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CITY OF VERGENNES
ZONING REGULATIONS

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ARTICLE I: ENACTMENT, INTENT, AND DEFINITIONS

Section 101. Enactment

In accordance with the Vermont Planning and Development Act, 24 V.S.A. Chapter 117, hereinafter referred to as the "Act", there are hereby established Zoning Regulations for the City of Vergennes, Vermont which are set forth in the text and map that constitute these regulations. These regulations shall be known and cited as the "City of Vergennes Zoning Regulations."

Section 102. Intent

It is the intent of these Zoning Regulations to provide for orderly community growth and to further the purposes established in § 4302 of the Act and the statement of objectives of the Municipal Development Plan of Vergennes.

Section 103. Interpretation

In their interpretation and application, the provisions of these regulations shall be held to be minimum requirements adopted for the promotion of the public health, safety, comfort, convenience, and general welfare.

Section 104. Amendments to Bylaws

These regulations may be amended and shall become effective according to the requirements and procedures established in 24 V.S.A. § 4441, § 4442, and § 4444.

Section 105. Severability

The amendment, repeal, or invalidity of any article, section, or portion of these regulations shall not invalidate any other article or section thereof.

Section 106. Definitions

ACCESSORY USE OR BUILDING: A use or building customarily incidental and subordinate to the principal use or building and located on the same lot, but not including an accessory dwelling.

ADMINISTRATIVE OFFICER: The Zoning Administrator for the City of Vergennes.

AFFORDABLE HOUSING: Affordable housing means one of either of the following:

- (A) Housing that is owned by its inhabitants whose gross annual household income does not exceed 80 percent of the county median income, or 80 percent of the standard metropolitan statistical area income if the municipality is located in such an area, as defined by the United States Department of Housing and Urban

Development, and the total annual cost of the housing including principal, interest, taxes, insurance, and condominium association fees is not more than 30 percent of the household's gross annual income; and remains affordable in perpetuity.

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

AFFORDABLE HOUSING DEVELOPMENT: A housing development of which at least 20 percent of the units or a minimum of five units, whichever is greater, are affordable housing units

AGRICULTURAL USE: Land or structure used for raising livestock, horticultural, or agronomic plants, or for carrying out other practices associated with acceptable agricultural practices including storage and preparation of agricultural products principally produced on the site; and as an accessory use, the sale of agricultural products principally produced on the property. Agricultural uses shall also include the on-site production of fuel or power from agricultural products and wastes produced on the site; and the raising of equines including training and providing lessons in riding.

ALTERATION: Structural change, rearrangement, and change of location or addition to a building.

ANIMAL FACILITY: Facility used for the boarding, grooming, training, or breeding of domestic animals.

AWNINGS: Any roof-covering projecting from a structure that is constructed to provide shelter from weather elements such as rain and sunlight excluding the projections of sills, cornices, and eaves.

BASEMENT: Portion of a building partly or entirely underground.

BED AND BREAKFAST: A single-family dwelling unit in which the resident owner or permanent dwelling occupant provides short-term lodging to paying guests. The dwelling shall contain no more than eight guestrooms. If meals are to be served, they shall only be served to overnight guests.

BOARDING OR ROOMING HOUSE: Dwelling where more than two rooms, without independent facilities for meal preparation, are offered for hire. Hotels, motor lodges, and/or multiple-family dwellings shall not be considered boarding or rooming houses.

BUILDING: Structure having a roof supported by columns or walls and intended for the shelter or enclosure of persons, animals, or personal property.

BUILDING, FRONT LINE: Line parallel with a front lot line transecting that point in a building on a lot which is closest to the front lot line excluding all structures exempted from the permit process under these regulations.

BUILDING, REAR LINE: Line parallel with the rear lot line transecting that point in a building on a lot which is closest to the rear lot line excluding all structures exempted from the permit process under these regulations.

BUILDING, SIDE LINE: Line parallel with a side lot line transecting that point in a building on a lot which is closest to the side lot line excluding all structures exempted from the permit process under these regulations.

BUILDING FRONTAGE: The horizontal, linear measurement of the side of a building facing a public street.

BUILDING HEIGHT: Vertical distance measured from the average elevation of the proposed finished grade at the front of the building to the highest point of the building.

CAMPER: Any vehicle used as sleeping, camping, or living quarters mounted on wheels or a camper body usually mounted on a truck including camper trailers and RVs.

CERTIFICATE OF OCCUPANCY: A certificate issued by the Zoning Administrator, after inspection of a land development project, confirming that such land development is in conformance with its zoning permit and these regulations.

CLUB, PRIVATE: Building or use catering exclusively to club members and their guests for recreational purposes, and not operated primarily for profit.

COMMUNITY CENTER: A public center used for any combination of meetings, instruction, events, or recreation, including museums, public theaters, or libraries, and operated primarily for non-profit, but excluding similar uses specifically defined by these regulations.

COVERAGE: That percentage of a lot which, when viewed from directly above would be covered by a structure or structures, or any part thereof, excluding projecting roof eaves.

DECKS: Any permanent roofless platform structure, or combination of structures, constructed for use as exterior accessory space to a building or pool, or similar structure, excluding sidewalks and driveways.

DRIVE-THROUGH FACILITY: An establishment designed or operated to serve a patron while seated in an automobile.

DRIVEWAY: Private way for vehicular traffic, which affords access to one or more lots.

DUMP: Land used for the disposal by abandonment, dumping, burial, burning, or any other means, and for any purpose, of garbage, sewage, trash, refuse, junk, discarded machinery, vehicles or parts thereof, or waste material of any kind.

DWELLING, ACCESSORY: Efficiency or one-bedroom dwelling that is clearly subordinate to an owner-occupied, one-family dwelling, and has facilities and provisions for independent living.

DWELLING, ONE-FAMILY: Detached building used as living quarters by one family.

DWELLING, TWO-FAMILY: Detached building used as living quarters by two families living independently.

DWELLING, MULTIPLE-FAMILY: Detached or attached building used as living quarters by three or more families living independently.

DWELLING, ELDERLY HOUSING; a dwelling unit not exceeding two bedrooms and 1,000 square feet in size and which is restricted such that at least 50 percent of the occupants shall be 55 years of age or greater.

DWELLING UNIT: Building or part thereof used as living quarters for one family. The terms "dwelling", "one-family dwelling", "two-family dwelling", or "multiple-family dwelling" shall not include a motel, hotel, boarding house, tourist home, bed and breakfast, or similar structures.

EFFECTIVE DATE: The first day that a zoning permit becomes active and may be used by the applicant.

FAMILY: One or more persons living on the same premises as a single housekeeping unit; unless all persons living on the same premises are relatives by blood or marriage, civil unions, or are adopted or foster children, no such single housekeeping unit shall contain more than six persons.

FENCES: Structures or vegetation used primarily for enclosure or screening.

GOVERNMENT FACILITY: Any institution or facility owned and operated by local, state, or federal government.

GRADE, EXISTING: Current surfaces of ground, lawn, walks, paved areas and roads prior to commencement of any new construction or land development.

GRADE, FINISHED: Completed surfaces of ground, lawn, walks, paved areas, and roads brought to grade as shown on plans relating thereto.

GROUP HOME: Dwelling operated under state licensing or registration that serves not more than eight unrelated persons, who have a handicap or disability as defined in 9 V.S.A. § 4501, and who live together as a single housekeeping unit.

HABITABLE FLOOR AREA: Total square footage of a structure or structures containing a single-family dwelling excluding any portion of the basement with a ceiling height of less than seven feet, any unfinished attic area, and any portion intended for use to store one or more motor vehicles.

HOME OCCUPATION: Use of a minor portion of a dwelling unit for an occupation that is customary in a dwelling in a residential area and that does not have an undue adverse effect upon the character of the residential area in which the dwelling is located.

HOSPITAL: An establishment for temporary occupation by sick or injured humans for medical, surgical or psychological care, and diagnosis and/or treatment.

HOTEL: A building in which the majority of the rooms are used for the purpose of providing overnight lodging facilities to the general public for compensation, with or without meals, and in which ingress and egress to and from all rooms is made through an inside lobby or office supervised by a person in charge at all hours.

INN: A single-family dwelling unit in which the resident owner or permanent dwelling occupant provides short term lodging to paying guests. An inn may contain up to 15 guest rooms. Inns may have small functions including but not limited to private meetings and weddings. Functions may have no more than 50 people, inclusive of overnight guests. If meals and or beverages are to be served, they shall only be served to overnight guests or function attendees.

INSTRUCTIONAL FACILITY: Commercially operated schools of beauty culture, business, dancing, driving, music, and similar establishments other than educational institutions certified by the state department of education.

JUNK YARD: Land or building used for collecting, storage or sale of waste paper, scrap metal, or other discarded material; or for the collecting, wrecking, dismantling, storage, salvaging, or sale of machinery parts or vehicles not in running condition, but not including municipally controlled recycling centers.

LAND DEVELOPMENT: The division of a parcel into two or more parcels; the construction, reconstruction, conversion, structural alteration, relocation or enlargement of any building or other structure, 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.

LOADING SPACE: Off-street space, which is at least twelve feet wide and forty feet long, not including access driveway and having direct access to a street or alley used for the temporary location of one motor vehicle.

LOT: Legally subdivided area of land.

LOT AREA: Total area within the property lines of one lot excluding any part thereof lying within the boundaries of a public street or proposed public street.

LOT, CORNER: A lot which occupies the interior angle at the intersection of two public street lines which form an interior angle of less than 135 degrees with each other.

LOT DEPTH: Mean distance from the front lot line of the lot to its opposite rear line measured at right angles to the street line.

LOT FRONTAGE: Distance between the side lot lines measured along a public street line.

LOT LINE: Property lines bounding a lot.

LOT LINE, FRONT: Any lot line adjoining a public street.

LOT LINE, REAR: Any lot line within a single lot opposite to the front lot line, excluding corner lots.

LOT LINE, SIDE: Any lot line within a single lot other than front or rear lot lines.

MEDICAL SERVICES FACILITY: An institution providing health services and medical or surgical care of the sick or injured including such related facilities as laboratories, clinics, private practices, out-patient departments, central service facilities, and staff offices, excluding a hospital.

MOTOR LODGE: A building or group of buildings which contain living or sleeping accommodations used primarily for occupancy by the traveling public and which has individual entrances from outside the building to serve each such living or sleeping unit.

MOTOR VEHICLE SALES: Establishment for the display and sale of new and used motor vehicles, trailers, mobile homes, or boats.

MOTOR VEHICLE SERVICE STATION: Any lot or area of land, including the building or buildings thereon, which is used for the sale of any motor vehicle fuel or lubricant, or which has facilities for lubricating, washing, painting, repairing, or servicing motor vehicles.

MUNICIPAL FACILITY: Any building held or used for public purposes by any department or branch of municipal government without reference to the ownership of the building or the realty upon which it is situated.

NONCONFORMING LOTS OR PARCELS: Lots or parcels that do not conform with the present bylaws covering dimensional requirements but were in conformance with all applicable laws, ordinances, and regulations prior to the enactment of the present bylaws, including a lot or parcel improperly authorized as a result of error by the Zoning Administrator.

NONCONFORMING STRUCTURE: A structure or part of a structure that does not conform with the present bylaws but was in conformance with all applicable laws, ordinances, and regulations prior to the enactment of the present bylaws, including a structure improperly authorized as a result of error by the Zoning Administrator

NONCONFORMING USE: A use of land that does not conform with the present bylaws but did conform with all applicable laws, ordinances, and regulations prior to the enactment of the present bylaws, including a use improperly authorized as a result of error by the Zoning Administrator.

NURSING OR COMMUNITY CARE HOME: Building where four or more persons are housed and furnished with meals and nursing or convalescent care.

OFFICE: A building or portion of a building wherein services are performed involving predominantly administrative, professional, or clerical operations.

PARKING SPACE: Off-street space, which is at least nine feet wide and eighteen feet long, not including any access driveway and having direct access to a street or alley used for the temporary location of one motor vehicle.

PERMITTED USE: A use specifically allowed by these regulations in the district where the land is located after issuance of a zoning permit by the Zoning Administrator.

PERSON: An individual, corporation, partnership, association, and any other incorporated or unincorporated organization or group.

PERSONAL SERVICE: Barber, hairdresser, beauty parlor, shoe repair, laundromat, dry cleaner, and other businesses providing similar services except for medical services.

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

PORCHES: Any permanently roofed platform structure, or combination of structures, constructed for use as exterior accessory space to a building, pool, or similar structure.

PROFESSIONAL RESIDENCE-OFFICE: Professional office including architect, accountant, dentist, doctor, lawyer, engineer, psychologist, or similar occupation maintained in a residence by the occupant thereof, which is clearly secondary to the dwelling used for living purposes and does not change the residential character thereof and where not more than three persons outside the family are employed.

PROFESSIONAL STUDIO: studio used by artists, or for services such as yoga, massage, and similar uses.

PUBLIC SEWER: Public sewage disposal system approved by the City Council.

PUBLIC WATER: Public water supply system approved by the Vergennes-Panton Water District, Inc.

RECREATION, INDOOR: Bowling alley, theater, table tennis, pool hall, skating rink, gymnasium, swimming pool, health club, and similar places of indoor recreation.

RECREATION, OUTDOOR: Golf course, outdoor amusement park, boat motoring, swimming pool, skating rink, riding stable, park, beach, tennis court, recreation stadium, skiing facility, playground, ball field, and similar places of outdoor recreation.

RELIGIOUS INSTITUTION: Church, temple, parish house, convent, seminary, retreat house, mosque, meeting house, synagogue and similar places of worship.

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.

RESIDENTIAL CARE HOME: A place, excluding a foster care home, which provides, for profit or otherwise, room, board, and personal care to three or more residents unrelated to the home operator.

RESTAURANT: A public eating establishment in which the primary function is the preparation and serving of food inside the principal structure located on the premises.

RETAIL STORE: Any enclosed business concerned primarily with the retail sale of new produce, products, goods, equipment, or commodities; and shall exclude any drive-up service, free-standing retail stand, motor vehicle service station, new and used car sales and service, trailer and mobile home sales and service, or other similar business defined in this section.

SCHOOL: Parochial, private, public, preschool/nursery, college, university, and all other educational institutions certified by the state department of education; excluding commercially operated schools of beauty culture, business, dancing, driving, music, and similar establishments.

SERVICE AREA: A designated space used for waste or recyclable materials storage or pickup, utility areas, or for the delivery of goods and services to any building or land use.

SIGN: Any lettering, graphics, or device affixed or applied to any building or land for visual communication that is used for the purpose of bringing the subject thereof to the attention of the public.

SIGN, BILLBOARD: Sign which directs attention to a business, industry, profession, service, commodity, or entertainment conducted, sold, or offered elsewhere than upon the lot where the sign is located.

SIGN, BUSINESS: Sign which identifies the name of a business, industry, profession, or service situated on the same lot on which the sign is displayed or the name of a residential development.

SIGN, ADVERTISING: Sign which identifies the products, commodities, services, or entertainment sold or offered upon the same lot on which the sign is displayed.

SIGN, DIRECTORY: Sign listing the names of businesses located within the principal building(s).

SIGN, INFORMATIONAL: Signs identifying the office, rest rooms, entrance, exit, or other similar signs clearly informational in purpose, but not advertising any products or services.

SIGN, ROOF: Any sign applied to or affixed to the roof, or extension thereof, or atop a parapet wall. Signs affixed to projecting canopies are not to be considered roof signs.

SOLAR COLLECTOR: A device, or combination of devices, structure, or part of a device or structure that transforms direct solar energy into thermal, chemical, or electrical energy and that contributes significantly to a structure's energy supply.

SOLAR ENERGY SYSTEM: A complete design or assembly consisting of a solar energy collector, an energy storage facility, and components for the distribution of transformed energy. Passive solar energy systems, those, which use natural or architectural components to collect and store energy without using external mechanical power, are included in this definition.

STORY: A horizontal division of a building containing habitable floor area, extending from the floor to the ceiling or roof line extending directly above.

STREET: Public way for vehicular traffic.

STREET FRONTAGE: Lot lines which abut a public street.

STREET GRADE: Officially established grade of the street upon which a lot fronts. If there is no officially established grade, the existing grade of the street shall be taken as the street grade.

STREET LINE: Boundary line separating public right of way from abutting properties.

STRUCTURE: Any assembly of materials for occupancy or use, including a building, mobile home or trailer, sign, wall or fence.

SWIMMING POOL: Artificially created pool of water used for swimming.

TELECOMMUNICATIONS FACILITY: A tower or other support structure, including antennae, that will extend 20 or more feet vertically, and related equipment, and base structures to be used primarily for communication or broadcast purposes to transmit or receive communication or broadcast signals.

TRAILER: Any vehicle which is customarily towed by a motor vehicle and used for carrying goods, equipment, machinery, or boats.

UNDUE ADVERSE EFFECT: An impact caused by a land development that cannot be reasonably mitigated.

VETERINARY CLINIC/ANIMAL HOSPITAL: A building or premises for the medical or surgical treatment of domestic animals or pets including dogs and cats.

WAREHOUSE: A structure or part of a structure for storing goods, wares, and merchandise. A warehouse may include a wholesale establishment, discount house, bulk storage, self-storage facility, and bulk sales outlet.

WIND ENERGY CONVERSION SYSTEM: A device which converts wind energy to mechanical or electrical energy.

YARD: Space on a lot not occupied with a building or structure.

YARD, FRONT: Any yard within a lot between a front lot line and a building front line.

YARD, REAR: Any yard within a lot between the rear lot line and the building rear line.

YARD, SIDE: Any yard within a lot between a side lot line and the closest building side line.

ARTICLE II: ADMINISTRATION AND ENFORCEMENT

Section 201. Zoning Administrator

(A) Appointment: The Planning Commission shall nominate one or more persons to fill the position of Zoning Administrator, and City Council shall appoint a nominee for a term of three years. The Zoning Administrator shall be subject to the personnel rules of the city, and may be removed for cause at any time by City Council after consultation with the Planning Commission. The Zoning Administrator may hold any office in the City except shall not sit on the Development Review Board or Planning Commission.

(B) Duties: In accordance with § 4448 and § 4449 of the Act, the Zoning Administrator shall administer the bylaws literally and shall not have the power to permit any land development that is not in conformance with these bylaws. In addition, the Zoning Administrator shall perform all duties prescribed by contract with City Council, by these regulations, and by the Rules of Procedure of the Development Review Board and Planning Commission, and shall assist all persons with questions and procedures related to the regulations herein, including informing any person applying for a permit that the person should contact the regional permit specialist employed by the agency of natural resources in order to assure timely action on any related state permits.

(C) Powers: The general powers of the Zoning Administrator are to grant or deny zoning permits, to administer and enforce the zoning bylaws and any other land use regulations, to assist the Development Review Board and the Planning Commission, and to assist applicants and all other persons in the zoning application process. Specific powers vested in the Zoning Administrator related to processing and reviewing applications are enumerated in these bylaws.

Section 202. Development Review Board

(A) Establishment: Pursuant to 24 V.S.A. §§ 4460-4461, there is hereby established a Development Review Board, (the Board). Rules of procedure and policies concerning conflicts of interest shall be established by the Board. The Chairperson of the Development Review Board shall be someone other than the Chairperson of the Planning Commission.

(B) Appointment: Members of the Development Review Board shall be appointed by City Council, the number and terms of office of which shall be determined by City Council subject to the provisions of 24 V.S.A. § 4460. City Council may appoint alternates to the Development Review Board for terms to be determined by City Council. Vacancies shall be filled by City Council for the unexpired term of a Board seat or upon expiration of such a term.

(C) Powers and Duties: The duties and powers of the Development Review Board are prescribed according to 24 V.S.A. §§ 4460-4461 and by these regulations. The Development Review Board shall conduct all development review procedures not delegated

to the Zoning Administrator by these regulations, and shall hear all waivers, variance appeals, and appeals of acts, decisions, or errors of the Zoning Administrator.

Officers of the Development Review Board may administer oaths and compel the attendance of witnesses and the production of material germane to any issue under review or appeal. In addition, the Board may examine or cause to be examined any property concerned in such proceedings.

(D) Meetings: The Development Review Board shall conduct all meetings subject to § 4461 of the Act, as well as, 1 V.S.A. §§ 310-314, and 24 V.S.A. Chapter 36. For procedures regarding public hearings see Article V below.

1. Regular, Special, and Emergency Meetings: Regular meetings of the Development Review Board shall be held at the call of the chair and at such times as the Board may determine. Public notice shall be placed in or near the city clerk's office.

Special meetings may be called by the chair provided that, at least 24 hours before the meeting, public notice is placed in or near the city clerk's office and in two other public locations in the city. In addition, notice shall be given, either orally or in writing, to each member of the Development Review Board at least 24 hours before the meeting.

Emergency meetings may be held without a 24 hour public notice requirement provided some public notice is given as soon as possible before any such meeting. Emergency meetings may be held only when necessary to respond to an unforeseen occurrence or condition requiring immediate attention by the Development Review Board. Notice shall be given orally to each member before an emergency meeting can occur.

In accordance with Vermont's Open Meeting Law (1 V.S.A. §§ 310-314), all meetings of the Development Review Board, except for deliberative and executive sessions, shall be open to the public. The Board shall keep minutes of all proceedings, excluding executive and deliberative sessions, showing the vote of each member upon each question, or if absent or failing to vote, indicating this, and shall keep records of its examinations and other official actions, all of which shall be filed immediately with the office of the city clerk as a public record.

For the conduct of any hearing or appeal, or the taking of any action, a quorum shall be required. A quorum shall consist of a majority of Development Review Board members. All actions taken by the Board shall require the concurrence of a majority of Board members.

2. Deliberative Sessions: Deliberative sessions are authorized pursuant to 1 V.S.A. sections 310-314, and shall be held only when a motion and majority vote is made to recess into deliberative session. The Development Review Board may recess into a deliberative session only for the purposes of weighing, examining, and discussing the reasons for and against an act or decision related to any public hearing as defined in Article V below. No official decisions shall be made in deliberative session.

3. Executive Sessions: Executive sessions are authorized, and shall not be held, except in conformance with the purposes and procedures established in 1 V.S.A. § 313.

(E) Removal: Members of the Development Review Board may be removed for cause by City Council upon written charges and after public hearing.

Section 203. Enforcement: Penalties and Remedies

(A) Authority: Violations of these regulations shall be enforced by the Zoning Administrator pursuant to §§ 4451- 4454 of the Act. Reports of violations may be filed with the Zoning Administrator who shall investigate all such filings. All fines collected from the violation of these bylaws shall be paid to the City of Vergennes.

(B) Penalties: Any person found by the Zoning Administrator to have violated any bylaw under these regulations shall be fined following the procedures and penalties established in 24 V.S.A. § 4451.

(C) Remedies: If any land development is, or is proposed, maintained, or used in violation of these regulations, the Zoning Administrator shall institute any appropriate action, injunction, or other proceeding to prevent, restrain, correct, or abate that development or use, or to prevent, in or about those premises, any act, conduct, business, or use constituting a violation.

ARTICLE III: ZONING PERMITS; GENERAL PROVISIONS

Section 301. Authorization

No land development may commence, nor shall any land or structure be used, moved, extended in any way, or be occupied, nor shall any change of use take place, unless a zoning permit has been duly issued by the Zoning Administrator, as provided for in § 4449 of the Act. No permit shall be issued by the Zoning Administrator except in conformance with these regulations. Any use or structure other than those permitted by these regulations, or exempt from these regulations, shall be deemed prohibited.

Section 302. Applications and Fees

All permit applications shall be available from the Zoning Administrator upon request who shall assist applicants in determining the required permits and approvals necessary before any land development may commence. The Zoning Administrator shall not act on a zoning permit application until the applicant has submitted a complete application packet to the Zoning Administrator consisting of the following:

1. Completed application form(s).
2. Associated fees.

3. One copy of the site plan containing the information specified in section 702. If a public hearing is required, nine copies must be submitted.
4. Any other information specified by the Zoning Administrator (see appropriate sections of these regulations for required submissions related to specific review procedures or appeals).

Section 303. Zoning Administrator Action on Permit Applications

Within 30 days after submission of a completed application packet, the Zoning Administrator shall either issue a written decision approving or denying the application, or refer the application to the Development Review Board. Failure to act by the Zoning Administrator within 30 days shall result in the application being approved.

Section 304. Sequence of Review

The Zoning Administrator shall coordinate the permit review process for every proposed development, and, where feasible, shall combine some or all required hearings and approvals into one unified and concurrent process. The general sequence of the review process shall be:

1. Applicant contacts the Zoning Administrator to receive applications and to discuss the proposed development and development review process.
2. If requested by the Zoning Administrator or the applicant, the Development Review Board shall conduct a sketch plan review under section 309 of these regulations to determine whether an application is ready for submission.
3. Applicant turns in completed application packet to the Zoning Administrator with all required information, site plans, and associated fees.
4. If the proposed development is a subdivision, the subdivision must be approved by the Development Review Board before any other land development approval or permit may be issued (see Subdivision Regulations, City of Vergennes, for further information, also see Planned Unit Developments, Article IX, and Local Act 250, Article X).
5. If the proposed development is related to a one or two-family dwelling use, or an approval of a sign, in conformance with these regulations, the proposal may only require review by the Zoning Administrator, (section 401 and Article XII).
6. If the application requires Development Review Board approval, the Zoning Administrator shall refer the application to the Board for further review, (sections 303 and 501). All development review functions conducted by the Development Review Board shall require a public hearing under Article V.
7. If the proposed development is not in conformance with these regulations, the applicant may apply for a front yard exception from the Zoning Administrator under section 1309(B), or a variance, frontage waiver, height waiver, or accessory structure waiver from the Development Review Board under sections 605, 1306, 1307, and 1401 of these regulations. Proposed land developments not in conformance with these regulations shall not receive any other development review approvals unless a

- variance, frontage waiver, height waiver, or front yard exception have been duly issued.
8. If the proposal is any other type of land development not specifically exempted from Development Review Board approval by these regulations, it shall require one or more approvals from the Development Review Board following the sequence below:
 - a. Local Act 250, Article X (if required)
 - b. Conditional Use Approval, Article VIII, (if required)
 - c. Site Plan Review, Article VII.
 9. Development review procedures not listed above shall be conducted alone or simultaneously with any of the above procedures as appropriate. For land developments in flood hazard areas see Article XV.
 10. After the Development Review Board has completed its reviews of the application and issued its decisions, the Zoning Administrator shall issue a written decision approving or denying the application within two weeks.

Section 305. Posting

Within three days of the issuance of a permit, each permitted use or structure shall require the posting of a notice of permit by the applicant on a form prescribed by the Development Review Board, within view from the public right-of-way most nearly adjacent to the subject property. The notice of permit must remain posted for 15 days from the date of issuance of the permit. Also within three days, the Zoning Administrator shall:

1. Deliver a copy of the permit to the listers of the city; and
2. Post a copy of the permit in at least one public place until the expiration of 15 days from the date of issuance.

Section 306. Effective Date of Permits

No permit issued by the Zoning Administrator shall take effect until a 15 day time for appeal has expired from the date of issuance. In the event that a notice of appeal is properly filed within this time period, no such permit shall take effect until adjudication of that appeal by the Development Review Board is complete and the time for taking an appeal to the environmental court has passed without an appeal being taken. If an appeal is taken to the environmental court, the permit shall not take effect until the environmental court rules in accordance with 10 V.S.A. § 8504 on whether to issue a stay, or until the expiration of 15 days, whichever comes first.

Every permit or denial issued under these regulations shall contain a statement of the 15 day period of time within which an appeal may be taken. The procedure for filing an appeal, as well as the appeal process, is described in Article VI below.

Section 307. Time Limit on Permits

All activities authorized by issuance of a zoning permit shall be completed within two years of its effective date or the zoning permit shall become null and void and reapplication

to complete any activities shall be required. Reapplications shall be for the unfinished portion of the project and shall require all applicable permits and approvals. If over 30 percent of the permitted project has been completed, a one-time permit extension of six months may be granted by the Zoning Administrator. All work associated with the permitted project must be completed within the six-month extension or the zoning permit shall become null and void.

Section 308. Certificate of Occupancy

The Development Review Board may require a certificate of occupancy as a condition of approval. Such certificates of occupancy may require inspection of a land development at specified stages of construction and/or after completion of all work for which a permit has been issued.

Upon completion of the work for which a certificate of occupancy is required, it shall be unlawful to continue any land development on a parcel, or to use or occupy or permit the use or occupancy of the land or structure, or part thereof, until a certificate of occupancy has been issued by the Zoning Administrator stating that the land development has been inspected and conforms with the requirements of these regulations and any conditions established by the Development Review Board.

Applications for a certificate of occupancy shall be available from the Zoning Administrator. Completed applications shall be submitted to the Zoning Administrator who shall, within 14 days of submission, inspect the property for compliance and issue an approval or denial in writing stating the reasons thereof. Failure to issue a decision within 14 days shall be deemed approval.

Section 309. Sketch Plan Review

Sketch plan review shall be conducted by the Development Review Board at the request of the Zoning Administrator or applicant. The purpose of Sketch Plan Review shall be to determine whether an application is complete and ready for submission to the Zoning Administrator. During this review, the Development Review Board may waive any information requirement on the applicant's site plan if the Board decides the information may be irrelevant to the proposed development. Waivers granted on the initial submission of information shall not be construed as limiting additional information that may be requested by the Development Review Board during any proceeding.

Sketch plan review may also be conducted by the Development Review Board after submission of an application in order to determine whether an application before the Board is ready for a public hearing.

Section 310. Limitations on Development Review

In accordance with § 4413 of the Act, the following uses shall be regulated only with respect to location, size, height, yards, setbacks, density of buildings, off-street parking,

loading facilities, traffic, noise, lighting, landscaping, and screening, and only to the extent that these regulations do not have the effect of interfering with the intended functional use:

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

Uses under this section shall only be allowed in zoning districts that specifically identify the use as a “permitted use” or use “permitted after issuance of a conditional use permit”, see Article XVI. However, pursuant to § 4413 of the Act, uses under this section not listed anywhere within these regulations as a permitted use or conditional use shall be allowed in all districts.

In rendering a decision approving such uses, the Development Review Board may impose appropriate conditions and safeguards only with respect to the criteria for review listed in this section above.

Section 311. Exemptions to Zoning Permits

A. State Mandated Exemptions: The following uses are exempt from these regulations by state authority, 24 V.S.A. § 4413. Any current or future exemptions mandated by the state shall be included under these regulations.

1. Agricultural and Silvicultural Uses: Accepted agricultural and silvicultural practices as defined under 10 V.S.A. subsections 1021(f) and 1259(f), and 6 V.S.A. § 4810, shall not be regulated by these bylaws. Structures used for agricultural practices shall not require a permit, however dwellings for human habitation on such lots shall be regulated. A person shall notify the city of the intent to build a structure for agricultural use and shall abide by setbacks established by the secretary of agriculture, food and markets.

2. Public Utilities: Public utility power generating plants and transmission facilities regulated under 30 V.S.A. § 248 shall not be regulated by these bylaws.

B. City Exemptions: Minor land development projects may be exempted from requiring a permit following the guidelines below. Projects not listed but of similar minimal impact may receive an exemption by consent of the Development Review Board. The Board shall create and, over time, update an official policy listing such exemptions. All structures and landscaping, including the exemptions listed in this section, must comply with all other relevant regulations in these bylaws.

1. Awnings: Retractable awnings shall not require a zoning permit. Fixed awnings shall require a zoning permit, except awnings attached to dwellings shall not require a permit so long as the awning projects no more than three feet from the dwelling.

2. Decks: Decks shall not need a zoning permit so long as the total area of such deck(s) situated on a single lot is 300 square feet or less. Such decks shall conform with all setback requirements and calculations of yard depth. All decks within a planned unit development shall require a permit. Proposed decks not in conformance with setback requirements, or larger than 300 square feet, shall be reviewed and approved as accessory structures.

3. Fences and Walls: In any district, fences and garden or retention walls may be erected without a permit provided said fence or wall is not more than seven feet high measured from a point at grade level to the highest point of the fence or wall.

4. Minor Impacts: The following land development shall not require a permit: maintenance, repair, renovations that do not structurally alter a building, landscaping, and yard and garage sales.

5. Unroofed, Unenclosed Structures and Driveways: All unroofed and unenclosed patios, handicap ramps, and entry stairs shall not require a permit. Driveways for one-family and two-family dwellings shall not require a permit.

6. Other Structures: The following structures shall not require a permit provided all such structures have a floor area of 80 square feet or less, a structural height of 8 feet or less, and are not less than 5 feet from any setback: child's playhouse, shed, tree house, and dog house. No more than one such structure of each type shall be allowed on a lot without a permit. All such structures in a planned unit development shall require a permit.

Section 312. Minor Amendments to Permits

Pursuant to § 4464(C) of the Act, minor amendments to a previously approved development project that has not been completed may be approved by the Zoning Administrator under the following conditions:

1. The permit has not expired.
2. Amendments to permits shall be limited to structures.
3. No amendment shall be approved that results in a substantial impact under any applicable standard set forth in these bylaws.
4. No amendment shall be approved that shall have the effect of substantively altering any of the findings of fact of all approvals for the project.
5. No amendment shall be approved except in conformance with these regulations.
6. Changes in location of a structure shall be limited to ten feet.
7. Amendments to permits related to accessory structures shall be limited to one such structure, and no greater than 12 feet high and an area of 120 square feet.

8. Amendments to permits related to additions to a structure shall be limited to a total area of 120 square feet.
9. All interested parties to the development project, as defined in section 603 below, shall be informed of the application to amend the permit, and shall be given not less than 15 days notice before the Zoning Administrator may issue a decision.

Changes to permits not meeting these conditions shall be considered major amendments and shall be required to receive all applicable development review approvals.

ARTICLE IV: PERMITS FOR ONE AND TWO-FAMILY DWELLING USES

Section 401. Procedure

Except as noted in this Article below, a permit application for a one or two-family dwelling use that is in conformance with these regulations shall only be reviewed by the Zoning Administrator. The general provisions for submitting and processing an application are described in Article III above. Submission of one site plan map containing the information specified in section 702 shall be required as part of the application packet. The Zoning Administrator may waive any map information requirement under this section if the information is not relevant to the proposed development. In issuing a decision, the Zoning Administrator must determine that the proposed land development conforms to all applicable standards and requirements of these regulations.

Section 402. Accessory Dwelling Units

For every owner-occupied one-family dwelling unit, one accessory dwelling unit shall be a permitted use or use permitted with conditional use approval provided:

1. The property has sufficient waste water capacity.
2. The accessory dwelling unit does not exceed 30 percent of the total habitable floor area of the one-family dwelling.
3. The accessory dwelling unit meets all applicable dimensional and parking requirements, except where exempted under section 1308(C).
4. The accessory dwelling unit receives approval from the Zoning Administrator under section 401, or, where required by these regulations, conditional use approval from the Development Review Board.
5. Conditional use approval shall be required for all of the following:
 - a. New accessory dwelling structures.
 - b. The adaptive reuse of an existing unattached building, see section 1308(C).
 - c. An accessory dwelling requiring an increase in the height or floor area of the existing one-family dwelling.
6. Accessory dwelling units shall be considered as part of an existing one-family dwelling use.

Section 403. Residential Care Homes/Group Homes

A residential care home or group home, operated under state licensing or registration, serving not more than eight persons who have a handicap or disability as defined in 9 V.S.A. § 4501, shall constitute a permitted one-family residential use in all districts allowing one-family dwellings, except that no such home shall be so considered if it is located within 1,000 feet of another such home. A residential care or group home serving nine or more persons shall be considered a multi-family dwelling.

Section 404. Family Childcare Homes

A “family childcare home” as used in this section means a dwelling or building where the owner or operator is licensed or registered by the state to provide childcare. Family childcare homes shall be regulated as follows:

1. Family childcare homes shall only be allowed in districts that permit residential development or in pre-existing residential units.
2. A family childcare home serving six or fewer children shall be considered to be a one-family residential use, and shall be exempt from zoning permits.
3. A family childcare home serving no more than six full-time and four part-time children, as defined by 33 V.S.A. § 4902(3)(A), shall be a permitted use, however, such a use shall require approval by the Zoning Administrator.
4. A family childcare facility serving more than six full-time and four part-time children shall be considered a school.

Section 405. Home Occupations

In accordance with § 4412(4) of the Act, no regulation in this ordinance may infringe upon the right of any resident to use a minor portion of a dwelling for an occupation which is customary in residential areas and which does not have an undue adverse effect upon the character of the neighborhood in which the dwelling is located. To the extent that they are not inconsistent with the forgoing, home occupations are subject to the following:

1. Home occupations are a permitted use in all dwelling units within the city but shall require review and approval by the Zoning Administrator.
2. The business shall be operated by a member or members of the family residing in the principal building.
3. The business shall be operated wholly within the principal building or accessory building and shall occupy less than 40 percent of the entire floor area of buildings on the parcel.
4. No traffic shall be generated that would be uncharacteristic of the neighborhood.
5. Parking required for the home occupation shall not be located in front yards.
6. No goods, materials, or products shall be publicly displayed on the premises except where specifically allowed by these regulations.
7. No more than the equivalent of one full time employee who does not reside at the subject property shall be employed or conduct business from the premises.

8. There shall be no exterior storage of materials, and no other exterior indication of the home occupation. Signs are permitted as specified under Article XII.
9. No disturbances of any kind, including noise, vibration, odor, smoke, dust, heat, or glare shall be allowed that are uncharacteristic of residential neighborhoods.
10. Home occupations shall include but not be limited to: dressmaking, home cooking, childcare (six children or less), teaching (musical instrument and dance instruction limited to a single pupil at any one time), studio, furniture making, repair or refinishing, cabinet making, bicycle repair, barber shop, beauty parlor, fix-it shop, office, print shop, shoe making or repair. Home occupation shall not include: retail sales unless as a minor part the home business, commercial stable or kennel, restaurant, or uses similar to the foregoing.

ARTICLE V: PROCEDURES REQUIRING REVIEW BY THE DEVELOPMENT REVIEW BOARD

Section 501. Establishment

In accordance with § 4460 and § 4464 of the Act, all proposed land developments, other than those specifically exempted by these regulations, and all appeals of acts of the Zoning Administrator, shall require one or more reviews by the Development Review Board. The Zoning Administrator shall not issue a decision approving or denying a permit application until the Development Review Board has rendered decisions on all required reviews.

Section 502. Development Review Board Functions

A. Development Review: The following development review functions shall be performed by the Development Review Board. Land development applications requiring review by the Development Review Board shall come before the Board by referral from the Zoning Administrator after submission by the applicant of a complete application packet as described in sections 302 and 303. Such referral decisions shall be appealable as decisions of the Zoning Administrator:

- (1) Site Plan Review, Article VII.
- (2) Conditional Use Review, Article VIII.
- (3) Subdivision approval, including subdivision sketch plan review and subdivision waivers, see Subdivision Regulations.
- (4) Planned Unit Development Review, Article IX.
- (5) Local Act 250 Review, Article X.
- (6) Landmark sign waivers, section 1201(12).
- (7) Required frontage waiver, section 1306.
- (8) Height waiver, section 1307.
- (9) Accessory structure waivers, sections 1401(A)(6) and 1401(C).
- (10) Setback waivers for renewable energy structures, section 1408.

Applications in flood hazard areas shall follow the regulations established in Article

XV.

B. Appeals: The Development Review Board shall hear the following appeals. Notice of appeal shall be filed with the Secretary of the Development Review Board as described in section 602 below:

- (1) Appeals of any action or decision of the Zoning Administrator, Article VI.
- (2) Appeals made where it is alleged that an error has been committed in any action, decision, or determination made by the Zoning Administrator, Article VI.
- (3) Appeals for a variance, section 605.

Section 503. Public Hearings and Public Notice

All land development applications and appeals before the Development Review Board shall be conducted subject to § 4464 of the Act and shall require a public hearing and notice as follows:

1. Before a public hearing notice shall be published or posted, the applicant must submit a complete application packet. The packet shall include all information required for the development review function(s) to be performed by the Development Review Board. All information in the application packet shall be available to the public upon request.
2. A warned public hearing shall be required for conditional use review, variances, Local Act 250, final plat review for subdivisions, planned unit developments, and appeals of acts, decisions, or errors of the Zoning Administrator. Such public notice shall be given not less than 15 days prior to the date of the public hearing and shall include all of the following:
 - (A) Publication of the date, place, and purpose of the hearing in a newspaper of general circulation in Vergennes.
 - (B) Posting of the same information in three or more public places in Vergennes, including posting within view from the public right of way most nearly adjacent to the property for which the application is made. The Zoning Administrator shall determine the posting sites in accordance with 1 V.S.A. § 312(c)(2).
 - (C) Written notification to the applicant and to owners of all properties adjoining the property subject to development, without regard to any public right of way. 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 public hearing is a prerequisite to the right to take any subsequent appeal.
 - (D) In the case of subdivision review, when the plat is within 500 feet of a municipal boundary, a copy of the notice shall be sent to the clerk of the adjacent municipality.

3. Public notice shall be required for all other public hearings, including site plan review, height waivers, required frontage waivers, and other Development Review Board procedures specified in these regulations, and shall be given not less than seven days prior to the date of the public hearing. Such public notice shall include at a minimum all of the following:
 - (A) Posting of the date, place, and purpose of the hearing in three or more public places in Vergennes, including posting within view from the public right of way most nearly adjacent to the property for which the application is made. The Zoning Administrator shall determine the posting sites in accordance with 1 V.S.A. § 312(c)(2).
 - (B) Written notification to the applicant and to owners of all properties adjoining the property subject to development, without regard to any right of way. 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 public hearing is a prerequisite to the right to take any subsequent appeal.

Section 504. Public Hearing Procedures

All public hearings under these regulations shall be contested hearings as defined under 24 V.S.A. Chapter 36, and shall follow the procedures and rules established therein.

Section 505. Participation of Interested Persons

Before any public hearing begins, there shall be an opportunity for each person wishing to achieve status as an interested person to the hearing to demonstrate that they meet the criteria set forth in section 603 below. The Development Review Board shall determine whether the criteria have been met by each such person, and the Zoning Administrator shall keep a record of the name, address, and participation of all interested persons.

Opportunity shall be given to all interested persons to any proceedings to respond and present evidence and argument on all issues involved. To file an appeal under Article VI a person must be recognized by the Development Review Board as an interested person.

Section 506. Public Participation

The Development Review Board shall recognize all persons from the public wishing to be heard at any hearing. The chair may elect to limit public comments to a period of time set aside for public comments and may establish a time limit for any non-interested person to speak.

Section 507. Continuation of Hearings

All hearings before the Development Review Board may be recessed provided that the date, time and place of the continuation of the hearing shall be announced before recessing. No further public notice shall be required.

Section 508. Decisions

Decisions on any public hearing before the Development Review Board shall follow 24 V.S.A. § 4464(b). The Board shall close all such hearings promptly after all parties have submitted all requested information and testimony. The Board shall issue a decision within 45 days after closing the hearing, and failure to issue a decision within this period shall be deemed approval. Decisions shall be issued in writing and shall include a statement of the factual basis on which the Development Review Board has made its conclusions and a statement of the conclusions. All decisions related to public hearings shall require the signature of the Chair or acting Chair.

In rendering a decision in favor of an applicant, the Development Review Board may attach additional reasonable conditions and safeguards as it deems necessary to implement the purposes of the zoning bylaws and the municipal plan, including conditions requiring the issuance of a bond, certificate of occupancy, escrow account, or other surety as provided for in § 4464(b) of the Act.

All decisions issuing from a public hearing shall be sent by certified mail to the applicant or appellant within 45 days after closing the proceeding. Copies of the decision shall also be mailed to every interested person appearing and having been heard at the hearing. A copy of the decision shall be filed as a part of the public records of Vergennes.

After the Development Review Board has issued its decisions on all public hearings related to a permit application, the Zoning Administrator shall issue a written decision approving or denying the application within fourteen days. Failure to issue a decision within fourteen days shall be deemed approval.

Section 509. Fees; Experts

For all proposed subdivisions, planned unit developments, and local Act 250 reviews, the Development Review Board may hire independent technical experts at reasonable costs to review the application. The applicant shall pay the costs of such experts.

ARTICLE VI: APPEALS

Section 601. Establishment

Appeals are hereby established pursuant to 24 V.S.A. §§ 4465-4471. Appeals shall be conducted, and decisions issued, according to the regulations established for public notice and hearings in Article V above.

Section 602. Process for Filing an Appeal

An eligible person may appeal any decision or act taken by the Zoning Administrator by filing notice with the Secretary of the Development Review Board. The notice of appeal shall be in writing and shall include the name and address of the appellant, a brief description of the property or action with respect to which the appeal is taken, a reference to the regulatory provisions applicable, the relief requested by the appellant, and the alleged grounds why the relief requested is believed proper. The notice of appeal must be filed within fifteen days of the date of such decision or act. A copy of the appeal shall be filed with the Zoning Administrator.

Section 603. Eligibility to File

Any person established as eligible to file an appeal with respect to a property at issue may appear and be heard or be represented by an agent at the hearing. To file an appeal the following requirements must be met:

1. The person filing must be an “interested person”. An interested person means any one of the following:
 - A. A person owning title to property, or a municipality or solid waste management district empowered to condemn it or an interest in it, affected by these regulations, who alleges that the regulations impose on their property unreasonable or inappropriate restrictions of present or potential use under the particular circumstances of the case.
 - B. The City of Vergennes or any adjoining municipality that has a plan or bylaw at issue in an appeal brought under these regulations.
 - C. A person owning or occupying property in the immediate neighborhood of a property that is the subject of any decision or act taken under these regulations who can demonstrate a physical or environmental impact on the person’s interest under the criteria reviewed, and who alleges that the decision or act, if confirmed, will not be in accord with the policies, purposes, or terms of the municipal plan or zoning regulations.

D. Any ten persons who may be any combination of voters or property owners within Vergennes or any adjoining municipality who, by signed petition to the Development Review Board, allege that any relief requested by a person under these regulations, if granted, will not be in accord with the policies, purposes, or terms of the municipal plan or zoning regulations. This petition must designate one person to serve as the representative of the petitioners regarding all matters related to the appeal.

E. Any department and administrative subdivision of the State of Vermont owning property or any interest in property within Vergennes or an adjoining municipality, and the agency of commerce and community development.

2. If the appeal is based on a decision in which there was a public hearing, the person filing must have attended that public hearing.

The Development Review Board shall also hear and decide all appeals, without limitation, where it is alleged that an error has been committed in any order, requirement, decision, or determination made by the Zoning Administrator in connection with the administration or enforcement of a bylaw.

Section 604. Public Notice for Appeals

The Chair of the Development Review Board shall set a date and place for the public hearing of an appeal that shall be within 60 days of the filing of the notice of appeal. The Secretary of the Development Review Board shall give public notice of the hearing as established under section 503(2) above. Public notice shall also include mailing to the appellant a copy of the notice at least 15 days prior to the hearing date.

Section 605. Appeal; Variances

Applications for structures that are not in conformance with these regulations may file for relief from one or more provisions of these regulations related to such structures by filing an appeal for a variance. Variances shall require a public notice and hearing as established in Article V. The Development Review Board shall grant a variance and render a decision in favor of the appellant if all of the following five criteria are found, and the findings are specified in the decision:

1. There are unique physical circumstances or conditions, including irregularity, narrowness, or shallowness of lot size or shape, or exceptional topographical or other physical conditions peculiar to the particular property, and that unnecessary hardship is due to these conditions and not the circumstances or conditions generally created by the provisions of the bylaw in the neighborhood or district in which the property is located.
2. Because of these physical circumstances or conditions, there is no possibility that the property can be developed in strict conformity with the provisions of the bylaw, and

that the authorization of a variance is therefore necessary to enable reasonable use of the property.

3. Unnecessary hardship has not been created by the appellant.
4. The variance, if authorized, will not alter the essential character of the neighborhood or district in which the property is located, substantially or permanently impair the appropriate use or development of adjacent property, reduce access to renewable energy sources, or be detrimental to the public welfare.
5. The variance, if authorized, will represent the minimum variance that will afford relief and will represent the least deviation possible from the bylaw and from the plan.

Variations for structures that are primarily a renewable energy source shall follow the guidelines set forth in § 4469(b) of the Act.

Applicants shall be given in writing the criteria above and shall be required to respond in writing to all five criteria as part of a complete application packet.

In rendering a decision in favor of the appellant under this section, the Development Review Board may attach such conditions necessary and appropriate under the circumstances to implement the purposes of these regulations and the municipal plan.

Section 606. Successive Appeals

The Development Review Board may reject any appeal without holding a hearing and render a decision, which shall include findings of fact, within ten days of the date of filing of the notice of appeal, if the Board considers the issues raised by the appellant in the appeal have been decided in an earlier appeal or involve substantially or materially the same facts by or on behalf of that appellant. Such decision by the Development Review Board shall be sent by certified mail to the appellant within 45 days of the decision. A copy of the decision shall be filed as a part of the public records of Vergennes.

Section 607. Appeal to the Environmental Court

An interested person who has participated in a Development Review Board proceeding may appeal a decision or act of the Board rendered in that proceeding to the environmental court following the rules set forth in 24 V.S.A. § 4471. Participation in a Development Review Board proceeding shall consist of offering, through oral or written testimony, evidence or a statement of concern related to the subject of the proceeding.

Notice of appeal shall be filed by certified mailing within 15 days of such decision or act of the Development Review Board, with fees, to the environmental court and by mailing a copy to the Zoning Administrator, who shall supply a list of interested persons to the appellant within five working days. Upon receipt of the list of interested persons, the appellant shall, by certified mail, provide a copy of the notice of appeal to every interested person, and, if any one or more of those persons are not then parties to the appeal, upon motion they shall be granted leave by the court to intervene.

ARTICLE VII: SITE PLAN REVIEW

Section 701. Establishment

Pursuant to § 4416 of the Act, site plan review by the Development Review Board shall be required for any use or structure except one-family and two-family dwellings and other land developments exempted by these regulations. Where appropriate, the Development Review Board shall conduct site plan review simultaneously with all other Board reviews required for a proposed land development.

Section 702. Submission of Site Plan and Supporting Data

All applications that require a public hearing shall include nine copies of site plans as part of a complete application packet under section 302 of these regulations. Site plans shall be drawn to scale. The plans shall include the following information presented in graphic form and may be accompanied by written text. The Zoning Administrator, for applications reviewed only by the Zoning Administrator, or the Development Review Board, for all other applications, may waive any information required on the site plan if the information is not relevant to the proposed land development (see sections 309 and 401):

1. Lot, block, and section number of the property taken from the latest tax records. Name and address of the owner of record and those of adjoining lands. Name and address of person or firm preparing the map. Scale of map, north point, zoning district, and date.
2. Survey of the property showing existing features including property boundaries, topography, structures, large trees, significant natural features including wetlands, streets, utility easements, rights of way, land use, and deed restrictions.
3. Site plan(s), showing proposed structure locations, setbacks, and land use areas, signs, streets, driveways, traffic circulation, parking and loading spaces and pedestrian walks, and landscaping plans including site grading, landscape design, and screening.
4. Plans showing elevations of proposed structures.
5. Location of water, sewer and utility services, lighting and storm drainage system.
6. General description of proposed uses including employees, inhabitants, operating hours, impacts of uses, use or storage of hazardous materials, and proposals for mitigating impacts and hazards.
7. Construction sequence and time schedule for completion of each phase for buildings, parking spaces, and landscaped areas of the entire development.

Section 703. Site Plan Review Procedure

Site plan review shall require a public notice and hearing, after submission of a completed application packet, following the procedures in Article V above. The Development Review Board shall review the site plan and supporting data, taking into consideration the following objectives:

1. Harmonious relationship between proposed uses and existing adjacent uses.
2. Adequacy of vehicular access onto the street network including safe sight distance and location.
3. Adequacy of vehicular circulation, parking, and loading facilities with particular attention to safety.
4. Provision of safe pedestrian facilities including connections to the street network and on-site circulation.
5. Adequacy of landscaping, screening, and setbacks in regard to achieving compatibility and protection to adjacent property and existing natural features.
6. Adequacy of water supply, sewage disposal and storm drainage systems.
7. Containment of excessive light, noise and other impacts specified in section 1303.
8. The protection of the utilization of renewable energy resources.
9. The proposed development will not have an undue adverse effect on significant natural features located on or near the parcel.
10. Where appropriate, energy efficiency shall be encouraged.

ARTICLE VIII: CONDITIONAL USE REVIEW

Section 801. Establishment

Pursuant to § 4414(3) of the Act, certain uses may be permitted in any district only after conditional use review by the Development Review Board, and only if the Board determines the proposed use will conform to the general and specific standards set forth in section 803 below. Uses requiring conditional use approval are listed by district in Article XVI.

Section 802. Procedure

Conditional use review shall require a public notice and hearing, after submission of a completed application packet, following the procedures in Article V above. Where conditional use review is required it shall be in addition to site plan review. When feasible, both procedures shall occur concurrently.

Section 803. Standards for Review

General standards shall require that the proposed conditional use shall not result in an undue adverse effect on any of the following:

1. The capacity of existing or planned community facilities.
2. 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.
3. Traffic on roads and highways in the vicinity.
4. Bylaws and ordinances then in effect.
5. Utilization of renewable energy resources.

Specific standards shall include requirements with respect to:

1. Minimum lot size and dimensional requirements.
2. Distance from adjacent or nearby uses.
3. Performance standards.
4. Minimum off-street parking and loading facilities.
5. Landscaping and fencing.

6. Design and location of structures and service areas.
7. Size, location and design of signs.
8. Conformance with all applicable regulations in these bylaws.

In granting a conditional use, the Development Review Board may attach such additional reasonable conditions and safeguards as it may deem necessary to implement the purposes of these regulations and the municipal plan.

ARTICLE IX: PLANNED UNIT DEVELOPMENT

Section 901. Establishment

Pursuant to § 4417 of the Act, authorization of densities, sizes of lots, dimensional requirements, and intensities of uses that do not correspond with, or are not otherwise expressly permitted by these regulations, shall be allowed through the use of planned unit development (PUD). Planned unit development shall only be allowed in districts that permit such development as established in Article XVI.

Section 902. Purposes

The purposes of granting such authorization to the Development Review Board shall be to enable and encourage flexibility of design and development of land in such a manner as to promote the most appropriate use of land as defined in the municipal plan and these bylaws, including facilitating the adequate and economical provisions of streets, city services, and utilities, and preserving the natural and scenic qualities of the open lands of the City. Planned unit development is not intended to be used solely as a mechanism to circumvent the non-PUD standards of the City zoning and subdivision regulations.

Section 903. Procedure

Planned unit development shall require a public notice and hearing, after submission of a completed application packet, following the procedures in Article V above. The Development Review Board shall review PUD applications concurrently as a subdivision plat review and/or a conditional use review, as appropriate, and subject to the conditions set forth below:

1. Application: The applicant shall submit nine copies of site plans pursuant to section 702 that shall include the location, height, spacing of buildings, open spaces and their landscaping and long term stewardship, streets, driveways, off-street parking spaces, and all other physical features and a description of any deed covenants, homeowners association, and maintenance or management plans to be accompanied by a statement setting forth the nature of all proposed modifications, changes, or supplementations to existing zoning regulations.

2. Compliance with Applicable Regulations: The proposed development shall comply with all other applicable regulations including specific PUD standards established for the zoning district where the development shall occur.
3. Calculation of Development Density: The permitted number of both residential and non-residential units shall be calculated using the following method:
 - a. The applicant shall present to the satisfaction of the Development Review Board, a site plan following the rules set forth in the City subdivision regulations and these zoning regulations for a non-PUD development on a parcel or parcels, except that sections 903(5) and 904, and the District Standards for Planned Unit Developments in Article XVI shall also apply.
 - b. The applicant shall only be allowed to propose for construction within a PUD the type of structure(s) and the number of units within such structure(s) that are plotted on the site plan under 903(3)(a), not including accessory structures, but shall also be allowed any density bonuses approved under 903(4).

For example, if the following PUD application is proposed:

1 multifamily structure containing 5 units	=	5 units
1 multifamily structure containing 10 units	=	10 units
5 duplexes	=	10 units
15 single family homes	=	15 units

The applicant must first demonstrate to the Development Review Board that the exact type and number of structures proposed above can be plotted (on the parcel or parcels to be developed) in conformance with the City zoning and subdivision regulations for a non-PUD land development application, except section 903(5) and the District Standards for Planned Unit Developments in Article XVI shall also apply.

The applicant may then propose for review under Articles V and IX of these regulations and the City subdivision regulations, a PUD located on the same parcel or parcels of land established above. The PUD application may only propose the following structures, not including accessory structures:

1 multifamily structure containing 5 units	=	5 units
1 multifamily structure containing 10 units	=	10 units
5 duplexes	=	10 units
15 single family homes	=	15 units

The applicant may also propose up to an additional 10 elderly housing dwelling units of any housing type (under 903(4)) of these regulations.

- c. Calculation of the permitted number of units shall in no case be construed as approval of a PUD application, nor shall it be construed as defining or limiting

the design or dimensional elements of actual structures proposed in a PUD application.

4. **Density Bonus:** The Development Review Board may grant a density bonus of up to 25% of the total number of residential units proposed. Accessory dwellings shall not be counted when calculating the total number of units. All bonus units shall be developed as perpetual elderly housing dwellings. In the Medium Density Residential District only, the Development Review Board may grant an elderly housing density bonus of up to 50% of the total number of residential units proposed. Accessory dwellings shall not be counted when calculating the total number of units. The density bonus shall apply only when all proposed units (originally proposed residential units plus density bonus units) are to be developed as perpetual elderly housing units. The 25% density bonus in this section does not apply in the Medium Density Residential District.

5. **Allowed Uses:** Uses shall be restricted to those either specifically allowed by these bylaws for the zoning district(s) within which the PUD will be constructed or by this section. Any type of dwelling structure shall be permitted at the discretion of the Development Review Board except no dwelling units shall be allowed in zoning districts where all residential uses are prohibited. Single family residential units shall be the only type of units allowed in the Agricultural and Rural Residential Overlay PUD District.

6. **Minimum Number of Units:** A planned unit development can be as small as one residential unit and one non-residential unit within one structure, but shall otherwise be a minimum of two residential or non-residential structures, not including accessory structures.

7. **Development Clustering:** Structures shall be clustered when feasible and/or sited towards an edge of the property. Clustering should, to the extent practical, occur on the portion of the parcel nearest to existing neighborhoods and the City's downtown, however, no clustering or site location shall have the effect, by determination of the Development Review Board, of causing an undue adverse effect on abutting neighborhoods, uses, or natural areas. The Development Review Board may allow a single dwelling and associated site improvements on the portion of the parcel designated as open space if the Board determines that a resident-owner would best ensure long-term stewardship of the open spaces.

8. **Development Pattern:** The desired development pattern within this overlay district is intended to reflect the following concepts:
 - a. The logical extension of traditional development patterns outward from the City's historic center;
 - b. A mix of housing styles;
 - c. A pedestrian orientation and scale of development;

- d. Pedestrian connections within the PUD such as mid-block walkways, as well as connections to adjacent properties and the downtown;
 - e. A street network characterized by well-defined streetscapes characteristic of the City's historic neighborhoods; and
 - f. The provision of formal open space such as a green, sports fields, or playgrounds, that serve as an organizing feature within the neighborhood.
9. Residential Structures: All residential structures, excluding accessory structures, shall be oriented toward the street. An architecturally emphasized primary entrance facing the street shall be strongly encouraged, for example, through the use of lintels, pediments, porticos, overhangs, and porches. Multi-family dwellings shall be compatible in scale, massing and general appearance of single-family dwellings in the vicinity and shall avoid excessively large designs. Such structures should incorporate varied roof lines and interruptions to the building facades to create attached, but separate, masses and reduce the overall massing and scale of large buildings.
10. Streets, Parking, and Streetscapes: The streets and streetscape shall be designed to minimize congestion, slow traffic, and ensure pedestrian and vehicular safety. The use of traffic calming devices, including on street parking and street trees, shall be strongly encouraged, however off street parking shall be required for every dwelling and use. No roadway shall have a grade at any point in excess of 10 percent. Lots, buildings, frontages, and setbacks shall be configured to create well defined streetscapes, characterized by consistent and small setbacks, sidewalks, and street trees. Provisions shall be made for year-round pedestrian circulation within the site. Parking areas for multifamily dwellings and non-residential uses shall be located to the side and rear of the building.
11. Garages: Garages and other accessory structures shall not be the dominant feature viewed from the street. Front-loading (entrance facing the street) garages shall be set back from the building front line a minimum of six feet and shall not comprise more than 40% of the total front façade. Side-loading garages (entered from the side yard) visible from the street must have some architectural treatment facing the street, such as a window or door.
12. Open Space: Designated open space should encompass land characterized by fragile or significant natural features, wildlife habitat, slopes in excess of 20%, buffers, path and trail corridors, access corridors, and productive farm land. In addition to the designated open space, PUDs shall incorporate one or more areas of formal open space, such as a green, park, or playground, into the overall project design. The Development Review Board, as a condition of its approval, may establish such conditions on the ownership, use, management, and maintenance of open space lands within the PUD as it deems necessary to assure the preservation of such lands for their intended purpose, including a requirement that the applicant establish an organization or trust for the ownership and maintenance of any common facilities or open space. All costs associated with administering and maintaining open space and/or common land shall be the responsibility of the applicant and subsequent land

owners and/or third parties approved by the Development Review Board. Designated open space shall be indicated with appropriate notation on the final plat.

13. Setbacks: Structures shall be setback a minimum of 100 feet from all natural bodies of water.
14. Energy Efficiency: Energy efficiency shall be encouraged in the design and construction of planned unit developments, including minimizing building shadows that preclude the proposed or potential use of solar energy collectors. Where possible, buildings shall be sited so as to take advantage of southeast, south, or southwest orientations.
15. Adequate Services: Adequate water supply and sewage disposal facilities shall be provided.
16. Ownership: PUDs may include one or more lots in single ownership, or lots in separate and unaffiliated ownership.
17. Certificate of Occupancy: A planned unit development may require one or more certificates of occupancy as a condition of approval.
18. Conformance with the City Plan and Regulations: The approval of a proposed PUD shall be based on findings that the development is in conformance with the municipal plan and all other requirements of these regulations.

Section 904. Mixed Use Developments

When a land development is proposed on a lot that contains, or will contain, at least two units, one of which is a residential unit and one a non-residential unit, the entire lot shall be required to obtain conditional use and planned unit development approval. The total number of permitted units on such mixed use lots shall be calculated using the appropriate proportional residential and nonresidential, lot area minimum requirements within the district.

ARTICLE X: LOCAL ACT 250 REVIEW

Section 1001. Establishment

Pursuant to section 4420 of the Act, the Development Review Board shall undertake local Act 250 review of municipal impacts caused by a “development” or “subdivision”, as such terms are defined in 10 V.S.A. Chapter 151.

Section 1002. Procedure

Local Act 250 review shall require a public notice and hearing, after submission of a completed application packet, following the procedures in Article V above, and may take

place concurrently with Conditional Use review, Site Plan review, or Subdivision Plat Review, at the determination of the Development Review Board.

In order to receive approval from the Development Review Board, the applicant shall demonstrate to the satisfaction of the Board that the proposed “development” or “subdivision”:

1. Will not cause an unreasonable burden on the ability of the municipality to provide educational services (Act 250 Criterion 6);
2. Will not cause an unreasonable burden on the ability of the municipality to provide municipal or governmental services (Act 250 Criterion 7); and
3. Is in conformance with the Municipal Development Plan as adopted in accordance with the Act (Act 250 Criterion 10).

Decisions of the Development Review Board with respect to local Act 250 review are not subject to appeal but shall serve as presumptions under the provisions of 10 V.S.A. Chapter 151.

Section 1003. Exemptions from Local Act 250

All applications meeting the criteria for Act 250 permits for “developments” or “subdivisions”, as defined by 10 V.S.A. Chapter 151, and located within the City of Vergennes, shall go through local Act 250 review, unless all of the following apply:

1. The applicant can establish to the satisfaction of the Development Review Board that the applicant relied on a determination by the natural resource board’s local district coordinator that Act 250 jurisdiction did not apply to the “development” or “subdivision” in question and based upon that reliance the applicant obtained local permits without complying with the requirement for local Act 250 review;
2. The natural resource board’s local district coordinator’s jurisdictional ruling was later reconsidered or overturned on appeal, with the result that Act 250 jurisdiction does apply to the “development” or “subdivision” in question; and
3. The Development Review Board waives its local Act 250-review jurisdiction in the interest of fairness to the applicant.

Determination by the Development Review Board regarding whether or not to waive its local Act 250-review jurisdiction shall not be subject to appeal.

ARTICLE XI: PARKING, LOADING, AND SERVICE AREAS

Section 1101. General

The following parking, loading, and service area regulations are hereby established. The Zoning Administrator, for applications reviewed solely by the Zoning Administrator, or the Development Review Board, for all other applications, may require changes or additions to site plans in relation to driveways, driveway entrances and exits, parking areas, loading areas, and landscaping in order to insure safe and efficient traffic flow and access to buildings, and to safeguard adjacent properties.

Section 1102. Off-Street Parking Requirements

For all land developments hereafter approved, there shall be provided improved off-street parking spaces at least as set forth below. A required driveway shall be at least 20 feet clear in width except for one- and two-family uses. The requirements for off-street parking are:

1. Residential uses: one-family and two-family dwelling units - two parking spaces for every unit; multiple-family dwelling units - four parking spaces for every three units; professional residence office - one parking space, plus one additional parking space for every three hundred (300) square feet of office space.
2. Hotel, motel, tourist home, boarding house - one space for every guestroom.
3. Dormitory, fraternity, nursing home, hospital - one space for every two beds.
4. Places of public assembly - every structure used as a theater, amusement facility, auditorium, community center, club, stadium, library, museum, church, lodge halls, or other place of public or private assembly which provides facilities for seating people. One parking space shall be provided for each four fixed seats or every two hundred (200) square feet of floor space, whichever is more.
5. Retail and commercial uses - one parking space for every two-hundred (200) square feet of floor area.
6. Restaurant, eating and drinking establishments - one parking space for every four customers as determined by the capacity of the establishment according to State regulations.
7. Industrial, wholesale, warehouse, storage, freight and trucking uses - one parking space for every motor vehicle used in the business, one parking space for every two employees.
8. Outdoor recreation and unspecified uses - as required by the Development Review Board.

9. Office uses - one parking space for every two hundred fifty (250) square feet of floor area.

Section 1103. Off-Street Loading Space Requirements

For every building hereafter erected for the purpose of business, trade, or industry, there shall be provided paved off-street space for loading and unloading of vehicles as set forth below.

1. Wholesale, warehouse, freight and trucking uses - one off-street loading space for every seven thousand five hundred (7,500) square feet of floor area.

Section 1104. Special Parking and Loading Space Requirements

1. The Development Review Board may require additional off-street parking and loading spaces for any use if it finds that minimum spaces are not sufficient or may reduce off-street parking and loading spaces if it finds that requirements are excessive for any use.
2. With the approval of the Development Review Board, parking spaces may be provided by the applicant on other property provided such spaces are within six hundred (600) feet walking distance of an entrance to the principal building. The Development Review Board may grant an exception to this requirement allowing up to nine hundred (900) feet.
3. Parking space for any number of separate uses may be combined in one parking lot, but the required space assigned to one use may not be assigned to another at the same time, except upon approval of the Development Review Board.
4. Where any non-residential use abuts a residential use, the Development Review Board may require any parking or loading spaces to be no closer than twenty-five feet to the property line abutting the residential district and the spaces shall be suitably screened and landscaped.
5. In the residential/limited business district no parking is allowed in front of the front face of the principal building. Parking may be allowed in side yards adjacent to the principal building only if permitted by the Development Review Board.

Section 1105. Drive-Through Establishments

Land development proposals for the construction or structural alterations of any drive-through facility shall require conditional use approval from the Development Review Board. A drive-through facility shall not be approved if the Development Review Board determines the facility will have an undue adverse effect on pedestrian or traffic safety.

Section 1106. Location of Driveways

All newly constructed driveways are to be located at least thirty feet from the intersection of two street lines for all uses except one-family and two-family residential uses.

Section 1107. Open Storage in Residential Districts

In any residential district both vans and trucks of more than two tons carrying capacity, unregistered motor vehicles, and cars used for drag or stock car racing must be stored in an enclosed garage.

Section 1108. Screened Service Area Requirements

In any district, all areas designated, used, or intended to be used as service areas for any building or land use, other than one-family and two-family dwelling units, may be required by the Development Review Board to be screened from view with either a wall, a solid fence, evergreen shrubs or trees on all sides where the adjacent land is in a residential district or residential use. The minimum height of such screening shall be determined by the Development Review Board. All screening must be maintained in good condition.

ARTICLE XII: SIGNS

Section 1201. General

No business signs or directory signs shall be affixed or applied to any building or land without prior approval by the Zoning Administrator. All signs shall be subject to the following:

1. Be in the public interest and not to the detriment of the public safety or welfare.
2. Not be detrimental to surrounding properties.
3. Be of a character, size, and location that will be in harmony with the orderly development of the district.
4. Be maintained in good and legible condition. Signs with chipped and peeling paint must be repainted. Broken, bent, or damaged signs must be repaired or replaced with duplicate signs.
5. Signs shall only be allowed on the immediate premises of a business or residential development.
6. Signs associated with a business must immediately be removed upon discontinuance of the business unless said sign is to be used for a new business at the same location.

Unused supports and/or base associated with such sign must be removed within six months of discontinuance of the business.

7. All changes in wording or physical appearance of an existing sign shall not require approval by the Zoning Administrator, provided said changes do not change the content or character of an approved sign. Businesses that change ownership but do not change name may continue to use any existing legal signs provided they are maintained in accordance with the regulations.
8. Exterior business signs covered by this ordinance shall be restricted to any combination of the following information: the name of the business, name of the residential development, telephone numbers, website/e-mail address, primary franchise, and identification of the type of business or products or services offered.
9. No exterior sign shall bear the name of any nationally advertised products other than those that are exclusively sold at that particular location under a franchise agreement.
10. Temporary exterior signs displayed to advertise specific on-site sales or promotions, shall not need a permit. Such signs shall not be displayed more than ten days in advance of the sale or promotion and must be removed immediately after such sale or promotion. Signs displayed for more than thirty consecutive days or for more than two of the same sale or promotion in a year shall be considered as permanent signs, and shall be subject to this Article.
11. When located on the immediate property, and maintained in good and legible condition, signs on the valance of retractable awnings, sidewalk umbrellas, sandwich board signs, real estate for sale, rent, or lease signs, and all signs in windows shall be exempt from these regulations.
12. The Development Review Board may proclaim an existing sign as a landmark sign and may waive any dimensional or other requirements set forth herein. Waivers for landmark signs, or changes in wording on an established landmark sign, shall require Development Review Board approval after submission of a completed application packet. Public notice and hearing shall follow the procedures in Article V, using the rules in section 503(3) for public notice.

Section 1202. Advertising Billboards

Advertising billboards shall not be permitted in any Zoning District.

Outdoor advertising is regulated by State Act No. 333, entitled "An Act To Provide Services for Tourists and to Regulate Outdoor Advertising."

Section 1203. Signs in Residential Districts

(A) Signs Not Requiring a Permit: The following signs are allowed without a permit in the Agricultural and Rural Residential District, Medium Density Residential District, High Density Residential District, and Residential/Limited Business District when located on the immediate property:

1. One temporary real estate sign, not exceeding six square feet.
2. Informational signs identifying or directing to entrance, exit, office, rest rooms, etc., and not relating to specific products or services. Such signs shall be in letters no more than four inches in height and not greater than two square feet each.
3. Signs identified in 1201(10) and 1201(11).
4. Signs necessary for public safety or welfare.

(B) Signs Requiring Approval from the Zoning Administrator: The following signs are permitted after approval by the Zoning Administrator in the Agricultural and Rural Residential District, Medium Density Residential District, High Density Residential District, and Residential/Limited Business District when located on the immediate property:

1. One professional/residence office or home occupation business sign, not exceeding four square feet.
2. One sign not exceeding a total of twelve square feet at or near the primary entrance to, and identifying, a residential development.
3. One business sign not exceeding a total of twelve square feet identifying any non-residential building or use permitted in residential districts.

Section 1204. Signs in the Central Business and Otter Creek Basin Districts

(A) Signs Not Requiring a Permit: The following signs are allowed without a permit in the Central Business District and the Otter Creek Basin District when located on the immediate property:

1. All signs allowed under Section 1203(A).

(B) Signs Requiring Approval from the Zoning Administrator: The following signs are permitted after approval by the Zoning Administrator in the Central Business District and the Otter Creek Basin District when located on the immediate property:

1. All signs allowed under Section 1203(B).
2. A maximum of two business signs per establishment.

3. One directory sign not exceeding ten square feet in area and letters/characters not exceeding four inches in height, provided more than one business is located within the principal building(s).

(C) District Conditions: Signs in the Central Business District and Otter Creek Basin District shall be subject to the following additional conditions:

1. A business that is identified on a directory sign can only have one business sign.
2. The total square footage of all signs on a lot shall not exceed one square foot for each lineal foot of building frontage. If a property contains multiple unaffiliated businesses, this limitation can be exceeded; however, each business shall be allowed up to two business signs totaling no more than twelve square feet.

Section 1205. Signs in Commercial, Industrial, and Public Districts

(A) Signs Not Requiring a Permit: The following signs are allowed without a permit in the Commercial District, Commercial-Industrial District, Industrial District, and the Public District when located on the immediate property:

1. All signs allowed under Section 1203(A), except for 1203(A)(2).
2. Informational signs identifying or directing to entrance, exit, office, rest rooms, etc., and not relating to specific products or services. Such signs shall be in letters no more than eighteen inches in height. The total square footage of each informational sign shall not be greater than twelve square feet.

(B) Signs Requiring Approval from the Zoning Administrator: The following signs are permitted after approval by the Zoning Administrator in the Commercial District, Commercial-Industrial District, Industrial District, and the Public District when located on the immediate property:

1. All signs allowed under Section 1203(B).
2. A maximum of two business signs per establishment.
3. One directory sign not exceeding twenty square feet in area and letters/characters not exceeding eight inches in height, provided more than one business is located within the principal building(s).

(C) District Conditions: Signs in the Commercial District, Commercial-Industrial District, Industrial District, and the Public District shall be subject to the following additional conditions:

1. A business that is identified on a directory sign can only have one business sign.

2. The total square footage of all signs on a lot shall not exceed one square foot for each lineal foot of building frontage. If a property contains multiple unaffiliated businesses, this limitation can be exceeded; however, each business shall be allowed one business sign totaling no more than six square feet.

Section 1206. Standards for Wall, Projecting, Ground, and Roof Signs

Wall signs shall:

1. Not exceed one hundred square feet in area.

Projecting signs shall:

1. Not extend beyond the curb.
2. Not extend more than four feet from the building wall.
3. Not be less than ten feet above the surface of a public walkway area.
4. Not exceed twelve square feet in area.

Ground signs shall:

1. Not exceed twenty-five feet in height above the existing grade.
2. Be set back at least five feet from any street line, and at least ten feet from any other lot line.
3. Not exceed forty square feet in area.

Roof signs shall:

1. Not be permitted in any Zoning District.

Section 1207. Computation of Permissible Sign Area

When computing the total permissible sign area for any lot:

1. Existing signs shall be included.
2. The total area of all exterior signs on a lot shall not exceed the requirements as set forth in these regulations.
3. Signs identified in section 1201(10) and 1201(11) shall not be included.

4. The area of signs consisting of free standing letters, numerals, or other text or symbols applied to a wall or similar surface, shall be calculated by measuring the area of the smallest square, rectangle, or circle enclosing all lettering, symbols, and other information, and including any borders surrounding the sign designed to set off the sign from the rest of the building.
5. Only the larger face area of a double-faced sign shall be used.
6. Back to back signs may be counted as one sign.

Section 1208. Safe Design and Location of Signs

Every sign shall be designed and located in such a manner as to:

1. Not impair public safety.
2. Not restrict clear vision between a sidewalk and street.
3. Not be confused with any traffic sign or signal.
4. Not prevent free access to any door, window, or fire escape.
5. Withstand a wind pressure load of at least thirty pounds per square foot.

Section 1209. Illuminated and Flashing Signs

1. Signs may be illuminated by a steady light provided that such lighting will not illuminate other properties.
2. Flashing, oscillating, and revolving signs shall not be permitted, unless necessary for public safety or welfare.

ARTICLE XIII: GENERAL REGULATIONS

Section 1301. Nonconforming Uses

Any lawful nonconforming use existing at the time of enactment of these regulations may be continued, subject to the following conditions:

1. The nonconforming use shall not be changed to other than a conforming use for the district in which it is located, except that the Development Review Board may approve a use of the same or of a more restrictive nature.
2. The nonconforming use shall maintain conformance with all other applicable regulations in these bylaws.

3. The nonconforming use shall not be extended within the boundary lines of the lot within which it is located.
4. The nonconforming use shall be considered discontinued when any of the following conditions exist:
 - a. When it is replaced by any other use.
 - b. When the owner has ceased using the property for the purposes for which it is permitted, including grandfathered uses.
 - c. When characteristic equipment and furnishings have been removed from the property and have not been replaced with similar equipment and furnishings, except in the event the structure is damaged, in which case section 1301(7) shall apply.
5. When a nonconforming use has been discontinued for nine consecutive months or more, the Zoning Administrator shall commence the following process to declare the use abandoned:
 - a) The Zoning Administrator shall issue a warning of abandonment by certified mail to the owner.
 - b) The warning shall require that the owner, within 30 days, either recommence the established nonconforming use, or produce sufficient evidence that the nonconforming use has been continued within the preceding nine months.
 - c) If, within 30 days, the owner fails to produce sufficient evidence of such usage, the Zoning Administrator shall declare the use abandoned. Sufficient evidence of use may include, but is not limited to, evidence of renovations, reconstruction, or advertising for use in a paper of general circulation in Vergennes for a period of 14 days.
6. When a use has been declared abandoned, it shall not thereafter be re-established and the future use of the property shall be in conformance with the provisions of these regulations.
7. A structure containing a nonconforming use shall not be restored for other than a conforming use after damage from any cause, unless the nonconforming use is reinstated by the commencement of construction within nine months of such damage, and the completion of construction and restoration of such structure within one year from the date of such commencement. If commencement of construction does not occur within nine months of such damage, the non-conforming use of such structure shall be deemed discontinued, unless such nonconforming use is carried on uninterrupted in the undamaged part of the structure.

Section 1302. Nonconforming Structures

Nothing in this section shall be deemed to prevent the normal maintenance, repair, or reconstruction of a nonconforming structure, regardless of the size of the lot, provided that such action does not increase the degree of nonconformance. Expansions of nonconforming structures shall be allowed provided the expansion conforms with these regulations.

Any amendment to these regulations shall not require a change in plans or construction of a nonconforming structure for which a zoning permit has been previously issued.

Section 1303. Performance Standards

Pursuant to § 4414(5) of the Act, the following performance standards, together with all applicable State standards, must be met. The Development Review Board shall decide whether proposed or existing uses meet the standards.

In all districts, uses are not permitted which exceed any of the following standards measured at the individual property line:

1. Emit noise in excess of 70 decibels.
2. Emit dust or dirt which is considered offensive.
3. Emit any smoke in excess of Ringlemann Chart No. 2.
4. Emit any noxious gases or odors which endanger the health, comfort, safety, or welfare of any person, or which have a tendency to cause injury or damage to property, business, or vegetation.
5. Cause, as a result of normal operation, a vibration which creates displacement of 0.002 of one inch.
6. Lighting or signs which create excessive glare or which could impair the vision of a pedestrian or the driver of any vehicle.
7. Cause a fire, explosion, or safety hazard.
8. Cause harmful wastes to be discharged into the sewer system, streams, groundwater, wetlands, or other bodies of water. Effluent disposal shall comply with the local and State sewer health standards.

Section 1304. Landscaping Requirements

As a condition of approval for any Development Review Board proceeding, the Board may require landscaping elements such as shade trees, shrubs, and well kept grassed areas. All such landscaping shall be maintained in a healthy growing condition.

Section 1305. Grading

No grading, cutting, or filling shall be done in any district which leaves the slope of the finished grade in excess of one foot vertical to every two feet horizontal.

Section 1306. Required Frontage on or Access to Public Roads or Waters

In accordance with § 4412(3) of the Act, no land development shall be permitted on lots, which do not have frontage either on a public road or public waters or, with the approval of the Development Review Board, access to such a road or waters by a permanent easement or right of way at least twenty feet in width. No new subdivisions of property shall be allowed which would create lots lacking the required frontage set forth in these regulations except as allowed under Planned Unit Developments in Article IX.

Existing lots that do not have the required frontage but have the minimum access requirement may apply for a frontage waiver from the Development Review Board. Frontage waivers shall require a public notice and hearing, after submission of a completed application packet, following the procedures in Article V above.

Section 1307. Height Waivers

In all districts, structures that are in excess of the building height maximum for the district in which they are located, shall not be erected unless a height waiver is approved by the Development Review Board. Height waivers shall require a public notice and hearing, after submission of a completed application packet, following the procedures in Article V above.

Height waivers shall be subject to the following conditions:

1. Principal and accessory buildings shall not be eligible for a height waiver except where allowed in 1307(2).
2. Vertical projections from buildings such as spires, cupolas and antennae shall be eligible for a waiver.
3. Free standing structures other than buildings shall be eligible for a waiver.
4. Waivers shall not have the effect of creating an undue adverse impact on the district.
5. Structures exempt from these regulations by state or federal law shall not require a waiver.

In rendering a decision in favor of an applicant, the Development Review Board may attach additional reasonable conditions and safeguards as it deems necessary to implement the purposes of the zoning bylaws and the municipal plan.

Section 1308. Lots

(A) Existing Small Lots: Any undeveloped lot that is legally subdivided, is in individual and separate and nonaffiliated ownership from surrounding properties, and is in existence on the effective date of these regulations (October 23, 1973) may be developed for the purposes permitted in the district in which it is located, provided all applicable municipal permits and approvals have been issued, even though not conforming to minimum lot size requirements, if such lot is not less than one-tenth acre in area with a minimum width or depth dimension of forty feet. If an existing undeveloped small lot subsequent to the effective date of these regulations (October 23, 1973) comes under common ownership with one or more contiguous lots, the nonconforming lot shall not be deemed merged with the contiguous lot.

Any developed lot that is legally subdivided that does not conform to minimum lot size requirements may be further developed for the purposes permitted in the district in which it is located, provided all applicable municipal permits and approvals have been issued. If an existing developed small lot subsequent to the effective date of these regulations (October 23, 1973) comes under common ownership with one or more contiguous lots, the nonconforming lot shall not be deemed merged with the contiguous lot.

(B) Lots in Two Zoning Districts: Where a district boundary line divides a lot of record at the time such line is adopted, the regulations for the less restricted part of such lot shall extend not more than thirty feet into the more restricted part provided the lot has frontage on a street in the less restricted district.

(C) Residential Buildings on Lots: There shall be no more than one residential building on a lot, except on all lots containing a single-family dwelling, one unattached accessory dwelling unit may be allowed after conditional use approval by the Development Review Board. Such accessory dwelling units shall comply with section 402 above. Adaptive reuse of a building on the lot, existing before the effective date of these regulations, for use as an accessory dwelling unit may be exempted from setback requirements after approval by the Board.

(D) Reduction of Lot Area: No lot shall be reduced in area so that the minimum lot size, yards, frontage, coverage, or other requirements of these regulations do not conform with the requirements herein prescribed for each district. The provisions of this section shall not apply when part of the lot is taken for a public purpose or for lots created within a planned unit development.

(E) Corner Lots: Any yard adjoining a street shall be considered a front yard. For the purposes of these regulations, a corner lot shall be considered to have only front

yards and side yards. There shall be no lot depth or rear yard requirements for a corner lot.

Section 1309. Yards

(A) Required Area or Yards: Area, yard or other open space requirements for one building shall not be counted as part of a required area, yard, or open space for any other building.

(B) Front Yard Exceptions: The minimum required front yard on a lot may be reduced, after approval by the Zoning Administrator, to the average depth of all other front yards that are on the same block and street, and are in the same zoning district as the subject property.

(C) Projection in Yards: Every part of a required yard shall be open from grade level to the sky unobstructed, except for the ordinary projections of sills, awnings, cornices, pilasters, chimneys, and eaves provided that no such projections may extend more than three feet into any required yard. Projections greater than three feet, including awnings not exempted under section 311 of these regulations, shall be considered part of a structure for purposes of calculating yards in section 1309(D) .

(D) Calculation of Yards: All yards shall be calculated as the shortest line measured from the lot line to the corresponding building line defining such yard.

Section 1310. Calculating Coverage

In determining the percentage of coverage of a lot, all structures shall be included. Driveways and sidewalks are not included in calculating coverage.

Section 1311. Obstruction of Vision

For all corner lots in all districts, there shall be no obstruction to vision between the height of three feet and ten feet above the average grade of each street within the triangular area formed by the intersection of two street property lines and a third line joining them at points twenty-five feet away from their intersection.

Section 1312. Uses Not Permitted

In all districts, the following uses are not permitted: junk yards, machinery wrecking yards, smelters, blast furnaces, outdoor incinerators and furnaces (including those enclosed in a shed), slaughter houses, rendering plants, hide tanning or curing plants, manufacture or processing of bone, rubber, asphalt, ammonia, chlorine, manufacture or refining of petroleum, gas, explosives, bulk storage of explosives, dumps, airports, and crematoriums.

Section 1313. Animals

The raising or harboring of livestock, including but not limited to horses, cattle, hogs, fowl, or fur bearing animals, shall be limited to all operating farms and all land in agricultural use located in the Agricultural and Rural Residential District existing on the effective date of these regulations. Common household pets are exempt from these provisions provided that there are not more than four cats and/or dogs over six months old.

Section 1314. Screened Service Area Requirements

In any district, all areas designated, used, or intended to be used as service areas for any building or land use, other than one-family and two-family dwelling units, shall be screened from view with either a wall, a solid fence, or a fence and evergreens to a height of at least five feet above grade level on all sides where the adjacent land is in a residential district or residential use.

ARTICLE XIV: SPECIFIC REGULATIONS

Section 1401. Accessory Structures

(A) General Provisions: In all districts, applications for accessory buildings and structures shall be considered as changes to existing permits or legal uses. Accessory structures shall be subject to the following regulations:

1. Accessory structures shall be in conformance with these bylaws and shall require all applicable permits and approvals.
2. Accessory buildings shall not exceed the footprint of the principal building on the lot.
3. Accessory dwellings shall be subject to section 402.
4. Minor accessory structures may be exempted from the permit process pursuant to section 311.
5. All accessory structures in a planned unit development shall require conditional use approval.
6. No portion of a detached accessory building shall be placed in front of the building front line without approval from the Development Review Board after submission of a completed application packet, following the procedures in Article V and section 503(3) for public notice.

(B) Minor Accessory Structures: Pursuant to § 4464(C) of the Act, minor accessory structures may be approved under this subsection by the Zoning Administrator without requiring any other approvals provided:

1. The accessory structure shall be limited to structures used for storage, parking, or similar uses.
2. The accessory structure shall not be greater than 12 feet high and an area of 120 square feet.

3. The accessory structure is not located within a planned unit development.
4. The accessory structure shall not cause an undue adverse effect under any applicable standard set forth in these bylaws.
5. The side and rear yard setbacks for an accessory structure may be reduced to a depth that is characteristic of accessory structures on the same block and street, and in the same zoning district as the subject property. The applicant shall be required to present evidence to this effect.
6. Setbacks authorized under item 5 above shall not be less than 5 feet.

(C) Setback Waivers: Accessory structures, other than accessory dwellings, may receive a waiver from required side and rear yard setbacks if all the following conditions are met:

1. Approval from the Development Review Board pursuant to section 503 for public notice and Article V for public hearing procedures.
2. The waiver does not create an undue adverse effect on 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.
3. The applicant produces sufficient evidence that the proposed setback distance of the accessory structure is of a similar distance and in character with other existing accessory structures in the neighborhood.
4. The accessory structure does not create an undue adverse impact on the abutting neighbors and is designed with screening or other remedies to limit undue impacts.
5. The accessory structure shall be well maintained in working condition.
6. If the accessory structure is a renewable energy structure, the waiver may be approved by the Development Review Board solely on the basis that conformance with yard requirements will cause an undue expense or unusual difficulties.

Section 1402. Temporary Storage Structures

One structure not exceeding 300 square feet in area erected for the temporary storage of motor vehicles or other materials shall be exempted from zoning permits between October 15 and May 15. Such structures remaining erected beyond this time period shall require all applicable permits and approvals.

Section 1403. Temporary Structures and Uses During Construction

Temporary permits may be issued by the Zoning Administrator for a period not exceeding one year for structures or uses incidental to construction projects provided such permits are conditioned upon agreement by the owner to remove the structure or use upon expiration of the permit. Such structures and uses may be nonconforming and permits may be renewed upon application for an additional period not exceeding one year.

Section 1404. Swimming Pools

Pools for swimming, including above-ground pools, shall require a zoning permit. Temporary pools that are disassembled every year shall be exempt.

Section 1405. Agricultural Stands

Temporary stands for the sale of agricultural products raised on the property may be erected in any district without the need for a permit provided that the stands shall not obstruct vehicular or pedestrian traffic.

Section 1406. Camping Trailers, Travel Trailers, and Motor Homes

It shall be unlawful for any person to park a camping trailer, travel trailer, pick up coach, or motor home on any public or private property, except:

1. In an approved camping trailer sales lot.
2. In an approved facility designed for the unoccupied storage of such vehicles.
3. The owner of any type of camper trailer or motor home may store such vehicle on their own property, provided that, if stored for over an aggregate of one month in a calendar year, the trailer or motor home shall be parked completely behind the front building line and no closer than six feet to any lot line.
4. In any residential district, one camper trailer or motor home that is parked on a lot containing a single-family dwelling may be connected to utilities and used as living quarters under the following conditions:
 - a. The lot shall not be so occupied by a camper trailer or motor home for longer than an aggregate of one month over a calendar year.
 - b. No more than one camper trailer or motor home shall be so occupied on any such lot.
5. In any residential district, one camper trailer or motor home that is parked on an empty lot, may be connected to utilities and used as living quarters under the following conditions:
 - a. The occupant(s) of the camper trailer or motor home shall be the owner(s) of the lot.
 - b. The lot shall not be so occupied for longer than an aggregate of six months over a calendar year.
 - c. No more than one camper trailer or motor home shall be so occupied or parked for storage on any empty lot.

Section 1407. Motor Vehicle Service Stations

Motor vehicle service stations shall comply with the following:

A motor vehicle service station lot shall not be located within three hundred feet of any lot occupied by a school or hospital.

Lot size shall be at least 15,000 feet.

Lot frontage shall be at least 150 feet.

Lot depth shall be at least 100 feet.

Pumps, lubricating and other service devices shall be located at least twenty feet from any lot line.

No signs shall exceed fifteen feet in height.

The maximum width of each access driveway shall be forty feet.

Retail sales other than motor vehicle products shall not be allowed without Development Review Board approval.

Motor vehicle service stations that sell gasoline shall be limited to 8 vehicles for sale on the premises.

A curbed landscaped area shall be maintained at least five feet in depth along all street frontage not used as driveway.

Section 1408. Alternative Energy Uses

(A) Solar: The use of solar energy systems, whether as a part of a building or incidental to a building, are permitted accessory uses within all districts.

(B) Wind: Wind energy systems shall be allowed if the all four of the following criteria are met:

1. Conditional use and site plan approval under Articles VII and VIII.
2. Climbing access to the tower is restricted and secured from the public.
3. For rotors 20' in diameter or less, a setback from any lot line shall be 275' minus 11' for each foot of rotor diameter less than 20' and for rotors 20' to 40' in diameter, a setback from any lot line shall be required equal to 275' plus 6' for each foot of rotor diameter greater than 20'.
4. The system does not adversely affect the character of the neighborhood, as defined by the zoning district within which the wind energy development is proposed to be located and specifically stated policies and standards of the municipal plan.

All renewable energy sources may be constructed or erected in required yards after approval by the Development Review Board pursuant to section 1401(C)(6) of these regulations.

Section 1409. Emergency Services

Emergency response services such as rescue squads and fire stations shall be permitted with conditional use approval in all districts.

Section 1410. Professional Residence-Office

A professional residence-office is considered an accessory use within a single-family dwelling.

ARTICLE XV: FLOOD HAZARD AREA REGULATIONS

Section 1501. Establishment

Pursuant to section 4424 of the Act, the following Flood Hazard regulations are established in the city of Vergennes, VT.

Section 1502. Statement of Purpose

The purposes of these Flood Hazard regulations are:

1. To minimize and prevent the loss of life and property, the disruption of commerce, the impairment of the tax base, and the extraordinary public expenditures and demands on public service that result from flooding, landslides, and erosion hazards.
2. To ensure that the design and construction of development in flood areas are accomplished in a manner that minimizes or eliminates the potential for flood and loss or damage to life and property.
3. To manage all flood hazard areas designated pursuant to 10 V.S.A. § 753.
4. To make the City eligible for federal flood insurance and other federal disaster recovery and hazard mitigation funds.
5. To minimize losses due to floods by:
 - a) Restricting or prohibiting uses that are dangerous to health, safety, or property in times of flood or cause excessive increase in flood heights or velocities.
 - b) Requiring that uses vulnerable to floods, including public facilities that serve such uses, shall be protected against flood damage at the time of initial construction.
 - c) Protecting individuals from buying lands that are unsuited for their intended purposes because of flood hazard.

Section 1503. Lands to Which These Regulations Apply

These regulations shall apply to all lands in the City of Vergennes that are located within the areas identified below:

1. Identified as areas of special flood hazard on the Federal Emergency Management Agency (FEMA) Flood Insurance Rate Map (FIRM) dated September 18, 1986 and any subsequent revisions thereto.
2. Within an area 100 feet from the center line of any stream or reach of stream not identified on the FIRM maps but which is designated as an area of special flood hazard on the municipalities Official Flood Hazard Area Map.

Section 1504. Official Flood Hazard Area Map

The Official Flood Hazard Area Map shall consist of the FEMA Flood Insurance Study, including the Flood Insurance Rate Maps (FIRM), and Flood Boundary and Floodway Maps. The Official Flood Hazard Area Map, together with all explanatory matter thereon and attached thereto, is hereby adopted by reference and declared to be part of these regulations.

Section 1505. Interpretation of District Boundaries

The Zoning Administrator shall determine the boundaries of any designated area of special flood hazard by scaling distances on the Official Flood Hazard Area Map. Appeals, with respect to a boundary interpretation, shall be made by filing notice with the secretary of the Development Review Board within fifteen days of the decision or act.

Section 1506. Referral to the Agency of Natural Resources

Pursuant to § 4424(D) of the Act, no zoning permit for land development in a flood hazard area shall be issued by the Zoning Administrator until both of the following have occurred:

1. The Zoning Administrator mails or delivers a copy of the application to the state agency of natural resources.
2. Either 30 days have elapsed following the mailing or the agency delivers comments on the application.

Section 1507. Flood Hazard Area Application Procedures

Zoning permit applications shall be submitted to the Zoning Administrator and processed following the procedures established in Article III. Upon submission of a completed application packet, the Zoning Administrator shall determine whether a proposed development is located within an area of special flood hazard by the procedures established in sections 1503-1505 of these regulations.

If the proposed land development will be located in an area of special flood hazard and meets the requirements of section 1508 of these regulations, it shall be reviewed by the Zoning Administrator pursuant to section 1508. If the proposed land development does not meet the requirements of Section 1508, the Zoning Administrator shall refer the application to the Development Review Board for review pursuant to section 1509.

Section 1508. Developments in Flood Hazard Areas Reviewed by the Zoning Administrator

The Zoning Administrator shall review applications for the following proposed open space uses in flood areas:

Recreation uses such as parks, camps, picnic grounds, tennis courts, golf courses, hiking and riding trails, hunting and fishing areas, fish hatcheries, wildlife sanctuaries, swimming areas, and boat launching sites.

Residential uses such as lawns, gardens, parking areas, and play areas.

The Zoning Administrator shall issue a decision approving such permit applications if the following criteria are met:

1. The land development is in conformance with these regulations.
2. The land development does not require the erection of structures or storage of materials and equipment, the borrowing of fill from outside the flood hazard area or channel modification or relocation, and does not obstruct flood flows, affect the water carrying capacity of the regulatory floodway or channel, or increase off-site flood damage potential.
3. The land development has been reviewed by the agency of natural resources following section 1506 and the Zoning Administrator determines the findings of the agency of natural resources supports the proposed development or the agency of natural resources has failed to respond within 30 days.

Section 1509. Conditional Use Review in Flood Hazard Areas

All proposed land developments within a designated area of special flood hazard that are lawfully allowed by these regulations for the districts in which they are located, but do not meet the requirements of section 1508, shall require conditional use review by the Development Review Board in addition to all other reviews mandated by these regulations. The Zoning Administrator shall not issue a decision approving or denying a permit application for a land development in a flood hazard area until the Development Review Board has rendered decisions on all required reviews.

Section 1510. Conditional Use Review Procedures in Flood Hazard Areas

Conditional use review in a flood hazard area shall follow the procedures for review established in Article VIII, as well as, the following:

1. As part of a complete application packet for conditional use review in a flood hazard area, the applicant shall submit:
 - a. Base flood elevation data for all subdivisions and other proposed new developments greater than 50 lots or 5 acres, whichever is the smaller.
 - b. The elevation, in relation to mean sea level of the lowest habitable floor, including basement, of all new construction, or substantial improvement of structures.
 - c. Where flood proofing is used in lieu of elevation, the elevation in relation to mean sea level, to which any structure or substantial improvement has been flood proofed.
 - d. Certification from the registered professional engineer or architect that the flood proofed structure meets the flood proofing criteria of Section 1512 of these regulations.
 - e. A description of the extent to which any watercourse will be altered or relocated as a result of the proposed development.
2. In addition, the Development Review Board shall require:
 - a. Two copies of site plans following the criteria for site plans established in section 702, and including elevation of the lot, fill or storage of materials, the location and elevations of streets, water supply and sanitary facilities, and the relation of the above to the location of the channel, floodway, and base flood elevation.
 - b. A typical valley cross section showing the channel of the stream, elevation of land areas adjoining each side of the channel, and cross-sectional areas to be occupied by the proposed development.
 - c. A profile showing the slope of the bottom of the channel or flow line of the stream.
 - d. Specifications for building construction and materials, flood proofing, mining, dredging, filling, grading, paving, excavation, drilling, channel improvement, storage of materials, water supply, and sanitary facilities.

3. In unnumbered A Zones, the Development Review Board shall obtain, review, and reasonably utilize any base flood elevation and floodway data available from a federal, state, or other source, as conditions for approval of all new construction and substantial improvements under section 1512(1)(a), (b), and (c) of these regulations.
4. The Development Review Board shall notify adjacent communities and the agency of natural resources, prior to approval of any alteration or relocation of a watercourse and shall submit copies of such notifications to the FIA Administrator.

Section 1511. Standards for Conditional Use Review in a Flood Hazard Area

In reviewing and rendering a decision on a conditional use application within a flood hazard area, the Development Review Board shall consider the standards for conditional use review under section 803 of these regulations and the following

1. The danger to life and property due to increased flood heights or velocities caused by encroachments.
2. The danger that materials may be swept onto other lands or downstream to the injury of others.
3. The proposed water supply and sanitation systems and the ability of these systems to prevent disease, contamination, and unsanitary conditions under conditions of flooding.
4. The susceptibility of the proposed facility and its contents to flood damage on the individual owners.
5. The importance of the services provided by the proposed facility to the community.
6. The necessity to the facility of a waterfront location.
7. The availability of alternative location not subject to flooding for the proposed use.
8. The compatibility of the proposed use with existing development and development anticipated in the foreseeable future.
9. The relationship of the proposed use to the proposed comprehensive plan insofar as it has been developed.
10. The safety of access to the property in times of flood of ordinary and emergency vehicles.
11. The expected heights, velocity, duration, rate of rise, and sediment transport of the flood waters expected at the site.

12. The costs of providing governmental and public facilities and services during and after flooding.
13. The evaluation of the agency of natural resources.
14. Such other factors as are relevant to the purposes of this ordinance.

Section 1512. Conditions Attached to Conditional Use Approval in Flood Hazard Areas

As a condition of approval, the Development Review Board shall specifically require that:

- a. All new construction or substantial improvement of any residential structure have the first floor and basement floor elevated to or above the base flood elevation unless the City of Vergennes has been granted an exception by the Administrator for the allowance of basements flood proofed below the base flood level.
- b. All new construction or substantial improvement of nonresidential structures have the lowest floor, including basement elevated to or above the base level elevation, or be flood proofed below the base flood level in accordance with subsection (c) of this section.
- c. The lowest floor, including basement, and attendant utility and sanitary facilities of all new construction or substantial improvement below the base flood elevation be flood proofed so that the structure is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamics loads and the effects of buoyancy.
- d. Structures shall be (i) designed (or modified) and adequately anchored to prevent flotation, collapse, or lateral movement of the structure during the occurrence of the base flood, (ii) be constructed with materials resistant to flood damage, (iii) be constructed by methods and practices that minimize flood damage, and (iv) be constructed with electrical, heating, ventilation, plumbing, air conditioning equipment, and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.
- e. All development shall be designed to (i) minimize flood damage to the proposed development and to public facilities and utilities, and (ii) to provide adequate drainage to reduce exposure to flood hazards.
- f. The flood carrying capacity within any portion of an altered or relocated watercourse be maintained.

- g. All gas and electrical equipment, circuits, and appliances be located and constructed to minimize or eliminate flood damage.
- h. All new and replacement water supply systems be designed so as to minimize or prevent infiltration of flood waters into the systems and discharges from the systems into flood waters.
- i. On-site waste disposal systems be located to avoid impairment to them or contamination from them during flooding.
- j. All manufactured homes to be placed in the designated area of special flood hazard be anchored to resist flotation, collapse, or lateral movement by: over the top ties at each of the four corners of the manufactured homes with two additional ties per side at intermediate locations and manufactured homes less than 50 feet long requiring one additional tie per side; frame ties at each corner of the home, with five additional ties per side at intermediate points and manufactured homes less than 50 feet long requiring four additional ties per side.
- k. All components of the manufactured home anchoring system required for manufactured homes placed in the designated area of special floodway shall be capable of carrying a force of 4,800 pounds and any additions to the manufactured home shall be anchored.
- l. Within Zones A 1-30, for new manufactured homes: stands or lots elevated on compacted fill or on pilings so that the lowest floor of the manufactured home will be at or above the base flood level; adequate surface drainage and access for a hauler be provided; and in the instance of elevation on pilings, (1) the lots are large enough to permit steps, (2) piling foundations are placed in stable soil no more than ten feet apart, and (3) reinforcement is provided for pilings more than six feet above the ground level.
- m. All new construction and substantial improvements with fully enclosed areas below the lowest floor that are subject to flooding shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a registered professional engineer or architect or meet or exceed the following criteria: A minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided; the bottom of all openings shall be no higher than one foot above grade; openings may be equipped with screens, louvers, valves, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.

- n. Development within the floodway is prohibited unless a registered professional engineer certifies that the proposed development will not result in any increase in flood levels during the occurrence of the base flood.
 - o. All new and replacement sanitary sewage systems shall be designed and located so as to minimize or prevent the infiltration of floodwaters into the systems and discharges from the systems into floodwaters.
 - p. All necessary permits be received from these governmental agencies, etc.
2. Upon consideration of those factors in section 1511 above and the purposes of these regulations, the Development Review Board shall attach such additional conditions to the granting of a permit as are necessary to meet the purposes and Federal Emergency Management requirements, these Zoning Regulations, and the municipal plan.

Section 1513. Variances in a Flood Hazard Area

1. Variances shall be granted by the Development Review Board only:
- a. In accordance with the provisions and criteria of 24 V.S.A. § 4469.
 - b. After a public notice and hearing pursuant to Article V of these regulations.
 - c. Upon a determination that during the base flood discharge, the variance will not result in increased flood levels in the designated regulatory floodway, threats to public safety, extraordinary public expense, or create fraud on or victimization of the public or conflict with existing local laws or ordinances.
2. The secretary of the Development Review Board shall notify the applicant that the issuance of a variance to construct a structure below the base flood level:
- a. Will result in increased premium rates for flood insurance commensurate with the resulting increase in risk up to amounts as high as \$25.00 for \$100.00 of insurance coverage.
 - b. Increases risks to life and property.
3. The secretary of the Development Review Board shall:
- a. Maintain a record of all variance actions, including justification for their issuance and.
 - b. Report such variances issued to the Administrator upon request.

Section 1514. Nonconforming Structures in Flood Hazard Areas

The Development Review Board may approve the repair, relocation, or replacement of a nonconforming structure within a flood hazard area, subject to compliance with applicable federal and state regulations. Such land development within a flood hazard area shall require a public notice and hearing, after submission of a completed application packet, following the procedures in Article V of these regulations and section 503(3) in particular. In addition, the following criteria shall be met before approval may be granted:

1. The Development Review Board finds that the repair, replacement, or relocation of the nonconforming structure is required for the continued economically feasible operation of a nonresidential enterprise.
2. The Development Review Board finds that the repair, replacement or relocation, of the nonconforming structure will not increase flood levels in the regulatory floodway, increase the risk of other hazard in the area, or threaten the health, safety, and welfare of the public or other property owners.
3. The permit so granted states that the repaired, replaced, or relocated nonconforming structure is located in a regulated flood hazard area, does not conform to the bylaws pertaining to that area, and will be maintained at the risk of the owner.

Section 1515. Warning of Disclaimer Liability

These regulations do not imply that land outside the areas of special flood hazard or land uses permitted within such districts will be free from flooding or flood damages. These regulations shall not create liability on the part of the City of Vergennes or any City official or employee thereof for any flood damages that result from reliance on this ordinance or any administrative decision lawfully made there under.

Section 1516. Records

The Zoning Administrator shall maintain a record of:

1. The elevation, in relation to mean sea level, of the lowest floor including basement, of all new construction, or substantial improvement of structures, and whether or not such structures contain a basement, and
2. The elevation, in relation to mean sea level, to which such structures have been flood proofed.

Section 1517. Precedence of Regulations

The provisions of these flood hazard areas regulations shall take precedence over any conflicting and less restrictive local laws.

Section 1518. Annual Report to the Federal Emergency Management Agency

1. The Zoning Administrator shall, to the extent possible, submit to the Administrator the information required by the FEMA annual report form with respect to the administration and enforcement of these flood hazard area regulations.
2. A copy of the Annual Report shall be submitted to the State Coordinating Agency.

Section 1519. Definitions for Article XV

ADMINISTRATOR: The Federal Emergency Management Agency Administrator.

AREA OF SPECIAL FLOOD HAZARD: The land in the flood plain within a community subject to a one percent or greater chance of flooding in a given year. The area includes all A Zone designations on the FIRM. It does not include Zones B and C.

BASE FLOOD: The flood having a one percent chance of being equaled or exceeded in any given year.

DEVELOPMENT: The division of a parcel into two or more parcels, the construction, reconstruction, conversion, structural alteration, relocation, or enlargement of any building, or other structure 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.

FEMA: Federal Emergency Management Agency.

FIRM: An official map of a community, on which the Agency has delineated both the areas of special flood hazard and the risk premium zones applicable to the community.

FLOODWAY: 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.

FLOODPROOF OR FLOODPROOFING: Any combination of structural and nonstructural additions, changes, or adjustments to structures that reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, and structures and their contents.

MANUFACTURED HOME: means a structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities. For flood plain management purposes, the term "manufactured home" also includes park trailers, travel trailers, and other similar vehicles placed on a site for greater than 180 consecutive days. For insurance purposes, the term "manufactured home" does not include park trailers, travel trailers, and other similar vehicles.

NEW CONSTRUCTION: Structures commenced on or after the effective date of this ordinance.

STRUCTURE: An assembly of materials for occupancy or use, including but not limited to, a building, manufactured home or trailer, billboard, sign, wall, or fence except on an operating farm.

START OF CONSTRUCTION: See FEMA definition in Section 1909.1 of the current National Flood Insurance program rules and regulations.

ARTICLE XVI: ZONING DISTRICT REGULATIONS

Section 1601. Establishment of Zoning Districts

Pursuant to section 4414(1) of the Act, the City of Vergennes is hereby divided into the following Zoning Districts as shown on the City Zoning Map:

"AGR"	Agricultural and Rural Residential District
"R-M"	Medium Density Residential District
"R-H"	High Density Residential District
"R/LBD"	Residential/Limited Business District
"C"	Commercial District
"CBD"	Central Business District
"OCBD"	Otter Creek Basin District
"IC"	Industrial/Commercial District
"IND"	Industrial District
"PUB"	Public District
"FH"	Flood Hazard Overlay District (See Article XV)

Permitted uses of land and structures within Vergennes, and uses permitted after conditional use approval, are established for each zoning district in sections 1605-1614A.

Some uses not be listed in the districts below may still be allowed under specific conditions established within other Articles in these bylaws.

Special regulations for development review procedures in the flood hazard overlay district are established in Article XV. For uses and structures exempt from these regulations, see section 311. Any land development within the city, other than development allowed by these regulations, shall be deemed prohibited and shall be subject to all penalties and remedies described in section 203.

Section 1602. Zoning Map

The location and boundaries of Zoning Districts are established as shown on the official Zoning Map located in the Vergennes city offices. The Zoning Map is hereby made a part of these regulations and a part of all future amendments thereto. Small scale reproductions of the official map shall be made available upon request.

Section 1603. Interpretation of Zoning District Boundaries

If uncertainty exists with respect to the boundary of any zoning district on the official Zoning Map, the Planning Commission shall determine the location of such boundary.

Section 1604. District Objectives and Guidelines

The purpose of each of the districts is as follows:

1. "AGR" Agricultural and Rural Residential District - This area is limited to agricultural, limited residential, and non-intensive land uses. Residential developments are required to occur within a PUD, except for one-family dwellings associated with a primarily agricultural use or the adaptation of existing structures to residential uses. Clustering of residential development in order to preserve open space shall be strongly encouraged. The primary purposes of this district are to encourage the retention of open spaces, while allowing for some limited development, and to preserve the rural character of the agricultural lands surrounding the urban core of the City.
2. "R-M" Medium Density Residential District - This principal residential area is designated for land where water and sewer facilities are available or where the installation of these facilities is feasible. Residential and other compatible and complementary uses, including planned unit developments, are permitted in this district at densities dependent upon utility service available. This district is intended to house the majority of the community's permanent residents in areas and at densities consistent with the utilities provided. Conversion of single family dwellings to two-family or multi-family dwellings or commercial uses shall be limited in order to retain the historic character of the older neighborhoods.

3. "R-H" High Density Residential District - This district is designated for land centrally located where water and sewer facilities are readily available. Higher density and more intensive development is appropriate due to topographical and utility limitations. The purpose of this district is to permit a continuation and expansion of residential and related uses, including planned unit developments, when consistent with the objectives of the comprehensive plan.
4. "R/LBD" Residential/Limited Business District - This district is part of the northern entrance to downtown Vergennes. Large historical residential buildings and a tree-lined streetscape along Main Street are distinctive features in this neighborhood. Development is focused on creating a mix of residential and small business uses in order to both maximize use of the buildings and preserve their character.
5. "C" Commercial District - This is a district designated to provide services and shopping opportunities for the traveling public, as well as to provide shopping opportunities to the residents of the community at a convenient location.
6. "CBD" Central Business District - The Central Business District permits a variety of commercial and business uses necessary to serve as the community's governmental, retail, and service center. Loft apartments in combination with professional or artistic businesses shall be encouraged, especially when located above ground-floor commercial uses.
7. "OCBD" Otter Creek Basin District - This area is located along the shores of Otter Creek and contains a mix of public, residential, commercial, industrial and recreational uses. The purpose of this district is to allow reuse of existing buildings and other development consistent with the existing character of the area. The lower basin area is to remain generally open.
8. "IC" Industrial Commercial District - This area currently includes both commercial and manufacturing uses and is served by major highway and railroad facilities. All uses in this district will require conditional use approval to ensure compatibility with neighboring properties that may contain dissimilar uses. Planned unit developments shall be encouraged to provide unified site design and to help create and maintain an inviting entrance to the City.
9. "IND" Industrial District - This district allows for the establishment of manufacturing employment opportunities in the community. Because of nearby residential uses, all commercial and industrial uses shall be permitted only after issuance of a conditional use permit by the Development Review Board. Such uses shall not be allowed to produce unreasonable sound, vibration, odor, smoke, or similar impacts.
10. "PUB" Public District - This district encompasses the land and buildings presently in public ownership. The area is classified as a separate district because of the unique use of the land for public purposes. Uses in this district should be limited to education, municipal services, public recreation, community centers and agriculture.

11. "FH" Flood Hazard Overlay District - This district is designed to prevent increases in flooding caused by the uncontrolled development of lands in areas of special flood hazard. It is further designed to minimize losses due to floods by restricting or prohibiting certain uses that are dangerous in times of flood or cause excessive increase in flood heights or velocities. Land classified in a "FH" district shall also be classified in one or more of the other districts in this section. The designation of such land shall be by a combination of symbols, e.g., "AGR-FH," "CB-FH," etc. The regulations concerning this district are contained in Article XV of this ordinance.

Section 1605. Agricultural and Rural Residential District “AGR”

In the Agricultural and Rural Residential Districts “AGR” the following uses are permitted (agricultural uses are not listed because they are exempted from these regulations, see section 311):

1. One Family Dwelling as an adjunct to a primarily agricultural use.

The following uses are permitted after issuance of a conditional use permit by the Development Review Board:

1. Recreation, Outdoor.
2. Wildlife Refuge.
3. Planned Unit Development.
4. Adaptive use of structures existing on the effective date of these regulations, limited to the following:
 - a. Office.
 - b. Professional Residence-Office
 - c. Professional Studio.
 - d. Manufacturing or Industry.
 - c. Residential Unit(s).
5. Animal Facility.
6. Veterinary Clinic/Animal Hospital.

The general and specific standards designated in Section 803 and specified in these regulations shall be required for any proposed conditional use under this section. The permitted uses and uses permitted after issuance of a conditional use permit shall be subject to all standards and regulations set forth in Section 1605A.

Section 1605A. Agricultural/Rural Residential District Standards and Regulations

Residential and non-residential uses		
	One Family*	Non-Residential Uses
Lot area minimum per unit	1 Acre	4 Acres
Lot frontage minimum	120 feet	350 feet
Lot depth minimum	150 feet	400 feet

Front yard minimum	20 feet	40 feet
Rear yard minimum	30 feet	40 feet
Side yard minimum	20 feet	25 feet
Coverage maximum	20%	20%
Building height maximum	35 feet	35 feet
Accessory building height maximum	24 feet	24 feet

*Limited to a one-family dwelling as an adjunct to a primarily agricultural use, adaptive reuse of existing building, or development on a lot containing a one family dwelling existing before the effective date of these regulations.

General Regulations: Site plan approval is required for all uses in the “AGR” district except one-family dwellings as an adjunct to an agricultural use. For Flood Hazard areas, see Article XV of these regulations.

District Standards for Planned Unit Developments:

1. For the purposes of calculating development density, there shall be a minimum of 4 acres of land for every use, except for one-family residential uses established under section 1605A above, which shall require a minimum of 1 acre per unit, and the Agricultural and Rural Residential Overlay PUD District established below. Section 903(3) of these regulations shall not apply within the Agricultural/Rural Residential District. All types of residential uses shall be allowed within a PUD.

2. Agricultural and Rural Residential Overlay PUD District:
 - a. Purpose: The purpose of creating the Agricultural and Rural Residential Overlay PUD District is to allow for additional clustered residential growth at the edge of the developed core of the City, while preserving the natural and scenic qualities of remaining open lands in the City.
 - b. Density: Areas located within the Agricultural and Rural Residential Overlay PUD District map are allowed a maximum development density of 1 unit per 2 acres of land. Sections 903(3) and 903(4) of these regulations shall not apply within this overlay district. All other sections of Article IX shall apply.
 - c. Residential Uses: Single-family dwellings shall be the only type of dwelling unit allowed within the Overlay PUD District.
 - d. Minimum Lot Sizes and Frontages: For residential units within the Agricultural and Rural Residential Overlay PUD District, the minimum lot size, depth, and frontage shall be the following:

	One Family
Minimum lot size	20,000 sq. ft.
Minimum lot depth	125 feet
Lot Frontage Minimum	125 feet

- e. **Open Space:** Designated open space should encompass land characterized by fragile or significant natural features, wildlife habitat, slopes in excess of 20%, buffers, path and trail corridors, access corridors, and productive farm land. In addition to the designated open space, PUDs shall incorporate one or more areas of formal open space, such as a green, park, or playground, into the overall project design. The Development Review Board, as a condition of its approval, may establish such conditions on the ownership, use, management, and maintenance of open space lands within the PUD as it deems necessary to assure the preservation of such lands for their intended purpose. The conditions placed upon a designated open space for preservation of such land is subject to review after ten (10) years from the date of its final approval by the Development Review Board. The Development Review Board shall craft conditions to ensure reconsideration of the use of said open space. No PUD or open space will be considered valid without such conditions. The applicant and the City shall enter into an Open Space Agreement incorporating said conditions, in a form approved by the City Council and the City Attorney, recorded, and referenced in all deeds of lots and land associated with the PUD. After ten (10) years and upon the request of the owner of a designated open space, the Development Review Board or the then existing comparable authority shall review the designated open space for consideration of a change to the original conditions placed upon the land and/or a change in zoning regulations (Planning Commission as to zoning changes) which could allow for the development of the designated open space. All costs associated with administering and maintaining open space and/or common land shall be the responsibility of the applicant and subsequent land owners and/or third parties approved by the Development Review Board. Designated open space shall be indicated with appropriate notation on the final plat, including the ten (10) year review procedure.

Section 1606. Medium Density Residential District "R-M"

In Medium Density Residential Districts "R-M" the following uses are permitted:

1. One-family Dwelling.
2. Two-family Dwelling.
3. Religious Institution, see section 310.
4. School, see section 310.

The following uses are permitted after issuance of a conditional use permit by the Development Review Board:

1. Multiple-family Dwelling.
2. Medical Services.

3. Nursing Home.
4. Professional Residence Office.
5. Boarding or Rooming House.
6. Planned Unit Development.
7. Bed and Breakfast.
8. Community Center.
9. Recreation, Outdoor.
10. Inn

The general and specific standards designated in Section 803 and specified in these regulations shall be required for any proposed conditional use under this section. The permitted uses and uses permitted after issuance of a conditional use permit shall be subject to all standards and regulations set forth in Section 1606A.

Section 1606A. Medium Density Residential District Standards and Regulations

Lot Area Minimum per unit	
Non – residential uses	15,000 square feet

Residential Uses			
	One Family	Two Family	Multiple Family
Minimum lot size-	15,000 sq ft	25,000 sq ft	35,000 sq ft Plus 10,000 sq ft per additional dwelling unit in excess of 3 units
Lot frontage minimum	100 feet	100 feet	100 feet
Lot depth minimum	100 feet	150 feet	150 feet
Front yard minimum	30 feet	30 feet	30 feet
Rear yard minimum	20 feet	20 feet	50 feet
Side yard minimum	15 feet	15 feet	25 feet
Coverage maximum	25%	25%	25%
Building height maximum (all uses in district)	35 feet		
Accessory building height maximum (all uses in district)	24 feet		

General Regulations: Development Site Plan approval shall be required for all uses other than one and two-family dwellings. For Flood Hazard areas, see Article XV of these regulations.

Section 1607. High Density Residential District "R-H"

In High Density Residential Districts "R-H" the following uses are permitted:

1. One-family Dwelling.
2. Two-family Dwelling.
3. School, see section 310.
4. Religious Institution, see section 310.

The following uses are permitted after issuance of a conditional use permit by the Development Review Board:

1. Multiple-family Dwelling.
2. Medical Services.
3. Nursing Home.
4. Recreation, Outdoor.
5. Professional Residence Office.
6. Planned Unit Development.
7. Boarding or Rooming House.
8. Community Center.

The general and specific standards designated in Section 803 and specified in these regulations shall be required for any proposed conditional use under this section. The permitted uses and uses permitted after issuance of a conditional use permit shall be subject to all standards and regulations set forth in Section 1607A.

Section 1607A. High Density Residential District Standards and Regulations

Lot Area Minimum per unit	
Non-residential uses	15,000 square feet

Residential Uses on Public Water and Sewer			
	One Family	Two Family	Multiple Family
Minimum Lot Size	15,000 sq ft	21,000 sq ft	27,000 sq ft Plus 6,000 sq ft per additional dwelling unit in excess of 3 units.
Lot Frontage Minimum	70 feet	70 feet	100 feet
Lot Depth Minimum	100 feet	150 feet	150 feet
Front Yard Minimum	20 feet	20 feet	20 feet
Rear Yard Minimum	20 feet	20 feet	30 feet
Side Yard Minimum	20 feet total (6 feet minimum)	20 feet total (6 feet minimum)	20 feet each
Coverage Maximum	30%	30%	30%
Building height maximum (all uses in district)	35 feet		
Accessory building height maximum (all uses in district)	24 feet		

General Regulations: Development Site Plan approval shall be required for all uses other than one and two-family dwellings. For Flood Hazard areas see Article XV of these regulations.

Section 1608. Residential/Limited Business District “R/LBD”

In Residential/Limited Business District “R/LBD” the following uses are permitted:

1. One-family Dwelling.
2. Two-family Dwelling.
3. School, see section 310.
4. Religious Institution, see section 310.

The following uses are permitted after issuance of a conditional use permit by the Development Review Board:

1. Multiple-family Dwelling.
2. Medical Services.
3. Nursing Home.
4. Office.
5. Bed and Breakfast.
6. Boarding or Rooming House.
7. Planned Unit Development.
8. Professional Residence Office.
9. Professional Studio.
10. Community Center.
11. Municipal Facility.
12. Inn

The general and specific standards designated in Section 803 and specified in these regulations shall be required for any proposed conditional use under this section. The permitted uses and uses permitted after issuance of a conditional use permit shall be subject to all standards and regulations set forth in Section 1608A.

Section 1608A. Residential/Limited Business District Standards and Regulations

Lot Area Minimum per unit	
Non-residential uses	12,000 square feet

	One Family	Two Family	Multiple Family
Lot area minimum	12,000 sq ft	18,000 sq ft	25,000 sq ft Plus 6,000 sq ft per additional dwelling unit in excess of 3 units.

Lot frontage minimum	75 feet	75 feet	100 feet
Lot depth minimum	100 feet	150 feet	150 feet
Front yard minimum	20 feet	20 feet	20 feet
Rear yard minimum	20 feet	20 feet	30 feet
Side yard minimum	10 feet	10 feet	20 feet
Coverage Maximum	30%	30%	30%
Building height maximum (all uses in district)	40 feet		
Accessory building height maximum (all uses in district)	24 feet		

General Parking Regulations: No part of a parking area shall be permitted in front of the front face of the principal building or projection thereof without approval from.

General Regulations: Development Site Plan approval shall be required for all uses other than one-family and two-family dwellings. For Flood Hazard Areas see Article XV of these regulations.

Section 1609. Commercial District "C"

In Commercial Districts "C" the following uses are permitted:

1. Retail Store.
2. Bank.
3. Office.
4. Personal Service.
5. Professional Studio.
6. Government Facility, see section 310.
7. School, see 310.

The following uses are permitted after issuance of a conditional use permit by the Development Review Board:

1. Hotel.
2. Motor Lodge.
3. Mortuary.
4. Drive-through Bank.
5. Motor Vehicle Service Station.
6. Restaurant.
7. Bar.
8. Medical Service.
9. Recreation, Indoor.
10. Community Center.
11. Instructional Facility
12. Private Club.
13. Planned Unit Development.

14. Any enclosed business concerned primarily with the sale of new produce, products, goods and equipment.
15. Animal Hospital/Veterinary Clinic.
16. Other Commercial Uses—upon findings by the Development Review Board that such use is of the same general character as those permitted and which will not be detrimental to the other uses within the district or to the adjoining land uses.

The general and specific standards designated in Section 803 and specified in these regulations shall be required for any proposed conditional use under this section. The permitted uses and uses permitted after issuance of a conditional use permit shall be subject to all standards and regulations set forth in Section 1609A.

Section 1609A. Commercial District Standards and Regulations

Lot Area minimum per unit	20,000 sq ft
Lot frontage minimum	100 feet
Lot depth minimum	150 feet
Front yard minimum	30 feet
Side yard minimum	20 feet
Rear yard minimum	30 feet
Coverage maximum	30%
Building height maximum	40 feet
Accessory building height maximum	24 feet

General Regulations: Development Site Plan approval shall be required for all uses. For Flood Hazard areas, see Article XV of these regulations.

Specific Regulations: Animal Hospital/Veterinary Clinic shall be allowed after conditional use approval, provided that any structures for the housing of animals shall be at least 200 feet from any residential district.

District Standards for Planned Unit Developments:

1. Residential dwellings or units of any kind shall be restricted.

Section 1610. Central Business District "CBD"

In the Central Business District "CBD" the following uses are permitted:

1. Retail Store.
2. Personal Service.
3. Professional Residence-Office.
4. Professional Studio.
5. Office.
6. Bank.
7. Religious Institution, see section 310.

8. School, see section 310.

The following uses are permitted after issuance of a conditional use permit by the Development Review Board:

1. Multiple-family Dwelling.
2. Hotel.
3. Drive-through Bank.
4. Community Center.
5. Instructional Facility.
6. Private Club.
7. Recreation, Indoor.
8. Restaurant.
9. Bar.
10. Government Facility, see section 310.
11. Planned Unit Development.

The general and specific standards designated in Section 803 and specified in these regulations shall be required for any proposed conditional use under this section. The permitted uses and uses permitted after issuance of a conditional use permit shall be subject to all standards and regulations set forth in Section 1610A.

Section 1610A. Central Business District Standards and Regulations

Lot area minimum	4,000 sq ft
Lot frontage minimum	50 feet
Lot depth minimum	50 feet
Front yard minimum	0 feet (Buildings are encouraged to be set at the street line.)
Rear yard minimum	0 feet
Side yard minimum	0 feet
Coverage maximum	100%
Building height maximum	60 feet
Accessory building height maximum	24 feet
Lot area minimum – Greater than one story	The minimum lot size can be waived by the Development Review Board provided all buildings are at least two story and 75% of the height of the tallest adjoining building, if applicable, subject to a maximum height of sixty feet.

General Regulations: Development Site Plan approval shall be required for all uses. For Flood Hazard areas, see Article XV of these regulations.

Specific Standards: A fire wall in conformance with 21 V.S.A., check Chapter 3, shall be required between buildings for all new construction and reconstruction in the Central Business District.

District Standards for Planned Unit Developments:

1. Residential units shall not be allowed on the ground-floor level.

Section 1611. Otter Creek Basin District "OCBD"

In the Otter Creek Basin District "OCBD" the following uses are permitted:

1. One-family Dwelling.
2. Two-family Dwelling.
3. Religious Institution, see section 310.

The following uses are permitted after issuance of a conditional use permit by the Development Review Board:

1. Medical Services.
2. Personal Service.
3. Professional Residence-Office.
4. Professional Studio.
5. Instructional Facility.
6. Hotel.
7. Bed and Breakfast.
8. Bar.
9. Drive-through Bank.
10. Community Center.
11. Enclosed Manufacturing Industries.
12. Enclosed Warehouse or Wholesale use.
13. Enclosed Service and Repair.
14. Enclosed Industrial Processes and Service.
15. Planned Unit Development.
16. Recreation, Indoor.
17. Recreation, Outdoor.
18. Retail Store.
19. Office.
20. Restaurant.
21. Municipal Facility.
22. Marina.
23. Inn

The general and specific standards designated in Section 803 and specified in these regulations shall be required for any proposed conditional use under this section. The

permitted uses and uses permitted after issuance of a conditional use permit shall be subject to all standards and regulations set forth in Section 1611A.

Section 1611A. Otter Creek Basin District Standards and Regulations

The following standards shall apply to all land located within 300 feet of the edge of the Vermont Route 22A right-of-way:	
Lot area minimum	5,000 sq ft
Front yard minimum	0 feet (Buildings are encouraged to be set at the street line.)
Rear yard minimum	30 feet
Coverage maximum	80%
Building height maximum	40 feet

The following standards shall apply to all land located more than 300 feet of the edge of the Vermont Route 22A right-of-way:	
Lot area minimum	20,000 sq ft
Lot frontage minimum	60 feet
Lot depth minimum	100 feet
Front yard minimum	20 feet
Side yard minimum	20 feet total, 6 feet minimum
Rear yard minimum	20 feet
Coverage maximum	40%
Building height maximum	40 feet

General Regulations: Development Site Plan approval shall be required for all uses except for one and two-family dwellings. For Flood Hazard areas, see Article XV of these regulations.

Section 1612. Industrial/Commercial District “IC”

In the Industrial/Commercial District “IC” the following uses are permitted after issuance of a conditional use permit by the Development Review Board:

1. Retail Store—as an adjunct to manufacturing, and then only in a minor portion of the building or as an adaptive use of a structure existing as of the date of adoption of these regulations.
2. Bank.
3. Drive-through Bank.
4. Office.
5. Personal Service.
6. Professional Studio.
7. Instructional Service.

8. Motor Vehicle Sales.
9. Medical Service.
10. Animal Hospital/Veterinary Clinic.
11. Enclosed Manufacturing Industries.
12. Enclosed Service and Repair.
13. Machinery and Transportation Equipment, Sales, Service, and Repair.
14. Freight and Trucking Terminal.
15. Contractor's Yard.
16. Community Center.
17. Recreation, Indoor
18. Government Facility, see section 310.
19. Planned Unit Development.
20. Other Commercial and/or Industrial Uses—upon findings by the Development Review Board that such use is of the same general character as those permitted and which will not be detrimental to the other uses within the district or to the adjoining land uses.

The general and specific standards designated in Section 803 and specified in these regulations shall be required for any proposed conditional use under this section. Uses permitted after issuance of a conditional use permit shall be subject to all standards and regulations set forth in Section 1612A.

Section 1612A. Industrial/Commercial District Standards and Regulations

Lot area minimum	15,000 sq ft
Lot frontage minimum	100 feet
Lot depth minimum	150 feet
Front yard minimum	20 feet
Side yard minimum	20 feet
Rear yard minimum	20 feet
Coverage maximum	60%
Building height limit	40 feet

General Regulations: Development Site Plan approval shall be required for all uses. For Flood Hazard areas, see Article XV of these regulations.

Specific Standards: Animal hospital/veterinary clinic shall be a permitted use after conditional use approval, provided that any structures for the housing of animals shall be at least 200 feet from any residential district.

Section 1613. Industrial District "IND"

The following uses are permitted after issuance of a conditional use permit by the Development Review Board:

1. Enclosed Manufacturing Industries.

2. Enclosed Industrial Processes and Service.
3. Retail Store—as an adjunct to manufacturing, and then only in a minor portion of the building or as an adaptive use of a structure existing as of the date of adoption of these regulations.
4. Office.
5. Personal Service.
6. Enclosed Service and Repair.
7. Warehouse.
8. Planned Unit Development.
9. Other Commercial and/or Industrial Uses—upon findings by the Development Review Board that such use is of the same general character as those permitted and which will not be detrimental to the other uses within the district or to the adjoining land uses.

The general and specific standards designated in Section 803 and specified in these regulations shall be required for any proposed conditional use under this section. The permitted uses and uses permitted after issuance of a conditional use permit shall be subject to all standards and regulations set forth in Section 1613A.

Section 1613A. Industrial District Standards and Regulations

Lot area minimum	20,000 sq ft
Lot frontage minimum	100 feet
Lot depth minimum	200 feet
Front yard minimum	50 feet
Rear yard minimum	25 feet or 100 feet abutting residential districts
Side yard minimum	25 feet or 100 feet abutting residential districts
Coverage maximum	40 %
Building height	40 feet

General Regulations: Development Site Plan approval shall be required for all uses. For Flood Hazard areas, see Article XV of these regulations.

District Standards for Planned Unit Developments:

1. Residential units shall not be permitted.

Section 1614. Public District "PUB"

In the Public District “PUB” the following uses are permitted:

1. Government Facility, see section 310.
2. School, see section 310.
3. Hospital, see section 310.

The following uses are permitted after issuance of a conditional use permit by the Development Review Board:

1. Community Center.
2. Recreation, Outdoor.

The general and specific standards designated in Section 803 and specified in these regulations shall be required for any proposed conditional use under this section. The permitted uses and uses permitted after issuance of a conditional use permit shall be subject to all standards and regulations set forth in Section 1614A.

Section 1614A. Public District Standards and Regulations

Lot area minimum	20,000 sq ft
Lot frontage minimum	100 feet
Lot depth minimum	200 feet
Front yard minimum	20 feet
Rear yard minimum	25 feet or 100 feet abutting a residential district
Side yard minimum	25 feet or 100 feet abutting a residential district
Building height maximum	40 feet

General Regulations: Development Site Plan approval shall be required for all uses. For Flood Hazard areas, see Article XV of these regulations.

ARTICLE XVII: ARCHAEOLOGICAL DISTRICT REGULATIONS

Section 1701. Statement of Purpose

It is the purpose of these regulations to encourage the disclosure of archeological remains for the public knowledge without private and public expense by allowing a municipal designee access to the site prior to and during construction for observation purposes only.

Section 1702. Official Archaeological District Map

The Official Archaeological District Map, together with all explanatory matters thereon, is hereby adopted by reference and declared to be a part of these regulations.

Section 1703. Procedure

Upon issuance of a zoning permit for land development on any parcel within the designated district a copy of said permit shall promptly be forwarded by the Zoning Administrator to the City Council or their appointed designee.