape and to enhance environmental quality. Flowering ornamental trees should only be used to complement shade trees in instances where large yard areas exist, or where space limitations prevent the planting of larger shade trees.
- (4) A mix of evergreen and flowering shrubs and bushes should be used adjacent to buildings, within planting beds and to compliment

ARTICLE 3. GENERAL DEVELOPMENT STANDARDS

shade trees and other landscaping features. Landscaping plans should emphasize species that are native to Vermont.

- (5) The DRB may require a maintenance plan for all proposed landscaping. The landowner shall replace dead and dying plants and trees within one year.
- (C) **Screening.** Development shall provide sufficient screening. When the DRB determines that topographical or other barriers do not provide adequate screening, it may require additional landscaping, berms, and/or walls and fences be installed.
- (1) Screening may be required in the following cases:
 - (a) Where more intensive land uses are proposed to abut less intensive uses.
 - (b) Adjacent to garbage collection and utility areas, dishes or antennas, outdoor storage, and loading areas and other outdoor utilities and facilities.
 - (c) When the project adversely impacts adjacent properties (i.e., lighting, outdoor storage, etc.), or when contiguous land uses and activities will adversely impact on the development (i.e., roads or incompatible uses).
 - (2) Screening should provide a year-round visual screen, particularly from roads. A diversity of materials should be used to create an interesting, naturalized screen rather than a large expanse of uninterrupted, uniform material. Materials may include fencing, shade trees, evergreen and flowering shrubs, rocks, mounds or combinations of materials to achieve the same objectives.
- (D) **Specific Standards for Large-Scale Uses.** In addition to the general standards in Paragraphs (B) and (C) above, the following landscaping and screening requirements shall apply to all new non-residential structures or uses with a building footprint of 3,000 square feet or more:
- (1) The applicant shall submit a site landscaping plan that presents the location and quantity of all project plantings. The applicant shall also submit a planting schedule keyed to the site landscaping plan that lists the botanical and common names, size at planting and quantity of all project plantings. Use of native plants is encouraged.
 - (2) Landscaping shall be considered an integral component of the approved project. The applicant shall replace any landscaping that dies, is removed or otherwise requires replacement within one year. Such replacement landscaping shall be equivalent in species and size to the original landscaping unless the applicant can demonstrate to the satisfaction of the ZA that site conditions require an alternative species of comparable size.

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NATIVE TREES AND SHRUBS:

Medium Shrubs

Red Chokeberry (*Aronia arbutifolia*)
Buttonbush (*Cephalanthus occidentalis*)
Silky Dogwood (*Cornus amomum*)
Gray Dogwood (*Cornus racemosa*)
Redosier Dogwood (*Cornus sericea*)
American Hazelnut (*Corylus americana*)
Winterberry (*Ilex verticillata*)
Spicebush (*Lindera benzoin*)
Mtn. Holly (*Nemopanthus mucronatus*)
American Elder (*Sambucus canadensis*)
Red Elder (*Sambucus pubens*)
Highbush Blueberry (*Vaccinium corymbosum*)
Witherod Viburnum (*Viburnum cassinoides*)
Arrowwood Viburnum (*Viburnum dentatum*)
American Cranberrybush Viburnum (*Viburnum trilobum*)

Large Shrubs and Small Trees

Striped Maple (*Acer pennsylvanicum*)
Mountain Maple (*Acer spicatum*)
Downy Serviceberry (*Amelanchier arborea*)
Apple Serviceberry (*Amelanchier x grandiflora*)
Allegheny Serviceberry (*Amelanchier laevis*)
American Hornbeam (*Carpinus caroliniana*)
Pagoda Dogwood (*Cornus alternifolia*)
Flowering Dogwood (*Cornus florida*)
Witchhazel (*Hamamelis virginiana*)
Chokecherry (*Prunus virginiana*)
Shining Sumac (*Rhus copallina*)
Smooth Sumac (*Rhus glabra*)
Staghorn Sumac (*Rhus typhina*)
Pussy Willow (*Salix discolor*)
Showy Mountainash (*Sorbus decora*)
Nannyberry Viburnum (*Viburnum lentago*)
Blackhaw Viburnum (*Viburnum prunifolium*)

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NATIVE TREES AND SHRUBS:

Medium and Large Deciduous Trees

Red Maple (*Acer rubrum*)
 Silver Maple (*Acer saccharinum*)
 Sugar Maple (*Acer saccharum*)
 Speckled Alder (*Alnus rugosa*)
 Yellow Birch (*Betula alleghaniensis*)
 Black Birch (*Betula lenta*)
 Paper Birch (*Betula papyrifera*)
 Gray Birch (*Betula populifolia*)
 Shagbark Hickory (*Carya ovata*)
 Hackberry (*Celtis occidentalis*)
 American Beech (*Fagus grandifolia*)
 White Ash (*Fraxinus americana*)
 Green Ash (*Fraxinus pennsylvanica*)
 Black Gum (*Nyssa sylvatica*)
 Ironwood (*Ostrya virginiana*)
 Sycamore (*Platanus occidentalis*)
 Quaking Aspen (*Populus tremuloides*)
 Black Cherry (*Prunus serotina*)
 White Oak (*Quercus alba*)
 Swamp White Oak (*Quercus bicolor*)
 Scarlet Oak (*Quercus coccinea*)
 Bur Oak (*Quercus macrocarpa*)
 Chinkapin Oak (*Quercus muehlenbergii*)
 Pin Oak (*Quercus palustris*)
 Red Oak (*Quercus rubra*)
 Black Oak (*Quercus velutina*)
 Sassafras (*Sassafras albidum*)
 American Linden (*Tilia americana*)
 American Elm (*Ulmus americana*)

Conifer Trees

Balsam Fir (*Abies balsamea*)
 Eastern Red Cedar (*Juniperus virginiana*)
 Eastern Larch (*Larix laricina*)
 White Spruce (*Picea glauca*)
 Black Spruce (*Picea mariana*)
 Red Pine (*Pinus resinosa*)
 Eastern White Pine (*Pinus strobus*)
 American Arborvitae (*Thuja occidentalis*)
 Canadian Hemlock (*Tsuga canadensis*)

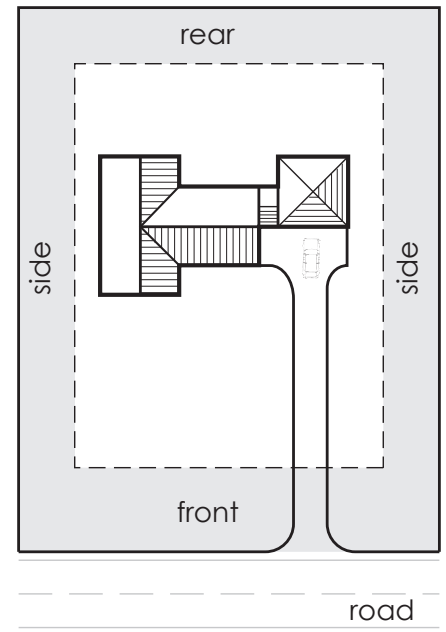
- (3) **Foundation Plantings.** A minimum of 30% of the building’s total foundation, including a minimum of 50% along the building’s front façade, shall be planted with landscaping as specified in Table 3-A. Preferred locations for such landscaping are near entrances and facades facing public roads.
- (4) **Plantings along Roads and Driveways.** Landscaping shall be planted within a minimum 30-foot wide green strip buffer adjacent to all public roads, and along and within a minimum 15-foot wide green strip buffer adjacent to all private roads and driveways including parking lot connectors, circulation drives (including those adjacent to buildings) and loading areas as specified in Table 3-A.
- (5) **Plantings in Parking Lot Islands.** Parking lot islands shall be landscaped as specified in Table 3-A. All landscaped areas shall be a minimum 10 feet in width in their smallest dimension and tree wells shall be a minimum 36 square feet in area.

TABLE 3-A: PLANTING REQUIREMENTS		
	Plants per 20 feet of foundation	
1	1.5-inch caliper tree; and	
5	Shrubs.	
	Plants per 50 feet of road and driveway frontage	
3	2.5-inch caliper trees; or	
6	4-foot high understory trees; or	
10	12-inch high evergreen shrubs; or	
10	15-inch high deciduous shrubs.	
	Plants per parking lot island	
1	2.5-inch caliper canopy tree; and	
1	4-foot high understory tree; and	
5	12-inch high evergreen or 15-inch high deciduous shrubs	

- (6) **Landscaping in Village Center.** The DRB may modify the requirements of Subparagraph (D)(3) and (4) above within the Village Center district in accordance with the district standards specified in Section 2.04(E) of these regulations. The applicant shall prepare an estimate of the cost of providing the landscaping required by Subparagraph (D)(3) and (4) above and shall demonstrate that an equivalent amount is being spent on public amenities designed to achieve the purposes of the Village Center district.
- (7) **Screening of Service and Storage Areas and Equipment.** Service areas and equipment and outdoor storage shall be screened as viewed from the public road in accordance with the following:

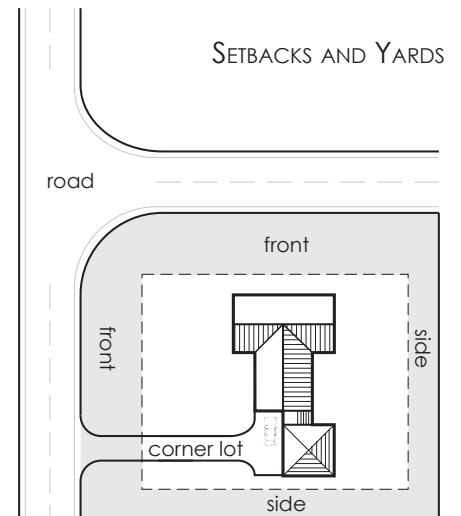
ARTICLE 3. GENERAL DEVELOPMENT STANDARDS

- (a) Ground- and wall-mounted mechanical equipment, refuse containers and permitted outdoor storage shall be fully concealed from ground level view with materials identical to those on the building exterior.
- (b) All trash collection areas that are not within an enclosed building shall be screened or recessed so that they are not visible and they shall be located outside required setbacks or at least 20 feet from any lot line, whichever is greater. Screening and landscaping of these areas shall conform to the predominant materials used on the site.
- (c) Loading docks shall be screened by walls matching the building's exterior or fully opaque landscaping.
- (d) Rooftop equipment shall be screened by parapets, upper stories or exterior walls from view from public roads within 1,000 feet.
- (e) Gates and fencing may be used for security and access, but not for screening. Chain link, wire mesh or wooden stockade-style fencing is not acceptable screening.



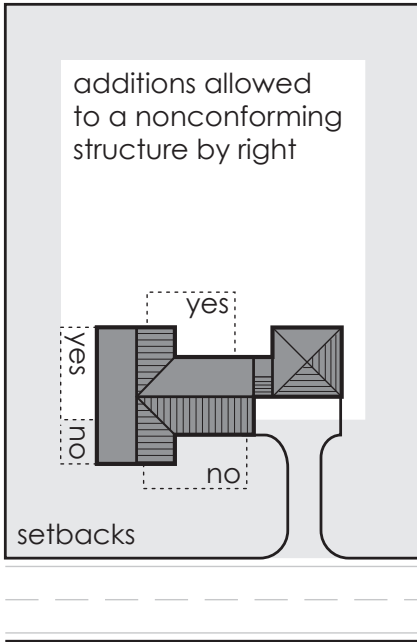
SECTION 3.10. LOTS, SETBACKS AND YARDS

- (A) Only a single principal use or structure may be located on a lot, unless permitted within the specific district as a mixed use or otherwise approved by the DRB as part of a PUD.
- (B) An accessory structure or use shall conform to all setback, lot coverage and other dimensional standards for the district in which it is located.
- (C) No lot shall be so reduced in area that it cannot conform to lot size, setback, lot frontage, lot coverage and other dimensional standards set forth in these regulations, except as approved by the DRB as part of a PUD.
- (D) Space required under these regulations to satisfy area, yard, or other open space requirements in relation to one building shall not be counted as part of a required open space for any other principal building.
- (E) An interior lot shall meet minimum setbacks from all property lines equal to the greatest setback distance for the district in which it is located.
- (F) Any yard adjoining a road shall be considered a front yard. A corner lot shall be considered to have only front and side yards and setbacks.
- (G) Above grade projections from a building such as roof overhangs, balconies, sills, cornices or similar architectural features may be permitted to extend up to 30 inches into required yards, except



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DEGREE OF NONCONFORMITY

See 24 VSA § 4412(7) and § 4412(2)(B).

See 24 VSA § 4412(2)(A).

that no projection shall extend over a public or private right-of-way unless otherwise approved by the DRB.

SECTION 3.11. NONCONFORMITIES

- (A) **Purpose.** Any lot, structure, part of a structure or use that is not in compliance with the provisions of these regulations, but was lawfully established prior to the effective date of these regulations, shall be deemed a nonconformity. It is the goal of the Town of St. George that nonconformities shall over time cease to exist, become conforming or at a minimum continue to be used in a manner that does not increase their degree of nonconformity. Nonconformities shall be regulated and only allowed to continue indefinitely as outlined in this section.
- (B) **Merger of Nonconforming Lots.** A nonconforming lot shall be deemed merged if it comes into common ownership with one or more contiguous lots and may not be separately conveyed unless it meets all of the criteria below:
 - (1) The nonconforming lot was developed with a water supply and wastewater disposal system as of the effective date of these regulations;
 - (2) At the time of transfer, each water supply and wastewater system is functioning in an acceptable manner; and
 - (3) The deeds of conveyance create appropriate easements on both lots for replacement of one or more wastewater systems, potable water systems, or both, in case there is a failed system or failed supply as defined in 10 VSA Chapter 64.
- (C) **Development of Nonconforming Lots.** An undeveloped nonconforming lot may be developed in accordance with the standards of the district in which it is located if the lot:
 - (1) Was legally subdivided;
 - (2) Was in existence on or before the effective date of these regulations;
 - (3) Is at least 1/8 acre in area; and
 - (4) Is at least 40 feet wide and deep.
- (D) **Use of Nonconforming Lots.** A lawfully developed nonconforming lot:
 - (1) May continue in its current use and configuration.
 - (2) May, after receiving all applicable approvals and permits, be further developed and used in accordance with the standards of the district in which it is located.

(E) Nonconforming Structures. A nonconforming structure:

- (1) May undergo normal repair and maintenance without a permit provided that such action does not increase the structure's degree of nonconformity.
- (2) May be restored or reconstructed after damage from any cause provided that the reconstruction does not increase the degree of nonconformity that existed prior to the damage, and provided that a permit is obtained within 6 months of the date the damage occurred.
- (3) May be structurally enlarged, expanded or moved, after receiving a permit from the ZA, provided that the degree of nonconformity is not increased. As per Section 7.08 of these regulations, the DRB may grant a waiver to dimensional requirements that may allow increases in a structure's degree of nonconformity.
- (4) May, subject to conditional use approval by the DRB in accordance with the provisions of Article 5 and Section 7.09 of these regulations, be structurally altered or expanded in a manner that would increase the degree of nonconformity for the sole purpose of meeting mandated state or federal environmental, health, accessibility, safety or energy regulations that would allow for the continued use of the structure.

(F) Nonconforming Uses. A nonconforming use:

- (1) Shall not be moved from one lot to another where it is also a nonconforming use.
- (2) Shall not be re-established if the use has been changed to or replaced by a conforming use for a period greater than 6 months.
- (3) Shall not be re-established if the use has been discontinued for a period greater than 6 months.
- (4) Shall not be intensified by any means whatsoever, except with the approval of the DRB subject to conditional use review in accordance with the provisions of Article 5 and Section 7.09 of these regulations.
- (5) Shall not be extended to displace a conforming use.

COMMON ABBREVIATIONS:

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LIGHTING FIXTURE GUIDELINES



THIS



NOT THIS



THIS



NOT THIS



THIS



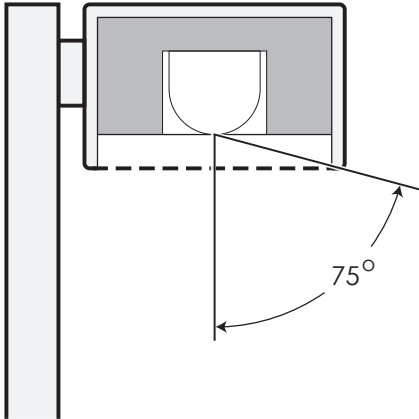
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SECTION 3.12. OUTDOOR LIGHTING

- (A) Purpose.** The town's rural character is enhanced by the ability to clearly view and enjoy the night sky largely free from light pollution. While some outdoor lighting may be necessary for safety and security, inappropriate, poorly designed, or improperly installed outdoor lighting can create unsafe conditions and nuisances for adjoining property owners, cause sky glow that obstructs views of the night sky, and result in unnecessary energy consumption.

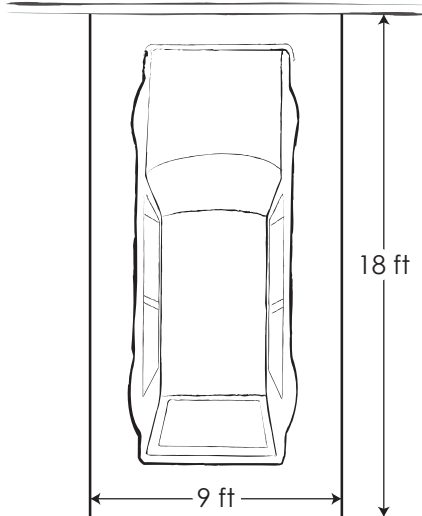
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SHIELDED LIGHT FIXTURES REQUIRED

PARKING SPACE MINIMUM DIMENSIONS



(B) **General Standards.** To allow for appropriate outdoor lighting, the following standards shall apply to all outdoor lighting installations with the exception of temporary holiday light displays and street lighting, which are exempt from these requirements.

- (1) All outdoor lighting shall be kept to the minimum required for safety, security and intended use.
- (2) Outdoor lighting shall not have an undue adverse impact on the character of the area in which it is located.
- (3) Permanent outdoor light fixtures shall not direct light upward or onto adjacent properties, public roads or public waters.
- (4) Outdoor light fixtures shall be cast downward and be designed to minimize glare. Such fixtures may include recessed, shielded or cut-off fixtures, or low luminance lamps.
- (5) Outdoor light fixtures shall include timers, dimmers or sensors to reduce energy consumption and eliminate unnecessary lighting.
- (6) Outdoor light fixtures associated with nonresidential uses, except for approved security lighting, shall be illuminated only during business hours.

(C) **Standards for Large-Scale Uses.** The following standards shall apply to outdoor lighting associated with the development or use of non-residential structures with a building footprint of 3,000 square feet or more.

- (1) Lighting plans shall be submitted for all proposed exterior lighting drawn to a scale of 1 inch = 20 feet and shall include the location and type of lighting equipment, the manufacturer's specification sheets and point-by-point calculated illuminance values noted on a 10-foot grid.
- (2) The following lighting criteria shall not be exceeded:
 - (a) **Parking lots.** An average of 1.5 foot-candles throughout, a maximum of 6 foot-candles, and a maximum-to-minimum uniformity ratio of 20:1 foot-candles.
 - (b) **Intersections.** An average of 3 foot-candles throughout, a maximum of 6 foot-candles, and a maximum-to-minimum uniformity ratio of 20:1 foot-candles.
 - (c) **Property lines.** A maximum of 0.1 foot-candles.
- (3) The maximum height of freestanding lights shall be the lesser of the height of the principal building or 20 feet as measured from the lowest grade at ground level.
- (4) All lights shall have shielding to provide a beam cut-off at no more than 75 degrees nadir.

(D) **Waiver.** The DRB may waive or modify the requirements of this section, in accordance with Section 7.08, if it finds that doing so

ARTICLE 3. GENERAL DEVELOPMENT STANDARDS

shall not violate the stated purpose of this section; or it finds that a waiver or modification is needed to protect public safety, or to meet an overriding public purpose such as lighting a public building or monument.

SECTION 3.13. PARKING, LOADING AND SERVICE AREAS

(A) **Parking.** For every structure or use erected, established, altered, extended or changed, associated off-street parking spaces shall be provided on the same lot, or on adjacent lots under common ownership or permanent easement, as set forth below:

- (1) **Spaces Required.** An appropriate number of parking spaces as determined by the proposed use shall be provided in accordance with the guidance provided in Table 3-B. It is the purpose of this section to limit the amount of surface parking to the minimum necessary to accommodate proposed development. To that end, the DRB may waive or modify parking requirements based on the specific use, predicted parking needs, public and shared parking availability, and other relevant factors. No provision of these regulations shall be interpreted to limit the parking of personal passenger vehicles within any driveway serving a single-family or two-family dwelling.
- (2) **Dimensional Requirements.** All required parking spaces shall have a minimum width of 9 feet, a minimum length of 18 feet, unobstructed access and maneuvering room, and a gravel or paved surface sufficient to permit year-round use unless otherwise approved by the DRB.
- (3) **Access.** Each space shall be provided access to the road through a drive or aisle not less than 10 feet in width for one-way and 20 feet in width for two-way traffic. Parking areas shall be laid out so as not to require or permit vehicles to back onto the road.
- (4) **Location on the Lot.** Parking areas for multi-family residential and non-residential uses shall be located behind the building frontline and outside required setbacks, unless otherwise approved by the DRB.
- (5) **Accessibility Requirements.** All multi-family, public, commercial and industrial developments shall provide adequate, clearly marked handicapped parking spaces in accordance with state and federal (ADA) requirements.
- (6) **Bicycle Parking.** The DRB may require at least one bicycle rack for use by employees and/or the public.
- (7) **On-Street and Public Parking.** Where a lot fronts upon a public or private road on which on-street parking is allowed, the on-site parking requirements for that lot may be reduced by:

COMMON ABBREVIATIONS:

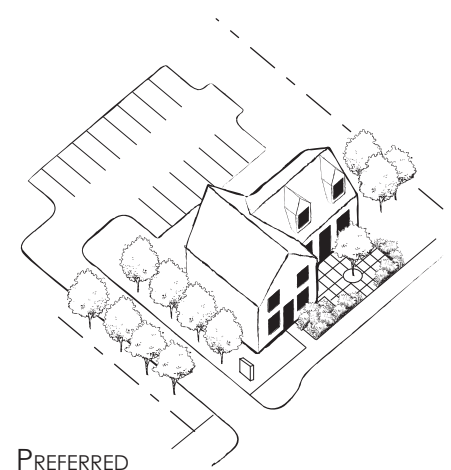
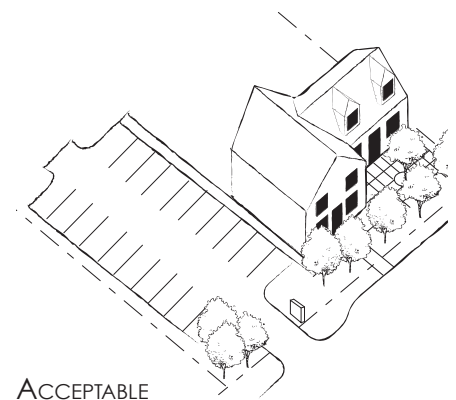
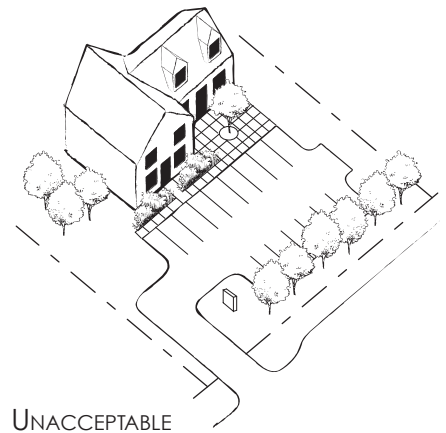
DRB: Development Review Board

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Examples of well-screened and/or landscaped parking lots.



TABLE 3-B: PARKING SPACE GUIDELINES

Min	Max		Residential Uses
2.00	2.50	x unit	Single- or 2-family dwelling, 2-bedroom unit
1.00	2.50	x unit	Accessory & elderly dwelling, 1-bedroom unit
0.50	1.00	x bed & employee ¹	Group homes
Min	Max		Public and Civic
0.25	0.50	x seat	Place of assembly with fixed seating
0.25	0.50	x max capacity	Place of assembly without fixed seating
0.10	7.00	x acre	Outdoor place of assembly
0.10	1.00	x student & employee ¹	Education facility
1.00	2.50	x employee ¹	Healthcare facility
1.00	2.00	x employee ¹	Daycare facility
Min	Max		Commercial
0.25	1.00	x stall	Stable
0.10	0.50	x animal capacity	Kennel
0.25	1.00	x seat	Eating and drinking establishment
1.50	2.50	x employee ¹	Financial services facility
0.10	0.50	x max capacity	Retail store
1.00	5.00	x repair bay & employee ¹	Vehicle/equipment repair/service
1.50	2.50	x employee ¹	Vehicle/equipment sales (excludes display area)
1.00	2.50	x employee ¹	Office, personal service
0.75	1.25	x room & employee ¹	Lodging
Min	Max		Industrial
1.00	2.00	x employee ¹	Industrial use (excludes vehicles stored on-site)
Min	Max		Working Landscape and Open Space
1.00	2.00	x employee ¹	Extraction (excludes vehicles stored on-site)
1.00	7.00	x employee ¹	Nursery (excludes vehicles stored on-site)
1.50	5.00	x seller	Farmers' market

¹ Number of employees shall be calculated based on the largest shift.

The DRB shall establish the required number of parking spaces for any use not specifically listed in this table.

- (a) 1 space for every 20 linear feet of frontage where parking is permitted (excluding frontage used for driveway accesses, pedestrian crosswalks, and/or service areas) or each clearly marked space along such frontage; and
- (b) 1 space for every 5 marked public spaces or 100 linear feet of road where parking is permitted located within 600 feet of the building or use not including those spaces counted in Subparagraph (a) above.

ARTICLE 3. GENERAL DEVELOPMENT STANDARDS

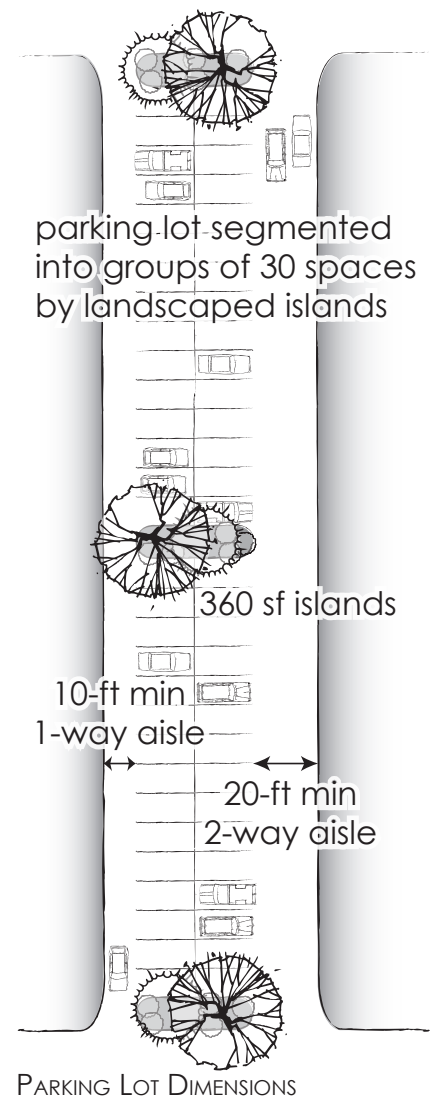
TABLE 3-C: SHARED PARKING FACTORS FOR MIXED-USE PROJECTS			
	Lodging / Dining	Office	Retail
Residential	1.2	1.4	1.2
Lodging / Dining		1.7	1.3
Office			1.2

To calculate required off-street parking for mixed-use projects, add up the number of parking spaces required for each individual use and divide by the appropriate factor.

- (8) **Tandem Parking.** The DRB may approve tandem or stacked parking for residential uses and dedicated employee-only parking upon finding that such parking does not create unsafe circulation on the site. If tandem parking is allowed, the first space shall have unobstructed access while the second space may be accessed through the first space.
 - (9) The DRB may require shared parking and/or landscaping, screening, lighting, snow removal, pedestrian or transit facilities as a condition of approval.
- (B) **Shared Parking.** Within the Village Center, Village Neighborhood and Medium Density Residential districts, parking requirements may be adjusted in accordance with the following:
- (1) Parking requirements for mixed-use projects may be reduced in accordance with Table 3-C.
 - (2) Off-street parking requirements for multiple lots are permitted to be calculated together provided the allocated parking spaces for each building or use are within 600 feet of the building or use.
 - (3) Shared parking for 2 or more adjoining lots may be constructed across any common side or rear lot lines. The DRB may require an access easement if access to the parking area will be solely through a single parcel.
- (C) **Parking Lot Islands and Landscaping.** Parking lots consisting of 20 or more spaces shall be designed in accordance with the following:
- (1) **Low-Impact Development.** Applicants are encouraged to design parking lots in accordance with low-impact development techniques to allow for filtration and infiltration of stormwater. The DRB may waive or modify parking lot design and landscaping requirements to accommodate such practices.
 - (2) Parking lots shall be segmented visually and functionally into distinct parking areas of no more than 30 spaces by landscaped islands.
 - (3) Landscaped islands shall be sited at the end of each parking aisle and within parking aisles. Islands at the ends of aisles shall be counted toward meeting this requirement.

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LOW-IMPACT DEVELOPMENT EXAMPLE

- (4) Each required landscaped island shall be a minimum of 180 square feet in landscaped area with a minimum width of 10 feet.
 - (5) **Landscaping.** Parking lot islands shall be landscaped in accordance with the requirements of Table 3-A in Section 3.09 of these regulations.
- (D) **Loading and Service Areas.** Development that will require the frequent or regular loading of goods or passengers shall provide sufficient on-site service areas in accordance with the following:
- (1) All loading and service areas shall be clearly marked and located in such a manner so that parked vehicles will not block or obstruct sight visibility at intersections or from any internal road or access.
 - (2) With the exception of passenger pick-up or drop-off areas, loading and service areas shall be located behind the building frontline or to the side or rear of the structure they are serving.
 - (3) All vehicle movements for loading, unloading, and deliveries shall be made off the road right-of-way.
 - (4) Service areas may also be required for emergency vehicles, waste disposal and collection, transit service, or other purposes as necessitated by the proposed use.

SECTION 3.14. PERFORMANCE STANDARDS

- (A) The following performance standards, as measured at the property line, shall apply to all uses in all districts, except for agriculture and forestry uses complying with accepted agricultural and best management practices. In determining whether these standards have been violated, the DRB and ZA shall consider whether the activity in question prevents the reasonable use and enjoyment of nearby property or adversely impacts the character of the area as described in the applicable section(s) of Article 2 of these regulations and the *St. George Town Plan*. In determining ongoing compliance, the burden of proof shall fall on the applicant and all subsequent property owners or operators.
- (1) **Noise.** No regularly occurring noise that is excessive at the property line and represents a significant increase in noise levels near the development so as to be incompatible with the reasonable use of the surrounding area shall be permitted. Specifically, the sound pressure level shall not exceed 70 decibels (dBA) at the property line for more than a period or periods aggregating 30 minutes in any 24 hours and the sound pressure level shall not exceed 85 decibels (dBA) at the property line at any time. Noise generated by activities customary on residential property (i.e., lawn mowing) shall be exempt from this provision. The DRB may modify or waive these requirements during construction or similar special circumstance for a period of up to 1 year in accordance with Section 7.08 of these regulations.
 - (2) **Vibration.** No clearly apparent vibration that, when transmitted through the ground, is discernible at property lines without the aid of instruments shall be permitted. The DRB may modify or waive this requirement during construction or similar special circumstance for a period of up to 1 year in accordance with Section 7.08 of these regulations.
 - (3) **Glare, Lights and Reflection.** No glare, lights or reflection shall be permitted that adversely affect other property owners or tenants, that could impair the vision of a driver of any motor vehicle, or that are detrimental to public health, safety and welfare. However, reflections from solar energy collectors that are part of an operating solar energy system shall not be regulated under these performance standards.
 - (4) **Fire, Explosives and Safety.** No fire, explosive or safety hazard shall be permitted that significantly endangers other property owners or that results in a significantly increased burden on municipal facilities. The storage of any highly flammable liquid in above ground tanks shall comply with Vermont Fire and Building Safety Code and any applicable federal regulations. The storage of any highly flammable liquid in underground tanks shall comply with Vermont Environmental Protection Rules and any applicable federal regulations.

ARTICLE 3. GENERAL DEVELOPMENT STANDARDS

- (5) **Smoke, Fly Ash, Dust, Fumes, Vapors, Gases and Other Forms of Air Pollution.** No emission shall be permitted that can cause any property damage, pose a hazard to the health of people, animals or vegetation, or that can cause any excessive soiling at any point on the property of others. No parked vehicle shall be allowed to idle for a period of more than 5 minutes unless idling is necessary to the intended use of a non-passenger vehicle (loading, mixing, refrigeration, etc.) or to operate equipment (defrosters, heaters, air conditioners, etc.) to when required to protect passenger health or safety. All emissions shall comply with Vermont Environmental Protection Rules and any applicable federal regulations.
- (6) **Heat, Cold, Moisture, Mist, Fog or Condensation.** No releases of heat, cold, moisture, mist, fog or condensation that are detrimental to neighboring properties and uses, or the public health, safety, and welfare shall be permitted.
- (7) **Liquid or Solid Waste and Refuse.** No discharge shall be permitted at any point into any sewage disposal system or water course or lake or into the ground, except in accord with standards approved by the state Department of Health, Department of Environmental Conservation or other regulatory department or agency, of any materials of such nature or temperature as can contaminate any water supply or otherwise cause the emission of dangerous or offensive elements. There shall be no accumulation of solid wastes or refuse conducive to the breeding of rodents or insects.
- (8) **Electromagnetic Fields, Radiation and Interference.** Except from telecommunications facilities that are specifically licensed and regulated through the Federal Communications Commission, no electromagnetic disturbances or electronic transmissions or signals that will repeatedly and substantially interfere with the reception of radio, television, or other electronic signals, or that are otherwise detrimental to public health, safety and welfare shall be permitted.
- (9) **Radioactivity and Other Hazards.** No radioactive emission or other hazard that endangers the public health, safety or welfare, public facilities, or neighboring properties; or that results in a significantly increased burden on municipal facilities and services shall be permitted.

SECTION 3.15. RIPARIAN BUFFERS

- (A) **Buffer Establishment.** To prevent soil erosion, protect critical wildlife habitat and travel corridors, and maintain water quality, riparian buffers shall be maintained for a minimum of 25 feet from all Class 3 wetlands, and for a minimum of 50 feet from all Class 2 wetlands and streams. Buffer distances shall be measured from the

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See 24 VSA § 4414(5).



UNDESIRABLE CONDITION



PREFERRED CONDITION

top of slope for streams or delineated boundary for wetlands. Any areas within a riparian buffer that are not vegetated or that are disturbed during construction shall be seeded with a naturalized mix of grasses rather than standard lawn grass. The DRB, as a condition of development or subdivision approval, may require the establishment of larger buffers if deemed necessary to achieve the purposes of this section.

- (1) The DRB may waive or reduce minimum riparian buffer distances from wetlands upon the applicant's submittal of a decision by the Vermont Natural Resources Board indicating that the action sought by the applicant is consistent with the Vermont Wetland Rules.
 - (2) The DRB may waive or reduce minimum riparian buffer distances from streams upon the applicant's submittal of a Stream Alteration Permit for a stream crossing structure or bank stabilization from the Vermont Agency of Natural Resources.
- (B) **Development Prohibited.** No development, excavation, fill or grading shall occur within the buffer strip, and vegetation shall be left in an undisturbed state, with the exception of minimum clearing and associated site development necessary to accommodate the following undertaken in accordance with all applicable state and federal rules and regulations:
- (1) Road, driveway and utility crossings.
 - (2) Stream bank stabilization and restoration projects.
 - (3) Recreation paths or trails and other public recreation facilities.
- (C) **Buffer Maintenance.** Removal of dead trees or trees of immediate threat to human safety as well as reasonable pruning of existing trees shall be permitted. The creation of new lawn areas within riparian buffers shall not be permitted. Property owners are encouraged to retain or allow the growth of woody vegetation within riparian buffers, but shall be permitted to mow or brush-hog within the buffer not more than twice in a calendar year. Property owners already encroaching on the riparian buffer are encouraged to return mowed areas to their naturally vegetated state. Supplemental planting with appropriate native vegetation to restore and enhance the effective filtering and bank stabilization functions of a riparian buffer is encouraged.

SECTION 3.16. SIGNS

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

ARTICLE 3. GENERAL DEVELOPMENT STANDARDS

- (B) **Applicability.** A zoning permit shall be required before the erection, construction, modification or replacement of any sign, except for signs that are specifically exempted as per Paragraph (C) of this section.
- (C) **Exemptions.** No zoning permit shall be required for the following signs. Exempt signs shall not be included in the calculation of the total sign area as per Paragraph (F)(2) of this section.
- (1) Signs erected by state or town officials.
 - (2) Flags, other than the United States or Vermont flag, and banners intended solely for ornamental or non-advertising purposes.
 - (3) The U.S. or Vermont flag flown in accordance with applicable federal or state flag regulations and intended for non-advertising purposes.
 - (4) Temporary auction lawn or garage sale signs, which shall be removed immediately following the event
 - (5) 1 temporary real estate sign not to exceed 6 square feet in area, which shall be removed immediately following sale.
 - (6) 1 sign not to exceed 6 square feet in area advertising the architect, engineer or contractor working or responsible for a project on the premises upon which the sign is located to be in place while construction is ongoing.
 - (7) 1 non-illuminated or non-glowing “Open” sign or flag not to exceed 6 square feet in area.
 - (8) Temporary election signs to be posted and removed in accordance with state law.
 - (9) Signs or bulletin boards incidental to places of worship, schools, libraries or public facilities, not to exceed 1 per establishment and not to exceed 16 square feet in area and 6 feet in height above the ground.
 - (10) Temporary signs or banners advertising non-commercial public events, which shall be removed immediately following the event.
 - (11) Signs, not to exceed 2 square feet in area, relating to trespassing or hunting, identifying the residents of a dwelling, providing directions or information, or other similar non-advertising purpose.
 - (12) Historic markers, memorial signs or plaques, or names of buildings and dates of erection when cut into any masonry surface or when constructed of bronze, stainless steel or similar material.
 - (13) Up to 2 temporary signs, each 10 square feet or less in area, placed on the premises of a business for the purpose of advertising sales or specials in accordance with the location and design requirements of this section for a period of not more than 14 consecutive days nor more than a total of 56 days in any calendar year.

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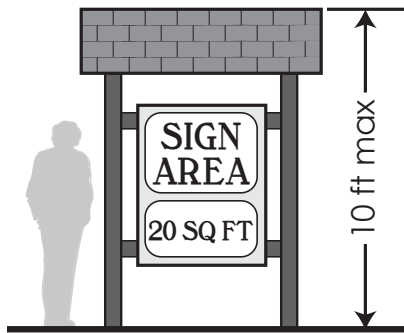


ELECTRONIC MESSAGE & INTERNALLY ILLUMINATED SIGNS PROHIBITED



COMMON ABBREVIATIONS:

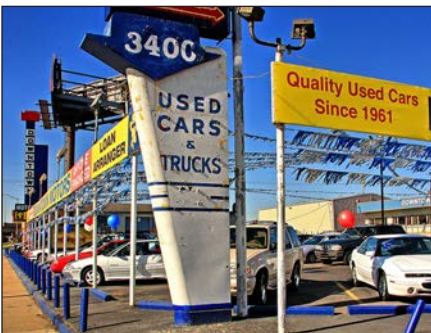
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MAXIMUM SIGN AREA & HEIGHT

Maximum sign area reduced in Village Center zoning district to reflect desired pedestrian scale and character.

PENNANTS, BALLOONS, ETC. PROHIBITED



- (14) 1 portable sign in accordance with Paragraph (H) of this section.
- (15) Signs not to exceed 1 square foot in area placed on the interior side of a window or glass door in accordance with Subparagraph (F) (8) of this section.

(D) **Signs Prohibited.** The following types of signs shall be expressly prohibited in the Town of St. George:

- (1) Internally illuminated signs.
- (2) Electronic message signs.
- (3) Roof signs.
- (4) Off-premise signs.

(E) **Number of Signs.**

- (1) Not more than 2 signs may be erected or maintained advertising or otherwise relating to a single business or activity, not including signs exempt under Paragraph C, unless otherwise specified in these regulations.
- (2) Not more than 1 freestanding sign may be erected or maintained upon any single premises, unless otherwise specified in these regulations.

(F) **Size, Height and Components of Signs.** Unless otherwise specified in these regulations, all signs shall comply with the following requirements.

- (1) **Maximum Size.** No sign shall be erected or maintained having a sign area greater than 20 square feet in the Village Center District or 32 square feet in all other zoning districts, except that:
 - (a) **Illuminated Signs.** Except for halo signs, no sign wholly or partially constructed of neon, LEDs or similar glowing materials shall have a sign area greater than 4 square feet. Internally illuminated signs shall be expressly prohibited.
- (2) **Total Sign Area.** If 2 signs are erected or maintained with respect to a given activity, the total sign area of the 2 signs shall not exceed 30 square feet in the Village Center District or 48 square feet in all other zoning districts.
- (3) **Height.** No freestanding sign shall exceed 10 feet in overall height, measured from the lowest level of natural ground immediately beneath the sign to the highest point of the structure.
- (4) **Components.** Signs shall be simple in design and color scheme and shall contain a minimal number of component parts.

(G) **Design and Location of Signs.**

- (1) **Flashing and Moving Lights.** No sign shall be illuminated by or contain flashing, intermittent, rotating or moving lights. All

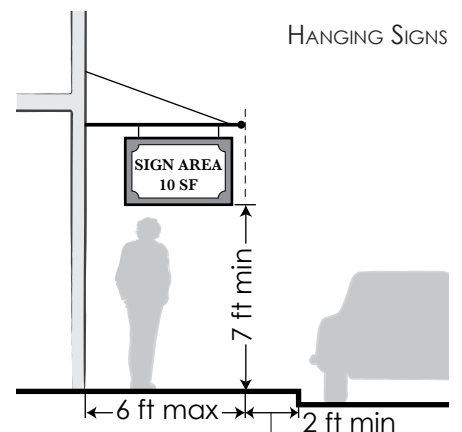
ARTICLE 3. GENERAL DEVELOPMENT STANDARDS

luminous signs, indirectly illuminated signs and lighting devices shall employ only lights emitting light of constant intensity.

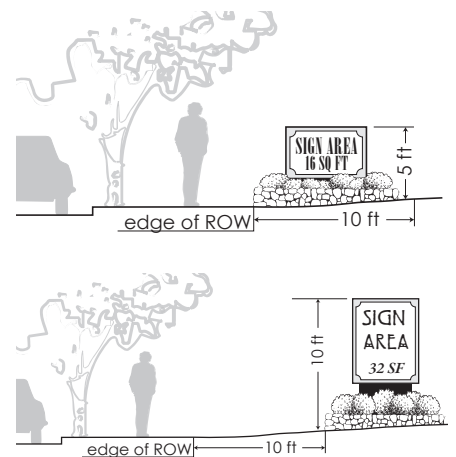
- (2) **Glare and Reflection.** No luminous sign, indirectly illuminated sign or lighting device shall be placed or directed so as to direct beams of light upon any road, sidewalk or adjacent premises in a manner that may constitute a traffic hazard or nuisance. No sign shall in its construction employ any mirror or mirror-like surface, nor any day-glowing or other fluorescent paint or pigment.
- (3) **Motion and Embellishments.** No sign, or part of a sign, may rotate or move back and forth. No sign, or part of a sign, shall contain or consist of any banner, pennant, ribbon, streamer, spinner, balloon or other similar moving, fluttering or revolving device.
 - (a) Such devices, as well as strings of lights, shall not be used for advertising or attracting attention whether or not they are part of any sign. Notwithstanding, strings of lights may be incorporated into a storefront window display that is intended to be viewed primarily by pedestrians on an adjacent sidewalk. Holiday decorations and lights are exempt from regulation under these regulations as per [Section 1.06\(A\)\(14\)](#).
 - (b) A sign does not include the flag or pennant or insignia of any nation or association of nations or of any state, city or other political unit or of any charitable, educational, philanthropic, civic or religious organization. However, no property may display more than 3 flags of a single type or erect a flagpole taller than 20 feet.
- (4) **Product Advertising.** A sign identifying the name of a business shall have not more than 20% of its sign area devoted to advertising products sold on the premises.
- (5) **Placement on the Ground or Structure.** No sign shall be placed upon or be supported by any water body, tree or other natural object rather than the ground. This provision shall not be interpreted to prevent the use of stone as part of a sign or support structure.
- (6) **Wall Signs.** Wall signs shall be placed in a manner that complements the architecture of buildings. A wall sign shall not extend above the eaves, nor block access to any window or door. No wall sign shall project more than 2 feet from the wall of any building.
- (7) **Hanging Signs.** The lowest portion of a hanging sign or its support structure shall be at least 7 feet above the sidewalk or grade directly beneath it. No hanging sign shall project more than 6 feet from the wall of any building or beyond 2 feet from the edge of the sidewalk, whichever is less.



DISTRIBUTOR-TYPE SIGNS PROHIBITED



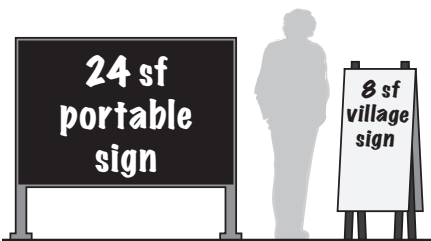
SIGN SIZE AND SETBACKS



COMMON ABBREVIATIONS:

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 ZA: Zoning Administrator
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ACCEPTABLE SIGN LIGHTING



PORTABLE SIGN DIMENSIONS

- (8) **Signs in Windows.** Not more than 25% of any windowpane or door-pane area shall be obscured by signs.
- (9) **Signs on Vehicles.** No vehicle on which is placed or painted any sign intending to advertise the premises shall be parked or stationed on such premises or in a parking space in a manner primarily intended to display the sign.
- (10) **Setbacks.** Front setback requirements shall not apply to signs, except that:
 - (a) No sign shall be erected or maintained within the right-of-way of a public or private road.
 - (b) No free-standing sign exceeding 50% of the maximum sign area allowed in the zoning district or 5 feet in height shall be erected or maintained within 10 feet of the edge of the right-of-way of a public or private road. This minimum setback distance shall not apply to signs attached to any building entirely housing the business or activity with which the signs are principally associated.
- (11) **Hazards.** No sign shall be designed or located to impair public safety, traffic flow or road visibility, specifically:
 - (a) No sign shall impair the visibility of or sight distance for vehicles entering or exiting a road or driveway.
 - (b) No sign shall restrict clear vision between the sidewalk and road.
 - (c) No sign shall be designed so that it could be confused with any traffic sign or signal.
 - (d) No sign shall prevent free access to any door, window or fire escape.
 - (e) Signs shall be constructed to withstand a wind pressure load of at least 30 pounds per square foot.

(H) **Lighting.**

- (1) A constant, shielded, external light source may be used for lighting, if the lighting is directed on the sign or wall surface, preferably from fixtures mounted above or as a halo with lighting behind the sign, and does not have an undue adverse impact on neighboring properties, rights-of-way or vehicular traffic.
 - (a) Illuminance of the sign face by external light fixtures shall not exceed 50 foot-candles as measured on the sign face or wall behind the sign.
 - (b) The light source shall not be visible from adjacent properties or roads.
- (2) No sign shall be illuminated during hours when the premise is not occupied or open for business.

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- (I) **Portable Signs.** A single portable sign not in excess of 8 square feet in area in the Village Center District or 24 square feet in all other districts may be placed on the premises within 10 feet of the front door of the business or location of the activity being advertised, including on the public sidewalk or within the road right-of-way.
- (1) No such sign shall be placed in a parking space or public park, nor shall a portable sign be placed in a manner that would restrict public sidewalks to a width of less than 3 feet.
 - (2) Portable signs shall not be illuminated or embellished with devices as described in Paragraph (F)(3) of this section.
 - (3) Portable signs shall only be placed out when the business being advertised is open.
 - (4) The area of a portable sign shall not be included under Paragraph (E)(2) of this section.
- (J) **Number of Permitted Signs for Mixed Uses.** Notwithstanding the standard governing the number of signs permitted to be erected or maintained on any lot set forth in Paragraph (D) of this section, the following standards shall apply to signs on properties where more than one principal activity is proposed to be conducted on a separate and discrete basis (i.e., a shopping center or other mixed-use project or structure).
- (1) A single free-standing sign not in excess of 40 square feet in sign area nor more than 10 feet in height may be erected identifying the site or building as a whole and the names of the businesses within, but shall not contain any other advertising matter.
 - (2) One individual wall, awning or hanging sign not in excess of 20 square feet in sign area may be erected for each separate principal activity, such as a shop or store.
 - (3) An overall sign design plan for any such site or building shall be required, which shall include the sign design plan or plans for each principal activity within, and shall reflect a reasonable uniformity of design, lettering, lighting and material.
- (K) **Removal and Repair of Signs.** Any sign that no longer advertises an existing business conducted or product sold on the premises upon which such sign is located shall be removed within 90 days. All signs shall be maintained in good condition. Any sign that is abandoned, unsafe, insecure or a menace to the public may be removed by the town at the owner's expense if the owner takes no action to repair or remove such a sign after a notice of violation as per Section 7.22 of these regulations.
- (L) **Nonconforming Signs.** A nonconforming sign shall not be enlarged or replaced by another nonconforming sign. If a project is proposed for a property upon which an existing sign is located, and the existing sign is associated with the principal activity which is the subject of the proposed project but does not conform to these standards, the DRB may require that the non-conforming sign be brought into compliance with these standards. Such requirement that the non-conforming sign be brought into compliance may require the removal of the sign upon the termination of a period calculated to be its remaining economic life based upon actual depreciation schedules. Any maintenance, repair or alteration of a nonconforming sign shall not cost more than the current depreciated value of the sign as of the state of alteration or repair.
- (M) **Computation of Permissible Sign Area.** When computing the total permissible sign area for any use:
- (1) Existing signs shall be included.
 - (2) Exempt signs shall not be included.

- (3) Signs consisting of freestanding letters, numerals or other devices shall include any intervening spaces between them.
 - (4) Only the larger faced area of a double-faced sign shall be used.
 - (5) In the case of three-dimensional signs, the calculated area shall be the total surface area of the three-dimensional sign visible as viewed from the public way.
- (N) **Application Requirements.** All applicants shall submit a drawing of the proposed sign showing all dimensions, sign design, color, lighting (including light fixture type and intensity), mounting method and location on property, and a description including dimensions, of all existing signs on the property.

SECTION 3.17. SLOPES, EROSION AND STORMWATER

- (A) **Development Conditional.** All development involving the excavation, filling and/or regrading of land characterized by a slope of 15% or greater, as measured over any 50-foot section, shall be subject to review and approval by the DRB as conditional use in accordance with the provisions of Article 5 and Section 7.09 of these regulations. DRB approval shall be contingent upon the submission of an adequate erosion and sedimentation control plan. Such a plan shall be prepared by a licensed Vermont engineer, and shall provide detailed information regarding proposed erosion and sedimentation control measures to be employed during all stages of the development (including site preparation, construction and post construction). Where the earthwork is conducted in association with forest management activities, a professional forester may prepare the erosion control plan. The DRB may waive compliance with this provision in situations involving minimal disturbance of the site and/or limited areas of steep slope in which the development clearly poses a negligible risk to water quality, public facilities and roads, and nearby properties.
- (B) **Development Prohibited.** Development shall be prohibited on land characterized by a slope of 25% or greater, as measured over any 50-foot section. Limited site improvements necessary to facilitate development on contiguous land with a slope of less than 25% slope may be allowed by the DRB, subject to the requirements of Paragraph (A) of this section.
- (C) **General Requirements.**
- (1) The DRB may require the preparation and implementation of stormwater management and/or sedimentation and erosion control plans and associated analyses to ensure that site improvements, including excavation, road and driveway construction and site clearing and grading, shall not unduly impact neighboring properties or surface waters. Such plans, if required, shall be prepared by a qualified professional, and include provisions for the inspection and long-term maintenance of stormwater management and erosion control facilities.
 - (2) The DRB may require such temporary and permanent stormwater management and erosion control measures as may be necessary to control surface run-off, sedimentation and water pollution on-site and downstream from the proposed development. Factors to be considered in determining the types of controls necessary shall include pre-development site and run-off conditions, vegetation and ground cover, slope and drainage patterns, soil types (i.e., hydric soils), the percentage of land covered in impervious surfaces, types of pollutants generated, distances to streams and other surface waters, and impact on adjoining properties.
- (D) **Erosion Control on Construction Sites.** All areas exposed during construction shall be protected in accordance with standards of the Vermont Department of Environmental Conservation, the U.S. Natural Resource Conservation Service or other appropriate regulatory body. Permanent vegetation and erosion control measures shall be established according to a schedule as required by the DRB. The DRB also may place limits

on the amount of land to be disturbed at any one time and may stipulate deadlines for the installation of temporary and permanent erosion control or stabilization measures.

(E) Stormwater Management.

- (1) Land shall be subdivided and developed in reasonable conformity to existing topography in order to minimize grading, cut and fill, and to retain, insofar as possible, natural contours, ground cover, and soils. For effective stormwater management, subdivision and/or site design and layout shall, to the extent feasible:
 - (a) Minimize lot frontage and setbacks, development envelope and building footprint areas, in accordance with district standards and other applicable requirements;
 - (b) Minimize the length, width and paved area of roads, driveways and parking areas, in accordance with applicable road and parking standards;
 - (c) Minimize the impervious surface area connected directly to stormwater conveyance systems (i.e., by draining such areas over stable, vegetated pervious areas);
 - (d) Incorporate landscaped areas to absorb stormwater run-off from adjoining impervious surfaces (i.e., yard areas, filter strips and parking lot islands);
 - (e) Incorporate shared driveways and parking areas;
 - (f) Avoid or minimize the use of curbing and gutters;
 - (g) Maximize the use of pervious materials (e.g., for paths, overflow parking, residential driveways);
 - (h) Maintain natural vegetative cover, and designated wetland and riparian buffers;
 - (i) Use vegetated, open channels within road rights-of-way to convey and treat stormwater, where density, topography, soils, and slopes permit; and
 - (j) Incorporate naturally occurring ponding and drainage areas.
- (2) Best management practices (BMPs) as defined by the Vermont Agency of Natural Resources, the U.S. Natural Resource Conservation Service or other accepted regulatory authority shall be used for the purposes outlined below. Best management practices may consist of one or more structural and/or nonstructural techniques, including but not limited to vegetated buffers and filter strips, grassed or lined swales, retention basins, recharge trenches, constructed wetlands, and bio-retention and filtration facilities, but should be appropriate for site conditions and the intended pattern and density of development.
 - (a) Minimize stormwater run-off;
 - (b) Maximize on-site infiltration;
 - (c) Encourage natural filtration functions;
 - (d) Incorporate and/or simulate natural drainage systems; and
 - (e) Minimize the discharge of pollutants to ground and surface waters.
- (3) Control of stormwater run-off flows from all impervious surfaces shall be accomplished by limiting the post-development peak discharge rate from the project site or subdivision so that it does not exceed the pre-development peak discharge rate for a 2-year, 24-hour event. Additional control of treated stormwater (i.e., for 10- , 25- or 100-year, 24-hour storm events) may be required if site conditions warrant the attenuation of larger storm events.

COMMON ABBREVIATIONS:

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- (4) Stormwater facilities, including detention ponds, culverts and ditches, shall be designed to accommodate potential run-off from the entire upstream drainage area at full development, as well as run-off resulting from the proposed development, and should at minimum accommodate a 25-year, 24-hour storm event.
 - (5) The DRB may request determination of the effect of the development on existing downstream drainage capacity and facilities outside of the area of the development. Where the DRB anticipates that increased run-off incident to the development may overload the capacity of the downstream system or facility, it may require the applicant to delay construction until adequate capacity exists, or to contribute to capacity improvements to prevent such an overload. Any required construction may be on- or off-site.
 - (6) If a development will result in changes in flow type, flow channel, increased stormwater discharge or flooding in areas not owned or controlled by the applicant, the applicant shall secure easements for all areas of flow or flooding on affected properties. Easements shall extend up to, but need not include, the channel of any river or stream accepting flow from the subdivision. Suitable land use restrictions will be included in easements to prevent any activity that may affect drainage across the area.
- (F) **Snow Storage.** The designation of on-site snow storage areas may be required as part of subdivision and/or site design. These areas shall not be located within wetland or riparian buffers, and shall be contained in such a manner that run-off is managed through a detention or infiltration facility or other best management practice that removes pollutants. An off-site storage area may be approved if an appropriate site is available and secured for long-term use.
- (G) **Low-Impact Development.** Use of low-impact development techniques to allow for filtration and infiltration of stormwater is encouraged.

SECTION 3.18. SWIMMING POOLS AND PONDS

- (A) **Swimming Pools.** The installation of a swimming pool may be permitted as an accessory use upon application and receipt of a zoning permit in accordance with Section 7.05 of these regulations.
- (1) All swimming pools shall be completely enclosed by a wall, fence or other substantial structure not less than 4 feet in height as measured from the highest grade on the outside of the enclosure.
 - (2) Swimming pools shall be constructed or located behind the frontline of the principal building on the lot.
 - (3) All swimming pools shall abide by the greater of district setback requirements or 15 feet from any lot line.
 - (4) No swimming pool shall be constructed over a leach field or within 25 feet of a well or other potable water source.
 - (5) All electrical appliances connected to a swimming pool shall be properly grounded. No overhead electrical wires shall cross the pool area.
- (B) **Ponds.** The creation of ponds and other impoundments may be permitted as an accessory use upon application and receipt of a zoning permit in accordance with Section 7.05 of these regulations.
- (1) Ponds and their supporting structures shall be located in accordance with the following setbacks:
 - (a) The greater of district setback requirements or 15 feet from any property line;
 - (b) 50 feet from all leach fields and 25 feet from all septic tanks, including those on adjacent properties; and
 - (c) 25 feet from all drilled wells, including those on adjacent properties.
 - (2) Ponds and their supporting structures shall not be located within any right-of-way or easement.

ARTICLE 3. GENERAL DEVELOPMENT STANDARDS

- (3) An applicant for any pond that will impound or be capable of impounding 500,000 cubic feet of water or more, involve any alteration of a natural stream or water body, or is otherwise subject to state permitting requirements shall submit copies of all required state permits with the zoning permit application.
- (4) An applicant for any pond involving the impoundment of water through the creation of an embankment, berm or other structure that exceeds the natural grade of the site, and with a surface area of greater than 10,000 square feet of area or greater shall submit certification that the pond was designed by a qualified professional.
- (5) An applicant for any pond shall include the following additional information with the zoning permit application:
- (a) Sketch of the pond location showing:
 - (i) Setbacks from property lines, leach fields, structures, and water supplies;
 - (ii) Existing slope of the pond site;
 - (iii) Water source and method of discharge;
 - (iv) Location and size of emergency spillway; and
 - (v) Route of flow of outlet and/or spillway.
 - (b) Cross section depiction of the pond, to include dam or other retention structure.
 - (c) Approximate volume of water to be contained.
 - (d) Description of vegetative cover planned to prevent erosion.

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SECTION 3.19. TEMPORARY STRUCTURES AND SPECIAL EVENTS

- (A) **Construction-Related.** The ZA may issue temporary permits for nonconforming structures or uses, excluding dwellings, incidental to construction projects for a period not exceeding 1 year provided such permits are conditioned upon agreement by the owner to remove the structure or use upon expiration of the permit. Such permits may be renewed upon application for an additional period not exceeding 1 year.
- (B) **Other Temporary Structures.** The ZA may issue temporary permits for nonconforming structures, excluding dwellings, associated with a special event for a period not exceeding 30 days.
- (C) **Portable Accessory Structures.** Portable lightweight structures, carports, storage sheds, storage units, storage containers, storage trailers, vehicles used primarily for storage, pole barns and similar accessory structures without permanent foundations or footings shall be deemed the same as any other structure and shall be subject to all applicable provisions of these regulations.
- (D) **Campers and Temporary Shelters.** A camper, boat with living quarters, or other temporary shelter (i.e., tent, tepee or yurt) shall be parked, stored or located on public or private property in accordance with the following requirements:
- (1) The provisions of this paragraph shall not apply to campers or other temporary shelters located in an approved campground or repair garage, sales establishment, or, in accordance with Paragraph A of this section, on construction sites for use as a temporary structure.
 - (2) No more than 2 campers or other temporary shelters shall be stored on a residential or undeveloped lot.
 - (3) Campers and other temporary shelters shall be located or stored outside required district setbacks and behind the frontline of the principal building on the lot.

- (4) Campers, boats and other temporary shelters shall not be inhabited for more than 150 days during a calendar year.
- (5) Any camper, boat or temporary shelter that is inhabited for more than 150 days in a calendar year or that is located so as to not be readily moveable shall be deemed a dwelling and be subject to all provisions of these regulations applicable to single-family dwellings.
- (6) Any wastewater or sewage generated from a camper, boat or other temporary shelter shall be disposed of in accordance with all applicable state and federal regulations. The applicant shall submit written evidence of the method of wastewater disposal and its conformance with applicable regulations.

(E) Special Events.

- (1) Municipally-sponsored events are specifically exempted from the provisions of this section.
- (2) Special events open to the general public (i.e., cultural performance or sporting event) or one-time private functions (i.e., wedding or family reunion) shall not require a zoning permit provided that:
 - (a) Such events take place for not more than a total of 14 days in any calendar year;
 - (b) Any temporary structures associated with the event are not in place more than 2 days before and after the event; and
 - (c) The planned attendance is 250 people or less.
- (3) Special events not meeting the provisions of Subparagraph (2) shall be reviewed by the DRB as a conditional use. The DRB shall ensure that:
 - (a) The hours of operation allowed shall be compatible with the uses adjacent to the activity.
 - (b) The amount of noise generated shall not disrupt the activities of adjacent land uses.
 - (c) All solid waste generated by the special event shall be removed at no expense to the town.
 - (d) Adequate sanitary facilities will be provided.
 - (e) The traffic and parking generated by the event shall be accommodated without undue disruption to or interference with the normal flow of traffic or with the right of adjacent and surrounding property owners.
- (4) The DRB may require the applicant to post a bond to ensure compliance with the conditions of the conditional use permit in accordance with Section 7.19 of these regulations.
- (5) If the applicant requests the town to provide extraordinary services or equipment or if the DRB otherwise determines that extraordinary services or equipment should be provided to protect the public health or safety, the applicant shall be required to pay to the town a fee sufficient to reimburse the town for the costs of these services.

SECTION 3.20. UTILITY INFRASTRUCTURE

- (A) Location.** All utility systems, existing and proposed, shall be shown on the site plan or final plat, and shall be located as follows:
- (1) All utility systems, which may include but not be limited to electric, gas, telephone, fiber optics, and television cable, shall be located underground throughout the subdivision or project site. The DRB may waive this provision, as per Section 7.08, if undergrounding is deemed unreasonable and prohibitively expensive (i.e., burial would require extensive blasting and ledge removal for most of length of the utility extension).
 - (2) The applicant shall coordinate subdivision or site design with the utility companies to ensure adequate and suitable areas for under or above ground installation, both for the proposed development, and areas adjacent to the development.

ARTICLE 4. SPECIFIC USE STANDARDS

Article 4. Specific Use Standards

SECTION 4.01 ACCESSORY DWELLING

- (B) **Accessory Apartment.** A dwelling unit that meets the standards below shall be an accessory use to an owner-occupied, single-family dwelling in all districts where single-family dwellings are an allowed use or in any owner-occupied, single-family dwelling in existence as of the effective date of these regulations.
 - (1) The unit shall be an efficiency or one-bedroom apartment or dwelling;
 - (2) The area of the unit shall not exceed the greater of 30% of the total **Landscaping.** A landscaped area of at least 25 feet shall be maintained in front, rear and side yards unless otherwise approved by the DRB;
 - (3) The unit shall be within the principal dwelling or in an accessory building to that dwelling that meets all the applicable standards for the district in which it is located;
 - (4) **Off-street parking** for 1 vehicle shall be provided in accordance with the standards in **Section 3.13** of these regulations; and
 - (5) A copy of the state Potable Water and Wastewater permit for the accessory apartment shall be filed with the town before the ZA may issue a Certificate of Compliance under **Section 7.06** of these regulations and the unit may be occupied.
- (B) **Farm Worker Housing.** One or more accessory dwellings or bunkhouses may be allowed as farm worker housing in specified districts subject to conditional use approval by the DRB in accordance with the provisions of **Article 5** and **Section 7.09** of these regulations and all of the following provisions:
 - (1) The dwelling or bunkhouse shall be an accessory structure or unit to house employees working on the farm and their families.
 - (2) Approval shall be granted only on condition that if the lot is no longer devoted primarily to farming, the accessory dwelling or bunkhouse shall be:
 - (a) Unoccupied;
 - (b) Removed;
 - (c) Converted to an allowed non-residential use that meets all the applicable standards for the district in which it is located;
 - (d) Converted to an accessory dwelling in accordance with Paragraph (A) above; or
 - (e) Located on a legal lot through a subdivision of land or relocation of the structure.

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See 24 VSA § 4412(1)(E).



ACCESSORY DWELLINGS

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See 24 VSA § 4412(5).

SECTION 4.02. CHILDCARE FACILITIES

- (A) **Childcare Home.** A childcare home that meets all of the following standards shall be permitted as an accessory use to a single-family dwelling within all districts where single-family dwellings are an allowed use or in any single-family dwelling in existence as of the effective date of these regulations.
- (1) A resident of the dwelling in which the use is occurring shall operate the childcare home.
 - (2) The childcare home shall be operated under state licensing or registration.
 - (3) The childcare home shall serve 6 or fewer full-time children and 4 or fewer part-time children.
 - (4) 1 unlit exterior sign shall be permitted in accordance with Section 3.16 of these regulations.
 - (5) The childcare activities shall occur primarily within the single-family dwelling. This shall not be interpreted to prohibit use of other parts of the home or property such as porches, decks or yards for children's play areas as is customary in residential neighborhoods.
- (B) **Daycare Facility.** Daycare facilities may be allowed in designated zoning districts with conditional use approval by the DRB in accordance with the provisions of Article 5 and Section 7.09 of these regulations and the following provisions:
- (1) A daycare facility shall be operated under state licensing or registration.
 - (2) **Parking.** Employee and customer parking shall be provided on-site in accordance with Section 3.13 of these regulations.
 - (3) **Signs.** Signs shall be in accordance with Section 3.16 of these regulations.
 - (4) **Lighting.** Lighting shall be in accordance with Section 3.12 of these regulations.
 - (5) **Performance Standards.** The business shall meet all performance standards in accordance with Section 3.14 of these regulations.

SECTION 4.03. EXTRACTION

- (A) **Purpose.** It is the purpose of this section to:
- (1) Provide reasonable opportunities for the extraction of earth resources;

ARTICLE 4. SPECIFIC USE STANDARDS

- (2) Prevent the pollution of air, streams, ponds and lakes, assure the adequacy of drainage facilities, safeguard the water tables, and to encourage the wise use and management of natural resources throughout the town;
 - (3) Protect against hazards, fire, explosives, offensive noise, damaging vibration, excessive dust and other particulate matter, and other dangerous, toxic, noxious or objectionable influences;
 - (4) Maintain the condition, character, safety and function of town roads and associated infrastructure; and
 - (5) Protect the value of residential property and preserve the town's quality of life.
- (B) **Applicability.** No earth resources, including loam, sand, gravel, clay, peat, quarry stone, inorganic or organic matter, shall be extracted, excavated, removed, filled or dumped except in conformance with the provisions of this section. Extraction of earth resources may be permitted in specified districts upon conditional use approval by the DRB in accordance with the provisions of Article 5 and Section 7.09 of these regulations and the following provisions:
- (1) **Exemptions.** The following are exempt from the requirements of this section:
 - (a) Necessary filling, excavation, grading or removal incidental to the permitted subdivision of land, or the permitted construction or alteration of a structure, road or driveway, parking lot, septic system or other infrastructure.
 - (b) Necessary filling, excavation, grading or removal incidental to private road, driveway or parking area repair or maintenance.
 - (c) Non-commercial extraction by a landowner for agricultural or forestry use on their own property in accordance with accepted agricultural and forestry practices.
 - (d) The movement of not more than 400 cubic yards of material per calendar year within, from or to a lot.
- (C) **Standards and Criteria.** In addition to the development review standards specified in Article 5, excavation operations shall comply with and be reviewed in accordance with the following:
- (1) **Minimum Lot Size.** Extraction shall be prohibited on lots less than 10 acres in size.
 - (2) **Phasing.** Extraction shall be phased with not more than 3 acres being opened at one time. Upon receiving conditional use approval from the DRB, the ZA shall issue a zoning permit for one phase at a time. When a phase is complete, the area shall be reclaimed in accordance with the approved reclamation plan. After a site inspection and upon satisfactory reclamation, the ZA shall issue a certificate of compliance for the completed phase and a zoning permit for the next phase.
 - (3) **Setbacks and Buffers.**
 - (a) **Buffer from Property Lines.** No development, including internal access roads, shall be permitted within 100 feet from all property lines. Existing vegetation shall be retained except where clearing is necessary for ingress/egress. Where existing vegetation is inadequate to provide year-round visual screening of the operation from the public road and nearby residences, the DRB may require screening be installed.
 - (b) **Setback from Property Lines.** No excavation shall occur and no structures, stockpiles or processing equipment shall be located within 200 feet from all property lines.
 - (c) **Setback from Residences.** No processing equipment shall be located within 500 feet of a residence in existence as of the date of application.
 - (d) **Additional Buffer and Setback Requirements.** The DRB may establish additional or greater setbacks or buffers to address the unique characteristics of each site as it deems necessary to achieve the purposes of this section including the protection of natural resources and preservation of quality of life for adjoining residents.

- (4) **Overburden Removed and Stockpiled.** A minimum of the top 6 inches of material removed shall be stored for use in site reclamation. Stockpiled material shall be located and managed to prevent dust, erosion and sedimentation of drainage ways and streams.
- (5) **Temporary Slopes and Stockpiles.** No temporary slopes shall be created by excavation or stockpiling in excess of the angle of repose of the soil or materials being extracted or stored. Stockpiles shall not be created in excess of 35 feet in height.
- (6) **Fencing.** The DRB may require fencing when it is deemed necessary to protect public safety. At a minimum, perimeter fencing shall be required for excavations exceeding a depth of 15 feet or slopes of 1:2. Such fences shall be no less than 6 feet in height and shall be located no less than 15 feet from the edge of the excavated area.
- (7) **Protection of Groundwater.** The extraction of earth resources shall not result in any groundwater contamination or diminishment of the drinking water supply of residences in existence as of the date of application. The DRB may require use of monitoring wells and/or regular water quality testing when deemed necessary to achieve the purposes of this section.
- (8) **Hours of Operation.** No extraction, processing, loading, dumping or trucking shall occur between the hours of 6 p.m. and 6 a.m. on weekdays and between 4 p.m. and 8 a.m. on weekends and legal holidays. The DRB may further restrict the hours of operation based on the proximity of homes or other incompatible uses.
- (9) **Dust and Emissions.** The applicant shall be required to take all reasonable measures to limit the amount of dust and other air quality contaminants generated from the extraction, processing and transport of earth materials.
 - (a) Soil to be stored in undisturbed stockpiles for longer than 1 calendar year shall be seeded and maintained as necessary to establish a vegetative cover adequate to prevent erosion.
 - (b) Water, calcium chloride or similar agent shall be applied as necessary to the haul roads, traffic areas and non-vegetated storage piles to prevent fugitive dust and the tracking of dirt onto public roads.
 - (c) Rock crushing equipment with a maximum rated capacity of greater than 150 tons per hour shall be prohibited.
 - (d) All trucks entering, exiting or operating at the site that are loaded with materials that may generate fugitive dust shall be covered.
- (10) **Reclamation.** Upon completion of the extraction authorized, the area of excavation or otherwise disturbed ground shall be reclaimed so that the land will be left in a safe, attractive and readily usable condition for the types of land uses allowed in the district and in accordance with the following:
 - (a) The area shall be evenly graded to slopes not exceeding 1:3. The DRB may modify this requirement based on specific site conditions (i.e., allow steeper slopes due to presence of ledge rock or require gentler slopes to ensure slope stability based on soil characteristics) or to ensure the land will be suitable for reasonable future use.
 - (b) The natural drainage patterns of the site shall be restored with surface water draining off-site in similar locations and at similar rates to pre-extraction.
 - (c) All stockpiled materials, debris and loose boulders not incorporated into the improvement of the site shall be buried or removed from the property.
 - (d) A top layer of arable soil, which shall be free of any large stones, shall be spread to a depth of not less than 6 inches over the entire area.
 - (e) At a minimum, the disturbed area shall be seeded with a native perennial grass and maintained until the surface is completely stabilized with a dense cover of grass and no danger of erosion exists. The DRB may require the disturbed area be fertilized and/or mulched as needed to prevent erosion and promote plant growth. The DRB may also require seedlings be planted on all or portions of the disturbed area to restore a formerly wooded site.

SECTION 4.04. FARM PRODUCT SALES & FARM BUSINESSES

COMMON ABBREVIATIONS:

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- (A) **Purpose.** It is the purpose of this section to promote continued agricultural activities in the town and support farmers' ability to diversify and remain economically viable through the manufacture, processing and/or sale of value-added farm products, and other farm-based businesses.
- (B) **Farm Stand Exemption.** Farm stands that meet the standards below are exempt from these regulations and require no zoning permit.
 - (1) **Location.** The stand shall be located on agricultural or residential property.
 - (2) **Products.** The stand shall sell only fresh produce, fruit, cut flowers, Christmas trees, maple syrup, etc. grown on or produced from the property or land farmed by the property owner.
- (C) **Farm Stand Location.** Farm stands, whether exempt or requiring review, may be located within required front setbacks, except that no stand shall be located within the road right-of-way.
- (D) **Farm Stand Traffic Safety.** Farm stands, whether exempt or requiring review, shall not create a traffic hazard (i.e., vehicles parked on the road, vehicles entering or existing the road in an area of limited sight distance, or blocking visibility at an intersection). The ZA may revoke a stand's exemption upon determining a traffic hazard is being created and the stand shall then require review as a conditional use under all applicable provisions of these regulations.
- (E) **Farm Stand Signs.** Farm stands, whether exempt or requiring review, shall be allowed 1 unlit exterior sign in accordance with Section 3.16 of these regulations. In addition, farm stands may display up to 4 temporary signs advertising the specific products currently available or in season. The total sign area of all signs shall not exceed 68 square feet. Signs shall not be displayed during seasons when the stand is not operating.
- (F) **Other Farm-Product Sales.** Farm-product sales, including but not limited to farm stands unable to meet the standards for exemption, farmers' markets and CSA (community supported agriculture) distribution locations, may be allowed in designated zoning districts subject to conditional use approval by the DRB in accordance with the provisions of Article 5 and Section 7.09 of these regulations and the following provisions:
 - (1) **Products Allowed.** Sales may include value-added agricultural products. A minimum of 50% of business revenues shall be derived from products harvested, grown or produced within a 50-mile radius.
 - (2) **Reuse of Farm Structures.** Adaptive reuse of farm structures is encouraged. The DRB may waive dimensional requirements to allow for re-use of farm structures for non-agricultural purposes in conjunction with farm-product sales.
 - (3) **Parking and Loading.** Parking and loading areas shall be provided on-site in accordance with Section 3.13 of these regulations.
 - (4) **Signs.** Signs shall be in accordance with Section 3.16 of these regulations except that additional signs as per Paragraph (E) above may be allowed to advertise products currently in season.
 - (5) **Lighting.** Lighting shall be in accordance with Section 3.12 of these regulations.
 - (6) **Performance Standards.** The business shall meet all performance standards in accordance with Section 3.14 of these regulations.
- (G) **Farm-Based Businesses.** Farm-based businesses, including but not limited to recreation or education activities, agri-tourism, or manufacturing and processing of value-added products, may be allowed in designated

zoning districts as an accessory use to agriculture subject to conditional use approval by the DRB in accordance with the provisions of Article 5 and Section 7.09 of these regulations and all of the following:

- (1) **Definition of Farm-Based.** The business shall be owned and operated in conjunction with an agricultural operation that meets the state's definition of farming and shall be located on a parcel of land associated with an active farm. The processing, use and/or sale of agricultural products not grown or produced on the farm associated with the business shall be permitted, but if the business includes retail sales then a minimum of 50% of sales revenue shall be derived from agricultural products grown or produced on the farm associated with the business. Under this provision, leased land shall be considered part of the farm.
- (2) **Reuse of Farm Structures.** Adaptive reuse of farm structures is encouraged. The DRB may waive dimensional requirements to allow for re-use of farm structures for non-farming purposes in conjunction with a farm-based business.
- (3) **Parking and Loading.** Parking and loading areas shall be provided on-site in accordance with Section 3.13 of these regulations.
- (4) **Signs.** Signs shall be in accordance with Section 3.16 of these regulations except that additional signs as per Paragraph (E) above may be allowed to advertise products currently in season.
- (5) **Lighting.** Lighting shall be in accordance with Section 3.12 of these regulations.
- (6) **Performance Standards.** The business shall meet all performance standards in accordance with Section 3.14 of these regulations.
- (7) **Permit Limitations.** The zoning permit shall clearly state that the use is limited to a farm-based business, approved in accordance with the above provisions and any conditions placed on it by the DRB, which is accessory to the agricultural use. A farm-based business may be subdivided or converted for sale or use apart from the agricultural use only if it meets all current town and state regulations pertaining to such use, including the standards for the district in which it is located. Separate permits shall be required as appropriate prior to subdivision, sale or conversion.

SECTION 4.05. GAS STATION

- (A) Gas stations may be allowed in designated zoning districts subject to conditional use approval by the DRB in accordance with the provisions of Article 5 and Section 7.09 of these regulations and all of the following:
- (1) **Location.** No new gas station shall be located within 1,000 feet in any direction from an existing gas station as measured in a straight line from property boundary to property boundary.
 - (2) **Setbacks for Equipment and Storage.** Pumps and service equipment shall be located at least 50 feet from the street line and side lot lines, or outside the setbacks, whichever is greater. Pumps and service equipment shall be located behind the frontline of the principal building on the lot. Placement of pumps and service equipment so that they are screened from the public road is preferred. All fuel and oil shall be stored at least 35 feet from any property line or outside the setbacks, whichever is greater.
 - (3) **Access and Landscaping.** Gas stations may be allowed up to 2 access driveways from the road. The maximum width of each access driveway shall not exceed 25 feet. Additional curbing, landscaping, screening or pedestrian connections may be required by the DRB as needed to manage vehicle and pedestrian circulation on- and off-site, and to minimize adverse impacts to adjoining properties. If the station is located along a road with sidewalks, the sidewalk shall not be used as a parking area and the pumps shall be positioned so that vehicles are not parked on the sidewalk for fueling.

ARTICLE 4. SPECIFIC USE STANDARDS

- (4) **Building and Canopy Design.** Site layout and building design shall be compatible with the character of the area in which the gas station will be located. Flat-roofed station canopies shall be limited to the minimum area required for adequate pump and apron coverage and the minimum ceiling height necessary to meet applicable state and federal safety requirements. Alternative canopy designs, such as peaked roofs, are encouraged. Canopy scale and design shall be compatible with station design and with surrounding buildings.
- (5) **Parking and Fuel Delivery.** Employee and customer parking shall be provided on-site in accordance with Section 3.13 of these regulations. Fuel delivery vehicles shall not be allowed to back in or out of the station, or to block access or circulation for customer traffic.
- (6) **Signs.** Gas stations, in addition to the signs allowed under Section 3.16 of these regulations, may have either one pricing sign which does not exceed 15 square feet in area, or pump-top pricing signs, each not to exceed 2 square feet in area. Corporate logos shall be specifically prohibited on station canopies and canopies shall not be used for advertising.
- (7) **Lighting.** Lighting shall be in accordance with Section 3.12 of these regulations. Canopies shall not be internally illuminated nor shall their fascia be illuminated. Shielded, indirect lighting recessed within the canopy may be permitted.
- (8) **Performance Standards.** The business shall meet all performance standards in accordance with Section 3.14 of these regulations.

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ALTERNATIVE CANOPY DESIGNS

SECTION 4.06. GROUP HOMES

- (A) A group home that meets all of the following standards shall be permitted in all districts where single-family dwellings are a permitted use or in any single-family dwelling in existence as of the effective date of these regulations.
 - (1) The group home shall be operated under state licensing or registration;
 - (2) The group home shall not serve more than 8 people who have a handicap or disability as defined in 9 VSA § 4501; and
 - (3) The group home shall be located more than 1,000 feet from any other existing or permitted group home.

See 24 VSA § 4412(1)(G).

SECTION 4.07. HOME BUSINESSES

- (A) **Home Occupation.** A home occupation that meets all of the following standards shall be permitted as an accessory use all districts where single-family dwellings are a permitted use or in any single-family dwelling in existence as of the effective date of these regulations.
- (1) **Scale of Home Occupation.** The business owner and operator shall reside in the single-family dwelling on the lot and the business shall not employ any non-resident employees. The home occupation shall be carried on within a minor portion of the dwelling. The home occupation shall not occupy an area greater than 50% of the habitable space of the single-family dwelling.
 - (2) **Retail Prohibited.** Retail stores shall not be permitted as home occupations. Notwithstanding, retail sales that are ancillary to the permitted home occupation shall be permitted to the extent that they comprise a minor portion of business income (i.e., sales of hair care products by a hair stylist).
 - (3) **Traffic.** The business use shall not generate more than twice the number of average daily trips that would be generated by the residence according to the Institute of Traffic Engineers' Trip Generation Manual (latest edition).
 - (4) **Storage, Display and Signs.** Exterior display of products, the exterior storage of materials, or other exterior indications of the home occupation shall be prohibited. One unlit exterior sign shall be permitted in accordance with Section 3.16 of these regulations.
 - (5) **Parking.** Customer parking shall be provided on-site in accordance with Section 3.13 of these regulations.
 - (6) **Performance Standards.** Home occupations shall conform to all performance standards in accordance with Section 3.14 of these regulations.
 - (7) **Permit Limitations.** The zoning permit shall clearly state that the use is limited to a home occupation, approved in accordance with the above provisions, which is accessory to the single-family residential use. Any proposed expansion of the home occupation beyond that permitted shall require a separate zoning permit for a home-based business or other allowed use as appropriate.
- (B) **Home-Based Business.** Home-based businesses may be allowed in designated zoning districts as an accessory use to a dwelling subject to conditional use approval by the DRB in accordance with the provisions of Article 5 and Section 7.09 of these regulations and all of the following:
- (1) **Scale of Home-Based Business.** The business owner and operator shall reside in the dwelling on the lot, but the business may employ up to 4 non-resident employees. The business shall be carried on within the dwelling or accessory structure(s) provided that the use of those structures will not have an adverse impact on the character of the area in which the property is located. No home-based business shall be permitted to operate at a scale or intensity that would diminish the residential character of the property or the character of the area in which the property is located.
 - (2) **Retail Allowed.** On-site wholesale or retail sales may be allowed but shall be limited to products produced or assembled on the premises.
 - (3) **Traffic.** The business use shall not generate more than 4 times the number of average daily trips, including delivery truck traffic, which would be generated by the residence according to the Institute of Traffic Engineers' Trip Generation Manual (latest edition).
 - (4) **Outdoor Storage and Screening.** The business shall be visually compatible with neighboring uses. Landscaping and screening may be required as appropriate. In addition, any outdoor storage including, but not limited to, parts or materials, unregistered vehicles or heavy equipment, firewood or lumber, shall be completely screened year-round from the road and from neighboring properties.
 - (5) **Signs.** Signs shall be in accordance with Section 3.16 of these regulations.

ARTICLE 4. SPECIFIC USE STANDARDS

- (6) **Parking.** Employee and customer parking shall be provided on-site in accordance with [Section 3.13](#) of these regulations.
- (7) **Lighting.** Lighting shall be in accordance with [Section 3.12](#) of these regulations.
- (8) **Performance Standards.** The business shall meet all performance standards in accordance with [Section 3.14](#) of these regulations.
- (9) **Permit Limitations.** The zoning permit shall clearly state that the use is limited to a home-based business, approved in accordance with the above provisions and any conditions placed on it by the DRB, which is accessory to the residential use. A home-based business may be subdivided or converted for sale or use apart from the residential use only if it meets all current town and state regulations pertaining to such use, including the standards for the district in which it is located. Separate permits shall be required as appropriate prior to subdivision, sale or conversion.

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SECTION 4.08. MIXED USE

- (A) Any combination of permitted or conditional uses allowed within a zoning district may be allowed subject to conditional use approval by the DRB with the provisions of [Article 5](#) and [Section 7.09](#) of these regulations. Mixed uses may be allowed on the same lot or within the same structure. Construction of more than one primary structure on a lot shall require approval as a PUD in accordance with the provisions of [Section 6.02](#) and [Section 7.11](#) of these regulations.

SECTION 4.09. MOBILE HOME PARKS

- (A) **Purpose.** The purpose of these regulations is to support provision of affordable housing while protecting the health, safety and welfare of town residents, specifically including those currently residing in a mobile home park.
- (B) **Applicability.** Proposed parks, and modifications to or expansions of existing parks, shall meet all applicable federal, state and town regulations, including but not limited to all applicable provisions of these regulations. Other than as specified below, alterations to park area, design, number of sites, layout or common facilities shall be subject to conditional use approval by the DRB in accordance with the provisions of [Article 5](#) and [Section 7.09](#) of these regulations and all of the provisions of this section.
 - (1) The owner of a mobile home within an approved mobile home park may apply for a zoning permit under [Section 7.05](#) for an addition, porch, deck, shed or similar accessory structure. No such structure shall be located closer than 5 feet to neighboring

See 24 VSA § 4412(1)(B) and § 4412(7)(B).

mobile homes. The ZA shall not issue permits for structures that would prevent reasonable access to utilities or infrastructure or for emergency response.

- (2) The replacement of a permitted mobile home within an approved mobile home park shall require a zoning permit issued by the ZA in accordance with Section 7.05 in order to ensure ongoing compliance with all conditions of the park's approved site plan. The application of the standards in this section shall not prohibit the replacement of a permitted mobile home on a mobile home site in existence as of the effective date of these regulations. Notwithstanding, in order to protect public health, safety and welfare, no replacement shall result in a distance between dwellings of either 10 feet or the current distance between dwellings, whichever is less.

(C) **Standards.** A mobile home park may be allowed in any district where single-family dwellings are a permitted or conditional use subject to approval as a PUD by the DRB in accordance with the provisions of Section 6.02 and Section 7.11 of these regulations, the density standards of the district(s) in which it will be located, and all of the following:

- (1) **Minimum Site Area.** Each mobile home shall be located on a dedicated and delineated site not less than 5,000 square feet in area, as shown on the site plan.
- (2) **Mobile Home Site Setbacks.** Each mobile home shall be set back a minimum of 15 feet and accessory structures shall be set back a minimum of 5 feet from the boundaries of adjacent mobile home sites and park roads.
- (3) **Mobile Home Park Setbacks.** Mobile home parks shall meet all minimum district setback requirements along the perimeter of the park. No mobile home sites or other structures shall be located within the required setback areas. Setback areas shall not be included in the calculation of open space or recreation land that may be required under Subsection (6)(a) below. The DRB may require increased setbacks or buffers as needed to mitigate higher densities of development or to protect adjoining properties.
- (4) **Parking.** Parking for each mobile home shall be provided in accordance with Section 3.13 of these regulations for single-family dwellings. One or more parking lots may be allowed instead of individual parking on each mobile home site.
- (5) **Roads and Drives.** All roads serving the park shall meet the standards of Section 3.02 of these regulations. Mobile home parks may be allowed up to 2 access roads from the public road. Individual mobile homes shall be accessed from the park's internal road system rather than the public road.
- (6) **Requirements for Larger Mobile Home Parks.** Parks consisting of 5 or more dwellings shall also meet the following requirements:
 - (a) **Open Space and Recreation.** A minimum of 20% of the total land area shall be set aside as common land for recreation or open space. Half of the required common land or a contiguous 2-acre area, whichever is greater, shall be suitable for recreational use by children. The DRB may require the installation of recreation amenities such as ball fields, playgrounds and/or trails.
 - (b) **Service Area.** At least one common, screened service area shall be provided for the storage and collection of trash and recyclables generated by park residents. The service area shall not be located within required setbacks or buffers.
- (7) **Park Management.** The DRB may require a management plan for components of the park such as landscaped buffers, common lands, storage or service areas, roads, or other infrastructure. The mobile home park owner, or designated operator, shall be required to:
 - (a) Maintain all components of the park including buildings, roads, parking areas, utilities, infrastructure, landscaping, open space and common areas in good condition or, if applicable, as described in an approved management plan;
 - (b) Provide for the regular collection of recyclables, waste and garbage; and

- (c) Remove snow from all roads and service areas.
- (D) **Nonconformities.** If a mobile home park, which was legally in existence as of the effective date of these regulations, does not conform to these regulations, it shall be considered a nonconformity under Section 3.11 of these regulations. However, individual mobile home sites within the park shall not be considered nonconformities. An individual mobile home site that is vacant shall not be considered discontinued, but if all sites are vacant the nonconforming park shall be considered discontinued.

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SECTION 4.10. SMALL ENERGY GENERATING SYSTEM

- (A) **Small Wind Energy Systems.** Small wind energy systems may be allowed in designated zoning districts as an accessory use subject to conditional use approval by the DRB in accordance with the provisions of Article 5 and Section 7.09 of these regulations and all of the following:
 - (1) The small wind energy system may consist of one or more towers not to exceed a total height, including the tower and the length of the blades, of 100 feet above the height of the ground at the base of the tower.
 - (2) The requested height of the system shall not exceed what is reasonably necessary to provide efficient operation of the system.
 - (3) In accordance with Section 7.08 of these regulations, the DRB may waive clearing limitations for siting of wind energy systems.
 - (4) The applicant shall take all reasonable measures to minimize any undue adverse visual or noise impact of the system.
 - (5) The tower shall be set back a distance equal or greater to the total height, including the tower and the length of the blades, from:
 - (a) Any public road right-of-way, unless written permission is granted by the governmental entity with jurisdiction over the road;
 - (b) Any overhead utility lines; and
 - (c) All property lines, unless written permission is granted by the adjoining landowner(s).
- (B) **Solar Energy Systems.** Small solar energy or hot water systems may be allowed in designated zoning districts as an accessory use subject to conditional use approval by the DRB in accordance with the provisions of Article 5 and Section 7.09 of these regulations and all of the following:
 - (1) The DRB may waive height requirements, in accordance with Section 7.08 of these regulations, to allow placement of roof-mounted solar panels up to 10 feet above the roof surface.
 - (2) The DRB may reduce setbacks for ground-mounted solar panels to 5 feet, except that such panels shall be located behind the front line of the principal building on the lot. The DRB may waive this requirement, in accordance with Section 7.08 of these regulations, upon finding that cost-effective installation and/or efficient operation requires siting panels in front of the principal building.
 - (3) The requested height and size of the system shall not exceed what is reasonably necessary to provide efficient operation of the system.

- (4) In accordance with Section 7.08 of these regulations, the DRB may waive clearing limitations for siting of solar energy systems.
 - (5) The applicant shall take all reasonable measures to minimize any undue adverse visual or noise impact of the system.
- (C) **Expiration and Abandonment.** A permit issued for a energy generating system shall expire if the system is out-of-service or otherwise unused for a continuous 12-month period. All structures associated with the energy system located outside the residence shall be removed within 3 months of the permit expiration.

SECTION 4.11. TELECOMMUNICATIONS ANTENNAS AND TOWERS

- (A) **Purpose.** It is the purpose of this section to regulate the placement, design, construction, removal and modification of telecommunication facilities in order to preserve the character and appearance of the town and protect its scenic, historic, cultural, and natural resources, while accommodating the telecommunication needs of residents, travelers and businesses within the Town of St. George.
- (B) **Consistency with Federal Law.** These regulations are intended to be consistent with all applicable provisions of the 1996 Telecommunications Act and therefore shall not:
- (1) Prohibit or have the effect of prohibiting the provision of personal wireless communication services;
 - (2) Unreasonably discriminate among providers of functionally equivalent services; nor
 - (3) Regulate personal wireless services based on the environmental effects of radio frequency emissions to the extent that these facilities comply with the Federal Communications Commission (FCC) regulations concerning such emissions.
- (C) **Exemptions.** The following types of antennas, which are placed on the site of the business or home being served for the owners' or occupants' exclusive use and control shall be exempt from review under the provisions of this section. No other FCC-licensed telecommunications facility shall be considered exempt for any reason, including whether or not an antenna is proposed to share a tower or other support structure with an exempt use. No permit shall be required for:
- (a) Placement of an antenna used to transmit and/or receive communications signals on that property owner's premises if the total area of the antenna does not exceed 8 square feet and if the antenna and any mast support does not extend more than 12 feet above the roof of that portion of the building to which the antenna or mast is attached.
 - (i) Notwithstanding, antennas to be mounted on contributing structures listed in the national or state registers of historic places shall require approval by the DRB as a conditional use in accordance with the provisions of Article 5 and Section 7.09 of these regulations.
 - (b) A ground mounted broadcast, radio or television antenna, which is intended solely for residential use, and which does not, as mounted, exceed 35 feet in height above the lowest grade at ground level of the mast upon which it is mounted.
 - (c) Ham radio antennas operated by federally licensed operators, which do not exceed a height of 35 feet above the lowest grade at ground level of the mast or structure upon which they are mounted, whether free-standing or building-mounted. In accordance with Section 3.08 of these regulations, the DRB may allow increases in height if the applicant can demonstrate that additional height is necessary for the use specified in the applicant's FCC license.
 - (d) Police, fire, ambulance, and other emergency dispatch telecommunications facilities, which do not exceed 35 feet in height above the lowest grade at ground level or at the base of the structure upon which it is mounted.

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- (D) **Applicability.** Except as specifically exempted in Paragraph (C), the provisions of this section shall apply to all FCC-licensed telecommunications facilities whether or not they are proposed to co-locate with exempt facilities (as per FCC regulations, state law or Paragraph(C) of these regulations) or be mounted on an existing structure. The construction, installation, modification, or expansion of wireless telecommunications antennas and towers may be allowed in designated zoning districts subject to conditional use approval by the DRB in accordance with the provisions of Article 5 and Section 7.09 of these regulations and all applicable provisions of this section.
- (E) **Application Requirements.** In addition to all application requirements specified in Section 7.09 of these regulations, applicants for telecommunication facilities shall submit the following:
- (1) A demonstration that telecommunication facility will be in compliance with all FCC regulations, standards, and requirements and a statement that the applicant shall commit to continue to maintain FCC compliance.
 - (2) The output frequency, number of channels and power output per channel for each proposed antenna.
 - (3) If the facility is to be installed on a structure not owned by the applicant, a copy of the executed contract with the owner.
 - (4) If the facility is to be installed on an existing tower, a report prepared by a licensed engineer documenting that the proposed antenna or equipment will not exceed the structural capacity of the tower or be located in a manner that will create interference with already installed antennas or equipment.
 - (5) If the project requires Act 250 review, the applicant shall provide copies of the Act 250 application and associated submissions.
- (F) **General Standards.**
- (1) **Antennas on Existing Structures.** The mounting of antennas on existing structures (antennas mounted on silos, steeples, utility poles, etc.) is preferred to construction of additional towers.
 - (2) **Existing Facilities.**
 - (a) **Review Required.** An alteration or addition to an existing telecommunications facility shall require review and approval under the provisions of this section when any of the following are proposed:
 - (i) Change in the number of structures, buildings or facilities on the site;
 - (ii) Increase in the number of antennas mounted on the tower;
 - (iii) Any change that would result in increased visibility of the telecommunications facility as viewed from public vantage points; or
 - (iv) Material change in technology used on the site.
 - (b) **Height.** The height of any existing tower, as measured from the lowest grade at ground level at the base of tower to the highest point of the structure including its mounted antennas, shall not be increased to accommodate additional or replacement antennas unless the proposed increase is necessary to provide adequate service within the Town of St. George. Increases in tower height shall not be allowed if the setback requirements of Subparagraphs (3)(b) and (3)(c), below, cannot be met.
 - (c) **Annual Report.** The ZA or DRB shall conditional approval of any alterations or additions to an existing telecommunications facility on compliance with the annual reporting requirements of Subparagraph (7), below.

- (3) **New Towers.** Construction of new telecommunications towers shall be approved only in conformance with the following:
- (a) **Spec Towers Prohibited.** Applications shall be accepted only from a wireless service provider or FCC licensee, or landowner with an executed contract to provide land or facilities to one of those entities. Approval shall not be granted for facilities to be built on speculation.
 - (b) **District Setbacks.** No tower, guy wire, foundation, accessory building or other associated structure, except fences, shall be located within required setbacks as specified for the zoning district in which the land is located.
 - (c) **Tower Setbacks.** Towers shall be set back a distance equal or greater to 110% of the structure's total height, including the tower and the height of mounted antennas, from:
 - (i) Any public road right-of-way;
 - (ii) Any overhead utility lines; and
 - (iii) All property lines.
 - (d) **Height.**
 - (i) Within the Rural Development and Low-Density Residential districts, total height, as measured from the lowest grade at ground level at the base of tower to the highest point of the structure including any mounted antennas, shall not be permitted to extend more than 20 feet above the average height of the surrounding vegetation as measured within 500 feet of the tower in undeveloped areas; or shall not be permitted to extend more than 20 feet above the average height of surrounding buildings within 500 feet of the tower in developed areas.
 - (ii) Within all other districts, total height, as measured from the lowest grade at ground level at the base of tower to the highest point of the structure including any mounted antennas, shall not be permitted to extend more than 10 feet above the average height of the surrounding vegetation as measured within 500 feet of the tower in undeveloped areas; or shall not be permitted to extend more than 10 feet above the average height of surrounding buildings within 500 feet of the tower in developed areas.
 - (e) **Adequate Coverage.** The DRB shall not grant conditional use approval for a new tower unless it finds that there is no other existing facility that can provide adequate coverage to the Town of St. George. To that end, the applicant shall submit written documentation of all existing telecommunication facilities in which it has a legal or equitable interest, or which are available for co-location, located within a 20-mile radius of the proposed site. The documentation shall include the following information for each site:
 - (i) Exact location in longitude and latitude and as plotted on a USGS quad sheet or similar base map;
 - (ii) Ground elevation;
 - (iii) Height of tower or structure;
 - (iv) Type of antennas;
 - (v) Antenna gain;
 - (vi) Height of antennas on the tower or structure;
 - (vii) Output frequency;
 - (viii) Number of channels;
 - (ix) Power input and maximum power output per channel;
 - (x) Potential adjustments that could be made to provide adequate coverage in St. George including, but not limited to, changes in antenna height, orientation, type, gain or power output;
 - (xi) Feasibility of using repeaters to provide adequate coverage in St. George from the site; and
 - (xii) Radial or tiled coverage plots from each of the facility sites as they exist and as they may be modified.
 - (f) **Co-Location Required.** The DRB shall not grant conditional use approval for a new tower unless it finds that there is no possibility of co-locating the service on an existing tower or structure within a 20-mile

ARTICLE 4. SPECIFIC USE STANDARDS

radius of the proposed location. The DRB may require the applicant to allow future co-location on a proposed tower as a condition of approval.

- (g) **Visibility.** The DRB may require the applicant to fly a test balloon and document the visibility of the proposed tower from specified locations in order to assess the degree to which a proposed tower will be visible from public vantage points and/or nearby properties. The placement of towers on prominent ridgelines shall be avoided to the greatest extent feasible.
- (h) **Screening and Clearing.** The DRB may require screening as deemed necessary to reduce the visibility of the tower or associated accessory structures and utilities from public vantage points or abutting properties. On forested sites, the amount of tree clearing shall be kept to the minimum necessary to accommodate the tower and any associated accessory structures, roads or utilities. Access roads shall be designed to follow natural contours and reduce their visibility from public vantage points to the greatest extent feasible.
- (i) **Undergrounding of Utilities.** All utility systems shall be located underground throughout the project site. The DRB may waive this provision, as per Section 7.08 of these regulations, if undergrounding is deemed unreasonable and prohibitively expensive. If not underground, utility corridors shall be designed to follow natural contours and reduce their visibility from public vantage points to the greatest extent feasible.
- (j) **Design.** Towers, antennas and any necessary support structures shall be designed to blend into the surrounding environment to the greatest extent feasible through the use of color, material, finish and structural design. Use of reflective materials shall be avoided. Towers shall be unstayed monopoles unless the DRB deems such a design inappropriate or infeasible due to specific site conditions. Use of a matte gray finish is preferred when a tower will be silhouetted against the sky. No signs or lettering shall be placed on a tower.
- (k) **Lighting.** Towers of a height that would require warning lights shall be prohibited, unless the DRB finds it the only viable alternative to meet reasonable facility requirements of a communications service provider. The only tower lighting that may be permitted is that required by FAA regulation. All site lighting shall be shielded to minimize or prevent glare onto adjoining properties or into the night sky to the greatest extent feasible.
- (l) **Security.** Access to the tower shall be restricted through a suitable fence, warning signs shall be posted and a gate shall be installed at the entrance to any access road.
- (m) **Compliance with FCC Requirements.** The DRB shall condition approval of all telecommunication facilities on the permittee maintaining compliance with all FCC regulations, standards and requirement regarding both radio frequency interference (RFI) and radio frequency radiation (RFR).
- (4) **Interference Prohibited.** No telecommunications facility shall be located or operated in such a way as to interfere with public safety telecommunications.
- (5) **Pre-Operation Report.** The permittee shall submit a report to the ZA, prepared by an independent radio frequency engineer jointly selected by the town and permittee, before any new facilities or antennas are placed into operation documenting the background levels of non-ionizing radio frequency radiation around the site. The ZA shall not issue a Certificate of Compliance until the report is received.
- (6) **Post-Operation Report.** The permittee shall submit a report to the ZA, prepared by an independent radio frequency engineer jointly selected by the town and permittee, within 30 days of the facility or antenna(s) being placed into operation documenting the background levels of non-ionizing radio frequency radiation around the site.
- (7) **Annual Report.** The permittee shall submit an annual report to the ZA, prepared by an independent radio frequency engineer jointly selected by the town and permittee, no later than January 15, documenting the background levels of non-ionizing radio frequency radiation around the site, that the facility complies with all

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FCC standards and that the facility, including individual antennas and equipment, continues to operate. The report shall also include:

- (a) A list of the most recent Federal Communications Board RFR readings at the site, their distances from the telecommunications facility, dates of the readings and the name of the person or company who took the readings.
- (b) A list of all antennas and equipment in use during the previous calendar year, including identification of any companies/entities renting space and/or equipment.

- (8) **Permit Renewal.** Upon conditional use approval, the ZA shall issue a permit for the facility, which shall expire 2 years from the date of issuance. Upon receipt of the facility's annual report and finding the facility to be in compliance with all conditions of approval, the ZA shall extend the facility's permit for 1 additional year.

(G) Abandonment and Removal of Unused Antennas or Equipment.

- (1) **Abandonment.** A telecommunications facility, including individual antennas, arrays or other equipment, shall be considered abandoned if it is out-of-service or otherwise unused for a continuous 12-month period. A permit issued for a telecommunications facility under these regulations shall be revoked if the facility is out-of-service or otherwise unused for a continuous 12-month period, or if the required annual report is not received within 15 days of its due date.

- (2) **Removal.** Abandoned or unused towers, antennas, or other equipment shall be removed as follows:

- (a) The permittee shall remove abandoned or unused towers, antennas or other equipment within 180 days of notification by the ZA.
- (b) Once removed, no portion of a telecommunications facility may be replaced without approval and permitting under all applicable provisions of these regulation.
- (c) If all antennas and/or equipment on a site has ceased to operate, the entire telecommunications facility shall be removed.
- (d) All costs of removal shall be borne by the permittee.

- (H) **de Minimis Review.** Upon request of the applicant, the ZA may review an application for a telecommunications facility and upon determining that the application will impose no or de minimis impact upon any criteria established in these regulations shall approve the application. An application that includes any of the following shall not be determined to have a de minimis impact:

- (1) New road, accessory structure or tower construction;
- (2) Increase in the height of a structure;
- (3) Increase in the visibility of telecommunications facilities as viewed from public vantage points; or
- (4) Increase in the number of antennas mounted on an existing tower.

SECTION 4.12. VEHICLE AND EQUIPMENT SALES AND SERVICE

- (A) Vehicle and equipment sales and service may be allowed in designated zoning districts subject to conditional use approval by the DRB in accordance with the provisions of Article 5 and Section 7.09 of these regulations and all of the following:

- (1) **Number of Vehicles or Pieces of Equipment On-Site.** Not more than a total of 12 vehicles or pieces of equipment offered for sale, or awaiting service, repair or customer pick-up shall be located on-site at any given time.

ARTICLE 4. SPECIFIC USE STANDARDS

- (2) **Repair and Service.** All service or repair of vehicles or equipment shall occur within an enclosed structure. All vehicles or equipment awaiting repair, service or pick-up shall be parked or placed behind the principal building on the lot.
- (3) **Sales Display.** No vehicles or equipment being displayed for sale shall be parked or placed within required setbacks or 15 feet from the front lot line, whichever is greater. A minimum 15-foot deep landscaped buffer shall be established along all portions of the frontage not occupied by a building or access drive. No vehicles or equipment shall be parked or mounted on a raised, angled or moving display surface or structure.
- (4) **Storage of Junk and Parts.** No junked vehicles or vehicle or equipment parts shall be stored within required setbacks. All junked vehicles or vehicle or equipment parts shall be stored:
 - (a) Inside an enclosed structure; or
 - (b) Behind the principal building in a manner that is screened year-round from neighboring properties and public rights-of-way.
- (5) **Parking.** Employee and customer parking shall be provided on-site in accordance with Section 3.13 of these regulations.
- (6) **Signs.** Signs shall be in accordance with Section 3.16 of these regulations.
- (7) **Lighting.** Lighting shall be in accordance with Section 3.12 of these regulations.
- (8) **Performance Standards.** The business shall meet all performance standards in accordance with Section 3.14 of these regulations.

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SECTION 4.13. WOOD PROCESSING

- (A) Temporary wood processing not associated with forestry as defined in these regulations may be allowed in designated districts in accordance with the following:
 - (1) A portable sawmill shall not be operated on any given lot for more than 14 consecutive days nor more than a total of 90 days per calendar year.
 - (2) A portable sawmill located within 500 feet of a residence other than that of its operator shall not be operated between the hours of 7 p.m. and 7 a.m. without the permission of the neighboring landowner(s).
- (B) Except as permitted in Paragraph (A), above, or in association with forestry as defined in these regulations, wood processing and sawmills may be allowed within designated districts subject to conditional use

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review in accordance with the provisions of **Article 5** and **Section 7.09** of these regulations and the following:

- (1) All materials and products shall be stored within a building or screened from public view.
- (2) All materials, products, vehicles and equipment shall be stored or parked outside required setbacks.
- (3) The DRB may require mills and machines, whether permanently installed or portable, to be operated within an enclosed building in order to reduce impacts on neighboring properties.

Article 5. Development Review Standards

SECTION 5.01. APPLICABILITY

- (A) The DRB shall use these standards when reviewing applications for conditional uses, PUDs, subdivisions and amendments to any prior DRB approvals. If these standards conflict with any other applicable provisions of these regulations, the more stringent shall apply.
- (B) The DRB shall find that the proposed development will not result in an undue adverse impact on the applicable standards of this article.
- (C) The DRB may impose conditions as appropriate to ensure conformance with these standards and all applicable provisions of these regulations.
- (D) The ZA shall not issue a zoning permit for any use or structure that requires conditional use, PUD or subdivision approval until the DRB grants such approval in accordance with the following standards and all other applicable provisions of these regulations.

SECTION 5.02. CHARACTER OF THE AREA

- (A) **General.** The applicant shall demonstrate that the location, scale, type, density and intensity of use associated with the proposed development will not have an undue adverse impact on the character of the area. The character of the area shall be determined by the DRB based on the *St. George Town Plan*, applicable zoning district purposes and standards, and submitted materials and testimony.
- (B) **Criteria.** When determining the character of the area, the DRB may consider some or all of the following as applicable:
 - (1) Existing and planned pattern of development, uses and types of buildings in the area.
 - (2) Intensity, uniformity or mix of uses and buildings.
 - (3) Mass, scale and spacing of buildings.
 - (4) Noise and traffic.
 - (5) Privacy, security, identity, sense of community and cohesion.
 - (6) Scenic resources, aesthetics and open space.
 - (7) Historic structures and features.
 - (8) Goals, objectives and policies of the *St. George Town Plan*.
 - (9) Zoning district purposes and standards.

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See 24 VSA § 4414(3)(A) and § 4416.

CONDITIONAL USE CRITERIA

24 VSA § 4414 (3)

(A) These general standards shall require that the proposed conditional use shall not result in an undue adverse effect on any of the following:

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

(B) The general standards set forth in subdivision (3)(A) of this section may be supplemented by more specific criteria, including requirements with respect to any of the following:

- (i) Minimum lot size.
- (ii) Distance from adjacent or nearby uses.
- (iii) Performance standards, as under subdivision (5) of this section.
- (iv) Criteria adopted relating to site plan review pursuant to section 4416 of this title.
- (v) Any other standards and factors that the bylaws may include.

(C) One or more of the review criteria found in 10 V.S.A. § 6086 may be adopted as standards for use in conditional use review.

- (C) The existence of one conditional use in an area shall not be interpreted as justification for another similar conditional use to be located there.

SECTION 5.03. COMMUNITY SERVICES OR INFRASTRUCTURE

- (A) **General.** The applicant shall demonstrate that the demand for community services and facilities resulting from the proposed development shall not exceed the available or planned capacity of such services and facilities. Available capacity may be determined in part through consultation with other municipal and/or state officials having jurisdiction over affected services and facilities. Conditions may be imposed as appropriate to ensure that the demand for community facilities or services does not exceed existing or anticipated available capacity.
- (B) **Water and Sewer.** The development shall have sufficient water and sewer capacity available for its needs and shall not result in an unreasonable burden on the town's current or planned water or sewer systems. If public water or sewer is not involved, the property shall have adequate capability for on-site water supply and wastewater disposal in accordance with applicable state regulations. The DRB may solicit input of appropriate municipal officials/staff and/or require engineering reports by the applicant.
- (C) **Fire Protection Facilities.** The development shall have adequate water storage or distribution facilities for fire protection. The DRB may require the applicant to install infrastructure to suppress or fight fire such as sprinkler systems, fire hydrants, dry hydrants, cisterns or ponds. The applicant may be asked submit documentation from the fire department as to the adequacy of emergency access and fire protection facilities. The DRB may solicit input from the fire department.
- (D) **Municipal Impact.** The development shall not create an undue burden on municipal facilities or create an unreasonable demand for public services, nor shall it endanger public or quasi-public investments or materially interfere with the function, efficiency, safety or public's use and enjoyment of governmental, utility or non-profit community facilities, services or lands. The DRB may consider whether the anticipated tax return from the proposed development is equal to or exceeds the cost of anticipated municipal services and facilities directly attributable to the proposed development, and whether the proposed development will place an unreasonable burden on the ability of local governmental units to provide municipal, governmental, or educational services and facilities. A fiscal impact analysis and/or the phasing of development in accordance with any duly adopted capital budget and program may be required as appropriate. The DRB may solicit input from appropriate officials/staff and other qualified professionals.

SECTION 5.04. DESIGN

- (A) The applicant shall demonstrate that 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, massing, materials, color, reflectivity and/or orientation, to ensure compatibility. A design or visual impact analysis may be required to identify potential adverse impacts and appropriate mitigation measures.

SECTION 5.05. ENERGY

- (A) **General.** The applicant shall demonstrate that the proposed development will not interfere with the sustainable use of renewable energy resources, including access to, direct use or future availability of such resources. Energy

5. DEVELOPMENT REVIEW STANDARDS

efficient site design and layout is encouraged. At a minimum, the DRB shall consider:

- (1) Whether the project will unreasonably harm any neighbor's access to solar energy or other alternative energy utilization.
- (2) Whether the project will appropriately incorporate the principles of energy conservation and the best available technology that is practicable for efficient use and recovery of energy.
- (3) Whether the project will be able to be served by existing and permitted utility facilities, without excessive demands or adverse indirect impacts.

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(B) Energy Conservation. In order to promote energy conservation, to the extent that is economically and environmentally feasible:

- (1) Buildings should be oriented to maximize solar gain, solar energy generation and day-lighting opportunities. Buildings that are designed with uninterrupted south facing roof expanses and orientations within 15 degrees of true south are encouraged.
- (2) Landscaping shall be effectively incorporated to provide wind barriers and to reduce heat loss or gain as appropriate;
- (3) The siting of lots and buildings shall minimize the length of road and utility corridors required; and
- (4) Supporting infrastructure for alternative modes of transportation (i.e., interconnected bicycle and pedestrian connections, sidewalks, transit stops) shall be incorporated into development plans as appropriate.

SECTION 5.06. HISTORIC AND CULTURAL RESOURCES

(A) The applicant shall demonstrate that the proposed development will not have any undue adverse impact on historic, archaeological or cultural resources. To that end:

- (1) Development shall be designed to maintain the historic context of the site, as defined by any historic structures located on the property and in the immediate vicinity of the site, and to minimize the impact of new development on the historic and architectural integrity of historic resources.
- (2) The location of lot lines and development envelopes should be configured to reflect the settlement pattern of nearby historic structures, and to minimize the contrast between contemporary and historic development.
- (3) Historic features, including stonewalls and cellar holes, should be preserved and integrated into project design to the greatest extent feasible.
- (4) Prior to development on sites that have been identified as being archaeologically sensitive in the *St. George Town Plan* or through site investigation, the DRB may require a site assessment to identify the presence and relative value of archaeological resources on the site and to document the archaeological resource and/or recommend strategies for its protection.

SECTION 5.07. LANDSCAPING AND SCREENING

(A) The applicant shall demonstrate that the proposed development meets the general intent and specific requirements of Section 3.09 of these regulations. Landscaping and screening may be required to:

- (1) Provide an undisturbed, vegetated buffer between developed and undeveloped portions of a subdivision to protect water quality and/or other natural features;

- (2) Provide for stormwater infiltration and management;
- (3) Provide screening of development to increase privacy, reduce noise and glare, or to otherwise soften and/or lessen its visual impacts;
- (4) Establish and maintain street trees along public or private roads to create a canopy effect and/or maintain a pedestrian scale where the DRB deems appropriate;
- (5) Preserve existing specimen trees, tree lines, hedgerows, and wooded areas of particular natural or aesthetic value to the site, or critical wildlife habitat; and/or
- (6) Establish buffers or barriers between incompatible land uses.

SECTION 5.08. LOCAL LAWS AND TOWN PLAN

- (A) The applicant shall demonstrate that the proposed development is in conformance with all applicable requirements of these regulations (including, but not limited to, the general standards in Article 3), any capital budget and program, Official Map, other local laws or ordinances, town permit and/or approval conditions (i.e., subdivision or highway access) and is consistent with applicable goals, objectives and policies of the *St. George Town Plan*.

SECTION 5.09. NATURAL RESOURCES

- (A) The applicant shall demonstrate that the land to be developed will be able to support the intended use without undue adverse impact on important natural resources or fragile features located on the parcel, including wetlands, steep slopes, rivers and streams, critical wildlife habitat and habitat diversity, groundwater source protection areas, fluvial erosion hazard areas and/or floodplains identified in the *St. George Town Plan*, by state or federal government agencies, or through field investigation. An environmental assessment may be required to determine potential adverse impacts and associated mitigation measures. The DRB may require measures to ensure the protection of natural resources and fragile features including but not limited to:
 - (1) Establishment of buffer areas;
 - (2) Permanent protection through conservation easements, an open space agreement or other deed restrictions;
 - (3) Designation of development envelopes to ensure that activities incidental to the development, including clearing and yard area, do not adversely impact identified resources; and/or
 - (4) Preparation and implementation of management plans for protected resources and associated buffer areas.

SECTION 5.10. RECREATION

- (A) The applicant shall demonstrate that the demand for recreational facilities resulting from the proposed development will be met. The DRB may require the establishment of parks, playgrounds, trails, pathways or other recreation facilities to meet demand from the proposed development. All such land shall be of a reasonable character for its intended use. Applicants are encouraged to maintain any existing public recreational access on property being developed to the greatest extent feasible.

SECTION 5.11. TRAFFIC AND CIRCULATION

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- (A) **General.** The applicant shall demonstrate that the potential impact of projected traffic resulting from the proposed development will have no undue adverse impact on the condition, capacity, safety and function of roads, parking and associated infrastructure (i.e., bridges, culverts) potentially affected by the proposed development. The DRB shall consider and seek input as appropriate related to:
- (1) Public safety;
 - (2) Traffic plans or studies;
 - (3) Pedestrian and bicycle needs;
 - (4) Public transit needs; and
 - (5) Alternatives that reduce driving and traffic.
- (B) **Traffic Impact Study.** A traffic impact study may be required, particularly for uses that propose direct access onto Route 2A or Route 116, or that generate in excess of 50 trips per day. A traffic impact study shall include the following, unless specifically waived by the DRB:
- (1) Identification of all roads and intersections potentially affected by the project.
 - (2) Statement of existing and projected traffic conditions for a minimum of a 5-year period.
 - (3) Comparison of operating levels of service for affected roads and intersections with and without the proposed development, as of its opening date, and projected for a 5-year period.
 - (4) Identification of any adverse traffic, road or intersection impacts, and a description of the improvements needed to provide an acceptable level of service.
- (C) **Level of Service.** For development that will cause the level of service to fall below “C” for the identified design hour, or that will contribute to an existing level of service “D” or “F”, as defined by the Vermont Agency of Transportation, the DRB may require off-site road or intersection modifications as appropriate for the area (i.e., the installation of frontage roads, turning lanes, or signals as warranted) as a condition of approval.
- (D) **Pedestrian and Bicycle Access.** The DRB may require provision for pedestrian access within the site, and access through the site to adjacent properties and along roads. 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 building(s) that are open to the public shall be provided for people with disabilities in accordance with applicable state and federal laws.

Article 6. Subdivision, PUD & TDR Review Standards

SECTION 6.01. SUBDIVISION

- (A) **Applicability.** The DRB shall evaluate any subdivision of land in accordance with the standards set forth in this article and all other applicable provisions of these regulations.
- (B) **General Standards.**
- (1) **Character of the Land.** All land to be subdivided shall be, in the judgment of the DRB, of such a character that it can be used for intended purpose(s), as stated in the application, without danger to public health or safety, and without undue adverse impacts to the environment, neighboring properties, or the character of the area as described in the purpose of the zoning district in which it is located and the *St. George Town Plan*.
 - (2) **Compatibility with Existing Settlement Patterns.** Subdivisions shall be designed and laid out to achieve the purpose and desired settlement pattern of the district in which they are located. To the extent feasible, new subdivisions of land shall:
 - (a) Maintain and extend desired settlement patterns, including lot area and configuration, road layout, and building locations, for the neighborhood or district in which they are located;
 - (b) Maintain contiguous tracts of open land with adjoining parcels; and
 - (c) Connect to, and extend where appropriate, existing road, path, utility and open space corridors.
 - (3) **Density and Lot Layout.** Density, lot size and layout shall conform to zoning district standards, and general standards pertaining to lot frontage, lot and yard requirements, unless modified or waived by the DRB under the PUD provisions below. In addition:
 - (a) Lower densities of development may be required by the DRB based on site limitations.
 - (b) Lot layout shall be appropriate for the intended use and reflect the purpose of the district in which the lots are located.
 - (c) Lots with frontage on more than one road shall have sufficient width to permit a front setback from each road.
 - (d) Side lot lines shall be generally at right angles to straight roads, or radial to curved roads.
 - (e) Lots with irregular shapes (i.e., curves, jogs, dog-legs) shall not be created unless warranted by conditions of topography, the location of natural features, or existing roads.
 - (4) **Establishment of Development Envelopes.** All newly created lots shall have a designated development envelope. Development envelopes shall be designated to identify and limit the location of principal and accessory structures, parking areas, and associated site development (excluding road and utility rights-of-way or easements) on one or more portions of a lot. The size and shape of development envelopes shall at minimum be determined by district setback requirements, unless otherwise specified in these regulations or established by the DRB.
- (C) **Protection of Natural Resources.** Subdivision boundaries, lot layouts, the location of roads, driveways and infrastructure, and development envelopes shall be located and configured to avoid undue adverse impacts to natural and scenic resource features as identified in the *St. George Town Plan* and in field evaluations by natural resource professionals.
- (1) **Design Process.** All subdivisions shall be prepared with a process that first identifies natural and scenic resources and then lays out the subdivision to preserve the identified resources to the greatest extent feasible.

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- (2) **Field Evaluations.** The DRB may require an applicant to conduct independent evaluations and mapping where the DRB finds there are likely important natural resource features, habitat or scenic vistas that would be affected by a project and need to be delineated and evaluated to properly include these in the design of a project.
 - (3) **Development Envelopes.** Development envelopes shall be located and configured to avoid or minimize impact on natural resource features and scenic vistas, ridgelines and knolls that are visible from public vantage points.
 - (4) **Clearing Limits.** The DRB may establish clearing limits to minimize forest fragmentation, maintain contiguous forest cover, preserve critical wildlife habitat and travel corridors, and limit the visibility of new development.
 - (5) **Resource Fragmentation.** Lot lines, infrastructure and road, driveway and utility corridors shall be located to avoid and minimize the parcelization, fragmentation, or destruction of resource features and scenic character. The design and layout of the project shall complement adjacent preserved lands, conservation easements, and private deed restricted areas.
 - (6) **Existing Site Features.** Where sites include features such as existing roads, tree lines, mature specimen trees, stone walls, fence lines, trails or paths, streams and wildlife travel corridors, the design shall work around, conserve or utilize those as appropriate to minimize new impacts and preserve desirable elements.
 - (7) **Infrastructure.** Roads, driveways and utility corridors shall be laid out to minimize impact and shall be shared where practical.
 - (8) **Multiple Resources.** Recognizing that the subdivision process will often require consideration of multiple resources and site constraints, the DRB shall work with applicants to balance development and resource protection on a site-specific basis.
- (D) **Disclosure of Subsequent Development Plans.** Whenever a proposal is submitted for development on a minor portion of a parcel, the DRB may ask the applicant to provide a general indication of the intended use of the remaining portion of the land. Such indication shall include at minimum a written description of the proposed type and intensity of use, access, and approximate time frame for the development of the remainder of the parcel. Such an indication shall not be used to restrict the future development possibilities of the remaining portion of the land.
- (E) **Master Plan for Phased Subdivisions.** For phased subdivisions, the DRB may require submission of a conceptual master plan for the entire parcel that at a minimum identifies:
- (1) Conservation areas and other common land and open space;
 - (2) Proposed development areas;
 - (3) The general location of proposed infrastructure, including road, utility and green space corridors; and
 - (4) An estimate of the type, density, and timing of future development.

SECTION 6.02. PLANNED UNIT DEVELOPMENTS (PUDs)

- (A) **Purpose.** These planned unit development (PUD) provisions are intended to accommodate new development in a manner that maintains the town's traditional settlement patterns, is compatible with the character of the area as described in the *St. George Town Plan* and the purpose of the zoning district(s) in which the project is located, and which offers owners the flexibility to creatively develop their property. The purpose of these provisions is to implement the goals and policies of the *St. George Town Plan* as most recently amended. Specifically, the Town Plan calls on St. George to:

6. SUBDIVISION, PUD AND TDR REVIEW STANDARDS

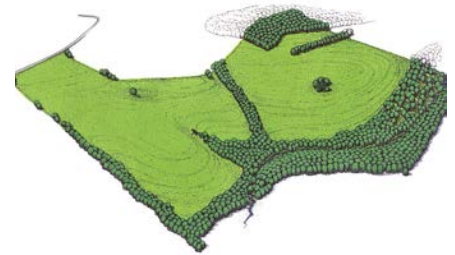
- (1) Explore new and innovative measures to achieve the traditional settlement pattern of a compact village center surrounded by rural countryside.
 - (2) Encourage master planning and use of the town's PUD provisions to cluster development for large-scale projects and major subdivisions.
 - (3) Provide incentives to promote use of the PUD provisions to cluster development while preserving large tracts of productive farm or forest land.
 - (4) Require the use of cluster development techniques to maintain a base of open space, farmland and forestland in the town.
- (B) **Applicability.** The PUD provisions may be applied to any land development in the Town of St. George at the request of the applicant.
- (C) **Multiple Districts, Lots and/or Owners.**
- (1) Where a district boundary line divides a parcel, the development of a single PUD shall be allowed with a total density based on the combined allowable density of each district. Development may be located on any portion of the parcel, regardless of zoning district, in accordance with the standards set forth in these regulations. The provisions of Section 2.01(B)(4) of these regulations shall not be used to increase the combined development potential of parcels located in more than one zoning district.
 - (2) The DRB may approve PUDs involving 2 or more contiguous or noncontiguous parcels, whether in common or separate ownership, with the total density based on the combined allowable density of all parcels. Development may be located on any portion of the parcels in accordance with the standards set forth in these regulations.
- (D) **Base Density and Density Bonuses.** The overall density of the project shall not exceed the number of units permitted as set forth in the standards for the district(s) in which the land is situated (base density), except as specifically provided for in this section. Projects may be granted one or more density bonuses in accordance with the provisions of this section. The total increase in density for a project qualifying for multiple bonuses shall be calculated cumulatively unless otherwise specified in these regulations.
- (E) **Open Space, Working Land or Common Land.** PUDs shall be designed to preserve open space areas, working land, and/or common land for parks, recreation, greenways, scenic resource protection, historic resource protection, and/or preservation of agricultural or forest lands, critical wildlife habitat and travel corridors and environmental quality.

- (1) **Minimum Open Space Requirements.** PUDs in the:

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See Sections 5.1, 5.2 and 5.11 of the *St. George Town Plan*.



UNDEVELOPED LAND



CONVENTIONAL SUBDIVISION



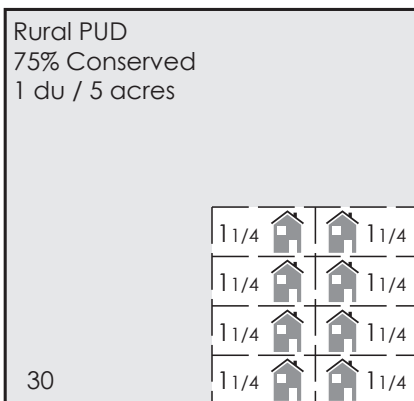
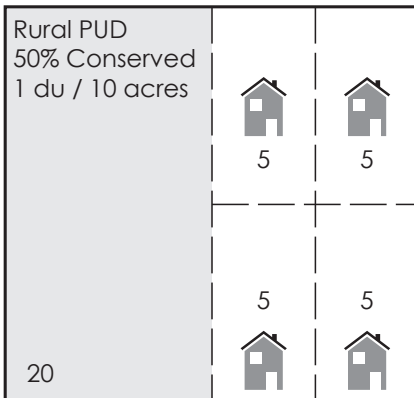
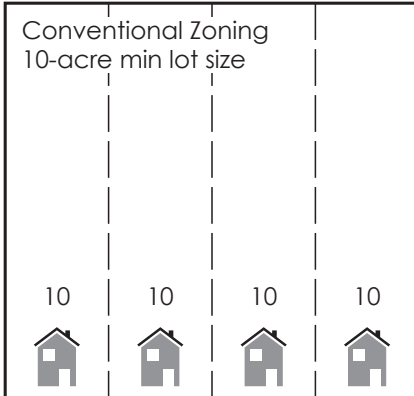
PLANNED UNIT DEVELOPMENT

Illustrations from Randall Arendt's Conservation Design for Subdivisions show how development can be clustered to protect important natural resources.

6. SUBDIVISION, PUD AND TDR REVIEW STANDARDS

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- (a) Rural Development and Low-Density Residential districts shall set aside a minimum of 50% of the parcel as open space.
- (b) Medium-Density Residential and Village Neighborhood districts shall set aside a minimum of 30% of the parcel as open space.
- (c) Village Center district shall set aside a minimum of 10% of the parcel as open space.

(2) **Preservation of Open Space.** The location, size and shape of lands set aside to be preserved for open space shall be approved by the DRB, in accordance with the following:

- (a) Designated open space may include the portion of a single lot outside of the development envelope that is characterized by important natural resources and/or may encompass the contiguous boundaries of important natural resources located on multiple lots.
- (b) The location, shape, size and character of the open space shall be suitable for its context and intended use. A single, contiguous area of open space is preferred unless the DRB agrees that multiple, non-contiguous open space areas would better protect the specific resources or features of a particular property and/or allow for a better overall development pattern on the site.
- (c) Open space land shall be located to conform with and extend existing areas sharing similar characteristics or natural features and resources on adjacent parcels.
- (d) Provisions shall be made to enable open space designated for agriculture and forestry to be used for these purposes. Management plans may be required by the DRB as appropriate to ensure the long-term protection and management of working lands. Areas preserved for agricultural and forestry use should be of a size suitable for their intended use and that retains their eligibility for available tax abatement programs.
- (e) Utility and road rights-of-way or easements, access and parking areas shall not be counted as open space areas,

TABLE 6-A: DENSITY BONUS FOR LAND CONSERVATION IN RD DISTRICT

% of Total Acreage	Density Bonus	% of Total Acreage	Density Bonus
50% conserved	1 unit per 10 acres	65% conserved	1 unit per 7 acres
55% conserved	1 unit per 9 acres	70% conserved	1 unit per 6 acres
60% conserved	1 unit per 8 acres	75% conserved	1 unit per 5 acres

6. SUBDIVISION, PUD AND TDR REVIEW STANDARDS

except where the applicant can prove, to the satisfaction of the DRB, that those uses in no way disrupt or detract from the values for which the open space is to be protected. Wastewater treatment and stormwater management practices or facilities that require, incorporate or establish open space areas may be counted as open space.

- (3) **Density Bonus for Land Conservation in the Rural Development District.** The base district density in the Rural Development districts is 1 unit per 10 acres. The DRB may approve an increase in density for PUDs in this district to a maximum of 1 unit per 5 acres in exchange for the applicant conserving land in addition to the minimum requirement of 50% as shown in Table 6-A.
 - (4) **Density Bonus for Maintenance of Open Space.** When open space is to be donated to a land trust or the municipality, or to be available to the public for recreation, the DRB may allow a density bonus to generate additional income for the sole purpose of endowing a permanent fund to offset continuing costs of maintaining the land. Spending from this fund shall be restricted to expenditure of interest so that principal may be preserved. The DRB may request a professionally prepared estimate of the annual maintenance costs in order to establish an appropriate density bonus. Such a bonus shall be in addition to any increase in density approved under other applicable provisions of these regulations.
 - (5) **Common Land and Infrastructure.** Land held in common for the preservation and maintenance of open space or natural resource areas shall be established separate from the maintenance and protection of shared infrastructure such as community wastewater systems, recreation facilities, roads and utility rights-of-way.
 - (6) **Legal Requirements.** The DRB may require that protected open space be dedicated, either in fee simple or through a conservation easement or open space agreement approved by the DRB, to the town, a homeowners association comprising all of the present and future owners of property within the development, or a non-profit land conservation organization. At a minimum, designated open space shall be indicated with appropriate notation on the final plat. Land held in common shall be subject to deed restrictions stipulating the permitted and prohibited use of such land, and establishing the person or entity responsible for maintenance and long-term stewardship. All costs associated with administering and maintaining open space and/or common land shall be the responsibility of the applicant and subsequent landowners.
- (F) **General Standards.** In addition to all applicable subdivision standards, PUDs shall meet the following:
- (1) The PUD shall reflect an effective and unified treatment of the development possibilities of the project site.

COMMON ABBREVIATIONS:

DRB: Development Review Board

ZA: Zoning Administrator

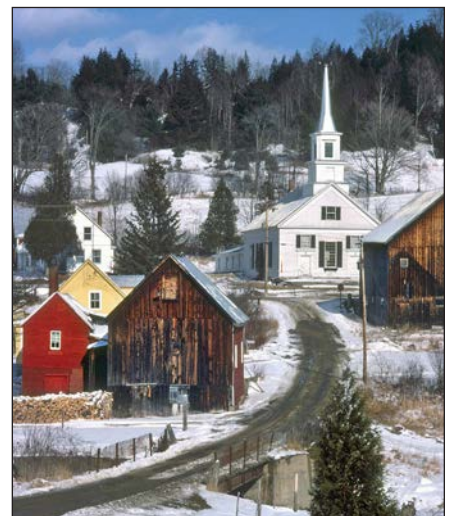
PC: Planning Commission

PUD: Planned Unit Development

TDR: Transferable Development Right



Rural PUDs can be designed to replicate the pattern of a traditional farmstead or a small hamlet at a crossroads with buildings of various scales and styles clustered together and surrounded by open countryside.



6. SUBDIVISION, PUD AND TDR REVIEW STANDARDS

COMMON ABBREVIATIONS:

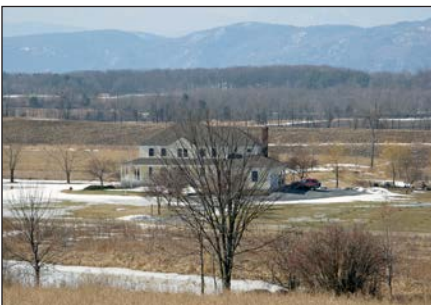
DRB: Development Review Board
ZA: Zoning Administrator
PC: Planning Commission
PUD: Planned Unit Development
TDR: Transferable Development Right



Illustrations from Randall Arendt's Conservation Design for Subdivisions show how development can be tucked into the edge of wooded areas to preserve open farmland.



The home in the picture above has been located in a wooded patch off the open farmland, while the home below was built in a former field.



- (2) Newly subdivided lots created as part of a PUD should not exceed 2 acres in area unless the DRB agrees larger lots are necessary to accommodate:
 - (a) On-site water or wastewater treatment systems;
 - (b) A proposed use other than single-family dwellings; or
 - (c) Site specific conditions or limitations.

(G) **Rural Standards.** PUDs in the Low-Density Residential and Rural Development districts shall be designed to blend new development into the agricultural or forest landscape, and to maintain the town's rural character, both visually and as a functional working landscape. To this end:

- (1) PUDs in those districts shall set aside a minimum of 50% of the project area as undevelopable land in accordance with the following principles:
 - (a) If the parcel to be developed is currently productive agricultural land, the acreage set aside should be of a quality, size and configuration that makes continued agricultural use possible unless the DRB agrees that doing so would result in undue adverse impacts to any important natural resources identified on the parcel.
 - (b) If the parcel to be developed is largely forested, forest fragmentation and tree removal should be kept to a minimum.
- (2) PUDs to be located on open agricultural land should be designed to do one or more of the following:
 - (a) Preserve working land by locating house sites along the edges of fields, pastures and woodlots. Roads, driveways and property lines are encouraged to follow existing site features such as walls, fence lines and hedgerows. Homes should be located to provide an adequate buffer between the residential and agricultural uses.
 - (b) Replicate a traditional Vermont farmstead, characterized by a variety of building scales reminiscent of the appearance of a principal dwelling and a mix of barns and agricultural accessory buildings located within a compact area surrounded by open farmland. Use of multi-unit structures and/or accessory units is encouraged.
 - (c) Replicate a traditional Vermont hamlet or crossroads, characterized by a concentration of primarily residential structures, located at a road intersection, bounded by farm or forest land. Developments are encouraged to incorporate a village green or park into their design. Buildings should be oriented towards roads, one another and/or the green or park.
- (3) PUDs to be located in forested areas shall be designed to maintain the appearance of an unbroken forested canopy and to blend new

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development into the landscape as viewed from off-site, to protect natural resources, critical wildlife habitat and travel corridors, and to provide for the sustainable, ongoing management of forest resources to the greatest extent feasible by:

- (a) Maintaining a forested buffer between homes;
- (b) Minimizing lot coverage and building footprint;
- (c) Avoiding long driveways or large parking areas;
- (d) Clearing only as much vegetation at the edge of the road as necessary to create a driveway entrance with adequate sight distance and proper drainage control;
- (e) Retaining existing or planting additional woody vegetation in undisturbed, naturalistic groupings, rather than singly as specimen trees, within cleared areas;
- (f) Using native vegetation as per Section 3.09 of these regulations;
- (g) Minimizing lawn area; and
- (h) Selectively cutting small trees and the lower branches of large trees, rather than removing mature trees, to create narrow view corridors between trees and beneath tree canopies.

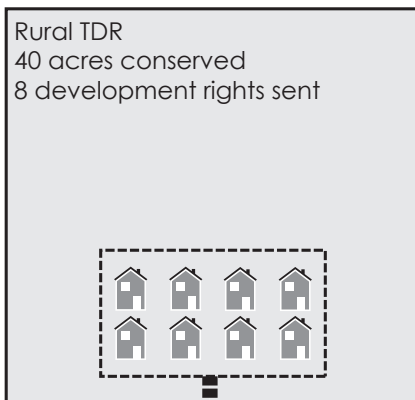
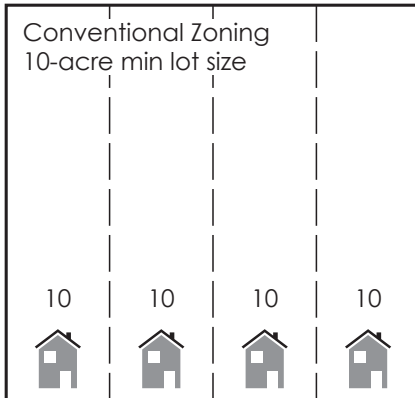
(H) Village Standards. Except for development under the provisions of the Business Park Overlay district, PUDs in the Medium-Density Residential, Village Center and Village Neighborhood districts shall be designed to be compatible with the character of a traditional New England village as described in the *St. George Town Plan* and the purposes of the zoning district(s) in which the project is located. To this end, PUDs in these districts:

- (1) Shall propose lot sizes and setbacks typical of a traditional village business district or residential neighborhood, as appropriate, unless the DRB agrees that this is not feasible due to issues such as provision of septic and water.
- (2) Shall propose roads that will establish, extend or allow for future connections to a village street network, unless the DRB agrees that this is not feasible due to site conditions such as topography.
- (3) Are encouraged to provide a range of housing opportunities. To this end:
 - (a) The DRB may approve a density bonus of up to 25% without the application of transferred development rights if the excess units are dedicated to providing housing for elderly residents, people with disabilities, and households with low- to moderate-incomes (as defined by the *St. George Town Plan*). The units shall be dedicated to such a purpose through legally binding means for a period of not less than 25 years.
 - (b) The DRB may approve a range of housing types including, but not limited to, apartments, attached dwellings, mixed-use buildings, mobile homes and multi-family dwellings. Consideration shall be given to whether the proposed structures and site design will be compatible with the character of a traditional village as described in the *St. George Town Plan* and the purposes of the zoning district(s) in which the project is located.
- (4) Are encouraged to include a mix of uses within a single project or building. To this end:
 - (a) The DRB may modify the maximum footprint requirement for mixed-use buildings that include both residential and non-residential uses. Consideration shall be given to whether the proposed structure and uses will be compatible with the character of a traditional village as described in the *St. George Town Plan* and the purposes of the zoning district(s) in which the project is located. Notwithstanding, the DRB shall not approve any structures with a footprint in excess of 20,000 square feet without the application of transferred development rights, as per Section 6.03 of these regulations.
- (5) Are encouraged to provide public open space and recreation amenities. To this end:
 - (a) The DRB may approve a density bonus of up to 25% without the application of transferred development rights if 50% of the open space required in Subparagraph (E)(1) above will be dedicated to public recreational use and enjoyment through legally binding means.

6. SUBDIVISION, PUD AND TDR REVIEW STANDARDS

COMMON ABBREVIATIONS:

DRB: Development Review Board
 ZA: Zoning Administrator
 PC: Planning Commission
 PUD: Planned Unit Development
 TDR: Transferable Development Right



- (6) Are encouraged to support the viability of the village center by providing locations for public facilities, civic institutions and/or community infrastructure serving off-site uses. To this end:
 - (a) The DRB may approve a density bonus of up to 50% without the application of transferred development rights for projects that will provide a public benefit equivalent to the increased value created by the bonus.
- (7) In order to reduce the environmental and visual impacts of parking, PUDs are encouraged to minimize the creation of surface parking by integrating parking within or under proposed buildings. To this end:
 - (a) The DRB may approve a density bonus of up to 100% for projects that integrate parking within or under the principal building(s). The bonus shall not exceed the percentage of the project's total number of parking spaces that will be located within or under a principal building.

SECTION 6.03. TRANSFER OF DEVELOPMENT RIGHTS

- (A) **Purpose.** The purpose of this section is to promote the conservation of working lands, open space and important natural resources, to preserve the town's rural and scenic character, and to allow concentrated development in the town's designated growth center.
- (B) **Sending Area.** Development rights may be transferred out of the Rural Development district at a rate of 1 development right per 5 acres of land conserved.
- (C) **Receiving Area.** Development rights may be transferred to the Medium-Density Residential, Village Center or Village Neighborhood districts to allow for the following increases in density:
 - (1) 1 additional residential unit for each development right to a maximum density of 1 residential unit per 2,000 square feet in the Village Center District, or 1 residential unit per 2,500 square feet in the Village Neighborhood District.
 - (2) 1 additional residential unit for each development right to a maximum density of 2 residential units per acre in the Medium-Density District.
 - (3) 2,000 square foot increase in principal building footprint for each development right up to a maximum building footprint of 40,000 square feet in the Village Center District only.
 - (4) 1,000 square feet of habitable 4th floor space in the Village Center District for each development right.

Article 7. Administration and Enforcement

SECTION 7.01. ZONING ADMINISTRATOR

- (A) A Zoning Administrator (ZA) shall be nominated by the PC and appointed by the Selectboard for a 3-year term to administer these regulations.
- (B) The PC may nominate and the Selectboard may appoint an Acting Zoning Administrator who shall have the same duties and responsibilities as the ZA in the ZA's absence or in cases of conflict of interest.
- (C) The ZA is subject to any personnel policies legally adopted by the town. After consultation with the PC, the Selectboard may remove the ZA at any time for cause.
- (D) The ZA shall literally enforce the provisions of these regulations and in so doing shall inspect development, maintain records and perform all other necessary tasks to carry out the provisions of these regulations. The ZA shall not permit any development that is not in conformance with these regulations.
- (E) The ZA shall coordinate a unified effort for the town in administering its development review programs. The ZA shall provide applicants with all forms required to obtain permits or approvals under these bylaws and should assist applicants in navigating the town's regulatory processes. The ZA shall also inform applicants to contact the state's regional permit specialist in order to assure timely action on any related state permits. However, it remains the applicant's responsibility to identify, apply for and obtain the necessary state permits.

SECTION 7.02. DEVELOPMENT REVIEW BOARD

- (A) The Development Review Board (DRB) shall perform all development review functions under these regulations.
- (B) Except for appeals of ZA's decisions, all matters shall come before the DRB by referral from the ZA.
- (C) The Selectboard shall appoint 5 to 9 members to serve on the DRB. The Selectboard may appoint alternates to serve on the DRB. Alternatives shall serve in situations where one or more members of the DRB have a conflict of interest or are otherwise unable to serve. The Selectboard may remove any DRB member for cause upon written charges and after a public hearing.

COMMON ABBREVIATIONS:

DRB: Development Review Board
ZA: Zoning Administrator
PC: Planning Commission
PUD: Planned Unit Development
TDR: Transferable Development Right

See 24 VSA § 4448.

See 24 VSA § 4460.

COMMON ABBREVIATIONS:

DRB: Development Review Board
ZA: Zoning Administrator
PC: Planning Commission
PUD: Planned Unit Development
TDR: Transferable Development Right

See 24 VSA § 4323 and § 4325.

- (D) All meetings of the DRB, except for deliberative sessions, shall be open to the public.

SECTION 7.03. PLANNING COMMISSION

- (A) A Planning Commission (PC) shall have 3 to 9 voting members appointed by the Selectboard, a majority of which are residents of the town. Selectboard members shall be nonvoting, ex officio members of the PC. Any PC members may be removed at any time by a unanimous vote of the Selectboard.
- (B) The PC may:
 - (1) Prepare or amend a town plan for consideration by the Selectboard and to review any plan amendments initiated by others;
 - (2) Prepare and present proposed regulations to the Selectboard and make recommendations to the Selectboard on proposed amendments to these regulations initiated by others;
 - (3) Undertake capacity studies and make recommendations on matters of land development, community development, transportation, economic and social development, community design and improvement, historic and scenic resource preservation, the conservation of energy and the development of renewable energy resources and wetland protection.
 - (4) Prepare and present recommended building, plumbing, fire, electrical, housing, and related codes and enforcement procedures, and construction specifications for roads and related public improvements to the Selectboard;
 - (5) Prepare and present a recommended capital budget and program for a period of 5 years, as set forth in 24 VSA § 4440, for action by the Selectboard, as set forth under 24 VSA § 4443;
 - (6) Hold public meetings;
 - (7) Participate in a regional planning program;
 - (8) Retain staff and consultant assistance in carrying out its duties and powers;
 - (9) Undertake comprehensive planning, including related preliminary planning and engineering studies; and
 - (10) Perform such other acts or functions as it may deem necessary or appropriate to fulfill the duties and obligations imposed by, and the intent and purposes of, these regulations and 24 VSA Chapter 117.

SECTION 7.04. FEES

- (A) The Selectboard may establish reasonable fees to be charged to the applicant for the administration of these regulations. These fees may include the cost of posting and publishing notices, holding public hearings, and conducting periodic inspections during construction and/or to determine ongoing compliance when required as a condition of approval.

COMMON ABBREVIATIONS:

DRB: Development Review Board
ZA: Zoning Administrator
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PUD: Planned Unit Development
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SECTION 7.05. ZONING PERMIT

- (A) No land development requiring a zoning permit shall commence until the ZA issues a permit in conformance with these regulations and the 15-day period for appeal under Section 7.07 has passed. In the event that a notice of appeal is properly filed, no land development shall commence until the appeal has been decided.
- (B) An application for a zoning permit shall be submitted to the ZA on forms provided by the town, along with any application fees as established by the Selectboard.
- (C) Upon receipt of an application and the associated fee, the ZA shall determine whether the application is complete. After an application is deemed complete, the ZA has 30 days to approve, deny or refer the application to the DRB. Failure to act within 30 days shall be deemed approval.
- (D) The ZA shall approve or deny permits in writing, in accordance with 24 VSA Chapter 117. Denials shall include a statement of the time in which appeals may be made under Section 7.07 of these regulations. Information regarding permit display under Section 7.15, and required inspections and certificates of compliance under Section 7.06 shall be issued with the zoning permit as applicable.
- (E) The ZA shall only issue a zoning permit in accordance with 24 VSA Chapter 117 and the following provisions:
 - (1) No zoning permit shall be issued by the ZA for any development that requires the approval of the DRB and/or Selectboard until such approval has been obtained.
 - (2) No zoning permit shall be issued by the ZA for development on a lot for which subdivision approval is required until such approval has been obtained and the plat has been properly recorded.
 - (3) No zoning permit shall be issued by the ZA for development within the Flood Hazard and River Corridor overlay district until the application has been referred to the NFIP Coordinator at the Vermont Agency of Natural Resources and the NFIP Coordinator comments on the application or 30 days expires from the date of referral, whichever is sooner.

See 24 VSA § 4440.

See 24 VSA § 4448(d), § 4449(a)(1), § 4449(a)(3) and § 4449(b).

COMMON ABBREVIATIONS:

DRB: Development Review Board
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 PC: Planning Commission
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 TDR: Transferable Development Right

See 24 VSA § 4449(b).

- (F) The ZA shall properly file and maintain a record of:
 - (1) An Elevation Certificate with the as-built elevation of the lowest floor of all new, substantially improved, or floodproofed buildings in the special flood hazard area.
 - (2) All floodproofing and other certifications required under the regulations for the Flood Hazard and River Corridor Overlay District
- (G) The ZA shall deliver a copy of the permit to the Listers and shall post a copy of the permit at the Town Office within 3 days after issuing a permit. The permit shall be posted for a period of 15 days from the date of issuance.
- (H) The ZA shall deliver a Memorandum of Municipal Action to the Town Clerk for recording within 30 days after issuing a permit. The ZA shall also file a copy of the permit as part of the ZA's records in the town offices.
- (I) The notice of a zoning permit shall be posted on the property within view of the nearest public right-of-way for a period of 15 days from the date of issuance. The applicant is responsible for posting the permit and ensuring that it remains posted throughout the appeal period.
- (J) Zoning permits and associated approvals shall remain in effect for 2 years from the date of issuance, unless the permit specifies otherwise. All development authorized by a zoning permit shall be substantially completed within this period or the zoning permit shall become null and void. If a permit expires, the applicant shall begin the application and approval process anew. The ZA may grant a single, 1-year administrative extension if the extension is requested before the permit expiration date and the ZA determines that all improvements completed to date conform to permit requirements and these regulations.

SECTION 7.06. CERTIFICATE OF COMPLIANCE

- (A) After the completion of construction requiring a permit under these regulations and before any structure is occupied, the applicant shall obtain a certificate of compliance (CC) from the ZA. The following procedures apply to the issuance of a certificate of compliance:
 - (1) The applicant shall notify the ZA when any new structure or modification to an existing structure is staked.
 - (2) The ZA shall inspect the site to ensure that all the requirements of the permit are being met within 7 days of being notified.

ARTICLE 7. ADMINISTRATION AND ENFORCEMENT

- (3) The applicant shall notify the ZA again when the structure is ready for occupancy and/or use.
 - (4) The ZA shall do a final inspection to ensure that all the requirements of the permit have been met within 7 days of being notified.
- (B) The ZA shall take action on the request for a certificate of compliance within 7 days after the final inspection. The ZA may either:
- (1) Find that the permit conditions have been met and issue the certificate of compliance.
 - (2) Find that the permit conditions have not been met and, if the development conforms to all applicable provisions of these regulations, require the applicant submit an amended application for the project as constructed before issuing a certificate of compliance.
 - (3) Find that the permit conditions have not been met and, if the development does not conform to all applicable provisions of these regulations, the ZA shall deny the certificate of compliance and follow the procedures set forth in Section 7.22 for violations of these regulations.
- (C) The ZA shall deliver a Memorandum of Municipal Action to the Town Clerk for recording within 30 days after issuing a CC. The ZA shall also file a copy of the CC as part of the ZA's records in the town offices.

COMMON ABBREVIATIONS:

DRB: Development Review Board
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TDR: Transferable Development Right

See 24 VSA § 4449(b).

SECTION 7.07. APPEALS

(A) Appeal of an Act or Decision of the ZA.

- (1) In addition to the applicant, any interested person (as defined in Section 7.14 of these regulations) may appeal a decision or act of the ZA by filing 2 copies of a notice of appeal within 15 days of the decision or act with the Clerk of the DRB, who shall immediately notify the Chair of the DRB and the ZA that an appeal has been filed.
 - (a) When an appeal is delivered to the Town Office and received by the Town Clerk, the Town Clerk shall immediately notify the Clerk of the DRB. An appeal shall be considered filed as of the date it is delivered to the Town Office, if not delivered directly to the Clerk of the DRB.
 - (b) One copy of the notice of appeal shall be forwarded to the ZA and the other shall be forwarded to the DRB.
- (2) A notice of appeal shall be in writing and shall include the following information:
 - (a) The name and address of the appellant;

See 24 VSA § 4465(a) and § 4466.

COMMON ABBREVIATIONS:

DRB: Development Review Board
 ZA: Zoning Administrator
 PC: Planning Commission
 PUD: Planned Unit Development
 TDR: Transferable Development Right

See 24 VSA § 4464(b) and § 4470.

See 24 VSA § 4469.

See 24 VSA § 4468.

- (b) A copy of the ZA's decision (if appeal of a zoning permit, also include a copy of the permit application);
- (c) A brief description of the property with respect to which the appeal is being brought;
- (d) A reference to the applicable provisions of these regulations; and
- (e) Any relief being requested by the appellant, including a request for a variance or waiver.

- (3) If an interested person other than the applicant files the appeal, the ZA shall immediately inform the applicant that an appeal has been filed and advise the applicant that the project shall not commence until the appeal has been decided.
- (4) The DRB shall hold a public hearing on a notice of appeal within 60 days of its filing. The hearing shall be warned as per Section 7.15(A) of these regulations.
- (5) The DRB may reject an appeal without a hearing and render a decision within 10 days of the filing of a notice of appeal, if the DRB determines that the issues raised by the appellant have been decided in an earlier appeal, or are based on the same facts, by or on behalf of the appellant.
- (6) The DRB shall issue a written decision, with findings of fact, within 45 days after closing the hearing in accordance with Section 7.18 of these regulations.

(B) Variance.

- (1) The procedures below apply to an applicant who has been denied a permit by the ZA, who is appealing that decision and who is proposing a project that would require deviating from the provisions of these regulations.
- (2) The steps to be taken to file and review a request for a variance are the same as those specified in Paragraph (A) of this section, with the addition of the following:
 - (a) In addition to the submittal requirements listed in Paragraph (A)(2) of this section, the applicant's notice shall also include a brief response to each of the conditions listed in Subparagraph (B)(3), (B)(4) or (B)(5), as applicable.
 - (b) The DRB shall make its decision on the request for variance by applying the facts presented in the request for a variance and at its hearing to the conditions listed in Subparagraph (B)(3), (B)(4) or (B)(5), as applicable. All conditions shall be met for the DRB to grant a variance. The DRB shall respond to each condition in its written findings of fact.
- (3) **General Conditions.** The DRB shall only grant a variance if all of the following conditions are met.

- (a) 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. These conditions, and not the circumstances or conditions generally created by the provisions of these regulations in the district in which the property is located, have created an unnecessary hardship for the appellant.
 - (b) Those physical circumstances or conditions prevent the property from possibly being developed in strict conformity with these regulations and a variance is necessary to enable reasonable use of the property.
 - (c) The appellant has not created the unnecessary hardship.
 - (d) The proposed project would not:
 - (i) Alter the essential character of the area or district in which the property is located.
 - (ii) Substantially or permanently impair the appropriate use or development of adjacent property.
 - (iii) Reduce access to renewable energy resources.
 - (iv) Be detrimental to the public welfare.
 - (e) The appellant is proposing the least deviation possible from these regulations and from the town plan that will afford relief.
- (4) **Renewable Energy Structure Conditions.** If a variance is being requested for a structure that is primarily a renewable energy resource structure, the DRB shall only grant a variance if all of the following conditions are met.
- (a) It would be unusually difficult or unduly expensive for the appellant to build a sustainable renewable energy resource structure in conformance with these regulations.
 - (b) The appellant has not created an unnecessary hardship.
 - (c) The proposed project would not:
 - (i) Alter the essential character of the area or district in which the property is located.
 - (ii) Substantially or permanently impair the appropriate use or development of adjacent property.
 - (iii) Reduce access to renewable energy resources.
 - (iv) Be detrimental to the public welfare.
 - (d) The appellant is proposing the least deviation possible from these regulations and from the town plan that will afford relief.
- (5) **Flood Hazard and River Corridor Conditions.** If a variance is being requested for development within the flood hazard and river corridor overlay district, the DRB shall only grant a variance if all of the following conditions are met.
- (a) All of the general variance conditions in (B)(3) above are met.
 - (b) If development is within the special flood hazard area, all of criteria of 44 CFR Section 59.1, Section 60.3, and Section 60.6 are met.
 - (c) If development is within the special flood hazard, the applicant shall provide an analysis completed by a qualified person such as a Professional Engineer, to demonstrate that the proposed development will not increase flood heights. The DRB shall consider review of the applicant's analysis from the Vermont Agency of Natural Resources for concurrence that the proposed development will not increase flood heights.
 - (d) If proposed development is within the river corridor, a written determination from the Vermont Agency of Natural Resources that the proposed development will not obstruct the establishment and maintenance of fluvial geomorphic equilibrium for the watercourse.

See 24 VSA § 4471.

- (C) **Appeal of an Act or Decision of the DRB.** Any interested person as defined in Section 7.14 of these regulations who participated in a hearing on a matter before the DRB may appeal that decision to the Vermont Environmental Court. Notice of appeal shall be sent to every interested person who participated in the town hearing, and the applicant if not the appellant.

SECTION 7.08. WAIVERS

- (A) **Purpose.** This section is intended to provide the DRB flexibility to adjust specific provisions and requirements of these regulations in response to the unique characteristics of a particular project and/or property in order to accommodate reasonable land use and development in the Town of St. George. To this end, the DRB may grant waivers to standards and application requirements as authorized in these regulations and in accordance with the provisions of the section.

(B) **Waiver of Development and Dimensional Standards.**

- (1) **Applicability.** Only where specifically authorized, the DRB may waive or modify the development standards in Article 3 and Article 4 of these regulations. The DRB may waive or modify the dimensional standards specified in Article 2 of these regulations either to the extent set forth in Table 7-A or as specifically authorized by other provisions of these regulations. It shall be the responsibility of the applicant to provide sufficient information to allow the DRB to justify the waiver. In granting waivers, the DRB may require such conditions that will, in its judgment, substantially meet the intent and purpose of these regulations. In determining whether to grant a waiver, the DRB shall find that the proposed deviation from these regulations would:

- (a) Be beneficial for the continued reasonable use of the property.
- (b) Improve the property and not adversely affect the character of the area.
- (c) Not impair the reasonable use or appropriate development of adjacent property.
- (d) Not be detrimental to the public health, safety or welfare.
- (e) Not have the effect of nullifying the intent and purpose of applicable provisions of these regulations, the *St. George Town Plan* and/or other municipal bylaws and ordinances in effect.

- (2) **Civic Facilities.** For civic facilities only, the DRB may waive any or all development standards set forth in Article 2, Article 3, Article 4 and Table 7-A of these regulations. In granting waivers for a civic facility, the DRB shall find that the deviation from these regulations complies with Section 7.08(B)(1)(a-e).

TABLE 7-A: MAXIMUM ALLOWABLE WAIVER TO DIMENSIONAL STANDARDS	
Minimum side and rear setbacks	70%
Minimum front setback	25%
Maximum front setback	10%
Maximum building footprint	10%
Maximum lot coverage	5%

COMMON ABBREVIATIONS:

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- (3) **Application Requirements.** Requests for waivers shall be submitted in writing and include all of the following:
- (a) The name and address of the applicant;
 - (b) A brief description of the property and project with respect to which the waiver is being sought;
 - (c) A reference to the applicable provisions of these regulations; and
 - (d) The relief being requested.
- (4) **Notice and Hearing.** The DRB shall hold a public hearing on a request to waive dimensional standards within 60 days of its filing. The hearing shall be warned as per Section 7.15(B) of these regulations.
- (5) **Decision.** The DRB shall issue a written decision on a request for waiver of dimensional standards, with findings of fact, within 45 days after closing the hearing in accordance with Section 7.18 of these regulations. The DRB shall issue a written response to a request for waiver of application requirements documenting the requirements being waived. This shall not preclude the DRB from requesting submission of the waived or additional materials during the review process if the DRB later determines the information to be necessary for the comprehensive review of the application.
- (C) **Waiver of Application Requirements.** The DRB may waive or modify application requirements upon written request from the applicant. Such a request may be submitted at an informal meeting between the applicant and the DRB. It shall be the responsibility of the applicant to provide sufficient information to allow the DRB to justify the waiver. In granting waivers, the DRB may require such conditions that will, in its judgment, substantially meet the objectives of any requirements waived. In determining whether to grant a waiver, the DRB shall find that:
- (1) The requirement is not requisite in the interest of public health, safety, and general welfare;
 - (2) The requirement is not applicable given the specific characteristics of the proposed development and/or property; and
 - (3) Granting a waiver will not have the effect of nullifying the intent and purpose of applicable provisions of these regulations, the *St. George Town Plan* and/or other municipal bylaws and ordinances in effect.

SECTION 7.09. CONDITIONAL USE REVIEW

- (A) **Application Requirements.** The following materials shall be submitted with an application for conditional use review unless waived as per Paragraph (C) of this section:
- (1) Names and addresses of the property owner, applicant and owners of adjoining and facing properties.
 - (2) Project description (not to exceed one page).
 - (3) Site location map showing project location in relation to public roads, and adjoining and facing properties.
 - (4) Photographs of the site are recommended but not required.
 - (5) A site plan including all elements specified in Table 7-B unless waived by the DRB.
- (B) **Application Process.** An applicant for conditional use review shall submit a complete application, 1 original and 8 copies of the site plan (plan copies may be reduced to 11 x 17 inches) and any applicable fees to the ZA for

TABLE 7-B: APPLICATION REQUIREMENTS	CONDITIONAL USES	SUBDIVISIONS & PUDs			
	Site Plan	Context Map	Existing Resources Map	Conceptual Preliminary Plan	Engineered Final Plan
Preparer information & certifications	✓	✓	✓	✓	✓
Scale	✓	✓	✓	✓	✓
North arrow, legend & title block (date, title, page number, etc.)	✓	✓	✓	✓	✓
Existing lot lines, easements, rights-of-way and dimensions	✓	✓	✓		
Proposed lot lines, easements, rights-of-way and dimensions				✓	✓
Adjoining land uses	✓	✓			
Zoning district boundaries	✓	✓	✓		
Existing public, common or conserved land	✓	✓	✓		
Proposed public, common or conserved land	✓			✓	✓
Natural and Cultural Resources					
Existing elevations (contour lines)	10 FT	10 FT	10 FT		
Proposed elevations (contour lines)	2 FT			10 FT	2 FT
Moderate and steep slopes & ridgelines	✓	✓	✓		
Geologic formations (rock outcroppings, ledge, cliffs, etc.)	✓	✓	✓		
Existing natural drainage (swales, ditches, etc.)	✓	✓	✓		
Surface waters (streams, ponds, etc.)	✓	✓	✓	✓	✓
Groundwater source protection areas	✓	✓	✓	✓	✓
Floodplains and fluvial erosion hazard areas	✓	✓	✓	✓	✓
Wetlands	✓	✓	✓	✓	✓
Vegetative cover type (meadow, old field, woodland, etc.)	✓	✓	✓		
Primary agricultural soils and productive forest soils	✓	✓	✓		
Woodland canopy lines	✓	✓	✓	✓	✓
Critical wildlife habitat and travel corridors	✓	✓	✓		
Archaeological, historic and/or cultural resources	✓	✓	✓		
Built Environment					
Existing roads, paths, sidewalks, parking, service areas, & ROWs	✓	✓	✓		
Proposed roads, paths, sidewalks, parking, service areas, & ROWs	✓			✓	✓
Existing structures (buildings, fences, signs, etc.) & dev. envelopes	✓	✓	✓		
Proposed structures (buildings, fences, signs, etc.) & dev. envelopes	✓			✓	✓
Existing utilities, water, wastewater & stormwater systems & ROWs	✓	✓	✓		
Proposed utilities, water, wastewater & stormwater systems & ROWs	✓			✓	✓
Existing landscaping, screening, lighting and signs	✓	✓	✓		
Proposed landscaping, screening, lighting and signs	✓			✓	✓

consideration at a formally warned meeting of the DRB. A potential applicant may request an informal meeting with the DRB before submitting an application for review.

- (C) **Waiver of Application Materials.** The application shall not be considered complete until the applicant submits all of the application materials listed in Paragraph (A) and (B) of this section. The DRB may waive one or more of the listed items, in accordance with Section 7.08(C) of these regulations, if it determines the item(s) to be unnecessary for the comprehensive review of the application.
- (D) **Additional Information.** The DRB may request additional information during the review process including, but not limited to:
- (1) Information pertaining to any conservation areas on the site, critical wildlife habitat, important agricultural or forest soils, historic features or structures, or archeological resources.
 - (2) Architectural elevations of proposed structures and samples of finish materials and/or colors.
 - (3) Draft legal documents such as easements, open space agreements, private road agreements, or maintenance agreements.
 - (4) Construction staging plan and schedule, including the sequence and timing of proposed site development and related improvements.
 - (5) Landscaping plan.
 - (6) Lighting plan.
 - (7) Stormwater management and erosion control plan.
 - (8) Traffic impact analysis.
 - (9) Environmental impact analysis.
 - (10) Visual impact analysis.
- (E) **Notice and Hearing.** The DRB shall hold a public hearing on the application for conditional use within 60 days of its filing. The hearing shall be warned as per Section 7.15(A) of these regulations.
- (F) **Review and Decision.** The DRB shall review an application for conditional use based on all applicable provisions of Article 2, Article 3, Article 4 and Article 5 of these regulations. The DRB may place conditions as deemed necessary to achieve the purposes of these regulations and the goals of the *St. George Town Plan*. The DRB shall issue a written decision, with findings of fact, within 45 days after closing the hearing in accordance with Section 7.18 of these regulations.

COMMON ABBREVIATIONS:

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ZA: Zoning Administrator

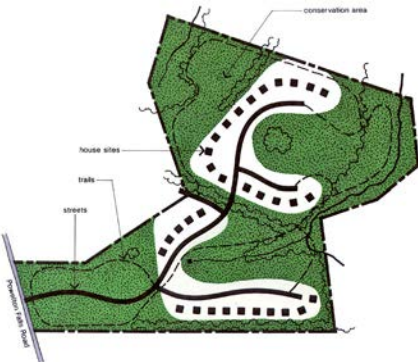
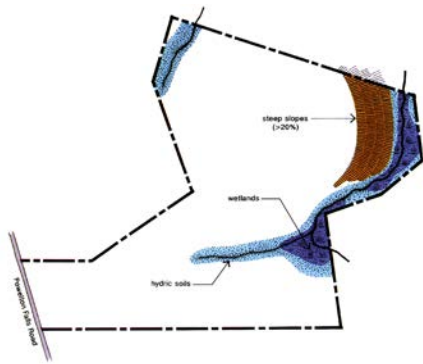
PC: Planning Commission

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SECTION 7.10. SUBDIVISION REVIEW

- (A) **Applicability.** Except as specifically exempted under Paragraph (B) of this section, subdivision approval by the DRB is required prior to undertaking:
- (1) Any construction, building development, grading, land clearing (excluding forestry, or agricultural or surveying activities) associated with the subdivision of land; or
 - (2) Any sale, conveyance or lease of any subdivided portion of a property; or



Illustrations from Randall Arendt's Conservation Design for Subdivisions show how resources are identified before development is sited.

- (3) The issuance of any permit for any land development involving land to be subdivided; or
- (4) The filing of a subdivision plat with the Town Clerk.

(B) Exemptions. The following are specifically exempted from subdivision review under this section:

- (1) The conveyance of land for agricultural purposes, which does not involve the creation of any new roads for uses other than accepted agricultural practices.
- (2) The conveyance of land for conservation or recreation purposes, which has had its development rights removed.
- (3) The lease of land and/or structures for the purpose of siting communications, energy generation or public utility infrastructure.
- (4) The conveyance of rights-of way or easements that do not result in the subdivision of land.
- (5) Boundary adjustments approved administratively under Section 3.03 of these regulations.

(C) Informal Meeting. Applicants shall schedule an informal meeting with the DRB to discuss the subdivision design and subdivision review process. At the informal meeting, the DRB shall determine what steps of the subdivision design and subdivision review process described in Paragraph (D) the applicant will be required to follow. Applicants may be required to complete all, only the final or any combination of the four steps as deemed appropriate by the DRB based on the complexity of the proposed subdivision and/or character of the land to be subdivided. Applicants may request a waiver of application materials as per Section 7.08(C) of these regulations at the informal meeting.

(D) Subdivision Design and Review Process:

- (1) **Step One – Context and Site Analysis.**
 - (a) **Context Map.** The applicant shall submit a Context Map showing all elements listed in Table 7-B at a scale of 1 inch = 400 feet and including all land within ½ mile of the parcel to be subdivided. The Context Map may consist of multiple sheets if necessary to clearly show multiple data layers, but the entire area should be shown on each sheet. The purpose of the Context Map is to acquaint the applicant/property owner, DRB and other interested persons with the resources and development patterns near the development site at an early stage in the process. Applicants are encouraged to use aerial photography as a base for the context map if available.
 - (b) **Existing Resources Plan.** The applicant shall submit an Existing Resources Plan showing the features and resources on the parcel to be subdivided as listed in Table 7-B at a

scale of not more than 1 inch = 200 feet. The Existing Resources Plan may consist of multiple sheets if necessary to clearly show multiple data layers, but the entire area should be shown on each sheet. The purpose of the Existing Resources Plan is to provide the applicant/property owner, DRB and other interested persons with virtually everything they need to know about the property in terms of its noteworthy natural and cultural features. Supplementing the Existing Resources Plan with photographs of the property is encouraged.

- (c) **Qualified Professionals.** The applicant is encouraged to work with one or more qualified professionals such as a landscape architect, planner with natural resources expertise, forester, conservation biologist, etc. in developing the materials needed for Step One, Step Two and Step Three of the subdivision design and review process. The use of handheld GPS units to document the location of site features is encouraged. Surveying or engineering shall only be required at Step Four of the subdivision design and review process.
- (d) **Submission of Materials.** The applicant shall submit a complete application, 1 original and 8 copies of the Context Map and Existing Resources Plan (plan copies may be reduced to 11 x 17 inches) and any applicable fees to the ZA. Within 30 days of receipt of the required materials and applicable fees, the ZA shall work with the applicant and DRB to schedule Step Two of the subdivision process.

(2) **Step Two – Site Visit and Pre-Design Hearing.**

- (a) **Site Visit.** Because it is impossible to completely understand a site only by examining a two-dimensional paper document inside a meeting room, the DRB will walk the property with the Context Map and Existing Resources Plan to gather firsthand knowledge of the site. Applicants/property owners are encouraged to open the site walk to all interested persons. If the site walk will not be open to the public, the applicant shall be responsible for making a video recording of the walk, which shall be introduced as part of the record.
- (b) **Pre-Design Hearing.** Following the site visit, the DRB shall hold a public hearing to be noticed as per Section 7.15(B) of these regulations to discuss the potential subdivision. This hearing should provide an opportunity for review of the Context Map, Existing Resources Plan and Site Visit, as well as the applicable provisions of these regulations. It should also allow for communication between all parties before significant time and money has been spent on the subdivision plan with the goal of reducing the potential of future conflicts and the need for multiple revisions to the proposed plan. The applicant may request a waiver of application requirements for Step Three of the subdivision design and review process at the hearing.
- (c) **Action by the DRB.** Within 45 days of the date of adjournment of the public hearing, the DRB shall issue a written response to include:
 - (i) The granting or denial of any waiver requests;
 - (ii) A preliminary indication of whether or not the subdivision plan envisioned by the applicant generally conforms to applicable development and subdivision review standards under Article 5 and Article 6 of these regulations, or would be in conflict with the *St. George Town Plan* and other municipal regulations currently in effect; and
 - (iii) Any recommendations for proposed changes in subsequent submissions and any requests for additional studies or supporting documentation.

(3) **Step Three – Preliminary Design.** In Step Three, the overall concept for the subdivision should be outlined, showing areas of proposed development and areas of proposed conservation or open/public space.

- (a) **Design Process.** Applicants are strongly encouraged to use the following process when designing their subdivisions:
 - (i) Determine location of open space.
 - (ii) Select building locations.
 - (iii) Align roads, driveways and trails to connect the homes.
 - (iv) Draw lot lines and/or development envelopes.
- (b) **Conceptual Preliminary Plan.** The Conceptual Preliminary Plan shall be drawn to scale so that it can be laid on top of the Existing Resources Plan to illustrate the relationship between the proposed layout and the natural and cultural resources existing on the site. Elements to be included on the conceptual preliminary

plan are listed in [Table 7-B](#). The original of the Conceptual Preliminary Plan shall be drawn or printed on a translucent or transparent overlay sheet so it can be overlaid on the Existing Resources Plan.

- (c) **Submission of Materials.** Not more than 12 months from date the pre-design hearing was closed, the applicant shall submit 1 original and 8 copies of the Conceptual Preliminary Plan (copies may be reduced to 11 x 17 inches and may be printed on opaque paper) and any supporting materials, along with any associated fees, to the ZA. Within 30 days of the receipt of all required materials and applicable fees, a DRB hearing shall be scheduled and warned as per [Section 7.15\(B\)](#) of these regulations.
- (d) **Preliminary Design Hearing.** The DRB shall hold a public hearing on the preliminary design as presented in the Conceptual Preliminary Plan. The applicant may request waiver of application requirements as per [Section 7.08\(C\)](#) required for Step Four at the preliminary design hearing.
- (e) **Action by the DRB.** Within 45 days of the date of adjournment of the public hearing, the DRB shall issue a written response including:
 - (i) The granting or denial of any waiver requests;
 - (ii) A determination of whether or not the preliminary design as presented in the Conceptual Preliminary Plan conforms to applicable development and subdivision review standards under [Article 5](#) and [Article 6](#) of these regulations, or would be in conflict with the *St. George Town Plan* and other municipal regulations in effect; and
 - (iii) Any recommendations for proposed changes in subsequent submissions and any requests for additional studies or supporting documentation.

(4) **Step Four – Final Design.**

- (a) **Engineered Final Plan.** Elements to be included on the Engineered Final Plan are listed in [Table 7-B](#).
 - (b) **Submission of Materials.** Not more than 12 months from date the preliminary design hearing was closed, the applicant shall submit 1 original and 8 copies of the Engineered Final Plan (copies may be reduced to 11 x 17 inches) and any supporting materials, along with any associated fees, to the ZA. Within 30 days of the receipt of all required materials and applicable fees, a DRB hearing shall be scheduled and warned as per [Section 7.15\(A\)](#).
 - (c) **Final Design Hearing.** The DRB shall hold a public hearing on the final design as presented in the Engineered Final Plan.
 - (d) **Action by the DRB.** Within 45 days of the date of adjournment of the public hearing, the DRB shall act to approve, approve with conditions, or deny the final plan, based on a determination of whether or not the plan and associated plat conform to the development and subdivision review standards under [Article 5](#) and [Article 6](#) of these regulations, or would be in conflict with the *St. George Town Plan* and other municipal regulations in effect. Approval, conditions of approval, or grounds for denial shall be set forth in a written notice of decision issued in accordance with [Section 7.18](#) of these regulations.
- (E) **Effect of Final Plan Approval.** The approval by the DRB of a final subdivision plan and associated plat shall not be construed to constitute acceptance of any legal interest by the town of any road, easement, utility, park, recreation facility, or other open space shown on the final plat. Such acceptance may be accomplished only by a formal resolution of the Selectboard, in accordance with state statute. Each approval for a final plan may contain a time limit within which all improvements necessary for the subsequent development of the subdivided lots (i.e., roads, utilities) shall be completed, not to exceed 3 years unless otherwise required or extended by the DRB.
- (F) **Plat Recording Requirements.** Within 180 days of the date of receipt of final plat approval, the applicant shall file 3 copies of the final subdivision plat, including 1 mylar copy and 2 paper copies, for recording with the town in conformance with the requirements of 27 VSA Chapter 17. Approval of subdivision plats not filed

and recorded within this 180-day period shall expire. The ZA may, however, grant one 90-day extension for plat filing in the event the applicant documents that other required local and/or state permits are still pending.

- (G) **Amendments to an Approved Plat.** No changes, modifications, or other revisions that alter the plat or conditions attached to an approved subdivision plan shall be made unless the proposed revisions are first resubmitted to the DRB and the DRB approves such revisions after public hearing noticed as per Section 7.15(B) of these regulations. Within 45 days of the date of adjournment of the public hearing, the DRB shall act to approve, approve with conditions, or deny the amendment, based on a determination of whether or not the plan and associated plat conform to the development and subdivision review standards under Article 5 and Article 6 of these regulations, or would be in conflict with the *St. George Town Plan* and other municipal regulations in effect. Approval, conditions of approval, or grounds for denial shall be set forth in a written notice of decision issued in accordance with Section 7.18 of these regulations. In the event that such subdivision plan revisions are recorded without complying with this requirement, the revisions shall be considered null and void.

SECTION 7.11. PUD REVIEW

- (A) **Application Requirements.** Applications for PUD review shall be submitted in conjunction with a subdivision application. Additional submissions for PUDs are listed in Table 7-B.
- (B) **Coordination with Other Review Processes.**
- (1) A PUD application shall be reviewed simultaneously with the subdivision application.
 - (2) Approval for a PUD that involves the development of one or more conditional uses shall not exempt the project from conditional use review. The applicant may request that the conditional use or any other applicable review be combined with PUD review.
- (C) **Application Process.** The PUD review shall follow the procedures applicable to subdivisions as specified in Section 7.10 of these regulations.
- (D) **Review and Decision.** The DRB shall review and issue a decision on an application for a PUD in accordance with the procedures applicable to subdivisions as specified in Section 7.10 of these regulations. At the time of PUD approval, the DRB shall include in its written decision a clear indication of all approved modifications of the district(s) development standards. The DRB may approve PUDs with conditions related to the location, scale, density, intensity and/or overall design of future development within the PUD.

SECTION 7.12. TDR ADMINISTRATION

- (A) The removal of density from a parcel within a designated sending area and the transfer of density to a parcel(s) within a designated receiving area shall be administered in accordance with the following:
- (1) The transfer of development rights shall be reviewed and approved in accordance with the provisions for PUDs and shall be considered a multi-parcel PUD unless a Density Bank is established in accordance with Subparagraph (4) below.
 - (2) The removal of development rights from a sending parcel shall be accomplished through a conservation easement or open space agreement, of a form and content approved by the DRB, to be recorded in the St. George Land Records. Such easement or agreement shall specify that the protected portions of the parcel are to be used only for open space, agriculture, forestry and outdoor recreation purposes. In addition, the easement or agreement shall be accompanied by a recordable plat that depicts:

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- (a) The boundaries of the sending parcel; and
 - (b) The boundaries of the portion of the parcel to be restricted by the conservation easement or open space agreement.
- (3) The transfer of development rights to a receiving parcel shall be accomplished through a written agreement, approved by the DRB, concurrently with PUD approval in accordance with Section 7.11 of these regulations. The written agreement shall be of a form and content approved by the DRB, and shall be recorded in the St. George Land Records. Such agreement shall specify the total density being transferred to the receiving parcel and shall include a deed reference to the density reduction easement or agreement from which the TDR density originated.
- (4) The Town of St. George may establish or participate in a Density Bank to further the purposes of transfer of development rights provisions of these regulations. The Density Bank would allow for the removal of development rights from a sending parcel by private, nonprofit conservation organizations, the town, or any other interested party, without the immediate transfer of the development rights to a receiving parcel. It would further permit the removal of development rights from a single sending parcel and the incremental transfer of those rights to multiple receiving parcels over an extended period.

SECTION 7.13. COMBINED REVIEW

- (A) In cases where a proposed project will require more than one type of development review, the DRB may warn and hold a single hearing for the purpose of reviewing and acting on the project. The ZA shall identify proposed projects appropriate for combined review and assist applicants in preparing and submitting coordinated applications to facilitate combined review.
- (B) Notice for a combined review hearing shall be made in accordance with Section 7.15(A) of these regulations. 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.
- (C) All hearing and decision requirements, and all deadlines applicable to each review process shall apply. The DRB may issue separate written decisions for each review conducted as part of the combined review, but they should be coordinated where appropriate.

SECTION 7.14. INTERESTED PERSON

- (A) For the purposes of these regulations, an interested person shall be defined as:

See 24 VSA § 4462.

See 24 VSA § 4465(b).

ARTICLE 7. ADMINISTRATION AND ENFORCEMENT

- (1) The owner of property that is the subject of any decision made under these regulations;
- (2) The town or any adjoining municipality;
- (3) An owner of property in the immediate neighborhood of a property that is the subject of any decision made under these regulations, who can demonstrate a physical or environmental impact on the their interest under the criteria reviewed, and who alleges that the decision, if confirmed, will not be in accord with the town plan or the regulations of the town;
- (4) Any 10 persons who may be any combination of voters or real property owners within the town who, by signed petition to the DRB, allege that any relief requested by a person under these regulations, if granted, will not be in accord with the town plan or the regulations of the town. This petition shall designate one person to serve as the representative of the petitioners regarding all matters related to the appeal; or
- (5) Any department and administrative subdivision of this state owning property or any interest in property within the town, and the Vermont Agency of Commerce and Community Development.

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SECTION 7.15. PUBLIC NOTICE

- (A) A public hearing, warned as described below, shall be required for all requests for conditional use approval, variances, appeals of ZA's decisions and actions, and final subdivision plan approvals.
- (1) The date, place and purpose of the hearing shall be published in a newspaper of general circulation in the town not less than 15 days before the date of the public hearing.
 - (2) The date, place and purpose of the hearing shall be posted in 3 or more public places within the town not less than 15 days before the date of the public hearing. One of the public posting places shall be on the property within view of the nearest public right-of-way. The town shall provide the property owner with a form for posting. It is the responsibility of the property owner to ensure that the notice remains posted for the entire warning period.
 - (3) Written notification to the property owner (if not the applicant or appellant) and to owners of all properties adjoining the property subject to development, without regard to any public right-of-way. 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. The town may supply applicants or appellants with notification forms and require they be sent

See 24 VSA § 4464(a)(1).

by certified mail return receipt requested or hand delivered with proof of delivery submitted before or at the start of the hearing.

See 24 VSA § 4464(a)(2).

(B) A public hearing, warned as described below, shall be required for all other types of development review including requests for waivers, preliminary subdivision plan review, approval of subdivision amendments.

(1) The date, place and purpose of the hearing shall be posted in 3 or more public places within the town not less than 7 days before the date of the public hearing.

(2) Written notification to the property owner (if not the applicant or appellant) and to owners of all properties adjoining the property subject to development, without regard to any public right-of-way. 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. The town may supply applicants or appellants with notification forms and require they be sent by certified mail return receipt requested or hand delivered with proof of delivery submitted before or at the start of the hearing.

See 24 VSA § 4464(a)(5).

(C) No defect in the form or substance of the public notice requirements shall invalidate any act or decision of the DRB when a reasonable effort has been made to provide adequate posting and notice.

See 24 VSA § 4464(b)(1).

(D) The DRB may recess a hearing on any application pending submission of additional information. Hearings that are recessed to a known date and time do not require further warnings when resumed.

SECTION 7.16. SITE VISITS

(A) The DRB may schedule a site visit as part of its review of a development application. Such a site visit shall either be open to the public or video recorded by the applicant. All evidence collected shall be included as part of the hearing record.

See 24 VSA § 4433, § 4440 and § 4464(d)

SECTION 7.17. ADVISORY, TECHNICAL & LEGAL REVIEW

(A) The town may establish one or more advisory commissions, which may review applications and offer recommendations to the DRB upon request.

(B) The Selectboard may establish procedures and standards for requiring an applicant to pay the reasonable costs of an independent technical review of an application. In accordance with such procedures and standards, the DRB may hire qualified professionals to assist in the review of applications as it deems necessary.

ARTICLE 7. ADMINISTRATION AND ENFORCEMENT

- (C) The Selectboard may establish procedures and standards for requiring an applicant to pay the reasonable costs of ongoing monitoring and inspection of development. The DRB may condition approval upon such monitoring and inspection, as it deems necessary.
- (D) The Selectboard may establish procedures and standards for requiring an applicant to pay the town's direct legal expenses for the preparation and/or review of documents including but not limited to agreements, covenants, sureties or decisions.

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SECTION 7.18. DECISIONS

- (A) Once the DRB adjourns a hearing, it shall issue a written decision, including a statement of the facts upon which it has based its decision, within 45 days. Failure to act within 45 days shall be deemed approval.
- (B) As specified in the DRB's Rules of Procedure after closing a hearing (but not necessarily immediately following it), the DRB shall go in to deliberative session, which may be closed to the public, to review evidence received at the hearing and issue a decision.
- (C) In rendering a decision in favor of the applicant, the DRB may attach reasonable conditions and safeguards as it deems necessary to implement the provisions of these regulations and the policies of the town plan. Issuance of zoning permits for further development may be conditioned upon satisfactory installation of required public improvements, including roads and infrastructure.
- (D) The decision shall be sent by certified mail to the applicant or appellant. Copies of the decision shall also be sent to every person, body or group who participated in the hearing. A copy of the decision shall also be filed with the ZA.

See 24 VSA § 4464(b)(1).

See 24 VSA § 4464(b)(2) and § 4464(b)(4).

See 24 VSA § 4464(b)(3).

SECTION 7.19. PERFORMANCE BOND OR SURETY

- (A) The DRB may condition approval upon the submission of a bond, escrow account, letter of credit or other surety in a form acceptable to the Selectboard to assure one or more of the following:
 - (1) The completion of the project;
 - (2) Adequate stabilization of the site; or
 - (3) Protection of public facilities that may be affected by the project.
- (B) The surety should be in an amount sufficient to cover the full cost of completing the required public improvements and their maintenance for a period of 2 years after completion as estimated by the town. The surety may run for a term of up to 3 years as established by the

See 24 VSA § 4464(b)(2) and § 4464(b)(4).

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TDR: Transferable Development Right

DRB. With the consent of the owner, the term of the surety may be extended for an additional 3-year term.

- (C) If the required improvements have not been installed or maintained as provided within the term of the surety, the surety shall be forfeited to the town and the town shall install or maintain the improvements to the extent and/or for the period specified in the agreement between the applicant and the town. This provision shall not be interpreted to obligate the town to expend funds in excess of the surety to install or maintain the required improvements.

SECTION 7.20. PHASING AND IMPACT FEES

- (A) Upon adoption of a capital budget and program, development may be phased or limited to avoid or mitigate any undue adverse impact on existing or planned community facilities or services. Phasing shall be based on the timing of construction or implementation of related necessary public facilities and services.
- (B) Upon adoption of a capital budget and program, the town may levy impact fees in accordance with 24 VSA Chapter 131.

See 24 VSA § 4422.

SECTION 7.21. RECORDING AND LEGAL REQUIREMENTS

- (A) **Open Space Preservation.** The following shall apply to lands designated as open space not to be developed in the future:
 - (1) Open space preservation shall be in perpetuity.
 - (2) A metes and bounds description of the area(s) to be preserved and limits on use shall be recorded on the subdivision plat, in homeowner covenants, and on individual deeds when open space lands are not held entirely in common. Alternative means of permanent open space preservation may include acceptance by a land conservation trust or a unit of government.
 - (3) Restrictive covenants shall limit uses to the continuation of agriculture, forestry or recreation that preserves rural character and any scenic resources visible from public vantage points.
- (B) **Homeowners Associations.** Formation of a homeowners association or similar legal arrangement shall be required as a condition of approval for development that includes private roads, common open space and/or common buildings, infrastructure or facilities to ensure their ongoing maintenance. The obligations of maintenance of common improvements shall be clearly outlined in the deeds to all affected owners. Specifically, each deed shall have a clause stating the town shall not be responsible for maintenance or improvements of private roads or common land or infrastructure. Costs incurred by the town because of default on the part of the association or an

ARTICLE 7. ADMINISTRATION AND ENFORCEMENT

owner shall be a lien on the property of the association or owner(s). The following minimum standards shall apply to associations:

- (1) Creation of the association before any lots or units are sold.
- (2) Mandatory membership by the original property owner and any subsequent owners.
- (3) Restrictions on the use and development of common space, buildings, facilities, roads and infrastructure.
- (4) Powers to assess and collect from each member a fair share of the associated costs.
- (5) Responsibility for providing adequate maintenance of common space, buildings, facilities, roads and infrastructure.
- (6) Approval of articles of incorporation, bylaws, covenants and deed restrictions by the town's attorney.

COMMON ABBREVIATIONS:

DRB: Development Review Board

ZA: Zoning Administrator

PC: Planning Commission

PUD: Planned Unit Development

TDR: Transferable Development Right

SECTION 7.22. VIOLATIONS, ENFORCEMENT AND PENALTIES

- (A) These regulations shall be considered a civil ordinance within the meaning of 24 VSA Chapter 59.
- (B) The Selectboard shall establish fines for violations of these regulations in accordance with 24 VSA Chapter 117.
- (C) The commencement or continuation of any development or use that is not in conformance with the provisions of these regulations shall constitute a violation. Each day that a violation continues shall constitute a separate offense. The ZA shall undertake appropriate action, following the procedures outlined below, to enforce the provisions of these regulations.
- (D) The ZA shall investigate all complaints regarding violations of these regulations. The ZA shall commence the procedures below upon determining that a violation has occurred. Decisions or actions of the ZA in relation to violations may be appealed as per Section 7.07 of these regulations.
- (E) **Informal Resolution.** Upon determination that there has been a violation of these regulations, the ZA may first attempt to contact the property owner by phone or in person to informally resolve the violation. If such contact cannot be made or the matter is not resolved to the ZA's satisfaction within 15 days, the ZA shall issue a formal notice of violation.
- (F) **Notice of Violation.** The ZA shall send the property owner a written notice of violation by certified mail. The notice shall:

See 24 VSA § 4451.

See 24 VSA § 4452.

See 24 VSA § 4451.

COMMON ABBREVIATIONS:

DRB: Development Review Board
 ZA: Zoning Administrator
 PC: Planning Commission
 PUD: Planned Unit Development
 TDR: Transferable Development Right

See 24 VSA § 4454.

- (1) Describe the violation and include a reference to the specific provisions of these regulations under which the property is in violation.
 - (2) Explain that the property owner has an opportunity to cure the violation within 15 days.
 - (3) List the amount of the fine(s) for the violation, as set by the Selectboard, and explain that the fine(s) will be imposed for each day the violation continues after the 15-day period for curing the violation elapses.
 - (4) Notify the property owner that action may be brought without notice and the opportunity to cure if the violation is repeated within the succeeding 12 months.
- (G) **Legal Action.** If the violation is not cured within 7 days after the notice of violation was received, the ZA shall consult with the Selectboard to determine how the town will proceed. With permission of the Selectboard, the ZA may negotiate a resolution to violations after the opportunity for cure has elapsed. The Selectboard shall formally approve any resolution of a violation that has continued after the 15-day period for curing it has elapsed.
- (H) **Recording.** The ZA shall submit a Memorandum of Municipal Action documenting the notice of violation for recording. Upon resolution of the violation, a Certificate of Compliance may be requested. No Certificates of Compliance shall be issued for properties that have outstanding violations.
- (I) **Limitations on Enforcement.**
- (1) Enforcement of the provisions of these regulations or of a failure to comply with the provisions of any land use permit shall be instituted within 15 years from the date the violation first occurred.
 - (2) No proceeding shall be instituted to enforce a violation of a land use permit issued after July 1, 1998 unless the permit was recorded in the town's land records.
- (J) **Violations in Special Flood Hazard Areas.**
- (1) It shall be the duty of the Zoning Administrator to enforce the provisions of this bylaw in accordance with the procedures listed above. A copy of the notice of violation will be mailed to the State NFIP Coordinator.
 - (2) If the violation remains after all appeals have been resolved, the ZA shall submit a declaration to the Administrator of the National Flood Insurance Program requesting a denial of flood insurance for the property pursuant to Section 1316 of the National Flood Insurance Act of 1968, as amended.

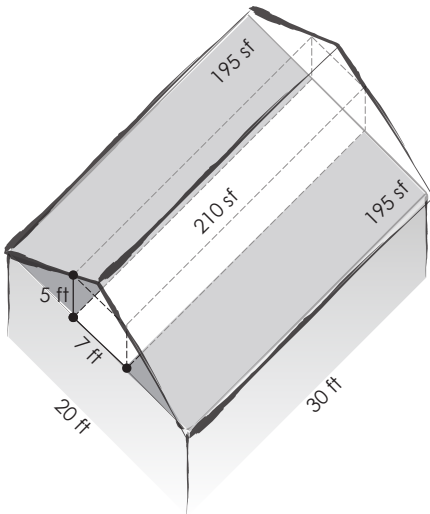
Article 8. Definitions and Applicant Guidance

SECTION 8.01. INTERPRETATION

- (A) When used in these regulations, the words ‘shall’, ‘must’ and ‘will’ are mandatory; the words ‘may’, ‘should’ and ‘can’ are advisory.
- (B) If not specifically defined in Section 8.02, all words used in these regulations shall be interpreted to have their usual and customary meanings.

SECTION 8.02. TERMS

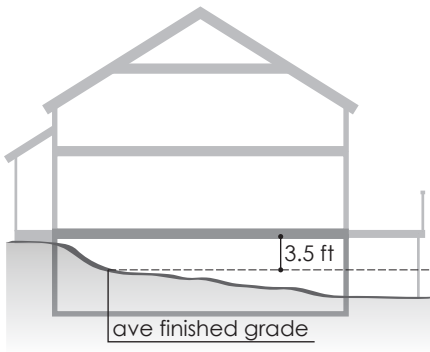
- (A)
 - (1) ACCESSORY APARTMENT. See DWELLING, ACCESSORY.
 - (2) ACCESSORY STRUCTURE OR USE. A structure or use that is subordinate in size or purpose to the principal structure or use of the same lot and serving a purpose customarily incidental to the use of the principal building or use of land.
 - (3) ADAPTIVE REUSE. The conversion of obsolescent or historic structures from their original or most recent use to a new use.
 - (4) AFFORDABLE HOUSING.
 - (a) Housing that is owned by its inhabitants whose gross annual household income does not exceed 80% of the county median income, or 80% of the standard metropolitan statistical area income if the municipality is located in such an area, as defined by the United States Department of Housing and Urban Development, and the total annual cost of the housing, including principal, interest, taxes, insurance, and condominium association fees is not more than 30% of the household’s gross annual income.
 - (b) Housing that is rented by its inhabitants whose gross annual household income does not exceed 80% of the county median income, or 80% of the standard metropolitan statistical area income if the municipality is located in such an area, as defined by the United States Department of Housing and Urban Development, and the total annual cost of the housing, including rent, utilities, and condominium association fees, is not more than 30% of the household’s gross annual income.
 - (5) AGRICULTURE. See FARMING.
 - (6) AGRI-TOURISM. Visiting a working farm or any agricultural, horticultural or agribusiness operation for the purpose of enjoyment, education, or active involvement in the activities of the farm or operation.
 - (7) ANIMAL SERVICES & AGRICULTURAL-SUPPORT BUSINESSES. A commercial use that provides goods or services that support agricultural operations or the ownership and care of farm or domesticated animals such as kennels, veterinary offices, stables, animal sales or slaughterhouses. This definition specifically excludes the sale of farm or garden machinery or equipment.
 - (8) ANTENNA. Any structure designed for transmitting signals to a receiver or receiving station or for receiving television, radio, data, communication, or other signals from other antennas, satellites, or other services. Also see TELECOMMUNICATION ANTENNA, WIRELESS and HAM RADIO ANTENNA.
 - (9) APPLICANT. A property owner or any person or entity acting as an agent for the owner in an application for a development proposal, permit, or approval.



600 sf floorspace
 390 sf with <5 ft of headroom
 $390 / 600 = 65\%$

40% or more of floorspace in an attic
 must have 5 ft or less of headroom

ATTICS AND BASEMENTS



basements have <4 ft of clearance
 from ceiling to average finished grade

(B)

- (10) ARTIST/CRAFTSPERSON WORK OR SALES FACILITY: An establishment for the creation, preparation, assembly, display and sale of individually crafted artwork, jewelry, furniture, sculpture, pottery, cabinetry, leather craft, hand-woven articles, woodcrafts and other related items.
 - (11) ASSISTED LIVING: Residences for the elderly or disabled that provide rooms, meals, personal care and supervision of self-administered medication. They may provide other services such as recreation, financial services and transportation.
 - (12) ATTIC. A space immediately below the roof of a building in which the possible floor area with a headroom of 5 feet or less occupies at least 40% of the total floor area of the attic. An attic shall not be considered a story for the purposes of determining building height.
- (1) BASEMENT. That portion of a building below the first or ground-floor level and having less than 4 feet of clearance from its ceiling to the average finished grade of the building perimeter. A basement shall not be considered a story for the purposes of determining building height.
- (2) BED AND BREAKFAST (B&B). A place of lodging that is operated as a home occupation in accordance with Section 4.07(A) of these regulations and that:
- (a) Is located in an owner-occupied, single-family dwelling and/or an accessory structure(s);
 - (b) Provides 10 or fewer rooms for rent;
 - (c) Is occupied by the owner at the time of rental; and
 - (d) Serves only breakfast to guests and serves no meals to the general public.
- (3) BEDROOM. Any room in a residential building that is at least 80 square feet in area, that is or could be used as a private sleeping area, and that has at least one window and one interior method of entry and exit, excluding closets and bathrooms, allowing the room to be closed off from the remainder of the residence for privacy; or any room within a building that actually serves primarily as sleeping quarters. All dwellings shall be presumed to have a minimum of one bedroom.
- (4) BOUNDARY ADJUSTMENT. The adjustment of a lot line by the relocation of a common boundary where an additional lot is not created and where an existing lot is not reduced below the minimum dimensional requirements established in these regulations. See Section 3.03 of these regulations.
- (5) BUFFER. A strip of land between one use or property and another designed to separate uses or property and mitigate impacts from

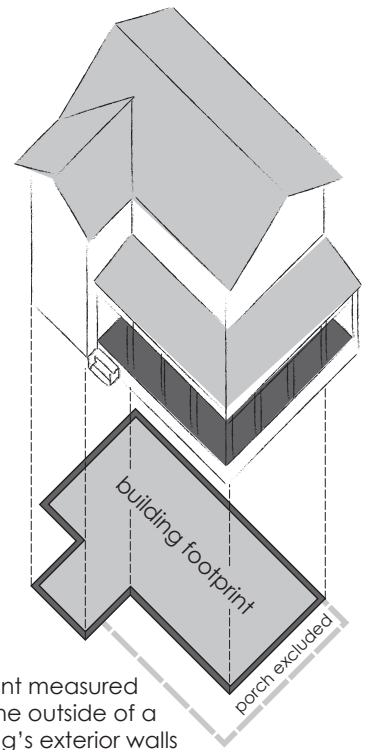
ARTICLE 8. DEFINITIONS AND APPLICANT GUIDANCE

one use or property on another. A buffer may include vegetation, fencing or walls, earthen berms and/or other such features that will serve to screen one use or property from another. Also see RIPARIAN BUFFER.

- (6) **BUILDING.** A portable or fixed structure having a roof supported by columns or walls for the shelter, support, or enclosure of people, animals, or property. When separated by division walls from the ground up without openings, each portion of such structure shall be deemed a separate building, except that a two-family dwelling shall be considered one building. See STRUCTURE.
- (7) **BUILDING, ACCESSORY.** See ACCESSORY STRUCTURE OR USE.
- (8) **BUILDING, PRINCIPAL.** A building in which the primary use of the lot on which the building is located is conducted.
- (9) **BUILDING FOOTPRINT.** The total floor area of the largest story of a building as measured from the exterior surface of the exterior walls of all enclosed space, including attached accessory buildings and additions, but excluding porches, decks and patios.
- (10) **BUILDING FRONTLINE.** A line formed by the exterior front wall of a building from which the setback for any accessory buildings may be measured.
- (11) **BUNKHOUSE.** Housing for seasonal, transient farm employees that is not occupied on a year-round basis.

(C)

- (1) **CAMPGROUND.** A parcel in common ownership that is intended to be developed for occupancy by tents and all types of recreational vehicles for transient dwelling purposes.
- (2) **CEMETERY.** A place used for interment of human or animal remains or cremated remains, including a burial park for earth interments a mausoleum for vault or crypt interments and/or a columbarium for cinerary interments.
- (3) **CHARACTER OF THE AREA.** The image and perception of an area as defined by such factors as its built environment, land uses, transportation network, landscaping, natural features and open space elements, type of housing, architectural style, infrastructure, and the type and quality of public facilities and services. Standards that require uses to be in keeping with the character of the area shall consider generation of noise, dust, and traffic, among other features and also the location, size, and design of structures as compared to what is typical in or planned for such an area. See Section 5.02 of these regulations.
- (4) **CHILDCARE HOME.** A home occupation that provides daycare services for children in accordance with all applicable state laws. See Section 4.02 of these regulations and DAYCARE FACILITY.



BUILDING FOOTPRINT AND FRONTLINE



- (5) CHIMNEY. A vertical shaft of reinforced concrete, masonry, or other approved material enclosing one or more flues, for the purpose of removing the products of combustion from solid, liquid, or gaseous fuel from a structure. This definition specifically excludes outdoor wood boilers.
- (6) CIVIC FACILITY. A building or site owned, operated or occupied by a governmental agency, or non-profit organization that provides governmental, administrative or community services to the public and/or members.
- (7) COMMON OWNERSHIP. Ownership or control by any person(s) and includes affiliations of individuals or entities, or both, that are formed in order to derive profit, consideration or any other beneficial interest.
- (8) COMMUNITY-SERVING UTILITIES AND INFRASTRUCTURE. The use of land or structures for provision of public or community services such as energy distribution, potable water, wastewater treatment, stormwater management, communications or transportation. This definition specifically excludes infrastructure serving a single residential building, driveways, antennas, telecommunication towers, energy generating facilities and offices.
- (9) COMPATIBILITY. The characteristics of different uses or activities or designs which allow them to be located near or adjacent to each other in harmony. Some elements affecting compatibility include the following: height, scale, mass and bulk of structures, pedestrian or vehicular traffic, circulation, access and parking impacts, landscaping, lighting, noise, odor and architecture. Compatibility does not mean “the same as.” Rather, compatibility refers to the sensitivity of development proposals in maintaining or enhancing character of the area.
- (10) CONCEPTUAL MASTER PLAN. A generalized plan indicating the boundaries of a parcel(s) under common ownership, and identifying the location and density of proposed land use, open space areas, and road alignment.
- (11) CONSERVATION. The management of land for the purpose of preserving or enhancing natural or scenic resources, protecting streams and water supplies, providing wildlife habitat, and/or preserving historic resources.
- (12) CONSTRUCTION-RELATED FACILITY. A lot or portion of a lot used to store and maintain construction, landscaping or similar heavy equipment and other materials and facilities customarily required by a contractor in the building, landscaping, or related trades. Also known as a contractor’s yard.
- (13) CREMATORIUM. A location containing properly installed, certified apparatus intended for use in the act of cremation.
- (14) CRISIS SHELTER. Residences used to provide short-term shelter, counseling, and support to victims of crime and their families.
- (15) CRITICAL WILDLIFE HABITAT. See WILDLIFE HABITAT, CRITICAL.
- (16) CULTURAL FACILITY. An institution providing for the documentation, display, performance or enjoyment of heritage, culture, history, science or the arts such as a library, museum, interpretative site or performance venue, which operates as a public or non-profit entity.
- (17) CURB CUT. An opening in the curb or an area provided for the purpose of gaining vehicular access between a road and abutting property.

(D)

- (1) DAYCARE FACILITY. A facility providing care for children, the elderly or individuals with disabilities in a protective setting for a portion of a 24-hour day. See Section 4.02 of these regulations and CHILDCARE HOME.
- (2) DECK. A roofless outdoor platform that is elevated above grade level intended for indoor-outdoor living and recreation.
- (3) DEED RESTRICTION. A restriction on the use of a parcel that is set forth in the deed and recorded in the land records. It runs with the land and is binding on subsequent owners.

ARTICLE 8. DEFINITIONS AND APPLICANT GUIDANCE

- (4) DEMOLITION. Any dismantling, intentional destruction, or removal of public or private structures, sites, surfaces, utilities, or other improvements.
- (5) DENSITY. The number and/or square footage of dwellings, principal buildings or uses permitted per acre of land.
- (6) DENSITY BONUS. The allocation of development rights that allow a lot to accommodate additional square footage or additional residential units beyond the maximum for which the lot is zoned.
- (7) DEVELOPMENT. See LAND DEVELOPMENT.
- (8) DEVELOPMENT ENVELOPE. That area on a lot that encompasses all development including, but not limited to, excavation, fill, grading, storage, demolition, structures, decks, roof overhangs, porches, patios and terraces, pools, any areas of disturbance, access ways, and parking. Approved plantings of landscape materials on natural grade and approved walkways, driveways and roads may occur outside of a development envelope.
- (9) DEVELOPMENT, LOW-IMPACT. Development that preserves and protects natural-resource systems. Its aims include preserving and protecting important natural characteristics of sites and areas, maintaining pre-development water quality, and maintaining or replicating pre-development groundwater and surface water volume and flow characteristics.
- (10) DEVELOPMENT RIGHTS. The right to develop land by a landowner who maintains fee simple ownership over the land or by a party other than the owner who has obtained the rights to develop. Such rights usually are expressed in terms of density allowed under existing regulations.
- (11) DISH. See ANTENNA.
- (12) DRIVEWAY. A minor private way providing vehicular access between a road and the parking space or garage of private or public property.
- (13) DUPLEX. See DWELLING, TWO-FAMILY.
- (14) DWELLING. A building or part of a building, containing independent living, sleeping, housekeeping, cooking and sanitary facilities intended for occupancy by one family or household.
- (15) DWELLING, ACCESSORY. A secondary dwelling unit established in conjunction with and clearly subordinate to a primary dwelling unit, whether a part of the same structure as the primary dwelling unit or within an accessory structure on the same lot. (See Section 4.01 of these regulations.)
- (16) DWELLING, EFFICIENCY. A dwelling unit consisting of not more than 1 habitable room, together with kitchen or kitchenette and sanitary facilities.
- (17) DWELLING, LIVE-WORK. A building, or portion thereof, designed exclusively for occupancy by one family or household living independently in an individual dwelling unit and working space accessible from the living area, reserved for, and regularly used by, one or more residents of the associated dwelling.
- (18) DWELLING, MULTI-FAMILY. A building, or portion thereof, designed exclusively for occupancy by three or more families or households living independently of each other in individual dwelling units.
- (19) DWELLING, RENTAL. One or more rooms with private bath and kitchen facilities constituting an independent, self-contained dwelling unit, which is occupied by a tenant paying rent to an owner, with no part of the rent being used to acquire equity in the property.
- (20) DWELLING, SINGLE-FAMILY. A building, or portion thereof, designed exclusively for occupancy by one family or household living independently in an individual dwelling unit.

- (21) DWELLING, SINGLE-FAMILY ATTACHED. A single-family dwelling unit, with a private entrance, which is part of a structure whose dwelling units are attached horizontally in a linear arrangement, and having a totally exposed front and rear wall to be used for access, light and ventilation. Also known as a townhouse.
- (22) DWELLING, SINGLE-FAMILY DETACHED: A building containing one dwelling unit that is not attached to any other dwelling by any means and is surrounded by open space or yards.
- (23) DWELLING, TWO-FAMILY. A building, or portion thereof, designed exclusively for occupancy by two families or households living independently of each other in individual dwelling units. Also known as a duplex.

(E)

- (1) EASEMENT. A legal interest in land, generally established in a deed or on a recorded plat, granted by the owner to another person, which allows that person(s) the use of all or a portion of the owner's land, generally for a stated purpose including but not limited to access or placement of utilities.
- (2) EASEMENT, CONSERVATION. A legal agreement restricting development on land for the purposes of:
 - (a) Retaining or protecting the natural, scenic, or open space values of real property;
 - (b) Assuring its availability for agriculture, forest use, recreation, or open space use; or
 - (c) Maintaining or improving environmental quality.
- (3) EATING AND DRINKING ESTABLISHMENTS. An establishment where food and/or beverages are prepared, served and consumed in accordance with state law such as restaurants, cafes, coffee shops, pubs, taverns or bars.
- (4) EDUCATION FACILITY. An institution providing instruction to students and including accessory structures and uses traditionally associated with a program of study, which is operated under state licensing and/or professional accreditation.
- (5) EDUCATION FACILITY, PRIVATE. An education facility that relies on tuition and/or other private sources for the majority of its funding.
- (6) EDUCATION FACILITY, PUBLIC. A publicly-funded education facility.
- (7) EFFICIENCY. See DWELLING, EFFICIENCY.
- (8) ENERGY GENERATING SYSTEM. Any non-utility scale facility or installation such as a wind turbine, hydroelectric unit or solar collecting or concentrating array, which is designed and intended to produce renewable energy from natural forces such as wind, water, sunlight, geothermal heat or biomass.
- (9) EXTRACTION. Excavating and removing rock, stone, ore, soil, gravel, sand, minerals and similar materials from the surface and/or subsurface of the earth in accordance with Section 4.03 of these regulations.

(F)

- (1) FARM. A parcel of land that is primarily devoted to farming, upon which may be located farm structures, farm stands, farm-based businesses and/or dwellings occupied by people engaged in farming.
- (2) FARM PRODUCT SALES. A structure or site for the seasonal or periodic sales of locally-produced farm products, including value-added products. See Section 4.04 of these regulations.
- (3) FARM STAND. An open air, accessory structure for the sales of locally-produced farm products. See Section 4.04 of these regulations.
- (4) FARM STRUCTURE. As per Section 2.06 of the Accepted Agricultural Practices Regulations, a structure or structures used by a person for agricultural production that is:
 - (a) Used in connection with the sale of \$1,000 or more of agricultural products in a normal year; or

ARTICLE 8. DEFINITIONS AND APPLICANT GUIDANCE

- (b) Used in connection with the raising, feeding, and management of at least the following number of adult animals: 4 equines; 5 cattle or American bison; 15 swine; 15 goats; 15 sheep; 15 fallow deer; 15 red deer; 50 turkeys; 50 geese; 100 laying hens; 250 broilers, pheasant, Chukar partridge, or Coturnix quail; 3 camelids; 4 ratites (ostriches, rheas, and emus); 30 rabbits; 100 ducks; or 1,000 pounds of cultured trout; or
 - (c) Used by a farmer filing with the Internal Revenue Service a 1040 (F) income tax statement in at least 1 of the past 2 years; or
 - (d) On a farm with a business and farm management plan approved by the Secretary of Agriculture, Food and Markets.
- (5) FARM-BASED BUSINESS. A business operated on a farm that produces and/or sells value-added farm products, that offers contractual agricultural services, that engages in agri-tourism, that generates energy from crops or by-products, that processes, stores and/or ships farm products, or that engages in similar agriculturally-oriented income-producing activities. If the business involves on-site retail sales, a minimum of 50% of the gross sales shall be generated from products or materials grown or harvested on land farmed by the business operator. See Section 4.04 of these regulations.
- (6) FARM-WORKER HOUSING. Any living quarters, dwelling, boarding house, bunkhouse, or other housing accommodations, maintained exclusively for the occupancy of farm employees and their families in connection with a farm or place where farming is undertaken. See Section 4.01(B) of these regulations.
- (7) FARMING.
 - (a) The cultivation or other use of land for growing food, fiber, Christmas trees, maple sap, or horticultural and orchard crops; or
 - (b) The raising, feeding, or management of livestock, poultry, fish, or bees; or
 - (c) The operation of greenhouses; or
 - (d) The production of maple syrup; or
 - (e) The on-site storage, preparation and sale of agricultural products principally produced on the farm; or
 - (f) The on-site production of fuel or power from agricultural products or wastes produced on the farm; or
 - (g) 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.
- (8) FENCE. A structure, solid or otherwise, which forms a physical barrier and which is erected to enclose, delineate, divide, screen or separate areas.
- (9) FINANCIAL SERVICES FACILITY. Provision of financial and banking services to consumers or clients such as banks, savings and loans associations, credit unions, lending establishments and automatic teller machines.
- (10) FLOODPLAIN. Land area susceptible to being inundated by water from any source, specifically including any area so identified by the Federal Emergency Management Agency.
- (11) FLUVIAL EROSION HAZARD AREA. The land area adjacent to stream channels subject to erosion or other channel adjustments, specifically including any area so identified by the Vermont River Management Program.
- (12) FOOTPRINT. See BUILDING FOOTPRINT.
- (13) FORESTRY. The growing and harvesting of trees or timber under proper forest management for purposes other than their fruit. For the purposes of these regulations, the term “forestry” shall also include the use of temporary processing equipment such as chippers and portable sawmills, which are used in association with harvesting operations, not exceeding a maximum of one year, and are removed from the site once harvesting operations are complete. This definition specifically excludes permanent sawmills, lumberyards and other similar facilities used for the processing, manufacturing and/or storage of wood and wood products.

(14) FRONTLINE. See BUILDING FRONTLINE.

(G)

(1) GARAGE. A structure, or part thereof, used or designed to be used for the parking and storage of vehicles.

(2) GAS STATION. Any structure or area of land used for the retail sale of automobile fuels, oils, and accessories. Such an establishment may include as an accessory use:

- (a) Retail sales of convenience items;
- (b) A deli;
- (c) Retail sales of propane, kerosene or similar fuels;
- (d) Automotive repair or service; and/or
- (e) A car wash.

(3) GOLF COURSE. A recreation facility that includes a tract of land laid out with a least nine holes for playing a game of golf and improved with tees, greens, fairways, and hazards. A golf course may include a clubhouse, rest rooms, driving range, and shelters as accessory uses.

(4) GROUNDWATER SOURCE PROTECTION AREA. Groundwater recharge areas that collect precipitation or surface water and carry it to aquifers, including source protection areas for public water supplies as delineated and mapped by the Vermont Agency of Natural Resources.

(5) GROUP HOME: A single-family dwelling operated under state licensing or registration, serving as a residence for not more than 8 individuals who have a handicap or disability in accordance with Section 4.06 of these regulations.

(H)

(1) HABITABLE SPACE. The total floor area within the exterior walls of a building that has not less than 7 feet of headroom as measured vertically upward from the top of the finished floor, but excluding basements, attics and areas in any accessory structure attached to the building.

(2) HAM RADIO ANTENNA. Any antenna used for the purpose of transmitting and receiving radio signals in conjunction with an amateur radio station licensed by the Federal Communications Commission.

(3) HEALTHCARE FACILITY. Any facility maintained and operated to provide medical care in accordance with state law including, but not limited to hospitals, nursing homes, intermediate care facilities, clinics, home health agencies and private healthcare provider offices.

(4) HEIGHT. The vertical distance of a structure to be measured in accordance with Section 3.08 of these regulations. Where height limitations are expressed in feet, height shall be measured from the lowest finished grade at the base of the structure to the highest point of the structure.

(5) HIGHWAY. See ROAD, PUBLIC.

(6) HIGHWAY MAINTENANCE FACILITY. A municipal- or state-operated facility for the storage of highway maintenance vehicles, equipment and materials.

(7) HISTORIC STRUCTURE. Any contributing structure that is listed on the National Register of Historic Places or the Vermont Historic Sites and Structures Survey for the Town of St. George, or has been determined by the Vermont Division for Historic Preservation to be eligible for listing on either the state survey or national register.

(8) HOME OCCUPATION. An occupation, profession, activity or use that:

- (a) Is clearly a customary, secondary, and incidental use of a dwelling unit;

ARTICLE 8. DEFINITIONS AND APPLICANT GUIDANCE

- (b) Is carried on for gain by a resident of the dwelling;
 - (c) Does not alter the exterior of the property or affect the character of the area; and
 - (d) Complies with the requirements of Section 4.07(A) of these regulations.
 - (9) HOME-BASED BUSINESS. An accessory use of a dwelling and/or residential property for commercial or light industrial purposes that due to its greater intensity does not meet the definition of a home occupation, but complies with the requirements of Section 4.07(B) of these regulations.
 - (10) HOUSEHOLD, LOW-INCOME. A household with a gross household income that does not exceed 80% of the median gross household income for households of the same size within the county in which the housing is located as established by the U.S. Department of Housing and Urban Development.
 - (11) HOUSEHOLD, MODERATE-INCOME. A household with a gross household income that is greater than 80% but does not exceed 100% of the median gross household income for households of the same size within the county in which the housing is located as established by the U.S. Department of Housing and Urban Development.
- (I)
- (1) IMPERVIOUS SURFACE. Any area constructed of materials that prevent, impede, or slow the infiltration or absorption of stormwater directly into the ground at the rate of absorption of vegetation-bearing soils, including but not limited to building roofs, porches, decks and patios, parking lots and driveways, graveled areas, sidewalks and swimming pools.
 - (2) INFRASTRUCTURE. Facilities and services needed to sustain industry, residential, commercial, and all other land-use activities, including water, sewer lines, and other utilities, roads, communications, and public facilities such as fire stations, parks, schools, etc.
 - (3) INN. A building or lot that contains a dwelling unit occupied by an owner or resident manager in which lodging rooms and meals are offered to the public for compensation.
 - (4) INTENSITY. Relative measure of development impact as defined by characteristics such as the number of dwelling units per acre, amount of traffic generated and amount of lot coverage.
- (J)
- (1) JUNK. Old or scrap copper, brass, iron, steel and other old or scrap or nonferrous material, including but not limited to rope, rags, batteries, glass, rubber debris, waste, trash or any discarded, dismantled, wrecked, scrapped or ruined motor vehicles or parts thereof.
 - (2) JUNKED VEHICLE. A discarded, dismantled, wrecked, scrapped or ruined motor vehicle or parts thereof, or one other than an on-premise utility vehicle that is allowed to remain unregistered for a period of 90 days from the date of discovery.
 - (3) JUNKYARD. Any place of outdoor storage or deposit which is maintained, operated or used in connection with a business for storing, keeping, processing, buying or selling junk or as a scrap metal processing facility. Junkyard also means any place of outdoor storage or deposit, not in connection with a business which is maintained or used for storing or keeping 4 or more junked vehicles that are visible from any portion of a public road. However, the term does not include a private garbage dump or a sanitary landfill that is in compliance with 24 VSA § 2202 and the regulations of the secretary of human services. It does not mean a repair garage where wrecked or disabled motor vehicles are stored for less than 90 days for inspection or repairs.
- (K)

- (1) KENNEL. An establishment in which domesticated animals are housed, groomed, bred, boarded, trained or sold for fee or compensation.
- (2) KITCHEN. Any room in a building which is used, intended, or designed to be used for cooking or preparation of food.

(L)

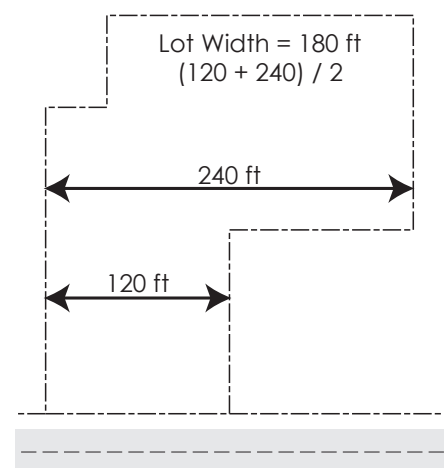
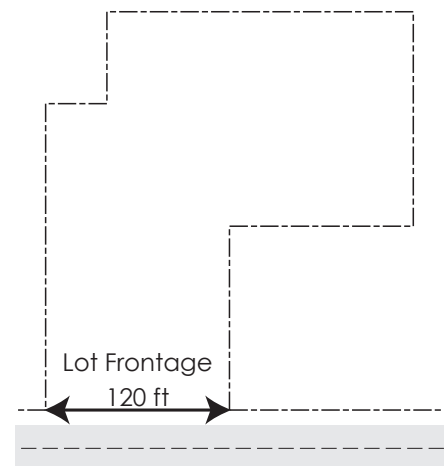
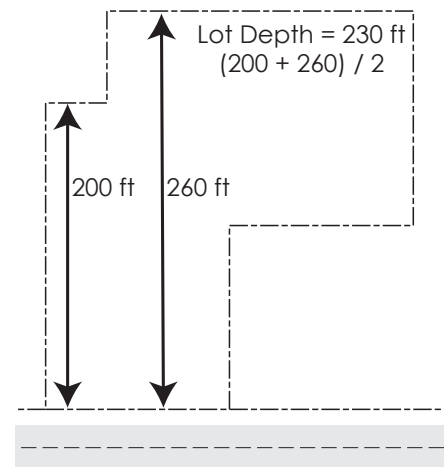
- (1) LAND DEVELOPMENT. The division of a parcel into two or more lots, the construction, reconstruction, conversion, structural alteration, relocation, or enlargement of any building or other structure, or of any mining, excavation, or landfill, and any change in the use of any building or other structure, or land, or extension of use of land.
- (2) LAND TRUST. Nonprofit organizations that work with landowners to protect the sensitive and important features of their property, primarily by fee simple acquisition of land or by conservation easements.
- (3) LANDSCAPING. The bringing of the soil surface to a smooth finished grade, installing sufficient trees, shrubs, ground cover, and grass to soften building lines, provide shade, and generally produce a pleasing visual effect of the premises.
- (4) LEVEL OF SERVICE (LOS) STANDARD, TRAFFIC. A scale that measures the amount of traffic that a road or intersection can accommodate, based on such factors as maneuverability, driver dissatisfaction, and delay.
 - (a) Level of Service A indicates a relatively free flow of traffic, with little or no limitation on vehicle movement or speed.
 - (b) Level of Service B describes a steady flow of traffic, with only slight delays in vehicle movement and speed. All queues clear in a single signal cycle.
 - (c) Level of Service C denotes a reasonably steady, high-volume flow of traffic, with some limitations on movement and speed, and occasional backups on critical approaches.
 - (d) Level of Service D designates the level where traffic nears an unstable flow. Intersections still function, but short queues develop and cars may have to wait through one cycle during short peaks.
 - (e) Level of Service E represents traffic characterized by slow movement and frequent (although momentary) stoppages. This type of congestion is considered severe, but is not uncommon at peak traffic hours, with frequent stopping, long standing queues, and blocked intersections.
 - (f) Level of Service F describes unsatisfactory stop-and-go traffic characterized by “traffic jams” and stoppages of long duration. Vehicles at signalized intersections usually have to wait through one or more signal changes, and “upstream” intersections may be blocked by the long queues.
- (5) LIGHT FIXTURE. A complete lighting unit consisting of one or more lamps, together with the components designed to distribute the light, to position and protect the lamps, and to connect the lamps to the electrical power supply.
- (6) LIGHT FIXTURE, CUT-OFF. A light fixture with elements such as shields, reflectors, or refractor angles that direct and cut off the light at a cut-off angle less than 90 degrees.
- (7) LIGHTING, SECURITY. Lighting intended to reduce the risk of personal attack, discourage intruders, vandals, or burglars, and to facilitate active surveillance of an area by designated surveillance personnel or by remote camera.
- (8) LIVE-WORK UNIT. See DWELLING, LIVE-WORK.

ARTICLE 8. DEFINITIONS AND APPLICANT GUIDANCE

- (9) **LOADING, OFF-STREET.** An unobstructed area provided and maintained for the temporary parking of trucks and other motor vehicles for the purpose of loading and unloading goods, wares, materials, and merchandise.
- (10) **LODGING.** A facility offering transient accommodations to the general public, which may include accessory uses such as restaurants, meeting rooms, entertainment venues, personal services and recreation facilities.
- (11) **LOT.** Any parcel of land with its boundaries separately described in a recorded deed or filed plat. A public road right-of-way constitutes a lot boundary.
- (12) **LOT, CORNER.** A lot abutting two or more intersecting roads.
- (13) **LOT COVERAGE.** The area of a lot developed with impervious surfaces.
- (14) **LOT DEPTH.** The average horizontal distance between the front lot line and the rear lot line.
- (15) **LOT FRONTAGE.** The uninterrupted linear or curvilinear extent of a lot measured along the road right-of-way from the intersection of one side lot line to the intersection of the other side lot line. If a lot has frontage on from than one road, frontage on one road only shall be used to satisfy the minimum lot frontage.
- (16) **LOT, INTERIOR.** A lot with no frontage on a public road or private road.
- (17) **LOT WIDTH.** The average horizontal distance between the side lot lines.

(M)

- (1) **MAINTENANCE.** An activity that restores the character, scope, size, or design of a serviceable area, structure, or land use to its previously existing, authorized, and undamaged condition.
- (2) **MANUFACTURING FACILITY.** An enclosed facility for the fabrication of raw materials or assembly of parts or materials fabricated off-site.
- (3) **MIXED USE.** The development of a lot or building with two or more different allowed uses such as, but not limited to, residential, office, retail, public, or entertainment, in a compact form and in accordance with the provisions of Section 4.08 of these regulations.
- (4) **MOBILE HOME.** A prefabricated dwelling unit built on a permanent chassis that:
 - (a) Is designed for long term and continuous residential occupancy;
 - (b) Is designed to be moved on wheels, as a whole or in sections;



- (c) Is at least 8 feet wide and 40 feet long or is at least 320 square feet in area, or if the structure was manufactured prior to June 15, 1976, is at least 8 feet wide and 32 feet long; and
 - (d) On arrival at the site, is complete and ready for occupancy, except for incidental unpacking, assembly, connections with utilities, and placing on supports or a permanent foundation, or installation as a unit in a previously prepared structure.
- (5) MOBILE HOME PARK. Any parcel of land under common ownership or control that contains, or is designed, laid out or adapted to accommodate, more than 2 mobile homes. Nothing herein shall be construed to apply to premises used solely for the storage or display of mobile homes. Mobile home park does not mean any parcel of land under the ownership of an agricultural employer who may provide up to 4 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.
- (6) MOBILE HOME SITE. An area of land within a mobile home park designated for the placement of a single mobile home and the exclusive use of its occupants.
- (7) MODULAR HOUSING. A factory-built, single-family dwelling, which is manufactured or constructed under authority of 42 USC Section 5403, Federal Manufactured Home Construction and Safety Standards, and is to be used as a place for human habitation, but which is not constructed with a permanent hitch or other device allowing it to be moved other than for the purpose of moving to a permanent site and which does not have permanently attached to its body or frame any wheels or axles.

(N)

- (1) NATURE PRESERVE. Areas intended to remain in a predominately natural or undeveloped state to provide resource protection and possible opportunities for passive recreation and environmental education for present and future generations.
- (2) NOISE. Any sound that is undesirable because it interferes with speech and hearing, or is intense enough to damage hearing, or is otherwise annoying.
- (3) NONCONFORMING LOTS. Lots that do not conform to the provisions these regulations covering dimensional requirements, but that were in conformance with all applicable laws, bylaws, ordinances, and regulations prior to the enactment of these regulations, including a lot improperly authorized as a result of error by the DRB or ZA.
- (4) NONCONFORMING STRUCTURE. A structure or part of a structure that does not conform to these regulations, but that was in conformance with all applicable bylaws, laws, ordinances, and regulations prior to the enactment of these regulations, including a structure improperly authorized as a result of error by the ZA.
- (5) NONCONFORMING USE. Use of land that does not conform to these regulations, but did conform to all applicable laws, bylaws, ordinances, and regulations prior to the enactment of these regulations, including a use improperly authorized as a result of error by the ZA.
- (6) NONCONFORMITY. A nonconforming use, structure or lot.
- (7) NUISANCE. Anything offensive or obnoxious to the health and welfare of the inhabitants of the town; or any act or thing repugnant to, or creating a hazard to, or having a detrimental effect on the property of another person or to the community.
- (8) NURSERY. The retail handling of any article, substance or commodity related to the planting, maintenance or harvesting of garden plants, shrubs, trees, packaged fertilizers, soils, chemicals, or other nursery goods and related products or small quantities to the consumer.

(O)

ARTICLE 8. DEFINITIONS AND APPLICANT GUIDANCE

- (1) OFFICE. A room, group of rooms or building used for conducting the affairs of a business, profession, service industry or government. This definition specifically excludes the on-site retail sale of goods and home businesses. See RETAIL STORE, HOME OCCUPATION and HOME-BASED BUSINESS.
 - (2) OFFICIAL MAP. A legally adopted map that conclusively shows the location and width of proposed roads, public facilities and public areas and drainage rights-of-way.
 - (3) OPEN SPACE. Land retained as working farm or forest land, as active or passive recreation areas, or in an essentially undeveloped state for resource protection. Designation of land as open space shall not imply public or common ownership or access.
 - (4) OUTDOOR STORAGE. The storage of any material for a period greater than 72 hours, including items for sale, lease, processing, and repair (including vehicles) not in an enclosed building.
 - (5) OWNER. An individual, firm, association, organization, partnership, trust, company, corporation, or any other legal entity who owns or holds title to real property.
- (P)
- (1) PARCEL. A lot established by plat, subdivision, or as otherwise permitted by law, to be separately owned, used, developed, or built upon.
 - (2) PARKING LOT OR STRUCTURE. An open area, other than the traveled portions of a road, or a multi-level structure to be used for the storage, for limited periods of time, of operable passenger automobiles and commercial vehicles, and available to the public, whether for compensation, free, or as an accommodation to clients or customers.
 - (3) PARKING, OFF-STREET. A parking space for a motor vehicle that is located within a parking lot, parking structure, garage or a residential driveway.
 - (4) PARKING, ON-STREET. A parking space for a motor vehicle that is located within the road right-of-way.
 - (5) PARKING SPACE. A space for the parking of a motor vehicle that conforms to the standards of Section 3.13 of these regulations.
 - (6) PATIO. A level, landscaped and/or surfaced area not covered by a permanent roof and not elevated above grade intended for indoor-outdoor living and recreation.
 - (7) PEDESTRIAN ACCESS OR CONNECTIONS. A continuous, unobstructed, reasonably direct route between two points that is intended and suitable for pedestrian use. Pedestrian access or connections include but are not limited to sidewalks, arcades, walkways, access ways, stairways and pedestrian bridges.
 - (8) PEDESTRIAN SCALE. The proportional relationship between the dimensions of a building or building element, road, outdoor space, or streetscape element and the average dimensions of the human body, taking into account the perceptions and walking speed of a typical pedestrian. Site and building design elements will be dimensionally smaller such as ornamental lighting no higher than 12 feet; bricks, pavers, or other paving modules with small dimensions; a variety of planting and landscaping materials; arcades or awnings that reduce the perception of the height of walls; and signs and signpost details designed for viewing from a short distance.
 - (9) PERSON. An individual, a corporation, a partnership, an association, and any other incorporated or unincorporated organization or group.
 - (10) PERSONAL SERVICE FACILITY. A business that provides services of a personal nature including but not limited to: laundry, dry cleaning, beauty and barber shops, shoe repair and tailoring, funeral services, or photographic studios. This definition specifically excludes home businesses. See HOME OCCUPATION and HOME-BASED BUSINESS.

- (11) PLANNED UNIT DEVELOPMENT (PUD). 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 allowed land uses. This plan, as authorized, may deviate from the requirements of these that are otherwise applicable to the area in which it is located with respect to lot size, bulk, or type of dwelling or building, density, intensity, lot coverage, parking, required common open space, or other standards.
- (12) POLLUTION. The presence in the outdoor atmosphere, ground, or water of any substances, contaminants, noise, light, or human-made or human-induced alteration of the chemical, physical, biological, or radiological integrity of air, land or water, in quantities or at level that are or may be potentially harmful or injurious to human health or welfare, animal, or plant life, or property, or unreasonably interfere with the enjoyment of life or property.
- (13) POND. A body of water, whether natural or artificially formed, that has a surface area of 1,000 square feet or more.
- (14) PORCH. A roofed open area, which may be glazed or screened, usually attached to or part of and with direct access to or from a building. A porch becomes a room when the space enclosed is heated or air conditioned or, if glazed, when the percentage of window area to wall area is less than 50%.
- (15) PRIMARY AGRICULTURAL SOILS. Soil map units with the best combination of physical and chemical characteristics that have a potential for growing food, feed, and forage crops, have sufficient moisture and drainage, plant nutrients or responsiveness to fertilizers, few limitations for cultivation or limitations which may be easily overcome, and an average slope that does not exceed 15%. Present uses may be cropland, pasture, regenerating forests, forestland, or other agricultural or silvicultural uses. However, the soils must be of a size and location, relative to adjoining land uses, so that those soils will be capable, following removal of any identified limitations, of supporting or contributing to an economic or commercial agricultural operation. Unless contradicted by the qualifications stated in this paragraph, primary agricultural soils shall include important farmland soils map units with a rating of prime, statewide, or local importance as defined by the Natural Resources Conservation Service of the United States Department of Agriculture.
- (16) PRIVATE EDUCATION FACILITY. See EDUCATION FACILITY, PRIVATE.
- (17) PRODUCTIVE FOREST SOILS. Those soils which are not primary agricultural soils but which have a reasonable potential for commercial forestry and which have not been developed. In order to qualify as productive forest soils, the land containing such soils shall be of a size and location, relative to adjoining land uses, natural condition, and ownership patterns so that those soils will be capable of supporting or contributing to a commercial forestry operation. Land use on those soils may include commercial timber harvesting and specialized forest uses, such as maple sugar or Christmas tree production.
- (18) PUBLIC EDUCATION FACILITY. See EDUCATION FACILITY, PUBLIC.
- (19) PUBLIC TRANSIT. Any vehicle or transportation system owned, operated or regulated by a governmental agency or quasi-governmental organization used for the mass transport of people.

(Q)

(R)

- (1) RECREATION. The refreshment of body and mind through forms of play, amusement or relaxation.
- (2) RECREATION AND ENTERTAINMENT, COMMERCIAL. Recreation and entertainment facilities operated for profit including but not limited to sports venues, gymnasiums, golf courses, clubs and theaters.
- (3) RECREATION AND ENTERTAINMENT, NON-COMMERCIAL. Recreation and entertainment facilities owned or operated by a public or non-profit entity including but not limited to sports fields, parks, trails, playgrounds, recreation centers or clubs.

ARTICLE 8. DEFINITIONS AND APPLICANT GUIDANCE

- (4) RECREATION FACILITY, OUTDOOR (NON-COMMERCIAL). Non-commercial recreation uses conducted almost wholly outdoors.
 - (5) RECREATIONAL VEHICLE. A term encompassing any type of vehicle used primarily for recreational pleasure. A recreational vehicle is not designed or intended for use as a permanent dwelling, but may be used for temporary living quarters for recreational camping, travel, or seasonal use. This definition includes, but is not limited to, vehicles such as travel trailers, motor homes, boats, house boats, campers, snowmobiles, all terrain vehicles, etc.
 - (6) RELIGIOUS FACILITY. A place of worship or religious assembly with related facilities such as a rectory, convent, meeting hall, administrative offices or cemetery.
 - (7) RENEWABLE ENERGY RESOURCES. Energy available for collection or conversion from direct sunlight, wind, running water, organically derived fuels, including wood and agricultural sources, waste heat, and geothermal sources.
 - (8) RENTAL COTTAGES. Detached, small lodging units designed for seasonal use or short-term occupancy, which are let by their owners for transient dwelling purposes.
 - (9) RESEARCH AND DEVELOPMENT FACILITY. A facility for investigation into the natural, physical or social sciences, which may include engineering and product development.
 - (10) RESTAURANT. An establishment where food and drink are prepared, served and consumed, mostly within the principal building. A minimum of 60% of gross sales must be created by the sale of food.
 - (11) RETAIL STORE. An enclosed building housing an establishment offering a specified line of goods or services for retail sale direct to walk-in customers.
 - (12) RETREAT CENTER. A facility used for professional, educational, health, spiritual or religious conclaves, meetings, conferences, seminars, training or care that may provide meals, housing and recreation for participants during the period of the retreat or program. This definition specifically excludes offering meals or overnight accommodations to the public.
 - (13) RIDGELINE. A relatively narrow elevation that is prominent because of the angle at which it rises and that is seen as a distinct edge against a backdrop of land or sky.
 - (14) RIGHT-OF-WAY. A strip of land acquired by reservation, dedication, prescription or condemnation and intended to be occupied by a road, trail, water line, sanitary sewer, power line and/or other public utilities or facilities.
 - (15) RIPARIAN BUFFER. A vegetated buffer strip along a watercourse that filters stormwater and provides wildlife habitat. See BUFFER.
 - (16) ROAD. That portion of a right-of-way available for vehicular travel, including on-street parking lanes.
 - (17) ROAD FRONTAGE. See LOT FRONTAGE.
 - (18) ROAD, PRIVATE. A road not owned or maintained by the state or town.
 - (19) ROAD, PUBLIC. A road owned or maintained by the state or town.
 - (20) RURAL CHARACTER. Sense of place created by a relatively undeveloped landscape that is primarily devoted to working agricultural and forest lands and/or open space.
- (S)
- (1) SAWMILL. An operation, facility, equipment or machine that has as its primary purpose, the sawing, planing refining or processing of logs, trees or rough timber into rough slabs, firewood, lumber or similar value-added wood products.

- (2) SCENIC RESOURCES OR CHARACTER. Natural or built features or landscapes and vistas over them, which would be described as beautiful or visually pleasing by the average viewer.
- (3) SCENIC VISTA. A long-distance view that includes foreground and background features, which would be described as beautiful or visually pleasing by the average viewer.
- (4) SCREENING. A method of visually shielding or obscuring an abutting or nearby use or structure from another by fencing, walls, berms or densely planted vegetation.
- (5) SETBACK. The required distance between a lot line, road centerline or other specified feature and the nearest point of any structure as established in Article 2.
- (6) SETBACK, BEHIND BUILDING FRONTLINE. The required distance between the frontline of a principal building and the nearest point of any accessory structure. See BUILDING FRONTLINE.
- (7) SETBACK, FRONT. The required distance between the edge of the road right-of-way and the nearest point of any structure. If the edge of the right-of-way is unknown, the front setback shall be measured from the centerline of the road by adding 15 feet for town and private roads or 25 feet for state highways to the setback distances specified in Article 2 of these regulations.
- (8) SETBACK, REAR. The required distance between the rear lot line and the nearest point of any structure.
- (9) SETBACK, SIDE. The required distance between the side lot line and the nearest point of any structure.
- (10) SETTLEMENT PATTERN. The spatial distribution of built features on the landscape.
- (11) SHIPPING OR DISTRIBUTION FACILITY: A facility for the receipt, storage and distribution of goods, products, cargo and materials.
- (12) SIGN. Any device (including but not limited to letters, words, numerals, figures, emblems, pictures, or any part or combination) used for visual communication intended to attract the attention of the public and is visible from the public right-of-way or other properties. The term sign shall not include any flag, badge, or insignia or any governmental unit, nor shall it include any item of merchandise normally displayed within a show window of a business.
- (13) SIGN, ELECTRONIC MESSAGE. Signs whose alphabetic, pictographic, or symbolic informational content can be changed or altered on a fixed display screen composed of electrically illuminated segments.
- (14) SIGN, FREESTANDING. A sign anchored directly to the ground or supported by one or more posts, columns, or other vertical structures or supports, and not attached to or dependent for support from any building.
- (15) SIGN, HANGING. A sign attached to and projecting out more than 18 inches from a building.
- (16) SIGN, INTERNALLY ILLUMINATED. A sign designed to give forth artificial light directly or through transparent or translucent material from a source of light within the sign, including but not limited to neon and exposed lamp signs.
- (17) SIGN, PORTABLE. A sign that is not permanently affixed to a structure or the ground and that is designed to be moved easily.
- (18) SIGN, ROOF. A sign that is mounted on the roof of a building and projects above the highest point of a building with a flat roof, the ridgeline of a building with a gambrel, gable, or hip roof, or the deck line of a building with a mansard roof.
- (19) SIGN, WALL. A sign attached to and projecting out not more than 18 inches from a building.
- (20) SITE PLAN. An illustration of a proposed development proposal drawn to sufficient accuracy and detail to be used for the purpose of discussion and review under these regulations.

ARTICLE 8. DEFINITIONS AND APPLICANT GUIDANCE

- (21) SLOPE, PERCENT. The ratio of vertical rise or fall to horizontal distance of terrain (rise divided by run).
- (22) SLOPE, MODERATE. Slopes with an average grade, as measured over any 50-foot section, of at least 15% but less than 25%.
- (23) SLOPE, STEEP. Land where agricultural activity or development is either not recommended or described as poorly suited due to slope steepness and the site's soil characteristics as mapped and described in the most recently completed county soil surveys or other similar technical reports. At a minimum, steep slopes shall be interpreted to include any grade that averages a slope of 25% or more over any 50-foot section.
- (24) STABLE. A structure or land use in or on which equines are kept for sale or hire to the public. Breeding, boarding or training of equines may also be conducted.
- (25) STOREFRONT. Display windows of a building housing a commercial use visible from a road, sidewalk, or other pedestrian connection accessible to the public, or adjacent public or private property.
- (26) STORMWATER. The flow of water which results from precipitation and which occurs immediately following rainfall or a snow melt.
- (27) STORY. A space in a building between the surface of any floor and the surface of the next floor above, or if there is no floor above, then the space between such floor and the ceiling or roof above; except that basements and attics shall not be considered stories.
- (28) STREAM. Those areas where surface waters produce a defined channel or bed. A defined channel or bed is an area that demonstrates clear evidence of the passage of water and includes but is not limited to bedrock, channels, gravel beds, sand and silt beds and defined-channel swales. The channel or bed need not contain water year-round. This definition is not meant to include artificially created irrigation ditches, canals, storm or surface water run-off devices, or other entirely artificial water courses unless they are used by salmonid or created for the purposes of stream mitigation.
- (29) STREAM, INTERMITTENT OR PERENNIAL. A stream that may not contain water year-round and that is not shown on the most recent edition of the United States Geological Survey 7.5-minute series topographic map, commonly known as a quad map.
- (30) STREAM, USGS MAPPED. A stream that is shown on the most recent edition of the United States Geological Survey 7.5-minute series topographic map, commonly known as a quad map.
- (31) STREET. See ROAD.
- (32) STREETSCAPE. A design term referring to all the elements that constitute the physical makeup of a road and that, as a group, define its character, including building frontage, street paving, street furniture, landscaping, including trees and other plantings, awnings and marquees, signs, and lighting.
- (33) STRUCTURE. An assembly of materials for occupancy, use and/or the shelter of people, animals or property including but not limited to a building, mobile home, sign, wall, or fence.
- (34) STRUCTURE, LIGHTWEIGHT PORTABLE. A structure not attached to a permanent foundation or footing, which is designed to be erected, dismantled and transported by one or two people without the use of vehicles or equipment.
- (35) SUBDIVISION. The division of land by sale, gift, lease, mortgage foreclosure, court-ordered partition or decree, or filing of a plat, plan, or deed in the town records where the act of division creates one or more lots. Subdivision shall be deemed to have occurred on the conveyance of the first lot or the filing of a plat, plan, or deed in the town records, whichever occurs first. A subdivision of land shall also be deemed to have taken place when a lot is divided by a public road or right-of-way or when a lot is divided by surface waters with a drainage area of greater than 10 square miles.

- (36) SUBSTANTIAL DAMAGE. Damage of any origin sustained by a structure whereby the cost of restoring the structure to its before-damaged condition would equal or exceed 50% of the market value of the structure before the damage occurred.
- (37) SUBSTANTIALLY COMPLETED. A building, structure or infrastructure that is sufficiently constructed so that it can be used for its intended purpose with no further construction.
- (38) SWIMMING POOL. A structure, whether above or below grade level, designed to hold water more than 30 inches deep to be used for recreation.

(T)

- (1) TELECOMMUNICATIONS ANTENNA, WIRELESS. A structure that transmits and/or receives electromagnetic signals for the purpose of transmitting personal wireless services as defined in the federal Telecommunications Act of 1996 and as subsequently amended. This definition specifically excludes towers or other structures upon which antennas may be mounted.
- (2) TELECOMMUNICATIONS FACILITY. A towers or other support structure, antennas, related equipment, and base structures to be used primarily for communication or broadcast purposes to transmit or receive communication or broadcast signals.
- (3) TELECOMMUNICATIONS TOWER. Any ground-mounted pole, spire, structure, or combination thereof, including supporting lines, cables, wires, braces, masts, intended primarily for the purpose of mounting a wireless telecommunications antenna above ground.
- (4) TOWNHOUSE. See DWELLING, SINGLE-FAMILY ATTACHED.
- (5) TRANSFER OF DEVELOPMENT RIGHTS (TDR). The removal of the right to develop or build, expressed in units per acre or floor area ratio, from one parcel to another, or from a portion of a lot to another part of the same lot.
- (6) TRANSIT STOP OR STATION. A building, structure or area designed or used for the purpose of loading, unloading or transferring public transit passengers, or accommodating the movement of transit passengers from one mode of transportation to another.
- (7) TRANSITIONAL HOUSING. Residences in which individuals live for a short period while receiving physical, social or psychological therapy and counseling to assist them in overcoming physical or emotional illnesses or problems.
- (8) TREE CALIPER. A standard trunk diameter measurement for trees taken 12 inches above ground.
- (9) TRIP. A one-way journey that proceeds from an origin to a destination via a single mode of transportation.

(U)

- (1) UNDUE ADVERSE IMPACT. A negative consequence for the physical, social or economic environment resulting from a project that the applicant has failed to take generally available, reasonable steps to avoid or mitigate.
- (2) USE. Any purpose for which a lot, building, or other structure or an area of land may be designated, arranged, intended, maintained, or occupied; or any activity, occupation, business, or operation carried on or intended to be carried on in a building or other structure or on an area of land.
- (3) USE, PRINCIPAL. The primary or predominant use of a lot, building, or other structure or an area of land. The principal use of any lot with an inhabited single- or two-family dwelling shall be deemed residential.

ARTICLE 8. DEFINITIONS AND APPLICANT GUIDANCE

- (4) UTILITY BOX. Electric transformers, switch boxes, telephone pedestals and telephone boxes, television pedestals and televisions boxes, traffic boxes, and similar devices.

(V)

- (1) VEHICLE AND EQUIPMENT SALES AND SERVICE. A facility for the sales, service or repair of automobiles, vehicles (including recreational vehicles) or farm/garden equipment such as a sales dealership or lot, or repair garage. This definition specifically excludes junkyards and gas stations.
- (2) VISUAL IMPACT. A modification or change that could be incompatible with the scale, form, texture, or color of the existing natural or built environment.

(W)

- (1) WAREHOUSING OR STORAGE FACILITY. A facility for the storage of goods, materials, products, parts, supplies, vehicles or equipment.
- (2) WETLANDS. Those areas that are inundated by surface 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, specifically including those areas shown on the Vermont Wetland Inventory Maps and associated buffers. Such areas include marshes, swamps, sloughs, potholes, fens, river and lake overflows, mud flats, bogs, and ponds, but excluding such areas as grow food or crops in connection with farming.
- (3) WHOLESALE SALES FACILITY. An establishment primarily engaged in selling or distributing merchandise to retailer, industrial, commercial, institutional, professional or other wholesale customers rather than to the public or consumer.
- (4) WILDLIFE HABITAT, CRITICAL. An area that because of climate, soils, vegetation, relationship to water and other physical properties has been identified as of critical importance to the survival of one or more wildlife species at any period in its life including breeding and migratory periods within the town. Critical wildlife habitat may be identified in the town plan, by the state or federal government, or by qualified natural resource professionals based on either remote sensing data or on-site field investigation.
- (5) WILDLIFE TRAVEL CORRIDOR. A linear area of land and/or water through which wildlife travels to feed, seek refuge and migrate between seasons.
- (6) WOOD PROCESSING. A facility, site or use for the processing of timber into lumber, firewood or similar value-added product. Includes the short-term or periodic use of a portable sawmill.
- (7) WORKING LAND. Land actively used or managed for farming or forestry purposes.

(X)

(Y)

- (1) YARD. An open space at grade between a building and the adjoining lot lines, unoccupied and unobstructed by any portion of a structure, except for projections in accordance with Section 3.10 of these regulations, from the ground upward.

(Z)

SECTION 8.03. APPLICANT GUIDANCE

- (A) **Purpose.** This section is intended to provide applicants with guidance related to the permitting requirements for the most common types of development projects in town. Applicants are encouraged to contact the Zoning Administrator early in the project planning process. The ZA will assist applicants in determining what provisions of these regulations apply, what zoning district property is located in, what materials and information is needed for applications and more. The ZA may be able to assist applicants in determining whether there are other permits or approvals needed (state, federal, highway access, etc.), but it remains the applicants' responsibility to obtain such permits or approvals.
- (B) **What is required if I want to build a new home on an undeveloped lot?**
- (1) Use the Zoning Map, [Section 2.03](#), to determine which zoning district the home will be located in.
 - (2) Look at the appropriate section of [Article 2](#) (Section 2.04 - 2.09) to determine whether the type of residence you want to build is allowed. Single-family detached homes are a permitted use (requires a zoning permit from the ZA) in all districts, except the Village Center and Village Center Reserve. Other types of residential structures may be permitted or conditional (requires approval by the DRB) depending on the district.
 - (3) Also look at the appropriate section of [Article 2](#) (Section 2.04 - 2.09) to determine what dimensional standards (setbacks, building footprint, building height, lot coverage, development envelope, etc.) apply in that zoning district. Be aware of any rights-of-way or easements that may exist your property.
 - (4) Look at [Section 3.02](#) to determine the requirements for constructing a driveway to serve your new home.
 - (5) If there are natural features like streams, wetlands or steep slopes on your property, look at [Section 3.15](#) and [Section 3.17](#), and check whether any state permits may be required.
 - (6) If the project is a permitted use, see Paragraph (J) below. If it is a conditional use, see Paragraph (K) below.
- (C) **What is required if I want to put an addition on an existing building, build an accessory structure or establish an accessory use on my property?**
- (1) Look at [Section 1.06](#) to see if your project needs a permit. Some accessory structures and uses are exempt from these regulations. Even if the structure or use is exempt, it still needs to comply with the standards of these regulations so follow through steps 2-4 below.
 - (2) Use the Zoning Map, [Section 2.03](#), to determine which zoning district your property is located in.
 - (3) Look at the appropriate section of [Article 2](#) (Section 2.04 - 2.09) to determine whether the type of structure or use is permitted (requires a zoning permit from the ZA) or conditional (requires approval by the DRB).
 - (4) Look at the appropriate section of [Article 2](#) (Section 2.04 - 2.09) to determine what dimensional standards (setbacks, building footprint, building height, lot coverage, development envelope, etc.) apply in that zoning district. Be aware of any rights-of-way or easements that may exist your property.
 - (5) Determine if your property or the building being added on to is nonconforming (it was lawfully established before these regulations were adopted and either it is not allowed any longer or it does not meet one or more standards that are now required). If you want to put an addition on a nonconforming structure or expand a nonconforming use, a variance or waiver from the DRB may be required. See [Section 3.11](#).
 - (6) If there are natural features like streams, wetlands or steep slopes on your property, look at [Section 3.15](#) and [Section 3.17](#), and check whether any state permits may be required.
 - (7) If the project is a permitted use, see Paragraph (J) below. If it is a conditional use, see Paragraph (K) below.

COMMON ABBREVIATIONS:

DRB: Development Review Board

ZA: Zoning Administrator

PC: Planning Commission

PUD: Planned Unit Development

TDR: Transferable Development Right

(D) What is required if I am replacing a mobile home in an existing mobile home park?

- (1) Mobile home replacements require a permit from the ZA. See Paragraph (J) below. As per [Section 4.09\(B\)\(2\)](#) in order to protect public safety and quality of life in mobile home parks, the town has established a minimum separation distance of 10 feet between mobile homes in pre-existing mobile home parks.

(E) What is required if I want to build a deck, addition, shed etc. in an existing mobile home park?

- (1) Additions and accessory structures require a permit from the ZA. See Paragraph (J) below. As per [Section 4.09\(B\)\(1\)](#) in order to protect public safety and quality of life in mobile home parks, the town has established a minimum separation distance of 5 feet between an accessory structure and neighboring mobile homes in pre-existing mobile home parks.

(F) What is required if I want to operate a business from my home?

- (1) There are two levels of businesses that can be operated from your home. The ZA can grant a zoning permit for a home occupation to be operated from any single-family home. The fact that there is a home occupation occurring on your residential property should not be readily apparent from looking at the outside of your home or property. A home occupation cannot employ people that don't live in your home and must be carried on entirely within your home. See [Section 4.07\(A\)](#).
- (2) Businesses that cannot meet the requirements of a home occupation may be allowed as a conditional use by the DRB as a home-based business. Home-based businesses may employ people who don't live in your home and may use space in an accessory building or yard. See [Section 4.07\(B\)](#).
- (3) If the project is a permitted use, see Paragraph (J) below. If it is a conditional use, see Paragraph (K) below.

(G) What is required if I want to operate a business from my farm?

- (1) To support the viability of agriculture in St. George, these regulations allow more flexibility for farm-based businesses than other types of home businesses. Some farm stands require no permit while more intensive businesses may require conditional use approval from the DRB. See [Section 4.04](#) and Paragraph (K) below.

(H) What is required if I want to open or expand a business in a new or existing building (not part of my residential or farm property)?

- (1) Nearly all commercial projects will be conditional uses requiring approval by the DRB as described in Paragraph (K). The ZA can issue permits for signs and other accessory structures related to an existing commercial use as described in Paragraph (J).
- (2) Use the Zoning Map, [Section 2.03](#), to determine which zoning district your property is located in.
- (3) Look at the appropriate section of [Article 2](#) (Section 2.04 - 2.09) to determine whether the type of business you are planning on opening or expanding is allowed.
- (4) Look at the appropriate section of [Article 2](#) (Section 2.04 - 2.09) to determine what dimensional standards (setbacks, building footprint, building height, lot coverage, development envelope, etc.) apply in that zoning district. Be aware of any rights-of-way or easements that may exist on your property.
- (5) Determine if your property, business or the building being added on to is nonconforming (it was lawfully established before these regulations were adopted and either it is not allowed any longer or it does not meet one

or more standards that are now required). If you want to put an addition on a nonconforming structure or expand a nonconforming use, a variance or waiver from the DRB may be required. See [Section 3.11](#).

- (6) If there are natural features like streams, wetlands or steep slopes on your property, look at [Section 3.15](#) and [Section 3.17](#), and check whether any state permits may be required.
- (7) Look at [Article 4](#) to determine if there are any specific requirements for the type of business you are opening or expanding.
- (8) Be aware that there are general requirements in [Article 3](#) that may apply to your project such as parking ([Section 3.13](#)), outdoor lighting ([Section 3.12](#)), signs ([Section 3.16](#)) and landscaping ([Section 3.09](#)).

(I) What is required if I want to tear down a building or other structure?

- (1) Demolition typically requires a permit from the ZA. [Section 3.01](#) provides an exemption for damaged structures that pose an immediate threat to public health, safety or welfare. [Section 3.01\(C\)](#) makes demolition of historic structures a conditional use requiring approval from the DRB.
- (2) If the project is a permitted use, see Paragraph (J) below. If it is a conditional use, see Paragraph (K) below.

(J) What is the process if my project needs a permit from the ZA?

- (1) Complete and submit an application for a zoning permit, along with the associated fee. See [Section 7.05](#).
- (2) The ZA will approve, deny or refer the application to the DRB within 30 days of receiving it.
 - (a) If approved, you will need to wait 15 days for the appeal period to elapse and then you can begin construction.
 - (b) If denied, you can appeal that decision within 15 days to the DRB as described in [Section 7.07](#).
 - (c) If you need a variance or waiver, or there are other special circumstances, the ZA may refer your application to the DRB (see [Section 7.07](#) and [Section 7.08](#)).
- (3) If your project involves construction of a building, notify the ZA before you are ready to pour your foundation or footings. The ZA will come out to your property and inspect the project to ensure that the approved plans are being followed. If there are any problems, the ZA will work you to resolve them before further work is undertaken. Then notify the ZA when construction is substantially complete and before the building is occupied. The ZA will come out to your property and do a final inspection to confirm that the approved plans were followed. The ZA will issue a Certificate of Compliance as per [Section 7.06](#). If there are any problems, the ZA will follow the procedures of [Section 7.22](#).

(K) What is the process if my project requires DRB approval?

- (1) For conditional uses, you will need to complete an application for DRB review and prepare a site plan as described in [Section 7.09](#). The DRB also hears appeals and requests for waivers or variances as described in [Section 7.07](#) and [Section 7.08](#). The hearing process for all these is largely the same.
- (2) You may schedule an informal meeting with the DRB to discuss your project and submit a written request for waiver of any application materials. Based on the location, complexity and potential impacts of your project, the DRB will determine what level of detail should be shown on the site plan and whether any additional information will be needed.
- (3) Once you have submitted a complete application, a public hearing will be held. Neighboring property owners will be notified of the hearing and you will need to post a notice of the hearing on your property. See [Section 7.15](#).
- (4) You should plan on attending the hearing, or sending a representative, to answer the DRB's questions. Those in attendance will also be allowed to speak and ask questions. For simple projects, hearings are typically completed in one evening. More complex projects may require more time for complete review.

- (5) Once the DRB closes its hearing, it has 45 days to issue a written decision. The DRB typically will not make a decision immediately following its hearing. Like a jury or group of judges, the DRB generally meets for a deliberative session, typically not open to the public, to discuss the evidence collected and draft its decision. See [Section 7.18](#).
- (6) The DRB decision will be mailed to the applicant. Decisions can be appealed to the Environmental Court within 30 days.
- (7) The ZA will issue the applicant a zoning permit upon the project being approved by the DRB.

(L) What is required if I want to subdivide my property?

- (1) Most boundary adjustments (minor changes to the line between existing properties) can be approved by the ZA. See [Section 3.03](#).
- (2) All other subdivisions and amendments to approved plats (subdivision plans) require approval of the DRB. See [Section 7.10](#).
- (3) The subdivision review process begins with an informal meeting with the DRB. At that meeting, the DRB will determine what steps of the subdivision review process will be followed based on the complexity of the project and the character of the land to be subdivided.

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