CITY OF VERGENNES

ZONING AND SUBDIVISION REGULATIONS

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TABLE OF CONTENTS

ARTICLE I: ENACTMENT, INTENT, AND DEFINITIONS 1
Section 101. Enactment 1
Section 102. Intent 1
Section 103. Interpretation 1
Section 104. Amendments to Regulations 1
Section 105. Severability 1
Section 106. Definitions 1

ARTICLE II: ADMINISTRATION AND ENFORCEMENT 14
Section 201. Zoning Administrator 14
A. Appointment 14
B. Duties 14
C. Powers 14
Section 202. Development Review Board 14
A. Establishment 14
B. Appointment 14
C. Powers and Duties 15
D. Meetings 15
E. Removal 16
Section 203. Enforcement: Penalties and Remedies 16
A. Authority 16
B. Penalties 16
C. Remedies 16
Section 204. Fee Schedule 17

ARTICLE III: ZONING PERMITS; GENERAL PROVISIONS 18
Section 301. Authorization 18
Section 302. Applications and Fees 18
Section 303. Zoning Administrator Action on Permit Applications 18
Section 304. Sequence of Review 18
Section 305. Posting 19
Section 306. Effective Date of Zoning Permits 20
Section 307. Time Limit on Zoning Permits 20
Section 308. Certificate of Occupancy 20
Section 309. Certificate and Declaration of Compliance 21

Section 310. Sketch Plan Review 21
Section 311. Limitations on Development Review 21
Section 312. Exemptions to Zoning Permits 22
A. State Mandated Exemptions *22*
B. City Exemptions *22*
Section 313. Minor Amendments to Zoning Permits 24

ARTICLE IV: PERMITS FOR ONE-FAMILY AND TWO-FAMILY DWELLING USES 26
Section 401. Procedure 26
Section 402. Accessory Dwelling Units 26
Section 403. Residential Care Homes/Group Homes 26
Section 404. Family Child Care Homes and Child Care Facilities 27
Section 405. Home Occupations 27

ARTICLE V: PROCEDURES REQUIRING REVIEW BY THE DEVELOPMENT REVIEW BOARD 29
Section 501. Establishment 29
Section 502. Development Review Board Functions 29
A. Development Review *29*
B. Appeals *29*
Section 503. Public Hearings and Public Notice 30
Section 504. Public Hearing Procedures 31
Section 505. Participation of Interested Persons 31
Section 506. Public Participation 31
Section 507. Continuation of Hearings 31
Section 508. Decisions 31
Section 509. Fees; Experts 32

ARTICLE VI: APPEALS 33
Section 601. Establishment 33
Section 602. Process for Filing an Appeal 33
Section 603. Eligibility to File 33
Section 604. Public Notice for Appeals 34
Section 605. Appeal; Variances 34
Section 606. Successive Appeals 35
Section 607. Appeal to the Environmental Court 35

ARTICLE VII: SITE PLAN REVIEW 36
Section 701. Establishment 36
Section 702. Submission of Site Plan and Supporting Data 36
Section 703. Site Plan Review Procedure 37

ARTICLE VIII: CONDITIONAL USE REVIEW 38
Section 801. Establishment 38
Section 802. Procedure 38
Section 803. Standards for Review 38

ARTICLE IX: SUBDIVISION REVIEW 40
Section 901. General Provisions 40
A. Applicability 40
B. Waivers 40
Section 902. Application and Approval Procedure 41
A. Sketch Plan Review 41
B. Subdivision Plat Review and Approval 43
C. Plat Recording Requirements (applies to all approved subdivision) 45
TABLE 1. SUBDIVISION APPLICATION REQUIREMENTS 46
Section 903. General Requirements and Design Standards 48
A. General Standards 48
B. Streets 49
C. Utilities 52
D. Water Supply and Wastewater Disposal 53
E. Stormwater Management and Erosion Control 53
F. Open Space and Common Land 55
G. Community Services and Facilities 55
H. Protection of Natural and Cultural Resources 56

ARTICLE X: PLANNED UNIT DEVELOPMENT 58
Section 1001. Establishment 58
Section 1002. Purpose 58
Section 1003. Applicability 58
Section 1004. Coordination with Other Review Processes 58
Section 1005. Application Requirements 59
Section 1006. General Standards 59
A. Allowed Uses 59
B. Dimensional Requirements 60
C. Density 60
D. Density Bonus 60
E. Development Clustering 61
F. Development Pattern 61
G. Streets, Parking, and Streetscapes 61
H. Open Space 61
I. Setbacks from Water 62
J. Energy Efficiency 62
K. Adequate Services 62

L. Ownership *62*
M. Certificate of Occupancy *62*
N. Phasing *62*
O. Conformance with the Municipal Plan and Regulations *62*
Section 1007. PUD on Two or More Parcels 62
Section 1008. PUD in Two or More Districts 63

ARTICLE XI: LOCAL ACT 250 REVIEW 64
Section 1101. Establishment 64
Section 1102. Procedure 64
Section 1103. Exemptions from Local Act 250 64

ARTICLE XII: PARKING, LOADING, AND DRIVEWAYS 66
Section 1201. General 66
Section 1202. Off-Street Parking Requirements 66
Section 1203. Off-Street Loading Space Requirements 67
Section 1204. Special Parking and Loading Space Requirements 67
Section 1205. Location of Driveways 68
Section 1206. Open Storage in Residential Districts 68

ARTICLE XIII: SIGNS 69
Section 1301. Sign Permit and Application 69
Section 1302. Exempt Signs 69
Section 1303. Prohibited Signs 70
Section 1304. Pre-existing and Non-conforming Signs 71
Section 1305. General Requirements 71
Section 1306. Standards for Specific Sign Types 73
A. Wall signs shall: *73*
B. Projecting signs shall: *73*
C. Freestanding or Ground signs shall: *73*
D. Roof signs shall: *74*
E. Construction signs shall: *74*
F. Professionale residence-office or home occupation signs shall: *74*
G. Banner, flag or pennant signs for daily or long-term use shall: *74*
H. Awning signs shall: *74*
I. Sandwich board signs shall: *75*
Section 1307. District Standards 75
A. AGR, MDR, HDR, HN, R/LBD *75*
B. CBD and OCBD *75*
C. NGD, C, IND, and PUB *76*
Section 1308. Computation of Permissible Sign Area 76
Section 1309. Sign Lighting 77

ARTICLE XIV: GENERAL REGULATIONS 78
Section 1401. Nonconforming Uses 78
Section 1402. Nonconforming Structures 79
Section 1403. Performance Standards 79
Section 1404. Landscaping Requirements 81
Section 1405. Grading 82
Section 1406. Required Frontage on or Access to Public Roads or Waters 82
Section 1407. Height Waivers 82
Section 1408. Lots 82
A. Existing Small Lots 82
B. Lots in Two Zoning Districts 83
C. Residential Buildings on Lots 83
D. Reduction of Lot Area 83
E. Corner Lots 83
Section 1409. Yards 84
A. Required Area or Yards 84
B. Front Yard Exceptions 84
C. Projection in Yards 84
D. Calculation of Yards 84
Section 1410. Calculating Coverage 84
Section 1411. Obstruction of Vision 84
Section 1412. Uses Not Allowed 84
Section 1413. Screened Service Area Requirements 85

ARTICLE XV: SPECIFIC REGULATIONS 86
Section 1501. Accessory Structures 86
A. General Provisions 86
B. Minor Accessory Structures 86
Section 1502. Temporary Storage Structures 87
Section 1503. Temporary Structures and Uses During Construction 87
Section 1504. Swimming Pools 87
Section 1505. Agricultural Stands 87
Section 1506. Camping Trailers, Travel Trailers, and Motor Homes 88
Section 1507. Motor Vehicle Service Stations 88
Section 1508. Small Off-Grid Wind Energy Systems 89
Section 1509. Emergency Services 90
Section 1510. Formula Business 90
Section 1511. Garages 90

ARTICLE XVI: ZONING DISTRICT REGULATIONS 92
Section 1601. Establishment of Zoning Districts 92

Section 1602. Zoning Map 92
Section 1603. Agricultural and Rural Residential District "AGR" 93
A. Definition/Purpose *93*
B. Permitted Uses *93*
C. Conditional Uses *93*
E. General Regulations *94*
F. District Standards for Planned Unit Developments *94*
Section 1604. Historic Neighborhood District "HN" 94
A. Definition/Purpose *94*
B. Permitted Uses *94*
C. Conditional Uses *94*
D. Dimensional Standards *95*
E. General Regulations *95*
F. Specific Standards *95*
Section 1605. Medium Density Residential District "MDR" 97
A. Definition/Purpose *97*
B. Permitted Uses *97*
C. Conditional Uses *97*
D. Dimensional Standards *98*
E. General Regulations *98*
Section 1606. High Density Residential District "HDR" 98
A. Definition/Purpose *98*
B. Permitted Uses *99*
C. Conditional Uses *99*
D. Dimensional Standards *99*
E. General Regulations *99*
F. Specific Standards *100*
Section 1607. Residential/Limited Business District "R/LBD" 100
A. Definition/Purpose *100*
B. Permitted Uses *101*
C. Conditional Uses *101*
D. Dimensional Standards *101*
E. General Parking Regulations *101*
F. General Regulations *102*
Section 1608. Commercial District "C" 102
A. Definition/Purpose *102*
B. Conditional Uses *102*
D. General Regulations *103*
E. Specific Standards *103*
Section 1609. Central Business District "CBD" 104
A. Definition/Purpose *104*

B. Permitted Uses *104*
C. Conditional Uses *104*
D. Dimensional Standards *105*
E. General Regulations *105*
F. Specific Standards *105*
Section 1610. Otter Creek Basin District "OCBD" 112
A. Definition/Purpose *112*
B. Permitted Uses ..... ***Error! Bookmark not defined.***
C. Conditional Uses *113*
D. Dimensional Standards *113*
E. General Regulations *113*
Section 1611. Industrial District "IND" 114
A. Definition/Purpose *114*
B. Conditional Uses *115*
D. General Regulations *115*
E. Specific Standards *116*
F. District Standards for Planned Unit Developments *116*
Section 1612. Public District "PUB" 117
A. Definition/Purpose *117*
B. Conditional Uses *117*
C. Dimensional Standards *117*
D. General Regulations *117*
Section 1613. Northern Gateway District "NGD" 118
A. Definition/Purpose *118*
B. Conditional Uses *119*
C. Dimensional Standards *119*
D. General Regulations *119*
E. Specific Standards *119*
Section 1614. Agricultural and Rural Residential Overlay PUD District "AGR PUD" 121
A. Definition/Purpose *121*
B. Permitted Uses *121*
C. Conditional Uses *121*
D. Dimensional Standards *121*
E. District Standards for Planned Unit Developments *122*
Section 1615. Archaeological Overlay District "AOD" 122
A. Definition/Purpose *122*
B. Official Archaeological District Map *122*
C. Procedure *122*
Section 1616. Flood Hazard Overlay District "FHOD" 122
A. Establishment *122*
B. Statement of Purpose *122*

C. Lands to Which These Regulations Apply *123*
D. Official Flood Hazard Area Map *123*
E. Interpretation of District Boundaries *124*
F. Referral to the Agency of Natural Resources *124*
G. Flood Hazard Area Application Procedures *124*
H. Developments in Flood Hazard Areas Reviewed by the Zoning Administrator *124*
I. Conditional Use Review in Flood Hazard Areas *125*
J. Conditional Use Review Procedures in Flood Hazard Areas *125*
K. Standards for Conditional Use Review in a Flood Hazard Area *126*
L. Conditions Attached to Conditional Use Approval in Flood Hazard Areas *127*
M. Variances in a Flood Hazard Area *129*
N. Nonconforming Structures in Flood Hazard Areas *130*
O. Warning of Disclaimer Liability *131*
P. Records *131*
Q. Precedence of Regulations *131*
R. Annual Report to the Federal Emergency Management Agency *131*
S. Definitions for Section 1616 ..... *131*
Section 1617. Illustrated Guidelines 134
A. Massing, Scale and Rhythm *134*
B. Entrances and Store Fronts *136*
C. Roof Design and Mechanical Equipment Screening *139*
D. Franchises *139*
E. Drive-through Banks *141*
F. Setbacks *142*
G. Additions *143*
H. Stories *144*

ARTICLE I: ENACTMENT, INTENT, AND DEFINITIONS

Section 101. Enactment

In accordance with the Vermont Municipal and Regional Planning and Development Act, 24 V.S.A. Chapter 117, hereinafter referred to as the "Act", there are hereby established zoning and subdivision 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 and Subdivision Regulations." Copies of these regulations, other related municipal regulations and ordinances, and the municipal plan shall be made available to the public during normal business hours in the city clerk's office.

Section 102. Intent

It is the intent of these zoning and subdivision 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 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 Regulations

These regulations may be amended and shall become effective according to the requirements and procedures established in §§ 4441, 4442, and 4444 of the Act.

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 STRUCTURE: A use or structure customarily incidental and subordinate to the principal use or structure and located on the same lot, but not including an accessory dwelling.

ACT: Title 24, Chapter 117, the Vermont Municipal and Regional Planning and Development Act.

ADAPTIVE USE: Process of reusing an old site or building for a purpose other than for which it was built or designed.

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 eighty percent (80%) of the county median income, or eighty percent (80%) of the standard metropolitan statistical area income if the municipality is located in such an area, as defined by the United States Department of Housing and Urban Development, and the total annual cost of the housing including principal, interest, taxes, insurance, and condominium association fees is not more than thirty percent (30%) 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 eighty percent (80%) of the county median income, or eighty percent (80%) of the standard metropolitan statistical area income if the municipality is located in such an area, as defined by the United States Department of Housing and Urban Development, and the total annual cost of the housing including rent, utilities, and condominium association fees, is not more than thirty percent (30%) of the household's gross annual income; and remains affordable in perpetuity.

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.

ARTICULATION: The manner in which portions of a building form are expressed (materials, color, texture, pattern, modulation, etc.) and come together to define the structure.

AUTHORIZED REPRESENTATIVE: A person or group of persons, who have been duly authorized in writing and filed with the Development Review Board by a subdivider to act in his or her behalf.

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.

BANK: A financial institution that is open to the public for the custody, loan, or exchange of money; for the extension of credit; and for facilitating the transmission of funds. Excludes drive-through facilities.

BANK, DRIVE-THROUGH: A bank where motorists may obtain financial transactions or other banking services through a window that they drive up to and do not need to leave their cars.

BAR: A commercial establishment, or part of an establishment, subject to Vermont Liquor Control Regulations and used primarily for selling, serving or dispensing and drinking of malt, vinous, or other alcoholic beverages, and where the service of food is only incidental to the consumption of such beverages (alcoholic beverage is greater than fifty percent (>50%) of the gross sales of food and beverages at the establishment).

BASEMENT: Portion of a building partly or entirely underground.

BED AND BREAKFAST: A one-family or two-family dwelling 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.

BOARD: Development Review Board

BOARDING OR ROOMING HOUSE: A one-family or two-family 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.

BOUNDARY LINE ADJUSTMENT: Modification of one or more property lines on a parcel of land in accordance with Section 901.A of these regulations.

BUILDING: Structure having a roof supported by columns or walls and intended for the shelter or enclosure of individuals, 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 recreational vehicles (RVs).

CERTIFICATE AND DECLARATION OF COMPLIANCE: A certificate issued by the zoning administrator, after inspection of a subject property and related zoning records, confirming that such property is in conformance with the zoning and subdivision regulations.

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, decisions of the Development Review Board, and these regulations.

CITY STREET: As specified in the City Highway Ordinance adopted 23 November 1971.

COMMERCIAL USE: Any activity involving the purchase, sale, storage, or other transaction regarding the disposition of any article, substance, commodity, or services for consideration and profit; and the maintenance or conduct of offices, professions, dwelling rooms and units, or recreational or amusement enterprises conducted 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.

COMMUNITY GARDEN: Publicly or privately held plot of land that is gardened by a group of people to produce fruits, vegetables and/or flowers; community gardens are managed and maintained with the active participation of the gardeners themselves.

CONSTRUCTION DRAWINGS: Drawings showing the location, profile grades, size and types of drains, sewers, water mains, underground fire alarm ducts, underground power and telephone ducts, pavements, cross sections of streets, and miscellaneous structures.

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.

CLUSTERING OR CLUSTERED DEVELOPMENT: A development arrangement in which all buildings allowable on a site are concentrated on a portion of the site, leaving the remainder of the site undeveloped.

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.

DISABILITY: Any physical or mental impairment that substantially limits one or more major life activities. A physical or mental impairment includes hearing, mobility and visual impairments, chronic alcoholism, chronic mental illness, AIDS, AIDS Related Complex, and intellectual disability that substantially limits one or more major life activities. Major life activities include walking, talking, hearing, seeing, breathing, learning, performing manual tasks, and caring for oneself. A person with a disability has a record of such impairment, or is regarded as having such impairment.

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(s) used as living quarters by three or more families living independently.

DWELLING UNIT: Building or part thereof used as living quarters by one family.

EASEMENT: The authorization of a property owner for the use by another, and for a specified purpose, of any designated part of his or her property.

ELDERLY HOUSING: Housing which includes dwelling units not exceeding two bedrooms and 1,000 square feet in size and which is restricted such that at least fifty percent (50%) of the occupants shall be 55 years of age or greater.

ENCLOSED MANUFACTURING INDUSTRY: A manufacturing facility where the processing, fabrication, assembly, treatment, packaging, incidental storage, sales and distribution of products or components is completely contained within a building or structure.

ENCLOSED SERVICE AND REPAIR: An establishment where the major servicing or repair of automobiles, trucks, farm and construction equipment, or other motorized vehicles or equipment is completely contained within a building or structure.

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

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

FAMILY CHILD CARE HOME: A state-registered or licensed daycare facility serving up to six (6) children full-time plus four (4) children part-time. See Section 404 of these regulations.

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

FORM: Shape and arrangement of a structure.

FORMULA BUSINESS: A retail store, restaurant, hotel or other establishment that stands alone as a principal use or with another use as an accessory use, and which is required by contractual or other

arrangements to maintain any one or more of the following standardized features that causes it to be substantially identical to 30 or more other businesses located within the United States, regardless of the ownership of those businesses: name; if food is served, menu, ingredients, uniforms; trademark; logo; symbol; architectural design; signage; color scheme; merchandise, or any other similar standardized features.

FRONTAGE: Lot frontage.

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: A one-family or two-family dwelling operated under state licensing or registration that serves not more than eight unrelated individuals, 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 one-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 an individual in charge at all hours.

INDUSTRIAL USE: A business use or activity involving manufacturing, fabrication, assembly, treatment, packaging, warehousing, distribution, shipping, and/or storage of materials and products.

INDUSTRY, LIGHT: A use providing for the manufacturing predominately from previously prepared materials of finished products or parts, including research and development activities, processing, fabrication, assembly, treatment, packaging, incidental storage, sales and distribution of such products or components, but excludes basic industrial processing. Light industry activities are capable of operation in such a manner as to control the external effects of the manufacturing process, such as smoke, noise, soot, dirt, vibration, odor, etc. Finished or semi-finished products may be temporarily stored outdoors pending shipment. Examples of light industry include textile work and clothing manufacture, food processing, plastics manufacture, electronics and computer hardware manufacture, precision instrument manufacture, gemstone cutting or craft work.

INN: A one-family or two-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 cosmetology, 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.

MANUFACTURING: See Industry, Light.

MARINA: Any facility for the mooring, berthing, storing, or securing of watercraft, but not including community piers and other non-commercial boat docking and storage facilities. A marina may include boat sales, boat fuel sales, boat construction, boat repair, marine equipment sales, or promotional events, boat and personal watercraft rental, and other uses clearly incidental to watercraft activities.

MASS OR MASSING: The combined effect of the arrangement, volume and shape of a building or group of buildings; the overall bulk, size, physical volume, or magnitude of a structure or project.

MECHANICAL EQUIPMENT: Includes heating, ventilation and air conditioning systems, transformers, generators, utility meters, connection boxes, satellite dishes, antennas, tanks and other similar features.

MORTUARY: An establishment providing services such as preparing the human dead for burial and arranging and managing funerals, and may include limited caretaker facilities. This classification excludes cemeteries, crematoriums, and columbariums.

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.

MUNICIPAL PLAN, OR PLAN: A plan adopted pursuant to 24 V.S.A. §§ 4382, 4385 and 4387.

NONCONFORMING LOT OR PARCEL: Lot or parcel that does not conform with the current regulations covering dimensional requirements but was in conformance with all applicable laws, ordinances, and regulations prior to the enactment of the present regulations, 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 current regulations but was in conformance with all applicable laws, ordinances, and regulations prior to the enactment of the present regulations, 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 current regulations but did conform with all applicable laws, ordinances, and regulations prior to the enactment of the present regulations, including a use improperly authorized as a result of error by the zoning administrator.

NURSING HOME: Building where four or more individuals 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.

OFFICIAL MAP: The map authorized, adopted and modified in accordance with 24 V.S.A. § 4421.

OPEN SPACE: Land unoccupied by structures, buildings, streets, rights of way and automobile parking lots.

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.

PERMIT: Zoning permit

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 requirements in the regulations 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.

PLAT: A map or representation on paper of a piece of land subdivided into lots and streets, drawn to scale, including preparer information, certifications by land surveyor and, if appropriate, engineer.

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

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

PROFESSIONAL RESIDENCE-OFFICE: Professional office including architect, accountant, dentist, doctor, lawyer, engineer, psychologist, or similar occupation maintained in a one-family or two-family dwelling by the occupant(s) thereof, which is clearly secondary to the dwelling(s) used for living purposes and does not change the residential character thereof and where not more than three individuals that do not reside at the dwelling are employed.

PROFESSIONAL SERVICE: Includes doctor, dentist, lawyer, engineer, certified public accountant, consulting firm, real estate broker or appraiser, chiropractor, planner, architect, funeral home, bank, and similar professions. Does not include any manufacturing, processing or fabrication of any article, substance or commodity.

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

PUBLIC: City- or government-owned and maintained.

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, pool hall, skating rink, gymnasium, swimming pool, health club, and similar places of indoor recreation.

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

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, geothermal sources, and such other sources as may be developed.

RESIDENTIAL, ONE-FAMILY: See Dwelling, One-Family.

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.

RESIDENTIAL DISTRICT: Refers to the following districts – Medium Density Residential District, High Density Residential District and the Historic Neighborhood District.

RESIDENTIAL UNIT: See Dwelling Unit.

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.

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

RETAIL 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.

RHYTHM: The organization of building elements, or spaces between them, in a logical sequential manner; can be used to emphasize major circulation points or changes of use.

SCALE: Relative magnitude of a structure in relation to surrounding elements.

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 cosmetology, 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, AWNING: A sign displayed, attached to or incorporated into the surface of an architectural projection or shelter projecting from and supported by the exterior wall of a building and composed of a covering of non-rigid materials, and/or fabric on a supporting framework that may be either permanent or retractable.

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, CONSTRUCTION: A temporary sign allowed for a limited period of time that identifies a development under construction as well as design, construction and marketing information for a development.

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

SIGN, FREESTANDING OR GROUND: A sign not attached to a building or other improvement but instead permanently erected upon or standing in the ground and usually supported from the ground by one or more poles, columns, uprights, braces or cement anchors. Freestanding or ground signs include monument signs but do not include portable signs.

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

SIGN, PROJECTING: Sign that extends outward from the wall of a building. It may be perpendicular to the building wall or at an angle, but its message is intended to be read primarily by people approaching from either side.

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.

SIGN, WALL: An attached sign mounted flush against or parallel to the surface of a building facade. Wall signs typically consist of either signage on a background board, enclosed within a cabinet or box, or individual letters. Symbols, displays, devices or graphics painted directly onto a building surface are also included in this category.

SKETCH PLAN: A sketch of the proposed subdivision showing information specified in Article II, Section 902.A of these regulations to enable the applicant to save time and expense in reaching general agreement with the Development Review Board as to the form of the subdivision and objectives and requirements of these regulations.

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 DEVICE: Solar membranes, solar shingles, solar in glass, non-photovoltaic (PV) technology, and solar hot water systems, and similar solar technology.

SOLAR ENERGY INSTALLATION: 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, which use natural or architectural components to collect and store energy without using external mechanical power, are included in this definition.

SOLAR PANEL: An electrical device consisting of an array of connected solar cells, which converts solar energy into electricity or hot water/liquid for space heating or domestic hot water production.

STORY: A horizontal division of a building containing floor area that could be used by people (for living, work, recreation), extending from the floor to the ceiling or roof line extending directly above.

STREET: Any road, highway, avenue, street, land or other way between right of way lines, commonly used by the public for vehicular traffic.

STREET FRONTAGE: Lot lines which abut a public street.

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, wall or fence.

SUBDIVIDER: Any person, firm, corporation, partnership or association who shall lay out for the purpose of sale or development any subdivision or part thereof as defined herein, either for himself or others.

SUBDIVISION: The division of a parcel of land with or without streets into two (2) or more lots, plots, or other legal division of land for transfer of ownership, building development, lease or sale. Subdivision includes resubdivision.

SUBDIVISION PLAT: The final drawings on which the applicant's plan of subdivision is presented to the Development Review Board for approval and which, if approved, may be filed for record with the city clerk.

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

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 in which any of the following conditions are met:

A. The project violates a clear written community standard intended to preserve the character of the area.
B. The project's impacts are shocking and offensive to the average person because it is out of character with its surroundings, or materially diminishes the quality of the area.
C. The applicant has failed to take generally available mitigating steps to improve the compatibility of the project with its surroundings.
D. The estimated overall negative effects of the project outweigh the estimated overall positive effects.

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.

WILDLIFE REFUGE: An area set aside for the conservation of plants, animals and their habitat. These are noncommercial areas usually without any structures on them. A single parking area and walking trails are characteristic of a wildlife refuge.

WIND ENERGY 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 person to fill the position of zoning administrator, and the 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 the 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 regulations literally and shall not have the power to permit any land development that is not in conformance with these regulations. In addition, the zoning administrator shall perform all duties prescribed by contract with the 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 zoning 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 these regulations 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 regulations.

Section 202. Development Review Board

A. Establishment
Pursuant to §§ 4460-4461 of the Act, 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 chair of the Development Review Board shall be someone other than the chair of the Planning Commission.

B. Appointment
Members of the Development Review Board shall be appointed by the City Council, the number and terms of office of which shall be determined by the City Council subject to the provisions of § 4460 of the Act. The City Council may appoint alternates to the Development Review Board for terms to be

determined by the City Council. Vacancies shall be filled by the 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 §§ 4460-4461 of the Act 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 Chapter 36 of the Act. 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 two public places as determined by the City Council, and posted on the City's web-site, www.vergennes.org.

Special meetings may be called by the chair, or vice-chair in the event the chair is not available, 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 verbally or in writing, to each member of the Development Review Board at least 24 hours before the meeting.

Emergency meetings may be called by the chair, or vice-chair in the event the chair is not available, 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. Verbal notice shall be given 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 ensure that minutes are kept 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 in the office of the city clerk as a public record and posted on the City's web-site, www.vergennes.org.

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. §§ 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. Decision may 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 the 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 regulations shall be paid to the City of Vergennes.

B. Penalties
Any person found by the zoning administrator to have violated any regulation shall be fined following the procedures and penalties established in § 4451 of the Act.

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.

Section 204. Fee Schedule

In accordance with § 4440 of the Act, the City Council shall establish a schedule of fees to be charged in administering these regulations.

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 that is not expressly allowed, permitted or exempt from these regulations shall be deemed prohibited.

Section 302. Applications and Fees

All permit applications shall be available upon request from the zoning administrator 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 of these regulations. 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 310 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 zoning permit may be issued (see Subdivision Review, Article IX of these regulations for further information, also see Planned Unit Developments, Article X, and Local Act 250, Article XI).
5. If the proposed development is related to a one-family 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 XIII of these regulations).
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 of these regulations). All development review functions conducted by the Development Review Board shall require a public hearing under Article V of these regulations.
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 1409.B of these regulations, or a variance, frontage waiver, height waiver, or accessory structure waiver from the Development Review Board under Sections 605, 1406, 1407, and 1501 of these regulations. Proposed land development 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 the Development Review Board approval by these regulations, it shall require one or more approvals from the Development Review Board following the sequence below:
    a. Site Plan Review, Article VII
    b. Conditional Use Review, Article VIII, (if required)
    c. Local Act 250, Article X (if required)
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 Section 1616.
10. After the Development Review Board has issued its decision, the zoning administrator shall forthwith issue a written decision approving or denying the permit.

Section 305. Posting

Within three days of the issuance of a zoning permit, each permitted use or structure shall require the posting of a notice of zoning 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 zoning permit must remain posted for 15 days from the date of issuance of the zoning permit and during construction. Also within three days, the zoning administrator shall:

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

Section 306. Effective Date of Zoning Permits

No zoning 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 zoning 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. If an appeal is taken to the environmental court, the zoning 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 zoning 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 Zoning Permits

The objective of this section is to encourage the timely completion of projects.

1. Project must be substantially started within one (1) year of permit date.
2. Project must be substantially completed within two (2) years of permit date.
3. The zoning administrator may grant one additional year (three year total) to meet "substantially completed" status, provided the property owner documents in writing verification of reasonable hardship(s), such as finances, contractor delays or weather.
4. Enforcement is pursuant to Section 203 of these regulations.

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 by the zoning administrator of the 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. Certificate and Declaration of Compliance

Upon request for a certificate and declaration of compliance and payment of fees as established by the City Council, the zoning administrator shall inspect the subject property and review related zoning records. The zoning administrator shall either issue a certificate and declaration of compliance or deny the issuance of said certificate in writing. The certificate shall contain the property owner of record, the parcel number, the location, deed reference(s), zoning district(s), and use of the property. The certificate shall also contain other information applicable to the subject property as it relates to compliance with the zoning and subdivision regulations. Within 14 days of a written request, the zoning administrator shall inspect the property and review related zoning records 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 310. Sketch Plan Review

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

Section 311. 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).

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 312. Exemptions to Zoning Permits

A. State Mandated Exemptions
The following uses are exempt from these regulations by state authority under § 4413 of the Act. 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 regulations. 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 regulations.

B. City Exemptions
Minor land development projects and uses 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. All structures and landscaping, including the exemptions listed in this section, must comply with all other relevant regulations in these regulations.

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

2. Decks, Patios or Terraces

Decks, patios or terraces shall not require a zoning permit so long as the total area of such feature(s) situated on a single lot is 300 square feet or less. Such decks, patios or terraces shall conform to minimum setback requirements and maximum lot coverage. Proposed decks, patios or terraces not in conformance with minimum setback requirements, maximum lot coverage or larger than 300 square feet, shall require a zoning permit.

3. Fences and Walls

In any district, fences and garden or retention walls may be erected without a zoning 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. For corner lots, see Section 1411 of these regulations.

4. Minor Impacts

The following land developments shall not require a zoning permit:

a. maintenance, repair, renovations that do not structurally alter a building
b. landscaping
c. raised garden
d. raised flower bed
e. water feature – pond, waterfall

5. Unroofed and Unenclosed Structures

The following structures shall not require a zoning permit provided all such structures are not less than 5 feet from any property line:

a. spa/hot tub
b. non-portable grill
c. non-portable smoker
d. antenna
e. arbor
f. compost bin
g. fire pit/fireplace
h. clothes line and related supporting material
i. seasonal swimming pool
j. floating docks (Up to 500 sq. ft. per 29 V.S.A § 403(b)(1)(A))
k. play structure
l. flag pole
m. basketball backboard and supports
n. trampoline

6. Other Structures

The following structures shall not require a zoning permit provided all such structures have a footprint of 80 square feet or less, a structural height of 8 feet or less measured from grade level, and are not less than five (5) feet from a property line:

a. child's playhouse

b. shed
c. dog house
d. pellet hopper/silo
e. pergola
f. fuel tank
g. outdoor boiler
h. windmill
i. solar collector
j. school bus shelter

No more than one such structure of each type shall be allowed on a lot without a zoning permit. All other structures within a Planned Unit Development may require a zoning permit according to the Development's regulations.

7. Driveways, Entry Stairs, and Handicapped Access Ramps

a. Driveways for one-family and two-family dwellings shall not require a zoning permit.
b. Entry stairs and handicapped access ramps for all uses shall not require a zoning permit and require no minimum setback.

8. Uses

a. Home occupations
b. Family child care homes
c. Accessory use (must meet definition in Section 106 of these regulations)
d. Yard and garage sales

Section 313. Minor Amendments to Zoning 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 zoning permit has not expired.
2. Amendments to zoning 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 regulations.
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 zoning 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 zoning 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 zoning permit, and shall be given not less than 15 days notice before the zoning administrator may issue a decision.

Changes to zoning 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-FAMILY AND TWO-FAMILY DWELLING USES

Section 401. Procedure

Except as noted in this Article below, a permit application for a one-family 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 of these regulations 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, one accessory dwelling shall be a permitted use or permitted subject to conditional use review provided:

1. The property has sufficient wastewater capacity.
2. The accessory dwelling does not exceed thirty percent (30%) of the total habitable floor area of the one-family dwelling.
3. The accessory dwelling meets all applicable dimensional and parking requirements.
4. The accessory dwelling receives approval from the zoning administrator under Section 401 of these regulations, or, where required by these regulations, conditional use review from the Development Review Board.
5. Conditional use review shall be required for all of the following:
    a. New accessory dwelling structures.
    b. The adaptive reuse of an existing detached building, see Section 1408.C of these regulations.
    c. An accessory dwelling requiring an increase in the height or floor area of the existing one-family dwelling.
6. An accessory dwelling shall be considered as part of an existing one-family dwelling.

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 be considered a 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 multiple-family dwelling.

Section 404. Family Child Care Homes and Child Care Facilities

A. A "family child care home" is a day care facility licensed or registered by the state which provides for care on a regular basis in the caregiver's own residence for not more than ten children at any one time. Of this number, up to six children may be provided care on a full-time basis and the remainder on a part-time basis. For the purpose of these regulations, care of a child on a part-time basis shall mean care of a school-age child for not more than four hours a day. These limits shall not include children who reside in the residence of the caregiver; except:

- these part-time school-age children may be cared for on a full-day basis during school closing days, snow days and vacation days which occur during the school year; and
- during the school summer vacation, up to twelve (12) children may be cared for provided that at least six of these children are school age and a second staff person is present and on duty when the number of children in attendance exceeds six. These limits shall not include children who are required by law to attend school (age 7 and older) and who reside in the residence of the caregiver. 33 V.S.A. § 4902(3).

1. Family child care homes shall be considered a one-family residential use of property in all districts that allow residential development or in pre-existing residential units.

B. A "child care facility" is any place or program operated as a business or service on a regular or continuous basis, whether for compensation or not, whose primary function is protection, care, and supervision of 12 or more children under 16 years of age outside their homes for periods of less than 24 hours a day by a person other than a child's own parent, guardian, or relative, as defined by rules adopted by the Department for Children and Families, but not including a kindergarten approved by the state board of education. 33 V.S.A. § 4902(2).

1. A child care facility requires conditional use review in any district that allows such use.

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 foregoing, home occupations are subject to the following:

1. Home occupations are an allowed use in all dwelling units within the city.
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 structure and shall occupy less than forty percent (40%) 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 except for signs that are permitted as specified under Article XIII.
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, teaching up to two students at a time, studio, bicycle repair, barber shop, hair salon/spa, office, print shop, shoe making or repair. Home occupation shall not include: retail sales unless as a minor part of the home occupation, 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
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 of these regulations. The following development review functions shall be performed by the Development Review Board:

1. Site Plan Review, Article VII.
2. Conditional Use Review, Article VIII.
3. Subdivision Review, Article IX.
4. Planned Unit Development Review, Article X.
5. Local Act 250 Review, Article XI.
6. Landmark sign waivers, Section 1305.17.
7. Required frontage waiver, Section 1406.
8. Height waiver, Section 1407.
9. Accessory structure waivers, Sections 1501.A.6 and 1501.C.
10. Setback waivers for renewable energy structures, Section 1508.
11. Demolition of historic buildings, see Section 1604.F.11

Applications in flood hazard areas shall follow the regulations established in Section 1616.

B. Appeals
Notice of appeal shall be filed with the secretary of the Development Review Board as described in Section 602 of these regulations. The Development Review Board shall hear the following appeals:

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 an application deemed complete 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 review, 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 five hundred (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 7 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 Chapter 36 of the Act, 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 and participated in the proceedings.

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 person not deemed an 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 of the Development Review Board shall follow § 4464(b) of the Act. 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 shall require the signature of the chair or, in the chair's absence, the vice-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 these regulations 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 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 decision, the zoning administrator shall forthwith issue a written decision approving or denying the permit application.

Section 509. Fees; Experts

For any proposed development, 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 §§ 4465-4471 of the Act. 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 regulation 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 these 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 these 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.

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.

Variances 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 the criteria above in writing 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 as 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 § 4471 of the Act. Participation in a Development Review Board proceeding shall consist of offering, through verbal 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 30 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:

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, 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.

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 310 and 401 of these regulations).

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 1403 of these regulations.

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 review 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. Truck traffic.

9. Hours of operation.

10. Conformance with all applicable regulations in these regulations.

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. SUBDIVISION REVIEW

Section 901. General Provisions

A. Applicability

1. Whenever any subdivision of land is proposed to be made, before any contract for sale, lease or transference of such subdivision or any part thereof is made, before any grading, clearing, construction or other improvement is undertaken, or before any permit for erection of a structure in such proposed subdivision is granted, the applicant shall apply in writing to the Development Review Board for, and secure approval of the proposed subdivision.

2. Adjustment of boundary lines between adjoining lots shall not be deemed a subdivision. A boundary line adjustment is where one or more property lines between two or more parcels are modified, but no additional lots are created and there is no decrease/increase in lot size for any involved parcel. Any adjustment that involves the reduction/addition of lot sizes will be considered a subdivision and must secure approval in accordance with these regulations.

3. The zoning administrator may review and grant or deny an application for boundary line adjustments between two or more properties provided the adjustment does not create any additional lots, does not create any non-conforming lots, or does not increase an existing non-conformity. All boundary line adjustments must be recorded in the Vergennes land records.

B. Waivers

1. Where the Board finds that, due to special circumstances of a particular plat, or because of exceptional and unique conditions of topography, access, location, shape, size, drainage, or other physical features of the site, in its judgment provision of certain requirements are not requisite in the interest of the public health, safety and general welfare or are inappropriate because of inadequacy or lack of connecting facilities adjacent or in proximity to the proposed subdivision, it may waive such requirements, subject to appropriate conditions.

2. It shall be the responsibility of the applicant to provide sufficient information to justify any waiver requested of the Board.

3. In granting waivers, the Board shall require such conditions as will, in its judgment, secure substantially the objectives of the requirements so waived.

4. No such waiver may be granted if it would have the effect of nullifying the intent and purpose of the municipal plan, the official map or these regulations.

Section 902. Application and Approval Procedure

A. Sketch Plan Review

1. For the purpose of preliminary discussion, any owner of land shall, prior to submitting a formal application for subdivision of land, submit to the zoning administrator at least ten (10) days prior to a regular meeting of the Board nine (9) copies of a sketch plan of the proposed subdivision that includes the information specified in Table 1.

2. The Board shall, within forty-five (45) days of receipt of the Sketch Plan by the zoning administrator, discuss the Sketch Plan with the applicant, or his duly authorized representative, at a regular meeting of the Board. The applicant, or his duly authorized representative, will be given notice to attend the meeting and should be prepared to discuss the following:
    a. The Sketch Plan
    b. City or Zoning Regulations regarding:
        i. Lot size
        ii. Street improvements
        iii. Drainage
        iv. Sidewalks
        v. Sewerage
        vi. Water supply
        vii. Lighting
        viii. Off-street parking
        ix. Fire protection
        x. Landscaping
    c. Present land use and building location
    d. Proposed land use and type of building:
        i. Industrial
        ii. Commercial
        iii. Residential, one-family, two-family, multiple-family
        iv. Agricultural
        v. Public
    e. Potential impact of the subdivision on:
        i. Schools
        ii. City services (public works, fire, police)
        iii. Adjacent areas
        iv. Environment
        v. Future expansion in area
        vi. Nature of subdivision
        vii. Cluster housing
        viii. Organization of open spaces
        ix. Utility visibility

x. Type of business or industry
xi. Recreation facilities
xii. Traffic flow

f. Ownership, covenants, deed restrictions, homeowner's associations
g. Any other pertinent information

3. Where an applicant submits a proposed Planned Unit Development (PUD), the requirements of § 4417 of the Act shall be met, in addition to the requirements of these regulations and the zoning regulations.

4. The Board shall study the Sketch Plan to determine whether or not it conforms to, or would be in conflict with the municipal plan; the zoning regulations; official map; developments proposed by any public agency; existing private and public development, facilities and services; and for any special problems that may be encountered.

5. The Board shall, within forty-five (45) days of the meeting defined in 902.A.2, or any continuation thereof, inform the applicant in writing of any specific recommendation for changes in subsequent submissions. The Board may request additional information to be submitted with the application, including special studies and/or supporting documentation as appropriate. The zoning administrator may inform the applicant or authorized representative verbally, in lieu of writing, at the sketch plan meeting of specific recommendations and or subsequent submissions. The minutes of the meeting shall indicate the recommendations of the Board.

6. If the applicant, or his duly authorized representative, fails to appear at the meeting defined in 902.A.2, then the Board may require the applicant to resubmit the Sketch Plan and the forty-five (45) day notice requirement may be deemed to have been waived by the applicant.

7. Board recommendations under sketch plan review are intended to serve as guidance to the applicant for the subsequent submission of a subdivision application. Any determination the Board makes at sketch plan review does not constitute approval of the proposed subdivision.

8. Board recommendations remain in effect for six (6) months from the date of issuance, unless otherwise approved or extended in the written determinations issued by the Board.

B. Subdivision Plat Review and Approval

1. APPLICATION: Within six (6) months of the Board response described in 902.A.5, the applicant shall submit an application for approval of a subdivision plat, using the approved application form available from the zoning administrator. If the application for a subdivision plat is not submitted within six (6) months of the Board response described in 902.A.5 the Board may refuse, without prejudice, to act on the subdivision plat and require resubmission of the Sketch Plan.

2. FEES: The fee for plat approval for a subdivision shall be set by the City Council and shall accompany each application for a permit. Should the Board deem it necessary to employ an engineer, attorney or other consultant to review any subdivision plans or portion thereof, and/or any associated legal documentation, all reasonable costs of such review shall be paid by the applicant.

3. NUMBER OF COPIES: Nine (9) copies of the subdivision plat and other relevant or required material shall be presented to the zoning administrator at least ten (10) days prior to a regular meeting of the Board. The plat shall conform to the layout shown on the Sketch Plan plus any recommendations made by the Board as well as the requirements identified in Table 1.

4. PUBLIC HEARING: A public hearing to consider the subdivision plat, warned in accordance with § 4464 of the Act and Article V of these regulations, shall be held by the Board at the earliest available Board meeting after the submission of the application, but not to exceed sixty-five (65) days after submission. The Board will not review incomplete applications and may request any additional information or study as needed to act on the subdivision plat. The applicant, or his duly authorized representative, will be given notice and shall attend the hearing to discuss the application and subdivision plat.

5. APPROVAL OF SUBDIVISION PLAT: Within forty-five (45) days after the public hearing described in 902.B.4, or any continuation thereof, the Board shall take action to approve, with or without modifications, or disapprove such subdivision plat based on a determination of whether or not the subdivision plat conforms to applicable subdivision review standards under Section 903 of these regulations, or would be in conflict with the municipal plan, these regulations and other municipal regulations in effect. The Board may also require, as a condition of approval, the submission of proposed changes or modifications resulting from public hearing or further study. Board findings, conditions of approval, or the grounds for any modification required or for disapproval, and provisions for appeal under Article VI shall be set forth in a written notice of decision. The decision shall be sent to the applicant and any interested parties appearing at the public hearing within the forty-five (45) day period. Failure of the Board to act within such forty-five (45) day period shall constitute approval of the subdivision plat.

6. PHASING: At the time the Board grants subdivision plat approval, it may permit or require the plan to be divided into two or more phases to be developed at separate times as it deems necessary to assure the orderly growth of the City as set forth in the municipal plan and capital budget.

7. REVISIONS TO APPROVED PLATS: No changes, erasures, modifications or revisions shall be made, including any amendment or revision of a condition of subdivision plat approval, in any subdivision plat after final approval has been given by the Board and endorsed in writing on the Plat, unless the said Plat is first resubmitted to the Board in accordance with Section 902.B of these regulations, and such Board approves any modifications. In the event that such subdivision plat revisions are recorded without complying with this requirement, the revisions shall be considered null and void.

8. CONTINGENT APPROVAL: The approval of any subdivision requiring a State Subdivision permit, a State Land Use Permit, a State Construction Permit or any other state, federal, or local permits noted by the Board shall be classified as Contingent Approval. Such subdivision shall be considered approved contingent upon no further changes made to accommodate any other permit. All plats granted Contingent Approval shall be submitted for review by the Board after all other necessary permits have been received. The Board shall review for acceptance any changes which have been made by other permitting authorities or by the applicant to conform to other permits required. If no changes have been made, or if the chair deems all changes acceptable, the subdivision shall be given subdivision plat approval.

9. IMPROVEMENTS AND PERFORMANCE BOND: In accordance with § 4464(b)(4),(6) of the Act, the Board may, as a condition of subdivision approval, require from the applicant a performance bond or comparable security in a form approved by the City Council in an amount sufficient to cover the full costs of new streets and/or other required improvements and their maintenance for a period of not greater than three (3) years from the date of completion. With the mutual written consent of the Board and applicant, such bond or security may be extended for an additional period not to exceed three (3) years. If any required improvements have not been installed or maintained as provided within the term of the performance bond or other security, such bond or other security shall be forfeited to the City. The City shall, if necessary, install or maintain such improvements to the extent of the proceeds from such bond or other security.

10. EFFECT OF SUBDIVISION PLAT APPROVAL: The approval by the Board of a subdivision plat shall not be deemed to constitute or be evidence of any acceptance by the City of any street, easement, utilities, park, recreational area or open space shown on the subdivision plat. Such acceptance may be accomplished only by a formal resolution of the City Council, in accordance with state statute. The Board may require the filing of a written agreement between the applicant and the City Council covering future deed and title, dedication and provision for the cost of grading, development, equipment and maintenance of such im-

provements. The Board may also impose a time limit for the start and completion of such improvements.

C. Plat Recording Requirements (applies to all approved subdivision)

1. CERITIFICATION AND ENDORSEMENT: In accordance with § 4463 of the Act, within 180 days of the date of receipt of subdivision plat approval under Section 902.B of these regulations, the applicant shall file one (1) copy of the final plat, for recording with the city clerk in conformance with the requirements of 27 V.S.A., Chapter 17. Approved plats not filed and recorded within this 180-day time period shall expire. The zoning administrator may extend the date for recording by an additional 90 days, if final local or state permits or approvals are still pending.

2. Prior to plan recording, the plat must be signed by the chair or, in the chair's absence, the vice-chair. Endorsement shall not take place until all required plats, construction drawings, and supporting documents have been submitted to the zoning administrator and determined to be complete and accurate. All plats must include a notation to include the following statement:

   The subdivision depicted on this plat was duly approved, as conditioned, by the Vergennes Development Review Board in accordance with the City of Vergennes Zoning and Subdivision Regulations and all other applicable laws and regulations on the ____day of ____ 2_____.
   Subdivision Permit #_____
   Signed:_____[Development Review Board Chair or Vice-Chair]

   The Board may, as a condition of subdivision plat approval, require that other notations pertaining to conditions of subdivision approval also be included on the plat, such as certificates of dedication or protective covenants.

TABLE 1. SUBDIVISION APPLICATION REQUIREMENTS

(A) Application Information	**For Sketch**	**For Hearing**	**For Recording**
Number of Copies	9	9	1
Application Form		X	
Application Fee		X	
Name of project, if any	X	X	X
Name, address of applicant (landowner and/or applicant)	X	X	X
Written description of proposed development plans, including number and size of lots; general timing of development	X	X	X
Waiver request, in writing [OPTIONAL]	X	X	
(B) Mapping Requirements	**For Sketch**	**For Hearing**	**For Recording**
Materials	Paper	Paper	Linen or Mylar
Date, North Arrow, Legend	X	X	X
Preparer Information, Certifications by Land Surveyor and, if appropriate, Engineer	Optional	X	X
Scale (minimum 1 inch = 200' unless otherwise specified by the Board)	Legible/ Generally to scale	X	X
Project boundaries, property lines, and existing easements	Drawn	Surveyed	Surveyed
Existing and proposed lot lines, dimensions	Drawn	Surveyed	Surveyed
Adjoining land uses, roads and drainage	X	X	X
Zoning district designations and boundaries	General location based on available maps	X	X
Location of all natural/unique features, including, but not limited to, surface water, wetlands, flood hazard areas, and associated buffers; slopes with a gradient of 15% or greater; scenic features identified in the municipal plan; critical wildlife habitat; historic sites and features, including stone walls; primary agricultural soils and existing farmland; other significant geologic features and landforms including prominent hills and knolls.	General location based on available maps and data	X	X
Existing and proposed finished elevations/contour lines*		5' interval	5' interval
Existing and proposed streets, highways, easements, building lines, alleys, parking areas, paths, parks, and other public open spaces as well as similar facts regarding adjacent property	General location based on available maps and data	X	X
Proposed building envelopes		X	X
Existing and proposed utilities, sewers and water mains, culverts and drains and associated rights of way or easements		X	X

TABLE 1. SUBDIVISION APPLICATION REQUIREMENTS

Monument locations shown thus: "X"		X	X
Road profiles; road, intersection and parking area geometry and construction schematics		X	X
Proposed landscaping and screening*		X	X
Proposed public open space, conservation buffer and/or easement areas*		X	X
Notation prepared in accordance with Section 902.C			X
(C) Supporting Information and Documentation	**For Sketch**	**For Hearing**	**For Recording**
Site location map showing proposed subdivision in relation to major roads, drainage ways, and adjoining properties	X	X	X
Statement of compliance with the Municipal Development Municipal plan and applicable local regulations	X	X	X
Engineering reports and certifications			X
Existing and proposed traffic generation rates, volumes*		Estimated	Documented
Off-site easements (e.g., for water, wastewater, access)*		Draft	Final
Proposed phasing schedule*		Draft	Final
Proposed covenants and/or deed restrictions*		Draft	Final
Proposed homeowner or tenant association or agreements*		Draft	Final
Proposed performance bond or surety*		Draft	Final
(D) As may be required by the Development Review Board	**For Sketch**	**For Hearing**	**For Recording**
Stormwater and erosion control plan		Draft	Final
Grading plan (showing proposed areas of cut and fill)		Draft	Final
Open space management plan		Draft	Final
Traffic impact analysis (current and proposed traffic volumes, capacities, levels of service, proposed improvements)		Draft	Final
Economic impact analysis (analysis of fiscal costs and benefits to the city)		Draft	Final
Environmental impact assessment (analysis of potential environmental impacts, proposed mitigation measures)		Draft	Final
Base flood elevations (required for subdivisions of greater than 50 lots or 5 acres within the Flood Hazard Overlay District)		Draft	Final
Visual impact analysis and mitigation plan		Draft	Final
Other		As required under sketch plan review	As required by Subdivision Plat approval
**May be waived by the Development Review Board upon written request.*			

Section 903. General Requirements and Design Standards

A. General Standards

1. SITE SUITABILITY: All land to be subdivided shall be, in the judgment of the Board, of such a character that it can be used for building purposes without danger to public health or safety, or to the environment. Land subject to periodic flooding, poor drainage, inadequate capability to withstand structures, including streets, utilities and buildings, or other hazardous conditions, shall not ordinarily be subdivided.

2. ENERGY CONSERVATION: In order to conserve energy, all subdivisions shall use the least areas of roadway and the least length of sewer, water and utility lines within environmentally and economically sound limits. Buildings should be sited so as to take advantage of southeast, south and southwest orientations where possible. Landscaping should be effectively used for providing wind barriers and reducing heat loss and heat gain. Clustering in a planned unit development (PUD) should be encouraged wherever feasible and desirable.

3. RESERVED STRIPS: No privately owned reserved strip shall be allowed which:
    a. Controls access to any part of the subdivision, or
    b. Controls access from any other parcel of land from any street, or
    c. From any land dedicated to public use, or which may be so dedicated.

    An exception may be granted on open space areas.

4. LOT LAYOUT: The layout of lots shall conform to the requirements of the zoning regulations as well as integrate the following standards:
    a. Corner lots shall have sufficient width to permit a setback on each street.
    b. Side lot lines shall generally be at right angles to straight streets, or radial to curved street lines.
    c. Consideration in lot layout shall be given to topographic and soil conditions.

5. PRESERVATION OF EXISTING FEATURES: Due regard shall be given to the preservation and protection of existing features, trees, scenic points, brooks, streams, rock out-croppings, water bodies, other natural resources and historic resources.

6. CHARACTER OF THE AREA: All subdivisions shall be designed and configured to reflect the desired settlement pattern for the respective district in which the subdivision is located, as defined by the zoning regulations and the municipal plan. The development design shall be compatible with adjacent uses, and shall provide sufficient open space for the recreation, visual and aural privacy and other domestic needs of the area inhabitants.

7. LOT CORNER MARKERS: Permanent corner markers shall be placed by a licensed surveyor on all subdivided parcels.

8. LANDSCAPING: The preservation, planting and maintenance of trees, ground cover or other vegetation, of a size and type deemed appropriate by the Board, may be required in the following instances:
    a. to provide an undisturbed vegetated buffer between developed and undeveloped portions of the site to protect water quality and/or other natural features. At a minimum, a fifty (50) foot buffer shall be established from the mean water level of any stream or lake and/or the delineated boundary of an identified wetland.
    b. to provide screening of development to increase privacy, reduce noise and glare, or to otherwise soften and/or lessen the visual impacts of development;
    c. to establish street trees along public or private roads to establish a canopy effect and/or maintain a pedestrian scale where the Board deems it appropriate;

B. Streets

1. APPLICABLE STANDARDS: In addition to the standards identified herein, all public and private roads serving proposed subdivisions shall comply with the City of Vergennes ordinance regarding streets, sidewalks, curbs, drainage and lighting, and shall generally conform to the dimensional and geometric design standards for local roads and streets contained within the *Vermont State Standards for the Design of Transportation Construction, Reconstruction, and Rehabilitation on Freeways, Roads and Streets*, dated October 22, 1997, or as subsequently amended. Acceptance of private roads by the City is subject to the approval of the City Council pursuant to state law for the laying out of public rights of way. Construction of roads to these standards in no way ensures such acceptance.

2. LAYOUT: The arrangements of streets in the subdivision shall provide for the continuation of principal streets in any adjoining subdivision or for their proper projection when adjoining property is not subdivided in order to create a logical system and to make possible necessary fire protection, movement of traffic and construction or extension, presently or when later required of needed utilities and public services. Where, in the opinion of the Board, topographic or other conditions make such continuance undesirable or impracticable, the above conditions may be modified.

    If an official map has been adopted by the City, subdivisions shall be required to conform to that map. Streets shall be dedicated or reserved in the locations and widths shown on the official map as a condition of plat approval.

    Where the subdivision borders on an existing street and the municipal plan or official map indicates plans for realignment or widening of the street that would require reservation of some land of the subdivision, the Board shall require that such areas be shown and marked on the Final Plat "Reserved for Street Realignment (or Widening) Purposes".

3. RIGHTS OF WAY: Rights of way for all roads shall be a minimum of fifty (50) feet in width.

4. TOPOGRAPHY: Streets shall be logically related to the topography so as to minimize site disturbance, including the amount of cut and fill required, and to produce usable lots, reasonable grades and safe intersections in appropriate relation to the proposed use of the land to be served by such streets. Road grades should be consistent with local terrain. Maximum road grade shall not, in any fifty (50) foot section, exceed an average grade of ten percent (10%).

5. ROAD CONSTRUCTION STANDARDS: Road construction, including specifications relating to the crown, grade, sub-base and surfacing, shall conform to the Vermont Agency of Transportation's *Standard A-76*, as most recently amended.

6. TRAVEL LANE AND SHOULDER WIDTH: To ensure adequate safety and service, the width of travel lanes and shoulders shall be based on average daily traffic (ADT) and design (estimated posted) speeds, as contained within the *Vermont State Standards for the Design of Transportation Construction, Reconstruction, and Rehabilitation on Freeways, Roads and Streets*. Under certain circumstances, the Board may modify such standards for subdivisions to avoid and/or minimize impacts to historic, architectural, scenic, natural or other resources; to avoid excess costs of construction; to safely accommodate shared use by pedestrians and bicyclists; or to better comply with the municipal development plan.

7. INTERSECTIONS: A new or relocated road or driveway shall be located so that:
    a. A safe sight stopping distance is provided, as determined by probable traffic speed, terrain, alignments and climatic extremes. Generally, sight distance should be eleven (11) times the speed limit (e.g., a curb cut on a road with 25 mph speed limit would require a minimum sight distance of 275 feet, and a road with 30 mph speed limit would require a minimum sight distance of 330 feet).
    b. It is directly opposite an existing road or driveway to form a four-way intersection wherever feasible. Intersections creating centerline offsets of less than one hundred twenty-five (125) feet shall not be allowed.
    c. Intersections of streets shall be at an angle between seventy degrees (70°) and ninety degrees (90°).
    d. The gradient within two hundred (200) feet of intersections shall not exceed three percent (3%).
    e. No structure or planting is situated that impairs corner visibility.

8. ACCESS: All road access shall be subject to the approval of the City Council. Access to all lots created by subdivision and to all buildings or other land development located thereon shall be only from such permitted access road or driveway. To better manage traffic flow and safety, avoid congestion and frequent turning movements, preserve the carrying capacity of important travel corridors, and to avoid strip development, the following access management standards shall apply to all subdivisions:

a. Paved access shall be available for fire, ambulance and police vehicles to within one hundred (100) feet of the principal entrances to dwellings, commercial or industrial establishments, and institutions.
b. Multiple lots along Class I and Class II Roads shall be served by shared driveways and/or internal development roads.
c. If a lot in a subdivision has frontage on two or more roads, access shall be from the road determined by the Board to be more suitable based on topographic or traffic safety conditions.
d. The creation of reserved strips shall not be allowed adjacent to a proposed road in such a manner as to deny access from adjacent property to such road.
e. If the access road to the subdivision is a substandard road, the Board may require the applicant to improve the access road to city street construction standards.

9. DRAINAGE AND STORMWATER: A stormwater system shall be provided which is designed to control and accommodate stormwater collected on all proposed roads and/or parking areas in accordance with Section 903.E of these regulations. Generally, roadbeds, shoulders, ditches, and culverts shall be designed and maintained in conformance with the *Vermont Better Backroads Manual*, as most recently amended.

10. DEAD-END STREETS, CUL-DE-SACS, AND TURN-AROUNDS: Permanent dead-end roads and cul-de sacs are specifically discouraged unless deemed necessary by the Board due to physical site limitations or safety considerations. No dead-end road shall be allowed without a suitable turn around at its terminus. "T" or "Y" configurations suitable to topography are preferred, but a cul-de-sac with a radius of not less than thirty-five (35) feet and a minimum paved area of twenty (20) feet in width may also be considered as appropriate. The maximum length of a cul-de-sac or dead-end street shall be one thousand two hundred (1,200) feet. An exception to the requirements may be made for temporary dead-end streets. Provisions shall be made for temporary turn-arounds for temporary dead-end streets.

11. CAPACITY: Traffic to be generated by the proposed subdivision shall not result in unreasonable traffic congestion or exceed the capacity of roads and intersections in the vicinity of the subdivision. The Board may request the preparation of a traffic impact study to identify impacts and mitigation measures necessary to ensure road safety and efficiency, the cost of which is to be borne by the applicant. When a proposed subdivision necessitates an upgrade in the capacity of a public road to accommodate traffic generated by that subdivision, the Board may disapprove such subdivision until such upgrade has been completed. The applicant may be required to contribute to any or all of the expenses involved with road improvements necessitated by the project.

12. STREET NAMES: Proposed streets shall be identified by name on the subdivision plat. Proposed streets obviously in alignment with others already existing and named shall bear the names of existing streets. In no case shall the names for proposed streets duplicate

existing names, irrespective of the suffix, be it street, avenue, boulevard, driveway, place or court. City streets shall be named by the City Council.

13. PEDESTRIAN ACCESS: Curbs and sidewalks may be required in all zoning districts where deemed necessary by the Board to facilitate pedestrian circulation within the subdivision to ensure access to adjoining properties or uses or public facilities. The Board may require, in order to facilitate pedestrian access from a subdivision to schools, parks, playgrounds, or other nearby roads, perpetual unobstructed easements at least twenty (20) feet in width. Easements shall be indicated on the plat.

14. PARKING AND TRANSIT STOPS: For subdivisions located on existing or proposed public transit routes, sheltered transit stops, which may include centrally located park and ride areas and bike racks to serve the development, will be incorporated in subdivision design. Subdivisions may also incorporate one or more sheltered school bus stops as appropriate.

15. LEGAL REQUIREMENTS: Every subdivision plat shall show all proposed road and pedestrian rights of way, as required under these regulations, regardless of whether the proposed right of way is intended to be accepted by the City. In the event that the right of way is not intended for acceptance by the City, the mechanism by which the right of way is to be maintained, owned and/or conveyed shall be clearly documented. Documentation and assurance shall be provided that all proposed roads and rights of way will be adequately maintained either by the applicant, a homeowner's association or through other legal mechanisms. Such documentation shall be in a form approved by the Board and filed in the City Land Records.

C. Utilities

1. LOCATION: All utility systems, which may include but not be limited to electric, gas, telephone, fiber optics and television cable, shall be located underground throughout the subdivision, unless deemed unreasonable and prohibitively expensive by the Board and the City Council due to site conditions.

2. EASEMENTS: Utility easements of sufficient width shall be provided to serve both the proposed subdivision and existing and anticipated development outside the subdivision. Such easements shall be shown on the final plat.

3. COORDINATION: The applicant shall coordinate the subdivision's design with the utility companies and submit a plan prepared with their cooperation showing all line extensions necessary to serve the subdivision. Such plan shall be integrated with a systematic program for distribution of service to the entire area around the subdivision now or in the future. Common rights of way shall be utilized whenever possible and, when technology and terrain make it economically feasible, distribution systems should be built underground.

D. Water Supply and Wastewater Disposal

1. EXTENSION OF MUNICIPAL UTILITIES: All subdivisions shall make adequate provisions for water supply, stormwater and sanitary sewage disposal, and required improvements. The Board may require the extension of public waters and sewers to and within a proposed subdivision, without cost to the municipality where existing lines are, in the judgment of the Board, within a reasonable distance of the proposed subdivision.

2. CONNECTIONS TO MUNICIPAL UTILITIES: The applicant shall install laterals from all utilities to the street property line of each building lot. Any residential buildings constructed in the subdivision shall have house connections installed, and shall have such connections extended inside of the building. No such utility system installations shall be at the expense of the City.

3. DEPTH OF UTILITY MAINS: Water and sewer mains must be laid below the depth of frost penetration of the area in accordance with recognized standards.

4. WATER SUPPLY IMPROVEMENTS: All subdivisions must connect to the public municipal water supply system. Applications for extensions to the municipal system shall be approved by the officers and agents of the Vergennes-Panton Water District.

5. SEWAGE DISPOSAL IMPROVEMENTS: Subdivisions must connect to a municipal sewage disposal system. Applications for extensions shall be approved by the city manager. The applicant shall provide evidence as to the adequacy of the system to meet the needs of the proposed development. The applicant will be required to provide such pumping and other facilities as may be necessary to serve the proposed development. The Board may also require that the applicant provide, or have installed, at his expense, larger lines, pumping, storage and other facilities outside of the subdivision, if required specifically to meet the requirements of the proposed development.

6. WAIVERS: In the event that the applicant is proposing the creation of a lot(s) not requiring water or wastewater systems, the Board may waive the provisions of these regulations pertaining to water and wastewater disposal, providing that the subdivision plat recorded with in city clerk's office clearly indicates that the intended use of the lot(s) will not require water or wastewater disposal systems, and the applicant submits an affidavit to the Board stating his/her intent which will be incorporated as a condition of subdivision approval.

E. Stormwater Management and Erosion Control

1. Temporary and permanent stormwater management and erosion control measures shall be incorporated into subdivision design and layout to control surface runoff, sedimentation and water pollution on-site and downstream from the proposed subdivision. Factors to be considered in determining the types of controls necessary shall include pre-development site

and runoff conditions, vegetation and ground cover, slope and drainage patterns, soil types (i.e., hydric soils), the percentage of land covered in impermeable surfaces, types of pollutants generated, distances to streams and other surface waters, and impact on adjoining properties.

2. The Board may require the preparation and implementation of stormwater management and/or sedimentation and erosion control plans and associated analyses to ensure that site improvements, including excavation, road and driveway construction and site clearing and grading, will not unduly impact neighboring properties or surface waters. Such plans, if required, shall be prepared by a licensed Vermont engineer, be based upon Best Management Practices (BMPs) for managing stormwater and controlling erosion, as defined by the Vermont Agency of Natural Resources, the U.S. Department of Agriculture Natural Resource Conservation Service, and shall include provisions for the inspection and long-term maintenance of stormwater management and erosion control facilities. In approving a stormwater management and/or erosion control plan, the Board may consult with appropriate local and state officials.

3. In instances in which a stormwater management plan is required, control of stormwater runoff flows for downstream flood control from all impervious surfaces shall be accomplished by limiting the post-development peak discharge rate from the subdivision so that it does not exceed the pre-development peak discharge rate from the site for a 2-year, 24-hour event. Additional control of treated stormwater (e.g., for 10- or 25-year or 100-year, 24 hour storm events) may be required if site specific considerations warrant the attenuation of larger storm events.

4. If a subdivision will result in changes in flow type, flow channel, increased stormwater discharge or flooding in areas not owned or controlled by the applicant, the applicant must secure appropriately-sized easements for all areas of flow or flooding on affected properties. Suitable land use restrictions will be included in easements to prevent any activity that may affect drainage across the area.

5. Areas exposed during construction shall be protected in accordance with standards of the Vermont Department of Environmental Conservation, the U.S. Department of Agriculture Natural Resource Conservation Service or other appropriate standards as approved by the Board. Permanent vegetation and erosion control measures shall be established according to a schedule as required by the Board. The Board also may require the phasing of construction to reduce the amount of land disturbed at any one time, and may stipulate deadlines for the installation of temporary and permanent erosion control or stabilization measures.

F. Open Space and Common Land

Subdivisions shall be designed to preserve open space areas for recreation and the preservation of natural and cultural resources. Common land shall be designed to achieve these objectives and to facilitate the maintenance of community facilities.

1. PRESERVATION OF OPEN SPACE: Provision shall be made for the preservation of open space. The location, size and shape of lands set aside to be preserved for open space shall be approved by the Board, in accordance with the following:
    a. Open space land shall include and provide for the protection of identified natural and cultural resources, recreation areas and facilities, including trails, and historic resources.
    b. The location, shape, size and character of the open space shall be suitable for its intended use. Open space should be in proportion to the size and scope of the project, and its intended use. However, the open space area indicated on the plat shall not exceed fifteen percent (15%) of the total area of the project.
    c. Open space land should, where feasible, be located so as to conform with and extend existing and potential open space lands on adjacent parcels.

2. CREATION OF COMMON LAND: The applicant shall propose appropriate ownership arrangements and/or covenants to title for the purpose of the preservation and maintenance of any designated natural and cultural resource, open space, and shared facilities. Common land includes but is not limited to stormwater control, recreation or community facilities, or recreation access, including river access and shoreline and road and trails rights of way. A prospectus shall be submitted by the applicant describing this organization, its financing and membership, which must meet the requirements of the Board.

3. FEE IN LIEU OF OPEN SPACE OR COMMON LAND: If the Board determines that such proposed open space or common land of adequate size cannot be suitably located in the proposed subdivision, the Board shall require as a condition to the approval of the Plat, a payment to the municipality of an amount to be determined by the City Council, not to exceed five percent (5%) of the fair market value of the total tract as of the time the application for Plat approval is filed. The payment shall be used by the municipality to serve the area in which the subdivision is located. Fees paid pursuant to this section shall be deposited in a special fund to be used for acquisition and development of park and recreational facilities.

G. Community Services and Facilities

1. MUNICIPAL FACILITIES AND SERVICES: The proposed subdivision shall not create an undue burden on municipal facilities and schools, or create an unreasonable demand for public services. The Board may require the phasing of development to coordinate the anticipated demand for municipal facilities and services with the planned provision of those

facilities and services, in accordance with a duly adopted capital budget and program and any impact fee program in effect. In determining whether a subdivision will place an undue burden on facilities, the Board may consult with the appropriate municipal official or board (e.g., city manager, school board, police chief, fire chief).

2. SCHOOL SITE DEDICATION: Where a subdivision will accommodate a total of more than one hundred dwellings, the Board may require the designation of necessary public school sites or a payment in lieu thereof. Prior to imposing a condition of school site dedication, the Board shall contact the Board of Directors of the school district(s) of which the municipality is a part. If a Board of Directors declares an interest in a site within the proposed subdivision, the Board shall require the applicant to set aside the site and to show such area on the Plat. If the Board determines that there is no interest in a school site or that a school site cannot be suitably located within the proposed subdivision, the Board may require as a condition to the approval of such plat payment to the municipality of an amount to be determined by the City Council. The payment shall be used by the municipality for the acquisition and development of school sites or capital improvements to school structures.

3. EMERGENCY SERVICE FACILITIES: Adequate water storage or distribution facilities for fire protection within the subdivision may be required to the satisfaction of the Board. Where required by the Board, fire hydrants, dry hydrants, or ponds shall be installed by the applicant. The Board may require documentation from the Vergennes Fire Department and/or other emergency service providers as to the adequacy of emergency access and fire protection facilities.

4. EMERGENCY ACCESS. The Board may require documentation from the Vergennes Fire Department or other appropriate municipal officials as to the adequacy of emergency access for fire, police, ambulance, or other services and fire protection facilities.

H. Protection of Natural and Cultural Resources

1. SUITABILITY OF LAND FOR SUBDIVISION: All land to be subdivided shall be, in the judgment of the Board, of such a character that it can be used for intended purpose(s), as stated in the application, without danger to public health or safety, the environment, neighboring properties, or the character of the area or district in which it is located. To this end, all applications for subdivision shall provide a detailed site analysis that identifies all natural and cultural resources described below, identifies the impact of the proposed subdivision on those resources, and sets forth the protection measures proposed to avoid or mitigate those impacts.

2. ESTABLISHMENT OF BUILDING ENVELOPES: All lots shall have a designated building envelope. Building envelopes shall be designated to identify and limit the location of principal and accessory structures, parking areas, and associated site development (excluding road and utility rights of way or easements) on one or more portions of a lot. The

size and shape of the building envelope shall at minimum be determined by district setback requirements unless otherwise specified in these regulations. In the event no building envelope is required, subsequent development on the subdivided lot shall comply with all applicable zoning standards. The Board may require the identification of specific building footprints if, in their judgment, such information is required to meet the standards set forth in these regulations. Where the Board deems it appropriate to do so for the purposes of this Section 903.H of these regulations, the Board may consider features of immediately adjacent properties that are relevant to the Board's evaluation of the proposed development envelope.

3. PROTECTION OF RESOURCES: Subdivision boundaries, lot layout and building envelopes shall be located and configured to avoid adverse impacts to and/or the fragmentation of natural and cultural resources. For the purposes of these regulations, natural and cultural resources shall include prime and statewide agricultural soils and other open farm fields; critical wildlife habitat; steep slopes between fifteen percent (15%) and twenty-five percent (25%); scenic features, historic and archaeological sites identified in the municipal plan; and prominent knolls and hills. Methods for avoiding such adverse impacts include but may not be limited to the following:
    a. Building sites shall be located to exclude these features. In the event that no other land is practical for development, the building envelopes and subsequent development shall be designed to encroach upon the identified feature to the minimum extent feasible.
    b. Applicants may be required to develop and maintain management plans and/or establish appropriate buffers to protect critical habitat areas.
    c. Roads, driveways and utilities shall be designed to avoid and/or prevent the fragmentation of identified features and minimize adverse visual impacts to the extent feasible.
    d. Identified features should be designated as open space.
    e. Historic features, including stone walls and cellar holes, should be preserved and integrated into the subdivision design (e.g., driveways may follow stone walls) to the extent practical.
    f. Buildings and associated building lots should be clustered to avoid fragmentation of or negatively impact natural areas and other significant resources (e.g., productive farmland, forests, scenic views).

ARTICLE X: PLANNED UNIT DEVELOPMENT

Section 1001. Establishment

Pursuant to § 4417 of the Act, Planned Unit Development (PUD) shall be established to provide relief from the strict dimensional standards for individual lots in these regulations in order to encourage innovation in design and layout, efficient use of land, the viability of infill development and re-development in the city and to preserve important natural and cultural resources.

Section 1002. Purpose

The purpose of providing PUD provisions is to:

1. 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 regulations;
2. Facilitate the adequate and economical provision of streets, city services and utilities;
3. Preserve the natural and scenic qualities of open lands in the city;
4. Provide for a variety of housing types;
5. Provide a method of development for existing parcels which because of physical, topographical, or geological conditions could not otherwise be developed; and
6. Encourage and achieve opportunities for energy-efficient development and redevelopment.

PUD is not intended to be used solely as a mechanism to circumvent the non-PUD standards of the zoning and subdivision regulations.

Section 1003. Applicability

1. PUD provisions may be applied to any parcel to be subdivided at the request of the applicant, but shall be a minimum of two residential or non-residential structures, not including accessory structures.

2. PUD shall only be allowed in districts that permit such development, as established in Article XVI.

Section 1004. Coordination with Other Review Processes

1. Applications for PUD shall be reviewed simultaneously with application for subdivision review.

2. Approval for a PUD that involves the development of one or more conditional uses will not exempt the project from conditional use review. The applicant may request that the conditional use or any other applicable review be done concurrently with the PUD review.

Section 1005. Application Requirements

In addition to the information required for site plan and/or subdivision review, applications for PUD must include the following:

1. A statement setting forth the nature of all proposed modifications, changes, or supplementations to existing zoning regulations and the standards and criteria which the applicant proposes for the development, including 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.

2. A brief summary of the project and how it meets the standards of this section as well as all other applicable regulations including specific PUD standards established for the zoning district where the development shall occur.

3. A description of any deed covenants, homeowner's association articles and bylaws, and maintenance or management plans.

4. In instances in which an applicant proposes development of a portion of a larger parcel, or development of a parcel contiguous to another parcel(s) in common or affiliated ownership, a general indication of the intended use of the remaining (undeveloped) portion of the land.

5. Any additional information required by the Board to determine whether the proposed mix of uses, density and scale and intensity of uses will meet the standards of these regulations.

Section 1006. General Standards

In addition to all applicable subdivision and/or conditional use standards, a PUD must meet the following:

A. Allowed Uses
A PUD may include any use allowed within the district(s) in which it is located, including a mix of residential and nonresidential development, and associated accessory structures and uses. Any type of dwelling structure shall be permitted at the discretion of the Development Review Board, including one-family, two-family, or multiple-family construction, and may be attached or detached, except no dwelling units shall be allowed in zoning districts where residential uses are prohibited. One-family dwellings shall be the only type of residential use allowed in the Agricultural and Rural Residential Overlay PUD District.

B. Dimensional Requirements
The Board may modify the dimensional requirements of the district in which the project is located, except that the minimum setbacks required for the district shall apply to the periphery of the project.

C. Density
The overall density of the project shall not exceed the density standards and all other standards for the district(s) in which the land is situated, except where specifically provided for in Section 1006.D below. The Board may allow a greater concentration of density or intensity of development within some portion(s) of the site provided there is an offset by a lesser concentration in another portion(s) or an appropriate reservation of open space on the remaining land in accordance with Section 1006.H below.

D. Density Bonus
In any district where a PUD is allowed:

1. The Development Review Board may grant a density bonus for the development of elderly housing, housing for people with disabilities, or affordable housing units. Calculation of the allowed density increase shall be based on the maximum allowable overall density of the project as defined by the district in which the project is located. Accessory dwellings shall not be counted when calculating the total number of units. All elderly housing, housing for people with disabilities, or affordable housing units shall be protected in perpetuity through deed restrictions, covenants, or other accepted legal mechanisms.

    a. A density bonus of up to twenty-five percent (25%) shall be granted for PUDs with any number of applicable units.
    b. A density bonus of up to fifty percent (50%) shall be granted for PUDs with **all** applicable units.

2. A density bonus may be granted by the Development Review Board for Leadership in Energy and Environmental Design (LEED) certified projects that meet the following criteria:

    a. LEED Certified – bonus of up to ten percent (10%) of the total number of residential units proposed;
    b. LEED Silver – bonus of up to twenty (20%) of the total number of residential units proposed;
    c. LEED Gold – bonus of up to forty percent (40%) of the total number of residential units proposed; and,
    d. LEED Platinum – bonus of up to fifty percent (50%) of the total number of residential units proposed.

LEED - is an internationally recognized green building certification system, developed and administered by the U.S. Green Building Council, a Washington D.C.-based, nonprofit coalition of building industry leaders, providing third-party verification that a building was designed and built using strategies intended to improve performance in metrics such as energy savings, water efficiency, CO_2 emissions reduction, improved indoor environmental quality, and stewardship of resources and sensitivity to their impacts.

3. Density bonuses may not be combined with any other density bonus (i.e., A PUD receiving a density bonus for LEED certification may not also receive the twenty-five (25%) bonus in Section 1006.D.1, and vice versa).

E. 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.

F. Development Pattern

The desired development pattern shall reflect the following concepts:

1. The logical extension of traditional development patterns outward from the city's historic center;
2. A mix of housing styles;
3. A pedestrian orientation and scale of development;
4. Pedestrian connections within the PUD such as mid-block walkways, as well as connections to adjacent properties and the downtown;
5. A street network characterized by well-defined streetscapes characteristic of the city's historic neighborhoods; and
6. The provision of formal open space such as a green, sports fields, or playgrounds, that serve as an organizing feature within the neighborhood.

G. 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 ten percent (10%). 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 multiple-family dwellings and non-residential uses shall be located to the side and rear of the building.

H. Open Space

A PUD shall make adequate provision for the protection of open space and common land. In determining the appropriateness of the open space and common land, the applicant and the Board shall consider the location, shape, size, and character of the designated open space and common land relative to the size, density, topography, and the number and type of units proposed in the PUD. Designated open space should encompass land characterized by fragile or significant natural features, wildlife habitat, slopes in excess of twenty percent (20%), buffers, path and trail corridors, access corridors, views and vistas, and productive farm land. In addition to the designated open

space, a PUD shall incorporate one or more areas of common land, 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 landowners and/or third parties approved by the Development Review Board. Designated open space shall be indicated with appropriate notation on the final plat.

I. Setbacks from Water
Structures shall be setback a minimum of 100 feet from all natural bodies of water.

J. Energy Efficiency
Energy efficiency shall be encouraged in the design and construction of a PUD, 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.

K. Adequate Services
Adequate water supply and sewage disposal facilities shall be provided.

L. Ownership
A PUD may include one or more lots in single ownership, or lots in separate and unaffiliated ownership.

M. Certificate of Occupancy
A PUD may require one or more certificates of occupancy as a condition of approval.

N. Phasing
When the Board deems applicable, the development plan shall specify reasonable periods within which development of each phase of the PUD may be started and shall be completed to ensure that adequate municipal facilities and services may be provided.

O. Conformance with the Municipal 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 1007. PUD on Two or More Parcels

Two or more contiguous or non-contiguous parcels may be combined for review as a PUD. For such PUD that incorporate residential uses, the allowed number of dwelling units on one parcel may be increased as long as the overall number of units for the combined parcels does not exceed that which,

in the Board's judgment, should be allowed if the land were subdivided into lots in conformance with these regulations.

Section 1008. PUD in Two or More Districts

In the event that a parcel involved in a single PUD is located in two or more zoning districts, the total allowable density shall be calculated based on the dimensional standards for each district established in Article XVI, and the total acreage of each portion of the parcel located within the respective district.

ARTICLE XI: LOCAL ACT 250 REVIEW

Section 1101. Establishment

Pursuant to § 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 1102. 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 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 Development Review 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 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 1103. 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 XII: PARKING, LOADING, AND DRIVEWAYS

Section 1201. General

The following parking, loading, and driveway 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 1202. Off-Street Parking Requirements

For all land developments hereafter approved, off-street parking spaces shall be provided as set forth below. Exceptions may be made by the Development Review Board as outlined in Section 1204.1 of these regulations. The requirements for off-street parking are:

1. Residential uses: one-family and two-family dwelling units - two (2) parking spaces for every unit; multiple-family dwelling units - four (4) parking spaces for every three (3) units; professional residence-office - a minimum of one (1) additional parking space.

2. Hotel, motel, tourist home, boarding house - one (1) space for every guestroom.

3. Nursing home, hospital - one (1) space for every two beds.

4. Places of public assembly - every portion of a 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 (1) parking space shall be provided for every four (4) patrons or every three hundred (300) square feet of floor space, whichever is more.

5. Retail and commercial uses - one (1) parking space for every three hundred (300) square feet of floor area.

6. Restaurant, eating and drinking establishments - one (1) parking space for every four (4) patrons as determined by the capacity of the establishment according to State regulations.

7. Industrial, wholesale, warehouse, storage, freight and trucking uses – one (1) parking space for every motor vehicle used in the business, one parking space for every two (2) employees.

8. Outdoor recreation and unspecified uses - as required by the Development Review Board.

9. Office uses - one (1) parking space for every three hundred (300) square feet of floor area.

Section 1203. 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 (1) off-street loading space for every seven thousand five hundred (7,500) square feet of floor area.

Section 1204. 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 seven hundred fifty (750) feet walking distance of an entrance to the principal building.

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 of day, 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 (25) feet to the property line abutting the residential district and the spaces shall be suitably screened and landscaped. Parking or loading spaces may receive a waiver from this required setback if all of the following conditions are met:
   a. Approval from the Development Review Board pursuant to Section 503 of these regulations for public notice and Article V for public hearing procedures.
   b. 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.
   c. The parking or loading spaces do not create an undue adverse impact on the abutting neighbors and is designed with screening or other remedies to limit undue impacts.

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 allowed by the Development Review Board.

Section 1205. Location and Dimensions of Driveways

All newly constructed driveways are to be located at least thirty (30) feet from the intersection of two (2) street lines for all uses except one-family and two-family residential uses. To provide for fire and ambulance access, driveways shall be constructed and maintained with an unobstructed corridor at least twelve (12) feet in width, twenty (20) feet in length and vertical clearance of fourteen (14) feet. No driveway shall be wider than is reasonably necessary to safely accommodate traffic passing over it and in no event wider than twenty-two (22) feet unless approved or required by the Development Review Board.

Section 1206. Open Storage in Residential Districts

Vans and trucks of more than two (2) tons carrying capacity must be stored in an enclosed garage in any residential district.

1. Any non-standard motor vehicles, such as drag racing and stock racing cars must be stored in an enclosed garage in any residential district.
2. Unregistered motor vehicles must be stored in an enclosed garage in any district unless in accordance with subsection 3.
3. Open air storage of unregistered motor vehicles is allowed for the following uses: Motor Vehicle Service Station and Motor Vehicle Sales.

ARTICLE XIII: SIGNS

Section 1301. Sign Permit and Application

1. No sign shall be erected, relocated or changed, unless the zoning administrator has issued a permit in accordance with the provisions of these regulations.

2. Prior to the erection, relocation or alteration of any sign, the applicant shall file with the zoning administrator an application in writing for a permit to erect such sign which shall include detailed plans and specifications, including sign colors and lighting details, and any other information the zoning administrator may require.

3. Every applicant shall submit a payment for permit fees at the time of application in accordance with the schedule of fees adopted by resolution of the City Council, and as amended from time to time.

Section 1302. Exempt Signs

The following signs shall be exempt from the requirements of these regulations:

1. Temporary exterior signs displayed to advertise specific on-site sales or promotions. Such signs shall not be displayed for more than ten (10) days in advance of the sale or promotion and must be removed immediately after such sale or promotion. Signs displayed for more than thirty (30) consecutive days or for more than two (2) of the same sale or promotion in a year shall be considered as permanent signs, and shall be subject to this Article.

2. Informational signs identifying or directing the public to entrance, exit, office, rest rooms, etc., and not relating to specific products or services, provided the following conditions are met in the following districts:

    a. AGR, MDR, HDR, HN, CBD, OCBD, and R/LBD: Such signs shall be in letters no more than four (4) inches in height. The total square footage of each informational sign shall not be greater than two (2) square feet.
    b. NGD, C, IND, and PUB: Such signs shall be in letters no more than eighteen (18) inches in height. The total square footage of each informational sign shall not be greater than twelve (12) square feet.

3. One temporary real estate sign not exceeding six (6) square feet.

4. Signs necessary for public service or welfare.

5. Legal notices, identification, informational, warning or directional signs displayed in accordance with governmental regulations or requirements.

6. Federal, state and municipal warning, regulatory and guide signs.

7. Government flags or government insignias displayed on flag poles and not used as wall or window signs.

8. Integral decorative or architectural features of buildings, memorial signs or tablets denoting the names of buildings and dates of erection when cut into masonry or constructed in durable, non-flammable materials and attached flush to the wall and not exceeding six (6) square feet in total.

9. One on-premise sign not exceeding four (4) square feet in area advertising "garage sale," "tag sale," "yard sale," or other temporary sale of the like. Such signs may be displayed for a period of up to two (2) days in advance of the sale and removed after the completion of the sale.

10. Decorative murals that do not contain any business, advertising or product references and do not have the intent or visual effect of increasing the area of a sign.

Section 1303. Prohibited Signs

1. Flashing signs, roof signs, or signs containing reflective elements that sparkle or otherwise reflect sunlight. This prohibition shall not include traditional rotating barber poles. Signs that indicate the current time and/or temperature are also allowed provided they meet all other provisions of these regulations.

2. Signs that include the words "stop", "caution," or "danger," or that incorporate red, amber, or green lights which resemble traffic lights, or that resemble "stop," "yield," or other similar traffic control signs in shape and color, except that Federal, State and municipal traffic, regulatory, and informational signs are exempt from this requirement.

3. Signs resembling a public street sign placed on public or private property in a manner to cause a driver to think the sign depicts a public street.

4. Signs affixed to a fence, utility pole or utility structure, or to a tree, shrub, rock or other natural object.

5. Signs erected on a gasoline station canopy, except that the logo of a single product line may be erected that does not occupy more than one-quarter the area of a single side border of the gasoline station canopy. Such canopy signs shall be included in the total sign area of the lot.

6. Internally illuminated signs in residential districts.

7. Mobile signs or motor vehicles on which is placed or painted a sign parked or positioned in a manner primarily intended to display the sign, except for those allowed under Section 1302.1 of these regulations.

8. Off-premise signs except as allowed in Section 1306.I.

9. Advertising billboards.

10. Sandwich board signs except as allowed in Section 1306.I.

Section 1304. Pre-existing and Non-conforming Signs

A non-conforming pre-existing sign is a sign lawfully existing at the time of adoption of these regulations but does not conform to the provisions of these regulations. Any non-conforming sign shall remain in place until removed, resurfaced, redesigned or altered in any way, other than for ordinary maintenance, except to conform to the requirements of these regulations. All replacement or new signs shall comply with these regulations in all respects, and all existing signs (including non-conforming signs) that are altered (including any change in text, logo, color, etc.), resurfaced or relocated shall comply with these regulations in all respects.

Section 1305. General Requirements

All signs shall be subject to the following:

1. Be in the public interest and not to the detriment of the public safety.

2. Not be detrimental to surrounding properties (e.g., undue glare, undermine neighborhood character, poor maintenance).

3. Signs shall be subordinate to the architecture and overall character of the district. Signs shall complement the architectural character, proportions, materials, colors, lighting and other details of the building and surrounding structures.

4. All construction, fixtures, wiring and installations shall conform to all applicable State and National fire prevention, building and electrical codes.

5. All construction and installation shall be of high quality, durable materials and methods able to withstand all predictable environmental conditions and withstand a wind pressure load of at least thirty (30) pounds per square foot. Break-away standards and posts are allowed if of substantial and sturdy construction.

6. 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.

7. No sign, flag, banner or similar display shall physically or visually impede vehicular or pedestrian traffic by design, illumination, color or placement. All signs shall have sufficient clearance so as to provide clear and unobstructed visibility for vehicles entering and leaving the public right of way and, if illuminated, the light shall not be directed toward any public roadway or adjacent use.

8. All signs shall be setback no less than five (5) feet from the edge of the public right of way.

9. For all corner lots in all districts, no sign shall obstruct vision between the height of three (3) feet and ten (10) 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 (25) feet away from their intersection.

10. No sign shall be erected that obstructs free entrance and exit from a required door, window or fire escape, or which obstructs light, air or interferes with the proper functioning of the building.

11. Signs shall not project above the roof, parapet or exterior wall. No sign shall cover architectural details such as, but not limited to, arches, sills, moldings, cornices and transom windows.

12. Monument or pole mounted signs shall be integrated with landscaped areas.

13. Signs associated with a business must be removed within ninety (90) days upon business closure, 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.

14. No changes in wording or physical appearance of an existing sign shall 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.

15. 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.

16. 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.

17. The Development Review Board may proclaim an existing sign as a landmark sign (e.g., Kennedy Brother's chimney sign, Park Squeeze projecting neon 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 of these regulations for public notice. When designating a landmark sign the Development Review Board shall consider the cultural, historical, and community significance of the existing sign.

Section 1306. Standards for Specific Sign Types

A. Wall signs shall:

1. Not project more than fifteen (15) inches from the building wall.

2. Not extend higher than the top of the roof or parapet of the principal building.

3. Not exceed ten percent (10%) of the area of the principal public façade of the building or one hundred (100) square feet in area, whichever is smaller. In a multiple-tenant building, the individual tenant's storefront area shall be used to calculate percent of the area.

4. Not exceed two (2) signs per tenant.

5. Not exceed the sum total of sign area when two (2) or more wall signs are affixed to a wall.

B. Projecting signs shall:

1. Not extend beyond the curb.

2. Not extend more than five (5) feet from the building wall.

3. Be a minimum of seven (7) feet above the surface of a public walkway to allow for adequate pedestrian clearance.

4. Not exceed twelve (12) square feet in area.

C. Freestanding or Ground signs shall:

1. Not exceed twenty (20) feet in height above the existing grade.

2. Be set back at least five (5) feet from any street line, and at least ten (10) feet from any other lot line.

3. Not exceed forty (40) square feet in area.

4. Not have more than two (2) sides if over six (6) feet in height.

D. Roof signs shall:

1. Not be allowed in any Zoning District.

E. Construction signs shall:

1. Not exceed thirty-two (32) square feet in total area.

2. Not exceed one (1) sign per premises.

3. Be set back at least ten (10) feet from the right of way.

4. Employ temporary methods of installation and may be maintained on the property for the term of construction, and not more than two (2) weeks following the completion of construction.

F. Professional residence-office or home occupation signs shall:

1. Not exceed a total size of four (4) square feet.

G. Banner, flag or pennant signs for daily or long-term use shall:

1. Not exceed fifteen (15) square feet in area per flag/banner.

2. Not exceed six (6) square feet for a flag/banner that displays a business name, emblem, or logo, except in the Central Business District where such is prohibited.

3. Governmental flags displayed properly may be allowed but shall not exceed three (3) per tenant. Please refer to the United States Flag Code Title 36 Chapter 10 for proper display procedures.

H. Awning signs shall:

1. Be applied directly to the surface of the awning, and shall not extend beyond the limits of the awning cover or be attached to the underside.

2. Be a minimum of seven (7) feet above the surface of a walkway to allow for adequate pedestrian clearance.

3. Be considered part of the total allowable sign area and shall not exceed twenty percent (20%) of the awning surface area.

4. Not be internally illuminated or neon.

I. Sandwich board signs shall:

1. Be permitted in these locations as long as they:

    a. do not obstruct or interfere with pedestrian travel and sidewalk functions
    b. do not create a pedestrian or vehicular safety hazard

Section 1307. District Standards

A. AGR, MDR, HDR, HN, R/LBD

1. One (1) professional residence-office or home occupation business sign, not exceeding four square feet.

2. One (1) sign not exceeding a total of twelve (12) square feet at or near the primary entrance to, and identifying, a residential development.

3. One (1) business sign not exceeding a total of twelve (12) square feet identifying any non-residential building or use allowed in residential districts.

B. CBD and OCBD

1. A maximum of two (2) business signs per establishment.

2. One (1) directory sign not exceeding ten (10) square feet in area and letters/characters not exceeding four (4) inches in height, provided more than one (1) business is located within the principal building(s).

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

4. The total square footage of all signs on a lot shall not exceed one (1) 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 (2) business signs totaling no more than twelve (12) square feet.

C. NGD, C, IND, and PUB

1. A maximum of two (2) business signs per establishment.

2. One (1) directory sign not exceeding twenty (20) square feet in area and letters/characters not exceeding eight (8) inches in height, provided more than one (1) business is located within the principal building(s).

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

4. The total square footage of all signs on a lot shall not exceed one (1) 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 (1) business sign totaling no more than six (6) square feet.

Section 1308. Computation of Permissible Sign Area

When computing the total permissible sign area for any lot:

1. Existing signs shall be included.

2. All awning signs, banners, flags, pennants, free-standing or ground signs, projecting signs, wall signs or other similar lettering or graphic displays shall be included in the total allowable sign area.

3. The total area of all exterior signs on a lot shall not exceed the requirements as set forth in these regulations.

4. Sign area shall be quantified as square feet and be calculated upon the entire area of the sign panel, with a single continuous perimeter enclosing the extreme limits of the sign panel surface. The area of the supporting framework shall not be included in the area if such framework is incidental to the display and does not bear any copy or graphics.

5. 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, circle, or simple geometric shape 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.

6. Only the larger face area of a double-faced sign shall be used.

7. Back-to-back signs shall be counted as one (1) sign.

8. The height of any sign shall be measured from the median ground level of the lot frontage to the highest point of the sign or supporting framework.

Section 1309. Sign Lighting

1. All external signs and external illuminated signs shall only be lit during hours of commercial or organizational operation for the associated use, except sign lights or illuminated signs necessary for the purposes of public safety.

2. External lighting shall be designed and aimed to provide illumination of the sign face(s) only and shall be directed downward and shielded to limit light spill, glare or trespass beyond the sign face(s). Bare bulbs and direct light shall not be visible. If signs need to be lit from below, lights shall be fully shielded and mounted as close to the sign base as possible.

3. Only white or off-white light of a constant intensity shall be allowed as the primary light source for any sign.

4. Internal illumination shall be allowed only as white or off-white graphics on an opaque dark colored background or as white or off-white halo lighting. The lettering of such internally lit signs shall not exceed thirty percent (30%) of the surface area of the sign, and there shall be minimal, if any, translucence of the opaque background material.

5. The average level of illumination of a sign face shall not exceed 3.0 foot-candles and the uniformity ratio shall not exceed 2:1 (average: minimum), which means that the average foot candle illumination, or brightness, of the sign face will not exceed two times that of the minimum foot candle illumination on the sign face. The zoning administrator may require the applicant to submit a photometric analysis, which delineates light levels and uniformity ratios. The zoning administrator may also require a test of foot candle illumination, if necessary, on a constructed sign using a light meter, to ensure a sign light does not exceed allowable illumination levels and does not result in light trespass.

All electrical boxes and transformers shall be integrated into the sign and/or support structure design or shall be otherwise screened to minimize the visual impact of such electrical components.

ARTICLE XIV: GENERAL REGULATIONS

Section 1401. 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 regulations.

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 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 1401.7 shall apply.
    c. When the intent of the owner to discontinue the use is apparent. Any one of the following may constitute prima facie evidence of a property owner's intent to abandon a use voluntarily:
        i. failure to take necessary steps within six (6) months to resume the nonconforming use with reasonable dispatch in any circumstances, including without limitation failing to advertise the property for sale, rent, lease, or use,
        ii. discontinuance of the use for six (6) months, or for a total of eighteen (18) months during any three-year period, or
        iii. in the case where the nonconforming use is of land only, discontinuance of the use for 120 consecutive days or for a total of six (6) months during a one-year period.

5. When a nonconforming use has been discontinued for nine consecutive months or more, or as outlined in Section 1401.4.c, 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 thirty (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 thirty (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 newspaper of general circulation in Vergennes for a period of fourteen (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 (9) months of such damage, and the completion of construction and restoration of such structure within one (1) year from the date of such commencement. If commencement of construction does not occur within nine (9) 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 1402. Nonconforming Structures

Nothing in this section shall be deemed to prevent the normal maintenance, repair, or structural alteration of a nonconforming structure 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 1403. 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 existing uses meet the standards. The zoning administrator shall decide whether existing uses meet the standards.

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

1. Noise. Between the hours of 6am and 9pm, no persistent noise shall exceed 70 decibels. Between the hours of 9pm and 6am, no persistent noise shall exceed 60 decibels.

2. Fly Ash, Dust, Fumes, Vapors, Gases, Other Forms of Air Pollution. No emission shall be allowed which can cause any damage to human health, animals, vegetation or other forms of property, or which can cause any excessive soiling at any point on the property of others, and in no event may any emission from any chimney, or otherwise, of any solid or liquid particles in concentrations exceed those outlined in the National Ambient Air Quality Standards (NAAQS) established by the U.S. Environmental Protection Agency (EPA). For measurement of the amount of particles in gases resulting from combustion, standard corrections shall be applied to stack temperature of 500 degrees Fahrenheit and fifty percent (50%) excess air.

3. Smoke. No emission shall be allowed at any point, from any chimney or otherwise, of visible gray smoke of a shade equal to or darker than Ringelmann Chart No. 2, except that visible gray smoke of a shade equal to No. 2 on said chart may be emitted for four (4) minutes in any thirty (30) minutes. These provisions applicable to visible gray smoke shall also apply to visible smoke of a different color but with an apparently equivalent opacity. Wood or coal burning for residential heating uses is accepted.

4. Odor. The emission of odorous gases or other odorous matter from any property in such concentrations as to be readily detectable at any point along the boundaries of said property or in such concentrations as to create a public nuisance or hazard beyond such boundaries is prohibited. Any process which may involve the creation or emission of any odors shall be provided with a secondary safeguard system, so that control will be maintained if the primary safeguard system should fail. There is established as a guide in determining such quantities of offensive odors, Table III, "Odor Thresholds," in Chapter 5, "Air Pollution Abatement Manual," by Manufacturing Chemists Association, Inc., Washington, D.C.

5. Vibration. No vibration shall be produced which is transmitted through the ground and is discernible without the aid of instrument at or beyond the lot lines; nor shall any vibration produced exceed 0.002g (g=acceleration of gravity) peak at up to 60 cycles per second (cps) frequency, measured at or beyond the lot line using either seismic or electronic vibration measuring equipment. Vibrations occurring at higher than 50 cps frequency or periodic vibrations shall not induce accelerations exceeding .001 g. Single impulse periodic vibrations occurring at an average interval greater than five (5) minutes shall not induce accelerations exceeding .01g.

6. Lighting and glare. No light, lumen, glare or reflection shall constitute a nuisance to other property owners or tenants, impair the vision of motor vehicle operators, or otherwise be detrimental to public health, safety and welfare. No direct or off-site glare shall be permitted from sign lighting or building mounted lighting. All site lighting shall include shielding so as to eliminate exposure or visibility of the luminary/lighting fixture itself. Pole mounted lighting fixtures for parking lots, walkways and other outdoor uses shall be shielded and

employ cut-off type luminaries to direct light downward to the surface and area to be lit rather than outward, creating unnecessary light spill or night sky impacts. Where applicable house side shielding shall be employed. Heights for pole-mounted fixtures shall not exceed twenty-five (25) feet in height for high intensity use areas such as shopping centers and industrial sites and twenty (20) feet for all other applications.

It is recommended that security lighting employ motion sensor activation and not exceed 1.0 foot-candle illumination levels on the ground.

Standards for lighting intensity and uniformity ratios [1] by type of application/use:

Lighting purpose	**Average foot-candle range**	**Minimum foot-candles**	**Uniformity Ratio**
Parking Lots	0.6 to 2.4 foot-candles	0.3	4:1
Signs Externally Lit	1.5 to 3.0	1.0	2:1
Walkways/Bikepaths	0.3 to 0.5	0.1	NA
Convenience and Gas Station Canopies	No to exceed 20 foot-candles		NA
Other Uses	Follow IESNA Guidelines [2]		

[1] The uniformity level is defined as the ratio of the average level of illumination to the minimum level of lighting as measured in foot-candles. Uniformity levels can be established through the use of photometric plans, which provide the illuminance or lighting intensity levels for those areas on a site to be lit.
[2] Illuminating Engineering Society of North America: Lighting Handbook: Reference and Application, Ninth Edition M.S. Rea, IESNA, New York 2000.

7. Fire and explosion hazards. All activities involving, and all storage of, inflammable and explosive materials shall proceed with, and be provided with, adequate safety devices against the hazards of fire and explosion, and such adequate fire-fighting and fire suppression equipment and devices as are standard in the industry.

8. Liquid or solid. No discharge shall 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 1404. 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 1405. 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 (2) feet horizontal.

Section 1406. Required Frontage on or Access to Public Roads or Waters

In accordance with § 4412(3) of the Act, no land development shall be allowed on lots, which do not have frontage either on a public road or public waters. 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 X.

Existing lots established prior to October 23, 1973 that do not have the required frontage but have the minimum access requirement of at least twenty feet in width 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 1407. 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 structures shall not be eligible for a height waiver except where allowed in 1407.2.
2. Vertical projections from buildings such as spires, cupolas and antennae shall be eligible for a waiver.
3. Freestanding 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, including viewscapes.
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 these regulations and the municipal plan.

Section 1408. 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 allowed 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 (1/10) acre in area with a minimum width or depth dimension of forty (40) 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 allowed 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 one-family dwelling, one unattached accessory dwelling unit may be allowed after conditional use review 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.

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 1409. 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 312 of these regulations, shall be considered part of a structure for purposes of calculating yards in Section 1409.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 1410. Calculating Coverage

In determining the percentage of coverage of a lot, all structures whether permitted or exempted shall be included.

Section 1411. Obstruction of Vision

For all corner lots in all districts, there shall be no obstruction to vision between the height of three (3) feet and ten (10) feet above the average grade of each street within the triangular area formed by the intersection of two (2) street property lines and a third line joining them at points twenty-five (25) feet away from their intersection.

Section 1412. Uses Not Allowed

In all districts, the following uses are not allowed: 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 1413. 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 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. Small trash receptacles intended for use by households or the public (i.e., smaller than 1.5 cubic yards) shall not be required to be fenced or screened.

ARTICLE XV: SPECIFIC REGULATIONS

Section 1501. Accessory Structures

A. General Provisions
In all districts, applications for accessory 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 regulations and shall require all applicable permits and approvals.
2. Accessory structures shall not exceed the footprint of the principal building on the lot.
3. Accessory dwellings shall be subject to Section 402 of these regulations.
4. Minor accessory structures may be exempted from the permit process pursuant to Section 312 of these regulations.
5. All accessory structures in a planned unit development shall require conditional use review.
6. No portion of a detached accessory structure 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 of these regulations 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 twelve (12) feet high and an area of one hundred twenty (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 regulations.
5. The side and rear yard setbacks for an accessory structure may be reduced so that it 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 five (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 of these regulations 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 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 1502. Temporary Storage Structures

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

Section 1503. Temporary Structures and Uses During Construction

Temporary permits may be issued by the zoning administrator for a period not exceeding one (1) 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 (1) year.

Section 1504. Swimming Pools

Pools for swimming, including aboveground pools, shall require a zoning permit. Temporary pools that are disassembled every year shall not require a zoning permit.

Section 1505. Agricultural Stands

Stands for the sale of agricultural products raised on the property may be erected for up to 90 days in any district without the need for a zoning permit provided that the stands shall not obstruct vehicular or pedestrian traffic.

Section 1506. 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 (1) month in a calendar year, the trailer or motor home shall be parked completely behind the front building line and no closer than six (6) feet to any lot line.

4. In any residential district, one camper trailer or motor home that is parked on a lot containing a one-family dwelling may be connected to utilities and used as living quarters under the following conditions:
    a. The camper trailer or motor home shall not be so occupied longer than an aggregate of one month over a calendar year.
    b. No more than one camper trailer or motor home shall be occupied on any such lot.

Section 1507. Motor Vehicle Service Stations

Motor vehicle service stations shall comply with the following:

1. A motor vehicle service station lot shall not be located within three hundred (300) feet of any lot occupied by a school or hospital.

2. Lot size shall be at least fifteen thousand (15,000) feet.

3. Lot frontage shall be at least one hundred fifty (150) feet.

4. Lot depth shall be at least one hundred (100) feet.

5. Pumps, lubricating and other service devices shall be located at least twenty (20) feet from any lot line.

6. The maximum width of each access driveway shall be forty (40) feet.

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

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

9. A curbed landscaped area shall be maintained at least five (5) feet in depth along all street frontage not used as driveway.

Section 1508. Small Off-Grid Wind Energy Systems

Small off-grid wind energy systems are allowed in any district as an accessory use subject to certain requirements as set forth below.

1. A zoning permit and if applicable a height waiver under Section 1407 shall be obtained before the system may be constructed or erected.

2. Small off-grid wind energy systems are prohibited for lots under one half (1/2) acre.

3. For properties between one half (1/2) acre and one (1) acre in size, the total height of the system (including tower and turbine blades) may be up to eighty (80) feet. For properties one (1) acre or more in size, the total height of the system (including tower and turbine blades) shall not be more than one hundred fifty (150) feet.

4. The tower base shall be set back a distance equal to or greater than the total height of the system (including blade, rotor, or other vertical elements) from property lines, public road rights of way, and overhead utility lines that provide service beyond the subject property. Guy wire anchors and other accessory elements may extend to the setback for the zoning district in which it is located.

5. The system shall comply with all required state and federal codes and regulations, including the FAA Regulations and the National Electrical Code. The manufacturer frequently supplies this information.

6. The system shall not be illuminated.

7. The system shall conform to the performance standards in Section 1403 of these regulations. The noise level, however, may be exceeded during short-term events such as utility outages and/or severe windstorms.

8. The system shall 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.

9. The system shall be considered abandoned if it is out-of-service or otherwise unused for a continuous 1-year period. This 1-year period may be extended by the zoning administrator if

evidence is provided to demonstrate that repairs or maintenance is actively underway, or if an insurance claim for damage to the system has not been settled. If the system is determined to be abandoned, the zoning administrator shall notify the owner in writing, and the owner shall take the system down within 3 months of this notification.

Note: Pursuant to § 4413(b) of the Act, all net-metered wind energy systems regardless of size are specifically exempted from municipal land use regulations and are regulated by the Vermont Public Service Board under 30 V.S.A. § 248.

Section 1509. Emergency Services

Emergency response services such as rescue squads and fire stations shall be subject to conditional use review in all districts.

Section 1510. Formula Business

1. "Off the shelf" standardized franchise architecture is not allowed in Vergennes.

2. Buildings shall be designed so that facades, signs, and other appurtenances will have an integrated, harmonious and attractively arranged appearance, and in a size and manner, which will not adversely affect the appearance of surrounding developments and the character of the area as defined in the municipal plan and these regulations.

3. The Board may require adjustments to the extent, size or scale of the color scheme, trademark, service, mark, signage and décor used throughout the exterior of the establishment to mitigate contrasting color schemes and harmonize the color scheme, trademark, service mark, signage and décor with the surrounding character of the area.

4. An applicant for a formula business may also be required to prepare and submit an economic impact analysis, which shall demonstrate that the project will not have an undue adverse impact on the continued use, development, and vitality of other businesses within the City of Vergennes.

FORMULA BUSINESS: A retail store, restaurant, hotel or other establishment that stands alone as a principal use or with another use as an accessory use, and which is required by contractual or other arrangements to maintain any one or more of the following standardized features that causes it to be substantially identical to 30 or more other businesses located within the United States, regardless of the ownership of those businesses: name; if food is served, menu, ingredients, uniforms; trademark; logo; symbol; architectural design; signage; color scheme; merchandise, or any other similar standardized features.

Section 1511. Garages

Attached or detached garages and other accessory structures shall not be the dominant feature viewed from the street. Front-loading (entrance facing the street) garages shall not comprise more than forty percent (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.

ARTICLE XVI: ZONING DISTRICT REGULATIONS

Section 1601. Establishment of Zoning Districts

Pursuant to § 4414(1) of the Act, the City of Vergennes is hereby divided into the following zoning districts as shown on the zoning map:

AGR	Agricultural and Rural Residential District
HN	Historic Neighborhood District
MDR	Medium Density Residential District
HDR	High Density Residential District
RLB	Residential/Limited Business District
COM	Commercial District
CBD	Central Business District
OCB	Otter Creek Basin District
IND	Industrial District
PUB	Public District
NG	Northern Gateway District
LDR	Low Density Residential District
AO	Archaeological Overlay District
FHO	Flood Hazard Overlay District

Permitted uses of land and structures within Vergennes, and uses permitted subject to conditional use review, are established for each zoning district in Sections 1603-1616 of these regulations. Some uses not listed in the districts below may still be allowed under specific conditions established within other Articles in these regulations.

Special regulations for development review procedures in the Flood Hazard Overlay District are established in Section 1616 of these regulations. For uses and structures exempt from these regulations, see Section 312 of these regulations. 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 of these regulations.

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. Agricultural and Rural Residential District "AGR"

A. Definition/Purpose

The purpose of the Agricultural and Rural Residential District (AGR) is to preserve and maintain the rural character of open lands and to protect and promote viable agriculture, important scenic vistas and landscapes, open spaces, passive recreational values and other natural, cultural and environmental resources.

B. Permitted Uses*

1. One-Family Dwelling

* Agricultural uses are not listed because they are exempted from these regulations, see Section 312.

C. Conditional Uses

1. Animal Facility.
2. Adaptive use of structures existing on October 3, 1973, limited to the following:
    a. Office.
    b. Professional Residence-Office
    c. Professional Studio.
    d. Residential Unit(s).
3. Planned Unit Development.
4. Recreation, Outdoor.
5. Veterinary Clinic/Animal Hospital.
6. Wildlife Refuge.

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 those subject to conditional use review shall be subject to all standards and regulations set forth in Section 1603.

D. Dimensional Standards

Residential and Non Residential uses		
	One Family	**Non Residential Uses**
Lot area minimum per unit	5 Acres	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	20 feet	25 feet
Side yard minimum	20 feet	25 feet
Coverage maximum	20%	20%
Building height maximum	35 feet	35 feet
Accessory structure height maximum	24 feet	24 feet

E. General Regulations
Site plan review shall be required for all uses other than one-family dwellings. For flood hazard areas, see Section 1616 of these regulations.

F. District Standards for Planned Unit Developments
For the purposes of calculating development density and lot size for one-family dwellings, there shall be a minimum of five (5)acres of land for each one-family dwelling with a minimum lot size of one (1) acre. All other uses shall require a minimum of four (4) acres per unit with a minimum lot size of one (1) acre.

Section 1604. Historic Neighborhood District "HN"

A. Definition/Purpose
The purpose of the Historic Neighborhood District (HN) is to distinguish our city's older neighborhoods and protect their historic value and integrity while permitting future residential development and redevelopment that is compatible with the existing historic character and development patterns of the area. Development and redevelopment shall uphold and respect the character-defining features and historic integrity of homes in this district including small lots, short setbacks and yard depths, and tree lined sidewalks. Commercial activity is not preferred in this district but may be considered as long as it fits within the character of the neighborhood and does not interfere with the quality of residential life in this district.

B. Permitted Uses
1. One-family Dwelling.
2. Two-family Dwelling.

C. Conditional Uses
1. Bed and Breakfast.
2. Boarding or Rooming House.
3. Child Care Facility.
4. Community Center.
5. Medical Services Facility.
6. Multiple-family Dwelling.
7. Nursing Home.
8. Planned Unit Development.
9. Professional Residence-Office.
10. 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 those subject to conditional use review shall be subject to all standards and regulations set forth in Section 1604.

D. Dimensional Standards

Minimum lot size	One-Family Dwelling: 7,000 sq. ft./unit Two/Multiple-Family Dwelling: 25,000 sq. ft./unit Non-residential: 10,000 sq. ft./unit
Lot frontage minimum	66 feet (4 rods)
Lot depth minimum	99 feet (6 rods)
Front yard minimum	0 feet
Rear yard minimum	5 feet
Side yard minimum	5 feet
Coverage maximum	Lot size: For the first 5,000 sq. ft. = 50% For the next 5,000 sq. ft. = an additional 40% >10,000 sq. ft. = an additional 35%
Building height maximum (all uses in district)	35 feet
Accessory structure height maximum (all uses in district)	24 feet

E. General Regulations

Planned Unit Development (PUD) shall be required for Multiple-family dwellings, except for conversion of existing one-family dwellings. Site plan review shall be required for all uses other than one-family and two-family dwellings. For flood hazard areas, see Section 1616 of these regulations.

F. Specific Standards

The following standards shall be applicable to all new construction, reconstruction, enlargement, exterior alterations, additions, demolition, major landscape and site work, or signage within the Historic Neighborhood District. These standards do not apply to interior alterations that do not affect the exterior of the structure, customary maintenance and repair that does not affect the design of the structure, and routine landscaping. These standards are intended to assist the Board, property owners, and developers with the preliminary planning, design, and evaluation of proposals and approval of projects. The "shall" and other similar definitive statements indicate mandatory requirements and offer no flexibility unless choices are provided within the statements themselves. All projects must include these mandatory requirements as described. However, statements that use the word "should" or "encourage" shall be applied, but with some flexibility in accordance with the municipal plan. Such statements indicate that the Board is open to design features that are equal to, or better than, those recommended - so long as the intent is satisfied. The applicant assumes the burden of proof to demonstrate how a proposed design meets the standards and determination will be made by the Board.

1. A building or premises shall be utilized only for the uses permitted in this district. Buildings should not be converted from a residential to commercial use unless it fits within the character of the neighborhood and does not interfere with the quality of residential life in this district.

2. New development and redevelopment shall be compatible in mass, form and scale with existing structures and the historic patterns of the district. This is also true for freestanding garages, sheds, and other outbuildings.

3. The size and proportions of new structures shall relate to the scale of adjacent buildings. Where appropriate, subdivide larger masses into smaller components that are similar in size to buildings historically seen in the district.

4. Windows, doors and porches shall be similar in size and shape to those found historically facing the street.

Mass: the combined effect of the arrangement, volume and shape of a building or group of buildings; the overall bulk, size, physical volume, or magnitude of a structure or project.
Form: shape and arrangement of a structure
Scale: relative magnitude of a structure in relation to surrounding elements

5. New buildings, except for accessory structures, shall contain a minimum of two (2) stories (see Section 1617. Illustrated Guidelines for graphic representation). In the event of a catastrophic disaster, building height of the damaged structure must be maintained at a minimum, or must be comparable in mass, form, scale with the damaged structure. All proposed single-story buildings must get waiver from the Board to determine if it meets the definition/purpose of the district.

6. When there is a strong or dominant roof shape in a block, proposed new construction or alterations shall be compatible with existing buildings. Flat roofs should be used only in areas where it is appropriate to the context.

7. Buildings shall reinforce the alignment and setback pattern established by its neighbors (see Section 1617. Illustrated Guidelines for graphic representation).

8. Primary entries and porches shall front the street. Windows should be of similar size and overall placement as adjacent buildings. Large expanses of glass, either vertical or horizontal, are generally inappropriate on new buildings in the Historic Neighborhood District.

9. Additions to a building shall be designed to preserve, as much as possible, the original scale and overall character of the structure as well as the district. This can be accomplished by:

    a. Scale the addition as a complementary and subordinate mass to the main building mass.

    b. Place the addition on a side or rear elevation so as not to detract from the main building's cadence with adjacent buildings.

    c. Typically an addition should be stepped back from the existing building's face (not on the same wall plane.)

d. Typically an addition should have a lower roof line than the existing building (examples of exceptions might be a cupola or a tower as appropriate for the existing architecture.)

e. If an addition is proposed for the front face of the existing main building, it must be of a scale insignificant enough so as not to detract from the existing main building mass and its cadence with adjacent buildings (examples might be a covered entry or a sun porch.)

10. Substantial architectural details on existing structures, including but not limited to columns, dormer, porches and bay windows, should be maintained, repaired, rehabilitated or restored in their original form. Where reconstruction of an architectural detail is impossible because of a lack of historical evidence, then a new design must relate to the building in general size, scale and material.

11. Demolition of any building, which contributes to the historic or archictectual significance of the Historic Neighborhood District, shall not occur unless the public health and safety require the removal of the building or structure. Demolition may be considered if the building does not contribute to the historic or architectural character of the district as determined by the Development Review Board.

12. In the event of demolition, new buildings must be compatible in mass, form and scale with the existing structure or character of the district. This includes setbacks, building heights, and other requirements outlined in these standards.

Section 1605. Medium Density Residential District "MDR"

A. Definition/Purpose

The purpose of the Medium Density Residential District (MDR) is to provide suitable residential housing in areas and at densities consistent with the utilities provided, while preserving as many of the significant natural and cultural features as possible. This district may also serve as a transitional area between high intensity and lower intensity uses, or adjacent to districts of higher or lower residential densities and nonresidential uses. The pedestrian-oriented environment shall be maintained, improved and extended. Street trees and sidewalks should be established where feasible and appropriate.

B. Permitted Uses

1. One-family Dwelling.
2. Two-family Dwelling.

C. Conditional Uses

1. Bed and Breakfast.
2. Boarding or Rooming House.
3. Child Care Facility.
4. Community Center.
5. Inn
6. Medical Services.
7. Multiple-family Dwelling.

8. Nursing Home.
9. Planned Unit Development.
10. Professional Residence-Office.
11. 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 those subject to conditional use review shall be subject to all standards and regulations set forth in Section 1605.

D. Dimensional Standards

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	15 feet	15 feet	25 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 structure height maximum (all uses in district)	24 feet		

E. General Regulations

Site plan review shall be required for all uses other than one-family and two-family dwellings. For flood hazard areas, see Section 1616 of these regulations.

Section 1606. High Density Residential District "HDR"

A. Definition/Purpose

The High Density Residential District (HDR) is comprised of areas that are generally undeveloped, close to older sections of the city and can be serviced by public utilities. The purpose of the HDR district is to allow the continuation and expansion of residential and related uses while permitting higher clustered densities to accommodate topographical and natural resource constraints.

B. Permitted Uses

1. One-family Dwelling.
2. Two-family Dwelling.

C. Conditional Uses

1. Boarding or Rooming House.
2. Child Care Facility.
3. Community Center.
4. Medical Services.
5. Multiple-family Dwelling.
6. Nursing Home.
7. Planned Unit Development.
8. Professional Residence-Office.
9. 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 those subject to conditional use review shall be subject to all standards and regulations set forth in Section 1606.

D. Dimensional Standards

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	6 feet	6 feet	20 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 structure height maximum (all uses in district)	24 feet		

E. General Regulations

Site plan review shall be required for all uses other than one-family and two-family dwellings. For flood hazard areas see Section 1616 of these regulations.

F. Specific Standards

The following standards shall be applicable to all new construction, reconstruction, enlargement, exterior alterations, additions, demolition, major landscape and site work, signage or lighting within the High Density Residential District. These standards do not apply to interior alterations that do not affect the exterior of the structure, customary maintenance and repair that does not affect the design of the structure, and routine landscaping. These standards are intended to assist the Board, property owners, and developers with the preliminary planning, design, and evaluation of development proposals and approval of projects. The "shall" and other similar definitive statements indicate mandatory requirements and offer no flexibility unless choices are provided within the statements themselves. All projects must include these mandatory requirements as described. However, statements that use the word "should" or "encourage" shall be applied, but with some flexibility in accordance with the municipal plan. Such statements indicate that the Board is open to design features that are equal to, or better than, those recommended - so long as the intent is satisfied. The applicant assumes the burden of proof to demonstrate how a proposed design meets the standards and determination will be made by the Board.

1. Existing vegetation, buffers and woodlands, particularly along roadsides and critical view corridors, shall be retained.

2. Careful site planning shall be employed to maintain a natural-like setting and to ensure that new development does not adversely impact scenic resources, hillsides and shorelines.

Section 1607. Residential/Limited Business District "R/LBD"

A. Definition/Purpose

The Residential/Limited Business District (R/LBD) contains a mix of commercial uses and older historical residences, which extends 1) along both sides of Main Street from City Hall to Monkton Road, 2) as a transition from the eastern Main Street edge of the MDR district to the Northern Gateway District (NGD), and 3) includes three properties on the westerly side of Meigs Road. Large historical residential buildings, many of them mansions built in the 1800s, and a tree-lined streetscape, are distinctive features in the R/LBD along Main Street. The purpose of the R/LBD is to provide a transition between commercial uses and residential uses, while preserving the historic character and use of the area. Development shall be focused on creating a mix of residential and small business uses that maximize use of the buildings and preserve their historic character.

B. Permitted Uses

1. One-family Dwelling.
2. Two-family Dwelling.

C. Conditional Uses

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

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 those subject to conditional use review shall be subject to all standards and regulations set forth in Section 1607.

D. Dimensional Standards

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	10 feet	10 feet	20 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 structure height maximum (all uses in district)	24 feet		

E. General Parking Regulations

No part of a parking area shall be allowed in front of the front face of the principal building or projection thereof without approval from the Development Review Board.

F. General Regulations
Site plan review shall be required for all uses other than one-family and two-family dwellings. For flood hazard areas see Section 1616 of these regulations.

Section 1608. Commercial District "C"

A. Definition/Purpose
The purpose of the Commercial District (C) is to provide for low intensity retail, service, business, office, and entertainment uses which complement, enhance, and support residential and other vital uses and services. These commercial areas lie on major streets and junctions: (1) Monkton Road and Main Street, (2) along New Haven Road, just south of Green Street, and (3) at the termination of Armory Lane and off Monkton Road, which includes the Vergennes/Ferrisburgh shopping complex. Their uses require vehicular loading and carefully designed parking and street access. The businesses provide vital services that help to keep our city a destination point for northern Addison county residents. Development and redevelopment shall encourage designs, which produce a desirable relationship between individual buildings, the circulation systems and adjacent residential areas.

B. Conditional Uses
1. Animal Hospital/Veterinary Clinic.
2. Bank.
3. Bar.
4. Child Care Facility.
5. Community Center.
6. Drive-through Bank.
7. Hotel.
8. Instructional Facility.
9. Medical Service.
10. Mortuary.
11. Motor Lodge.
12. Motor Vehicle Service Station.
13. Office.
14. 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.
15. Personal Service.
16. Planned Unit Development.
17. Private Club.
18. Professional Studio.
19. Recreation, Indoor.
20. Restaurant.
21. Retail Store.

Commercial Use: Any activity involving the purchase, sale, storage, or other transaction regarding the disposition of any article, substance, commodity, or services for consideration and profit; and the maintenance or conduct of offices, professions, dwelling rooms and units, or recreational or amusement enterprises conducted for profit.

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 those subject to conditional use review shall be subject to all standards and regulations set forth in Section 1608.

C. Dimensional Standards

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	20 feet
Coverage maximum	30%
Building height maximum	40 feet
Accessory structure height maximum	24 feet

D. General Regulations

Site plan review shall be required for all uses. For flood hazard areas, see Section 1616 of these regulations.

E. Specific Standards

The following standards shall be applicable to all new construction, reconstruction, enlargement, exterior alterations, additions, demolition, major landscape and site work, signage or lighting within the Commercial District. These standards do not apply to interior alterations that do not affect the exterior of the structure, customary maintenance and repair that does not affect the design of the structure, and routine landscaping. These standards are intended to assist the Board, property owners, and developers with the preliminary planning, design, and evaluation of development proposals and approval of projects. The "shall" and other similar definitive statements indicate mandatory requirements and offer no flexibility unless choices are provided within the statements themselves. All projects must include these mandatory requirements as described. However, statements that use the word "should" or "encourage" shall be applied, but with some flexibility in accordance with the municipal plan. Such statements indicate that the Board is open to design features that are equal to, or better than, those recommended - so long as the intent is satisfied. The applicant assumes the burden of proof to demonstrate how a proposed design meets the standards and determination will be made by the Board.

1. Residential dwellings or units of any kind shall not be permitted.

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

3. Development and redevelopment shall encourage designs, which produce a desirable relationship between individual buildings, the circulation systems and adjacent residential areas.

4. All business, servicing, storage or processing shall be conducted within a completely enclosed building except where the nature of the activity makes it impossible, for example,

off-street loading, automobile parking for customers while on the premises, and the sale of automobile fuel at service stations.

5. Uses, processes, or equipment employed shall be limited to those which are not objectionable by reasons of odor, dust, bright lights, smoke, noise or vibrations.

Section 1609. Central Business District "CBD"

A. Definition/Purpose

The purpose of the Central Business District (CBD) is to promote the development and redevelopment of the downtown core and to foster an economically healthy commercial district that is vibrant, walkable, attractive, safe, and sustainable. Development and redevelopment shall preserve and enhance the unique historic character and provide our residents with a mix of retail, commercial and professional services to meet every-day needs. Architecture shall reflect historic forms, and adaptive re-use of historic architecture is strongly encouraged. Infill, renovation and revitalization of the city's core shall respect and preserve the "main street" character, walkability, public spaces and the sharing of parking and other public infrastructure, which reflects the historic urban form of the city. The district places emphasis on and the preservation of historic resources and the character of the historic downtown as a part of a vibrant central business district.

B. Permitted Uses

1. Bank.
2. Office.
3. Personal Service.
4. Professional Residence-Office.
5. Professional Studio.
6. Retail Store.

C. Conditional Uses

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

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 those subject to conditional use review shall be subject to all standards and regulations set forth in Section 1609.

D. Dimensional Standards

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 structure 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.

E. General Regulations

Site plan review shall be required for all uses. For flood hazard areas, see Section 1616 of these regulations.

F. Specific Standards

The following standards shall be applicable to all new construction, reconstruction, enlargement, exterior alterations, additions, demolition, major landscape and site work, signage or lighting within the Central Business District. These standards do not apply to interior alterations that do not affect the exterior of the structure, customary maintenance and repair that does not affect the design of the structure, and routine landscaping. These standards are intended to assist the Board, property owners, and developers with the preliminary planning, design, and evaluation of development proposals and approval of projects. The "shall" and other similar definitive statements indicate mandatory requirements and offer no flexibility unless choices are provided within the statements themselves. All projects must include these mandatory requirements as described. However, statements that use the word "should" or "encourage" shall be applied, but with some flexibility in accordance with the municipal plan. Such statements indicate that the Board is open to design features that are equal to, or better than, those recommended - so long as the intent is satisfied. The applicant assumes the burden of proof to demonstrate how a proposed design meets the standards and determination will be made by the Board.

Articulation – the manner in which portions of a building form are expressed (materials, color, texture, pattern, modulation, etc.) and come together to define the structure.

1. Entrances and Storefronts

a. All commercial buildings shall have at least one clearly delineated primary entry facing the road with articulated

architecture or a canopy that is welcoming and easily identifiable from streets and sidewalks. Corner lots are not required to have two entries.

b. Maintain the large display windows that are characteristic of commercial buildings in the Central Business District. The traditional storefront image shall be preserved at the street level. No existing storefront window shall be covered up or converted to wall. When replacing glass or restoring windows in historic buildings, maintain the size, shape and proportion of the window and storefront opening similar to that seen historically in the district (see Section 1617. Illustrated Guidelines for graphic representation).

c. Design new storefronts that recall historic materials, features and proportions in a general way using historical photographs and other physical evidence where available. New storefronts need not duplicate all historical details, but they should maintain the basic configurations and proportions of storefronts typical to this district.

2. *Massing, Scale and Rhythm*

a. New buildings shall be compatible in mass, form and scale with existing structures and the historic architecture of the district (see Section 1617. Illustrated Guidelines for graphic representation of the following standards):

i. Maintain similar overall size and massing;
ii. Maintain similar setback distance from the street that matches the setback pattern in place. If the historic setback pattern cannot be achieved, use setback averages. Setback averages are determined by averaging the setbacks of adjacent properties within 250 feet. Landscaping can also be used to maintain the setback pattern;
iii. Place the building width at the front of the lot or along the public right of way to maximize front façade exposure to the public;
iv. Place parking lots behind the building. Buildings, along with trees, landscaping, and other site furnishings, shall be predominant along streets, rather than parking lots;
v. Follow existing roof forms and rooflines;
vi. Maintain consistent size, spacing, placement and rhythm of window openings;
vii. Maintain similar rhythm and glass-to-wall ratio in commercial storefronts.
viii. Maintain building heights similar to those seen historically on any given lot. For undeveloped lots, no building shall be less than two stories.
ix. Significant areas of blank wall are not allowed at the front of the building or along a road right of way.

Massing – the combined effect of the arrangement, volume and shape of a building or group of buildings; the overall bulk, size, physical volume, or magnitude of a structure or project.

Rhythm - the organization of building elements, or spaces between them, in a logical sequential manner; can be used to emphasize major circulation points or changes of use.

Scale - relative magnitude of a structure in relation to surrounding elements

b. Building design shall be sensitive to the overall character and context of the district in which it is located and to adjacent buildings. In particular, redevelopment in the CBD shall incorporate historic architectural elements that reinforce the established character of that district and include:

   i. mass and scale
   ii. window proportions and openings
   iii. cornice or canopy lines
   iv. roof forms and roof lines

c. In the event of a catastrophic disaster, building height of the damaged structure must be maintained at a minimum, or must be comparable in mass, form, scale with the damaged structure.

d. All proposed single-story buildings must get a waiver from the Board to determine if it meets the definition/purpose of the district.

e. Residential uses are allowed and encouraged on the second-floor and above.

f. Residential uses shall be prohibited at street, ground or basement level except where:
   - No portion of the residential use is at the front of the building,
   - No portion of the residential use is visible from the street,
   - Access to the residential use is not at the front of the building,
   - The residential use does not exceed 20% of the building footprint,
   - And the residential use does not compromise the esthetic and economic integrity of the commercial use as determined by the Development Review Board.

3. Materials

a. The choice of materials can help to express a building's architecture. Selecting materials that fit within the context of the site and surroundings is recommended. An example of this would be to use brick when this material is present in adjacent buildings or sites.

b. Original historic architectural details or elements shall be preserved and replicated to the optimum extent practicable (see the Vermont Division for Historic Preservation. *A Guide to Vermont Architecture,* reprint, Montpelier, VT, 1996, as well as Vermont Division for Historic Preservation. *The Historic Architecture of Addison County: including a listing of the Vermont State Register of Historic Places,* Montpelier, VT, 1992, for a description of architectural styles).

4. Roof Design and Mechanical Equipment Screening

a. The roof of the building shall be in keeping with the scale and historic context of the structure itself.

b. Rooftop equipment and fixtures shall be concealed from eye-level view from the public right of way and from the ground level of adjacent properties. In addition, they shall be visually minimized with painted colors and finish complementary to the overall building design (see Section 1617. Illustrated Guidelines for graphic representation).

Mechanical equipment includes heating, ventilation and air conditioning systems, transformers, generators, utility meters, connection boxes, satellite dishes, antennas, tanks and other similar features.

c. Mechanical equipment on the ground shall be screened from view with wing walls, fencing, landscaping, or a combination thereof. Screening shall be integral and consistent with the overall design of the building and the landscape. At a minimum, screening materials shall include materials of the same type, quality, color and character as the principal materials of the building or landscape.

5. Solar Energy Installations

Before solar energy installations may be placed on a property within the Central Business District, a zoning permit must be obtained from the zoning administrator in accordance with Article III of these regulations. The following requirements shall also be met:

a. Solar panels or other solar devices on roofs shall be placed on the least visually conspicuous area of a structure consistent with the requirements of maximum access to the sun. Location on a non-character defining roofline of a non-primary elevation (not readily visible from public streets) is preferred. However, solar shingles may be added to a roof surface visible from a primary public way if low or non-reflective shingles are used. Publicly visible solar devices mounted on roofs shall be evaluated on the basis of: size, least visible/high-performance location, panel arrangement and design, system infrastructure, color contrast with roof, glare, and impact on historic integrity of the structure. Shadow tolerant panels should also be considered for use in a less visible location.

Solar panel – an electrical device consisting of an array of connected solar cells which convert solar energy into electricity or hot water/liquid for space heating or domestic hot water production.

Solar device – solar membranes, solar shingles, solar in glass, non-PV technology, and solar hot water systems, and similar solar technology.

b. Solar panels and devices shall run parallel to the original roofline and be located so as not to rise above the roofline, or alter a historic roofline or character-defining features such as dormers or chimneys.

c. Collectors on sloped roofs shall be mounted flat on the surface and at the same pitch. Removing historic roofing materials in order to add solar panels is discouraged.

d. On flat roofs, solar panels and devices shall be mounted behind a building parapet or setback from the edge of the roof to minimize visibility and may be set at a pitch and elevated if not highly visible from public streets.

e. The smallest solar panel or device shall be used consistent with operational requirements. Scattered or disjointed arrays are not allowed. Avoid interrupting arrays with rooftop projections such as vents and skylights.

f. Solar panels, solar devices, mechanical equipment and mounting structures shall use non-reflective finishes such as an anodized finish. Coordinate roof and building color and pattern as much as feasible with color and pattern of solar panels and solar devices. Darker roofing colors are preferred.

g. Detached or ground mounted solar panels or solar devices may be located in the rear or side yard if the arrays are not highly visible from public streets and do not detract from other major character defining aspects of the site. Visibility from adjacent properties shall also be reduced to the greatest extent possible (through siting, landscaping, or other screening method) while still maintaining solar access.

h. Solar devices shall be used in non-historic windows, walls, siding or shutters that do not face public streets.

i. For new structures within the CBD, use building-integrated solar panels and devices in the initial design.

6. Drive-through Banks

a. Drive-through banks are the only drive-through business permitted in the CBD. Drive-through banks must have drive-through facilities located to the side or rear of the building and the canopies shall relate in architectural style and design to the buildings to which they are attached (see Section 1617. Illustrated Guidelines for graphic representation). A drive-through bank shall not be approved if the Development Review Board determines the facility will have an undue adverse effect on pedestrian or traffic safety.

7. Fences

a. Traditional fence lines shall be maintained where they exist.

b. Fencing shall be sensitive to and reinforce the overall historic character and context of the CBD.

c. Fencing shall not dominate the buildings or landscape. Walls and fences shall harmonize with the site and the buildings on it in scale as well as in materials. Barbed wire and

security fencing (razor-wire, concertina wire) are prohibited. Preferred fence materials include wood, stone, masonery and/or decorative metals.

8. Landscape and Streetscape

a. Existing vegetation shall be retained as much as possible. The preservation of healthy, mature plant species is recommended.

b. With the approval of the City Council, street trees appropriate for the district shall be maintained and used to provide sufficient shading and an aesthetically pleasing environment for pedestrians, to reduce impervious cover and to partially mitigate the effects of automobile exhaust, heat, dust and other adverse urban conditions.

c. New development fronting on public streets, with the approval of the City Council, shall provide street tree plantings 40 feet (desired) to 60 feet (maximum) distance on center with 2.5 - 3 inch caliper minimum diameter. Where tree size landscaping is not possible, new developments shall incorporate planters or containers to provide areas for shrubs, perennial and annual plantings or other landscaping element.

d. Tree selection shall match the site and existing conditions; it shall support and enhance the relationship of architecture to the streetscape. Selections shall reflect municipal and state standards for appropriate species. Documents that provide guidance on the use of plant materials and street trees in Vermont include: *Selecting Trees for Urban Landscape Ecosystems*: State of New Hampshire Department of Resources and Economic Development Division of Forests and Lands. 1994; *Recommended Trees for Vermont Communities: A Guide to Selecting and Purchasing Street, Park, and Landscape Trees*. The Vermont Urban and Community Forestry Program. 2001; *Landscape Plants for Vermont*. University of Vermont Extension. 2002.

e. The streetscape shall include meaningful spaces for pedestrians that draw them in and provide site furnishings, such as benches, tables, bicycle racks and other pedestrian amenities made of durable, weather-resistant and vandal-resistant materials.

f. Site furnishings shall be consistent with the overall character and appearance of the district.

g. Site furnishings shall not block pedestrian access to main walkways, open space areas and/or building entrances.

h. If trees are to be planted under powerlines, specific varieties shall be selected which do not exceed the height of the lowest line when full grown. Larger trees can be planted if they are offset from the utility lines. Columnar trees may also be considered. Sufficient area for soil, rootball and growth shall be provided for new street tree plantings with a minimum 4'x4' surround for columnar species.

i. Plantings in islands or streetside treebelts shall avoid placement atop underground utilities wherever possible, or provide provisions to protect both trees and utilities such as root barriers.

j. Along streets, plant materials shall be selected and placed to avoid blocking sight lines at intersections and curb cuts.

k. The use of Vermont native or naturalized species with proven performance and hardiness is required. Plants and species need to be resistent to salt and other pollutants.

9. Lighting

a. All lighting shall be glare-free and shielded from the sky and adjacent residential properties and structures, either through exterior shields or through optics within the fixture, to include "cut-off" technology that controls light spread. Where necessary, additional landscaping may be required by the Board to provide light screening between the Central Business District and abutting residential districts to help prevent light trespass.

b. High pressure sodium luminaires shall not be employed, unless demonstrated to have appropriate color correction technology.

c. Lighting levels and design shall comply with the Illuminating Engineering Society of North America's *Recommended Practices and Design Guidelines*, latest edition. Energy efficient lighting sources are recommended, and may be required at the discretion of the Board. The Board has the right to impose time limitations on lighting.

d. The same type poles and fixtures shall be used throughout a multi-building/multi-tenant project site and be compatible in size with adjoining properties, as well as the overall character of the Central Business District.

e. Pedestrian walkways, courtyards and other connections shall be reinforced with pedestrian scale lighting, bollard lighting, accent lighting or a combination thereof to aid in pedestrian wayfinding and safety. Pedestrian scale lighting shall be a maximum of 16 feet in height.

10. Demolition

a. Demolition of any original feature or part of a historic building shall be avoided. Where reconstruction of an element is impossible because of a lack of historical evidence, then a new design that relates to the building in general size, scale and material may be considered.

b. Demolition of any building, which contributes to the historic or architectural significance of the Central Business District, shall not occur unless public health and safety require the removal of the building or structure. If acceptable alternatives are not possible, the following must be met:

   i. Circumstances and condition of the structure shall be evaluated. A qualified engineer's opinion on the structural integrity of the building shall be obtained, together with an estimate of needed stabilization and necessary code compliance work to be performed.
   ii. The physical and economic feasibility is part of the decision to approve a demolition. Using comparable rehabilitated structure values, and income if applicable, rehabilitation cost vs. new redevelopment cost shall be provided for consideration. Efforts shall be made to develop and offer alternative plans, including financing help through low-cost loans and other incentives to attract interested users and project developers.
   iii. The City Council has up to 90 days to find acceptable alternatives to the demolition, if it feels that it is physically and economically feasible.

c. Demolition may be considered if the building does not contribute to the historical or architectural character of the district.

d. In the event of demolition, new buildings must be compatible in mass, form and scale with the existing structure or the character of the district. This includes setbacks, building heights, and other requirements outlined in these standards.

Section 1610. Otter Creek Basin District "OCBD"

A. Definition/Purpose

The Otter Creek Basin District (OCBD) occupies approximately 36 acres at the junction of Main Street/West Main Street and Otter Creek. Perhaps the most scenic area of our city, the basin boasts one of the most beautiful falls in the state. The purpose of the OCBD is to encourage environmentally sensitive mixed-use development with a particular emphasis on adaptive re-use of existing historic structures and retention and expansion of recreational opportunities. Development and redevelopment shall be sensitive to the unique environmental qualities of the area and shall not detract from or create an undue adverse impact on the area. This includes impacts to historic structures and context, natural resource values, aesthetic and visual quality, and public enjoyment. The architecture and archaeological heritage of the Basin's historic buildings shall be preserved, restored, and enhanced in order to encourage appreciation by city residents and support for cultural tourism

B. Conditional Uses

1. One-family Dwelling.
2. Two-family Dwelling.

C. Conditional Uses

1. Bar.
2. Bed and Breakfast.
3. Child Care Facility.
4. Community Center.
5. Drive-through Bank.
6. Hotel.
7. Inn.
8. Instructional Facility.
9. Light Industry.
10. Marina.
11. Medical Services.
12. Multiple-family Dwelling.
13. Municipal Facility.
14. Office.
15. Personal Service.
16. Planned Unit Development.
17. Professional Residence-Office.
18. Professional Studio.
19. Recreation, Indoor.
20. Recreation, Outdoor.
21. Restaurant.
22. Retail Store.

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 those subject to conditional use review shall be subject to all standards and regulations set forth in Section 1610.

D. Dimensional Standards

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	5 feet
Side yard minimum	5 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
Rear yard minimum	6 feet total
Side yard minimum	20 feet total, 6 feet minimum
Coverage maximum	40%
Building height maximum	40 feet

E. General Regulations

Site plan review shall be required for all uses except for one-family and two-family dwellings. For flood hazard areas, see Section 1616 of these regulations.

Section 1611. Industrial District "IND"

A. Definition/Purpose

The purpose of our Industrial District (IND) is to support and encourage a wide range of light industrial and commercial enterprises that strengthen the economic vitality of our city while maintaining the rural character of the surrounding area and protecting adjacent residential neighborhoods from adverse impacts associated with incompatible uses.

B. Conditional Uses

1. Child Care Facility.
2. Enclosed Service and Repair.
3. Light Industry
4. Office.
5. 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.
6. Personal Service.
7. Planned Unit Development.
8. 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.
9. Warehouse.

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 those subject to conditional use review shall be subject to all standards and regulations set forth in Section 1611.

C. Dimensional Standards

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 Eet

1. Where any structure abuts a residential district, rear yard and side yard minimums are required to be no closer than one hundred (100) feet to the property line abutting the residential district. The structure may receive a waiver from this required setback if all the following conditions are met.
    a. Approval from the Development Review Board pursuant to Section 503 of these regulations for public notice and Article V for public hearing procedures.
    b. The structure 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.
    c. The structure does not create an undue adverse impact on the abutting neighbors and is designed with screening or other remedies to limit undue impacts.

D. General Regulations

Site plan review shall be required for all uses. For flood hazard areas, see Section 1616 of these regulations.

E. Specific Standards

The following standards shall be applicable to all new construction, reconstruction, enlargement, exterior alterations, additions, demolition, major landscape and site work, signage or lighting within the Industrial District. These standards do not apply to interior alterations that do not affect the exterior of the structure, customary maintenance and repair that does not affect the design of the structure, and routine landscaping. These standards are intended to assist the Board, property owners, and developers with the preliminary planning, design, and evaluation of development proposals and approval of projects. The "shall" and other similar definitive statements indicate mandatory requirements and offer no flexibility unless choices are provided within the statements themselves. All projects must include these mandatory requirements as described. However, statements that use the word "should" or "encourage" shall be applied, but with some flexibility in accordance with the municipal plan. Such statements indicate that the Board is open to design features that are equal to, or better than, those recommended - so long as the intent is satisfied. The applicant assumes the burden of proof to demonstrate how a proposed design meets the standards and determination will be made by the Board.

1. All development within the IND district shall be visually contained and environmental impacts minimized.

2. All developments shall be comparable to existing uses in the IND district and in keeping with Vergennes' small-city character.

3. Industrial uses engaged in storage or manufacture of products or processes including large quantities of poisons, herbicides, pesticides or hazardous materials shall undergo a comprehensive safety and environmental impact review.

4. All developments shall undergo a review of waste and water loading in terms of volume, peak and pollution.

5. No industrial use shall be permitted that is engaged in the storage or manufacturing of products or processes that are harmful to the environment or pose significant risks to our residents, including but not limited to:

    a. explosives,
    b. radioactive materials,
    c. petroleum refining,
    d. steel and iron manufacturing,
    e. rock quarrying,
    f. cement production, or
    g. paper and pulp manufacturing.

F. District Standards for Planned Unit Developments

1. Residential units shall not be permitted.

Section 1612. Public District "PUB"

A. Definition/Purpose
The purpose of the Public District (PUB) is to provide for the zoning and common classification of most publicly-owned land within Vergennes, such as City and State facilities and offices, parks, schools and school facilities. Uses in this district shall provide direct benefits to the citizens of Vergennes, including education, municipal services, public recreation, community centers and agriculture.

B. Conditional Uses*
1. Child Care Facility.
2. Community Center.
3. Community Garden.
4. Recreation, Outdoor.

Community Garden - publicly or privately held plot of land that is gardened by a group of people to produce fruits, vegetables and/or flowers; community gardens are managed and maintained with the active participation of the gardeners themselves

*State- and community-owned facilities are not listed because they are exempted from these regulations. See Section 312.

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 those subject to conditional use review shall be subject to all standards and regulations set forth in Section 1612.

C. Dimensional Standards

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	60 feet

1. Where any structure abuts a residential district, rear yard and side yard minimums are required to be no closer than one hundred (100) feet to the property line abutting the residential district. The structure may receive a waiver from this required setback if all the following conditions are met.
   a. Approval from the Development Review Board pursuant to Section 503 of these regulations for public notice and Article V for public hearing procedures.

   b. The structure 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.

c. The structure does not create an undue adverse impact on the abutting neighbors and is designed with screening or other remedies to limit undue impacts.

D. General Regulations

Site plan review shall be required for all uses. For flood hazard areas, see Section 1616 of these regulations.

Section 1613. Northern Gateway District "NGD"

A. Definition/Purpose

The purpose of our Northern Gateway District (NGD) is to provide a compatible mix of commercial and residential uses that welcome our residents and visitors to our city. The district should allow for the establishment of residential and low intensity retail, service, business, office, and entertainment uses which complement, enhance, and support residential uses and our downtown. Because it serves as the northern gateway into the city, development and redevelopment shall be compatible with the distinct qualities and historic integrity of the settlement the traveler is about to enter and convey a positive image of the city. The development of visual and physical, functional and aesthetic enhancements that link, unify, welcome, and define this area are the principal goals of this district.

B. Conditional Uses

1. Animal Hospital/Veterinary Clinic.
2. Bank.
3. Child Care Facility.
4. Community Center.
5. Drive-through Bank.
6. Enclosed Manufacturing Industries.
7. Instructional Facility.
8. Medical Service Facility.
9. Motor Vehicle Sales.
10. Multiple-family Dwelling, as part of a Planned Unit Development.
11. Office.
12. Personal Service.
13. Planned Unit Development.
14. Professional Service.
15. Professional Studio.
16. Recreation, Indoor.
17. Recreation, Outdoor.
18. Restaurant.
19. Retail Store.

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 those subject to conditional use review shall be subject to all standards and regulations set forth in Section 1613.

C. Dimensional Standards

Maximum Residential Density[1]	Lot size: For the first 2 acres = 7,000 sq. ft./unit 2- 4 acres = 10,000 sq. ft./unit >6 acres = 15,000sq. ft
Lot area minimum	15,000 sq ft
Lot frontage minimum	100 feet
Lot depth minimum	150 feet
Front yard minimum	25 feet
Side yard minimum	25 feet
Rear yard minimum	25 feet
Coverage maximum	60%
Building height limit	60 feet

[1]Additional residential density is possible through density bonuses as part of a PUD as outlined in Article X.

D. General Regulations

Site plan review shall be required for all uses. For flood hazard areas, see Section 1616 of these regulations.

E. Specific Standards

The following standards shall be applicable to all new construction and any changes in use. In addition, Specific Standard 11 shall also apply to any signage and/or exterior lighting changes, Specific Standards 12 and 13 shall also apply to any major landscape and/or site work.

1. Animal hospital/veterinary clinics shall be at least 200 feet from any residential district.

2. Access points shall be clearly delineated and laid out so that entries across streets match, to the greatest extent possible, or do not create unsafe traffic and pedestrian conditions.

3. Ground floor residential is not allowed in this district.

4. Building designs must employ an architectural style that either reflects the local setting or can be demonstrated to fit in a contextual, harmonious manner with the character of its surroundings. Such structures shall incorporate varied rooflines and interruptions to the building façades to create attached, but separate, masses and reduce the overall massing and scale of large buildings. Large areas of blank wall shall only be used for non-visible, non-pedestrian areas such as the side or rear of a building.

5. Rooftop equipment and fixtures shall be concealed from eye-level view from the public right of way and from the ground level of adjacent properties. In addition, they shall be visually minimized with painted colors and finish complementary to the overall building design.

6. Mechanical equipment on the ground shall be screened from view with wing walls, fencing, landscaping, or a combination thereof. Screening shall be integral and consistent with the overall design of the building and the landscape. At a minimum, screening materials shall include materials of the same type, quality, color and character as the principal materials of the building or landscape.

> **Mechanical equipment** includes heating, ventilation and air conditioning systems, transformers, generators, utility meters, connection boxes, satellite dishes, antennas, tanks and other similar features.

7. Shared walkways and parking between adjacent buildings and/or commercial uses shall be encouraged employed.

8. Shared service areas and trash facilities should be used for neighboring properties when feasible.

9. New development shall implement continuous sidewalk systems that connect to existing routes or establish new sections for pedestrian circulation.

10. Pedestrian connections shall be reinforced with pedestrian scale lighting, bollard lighting, accent lighting or a combination of to aid in pedestrians' wayfinding and safety. Night lighting should be provided where stairs, curbs, ramps, abrupt changes in walk direction, and crossing vehicle lanes occur.

11. All lighting shall be glare-free and shielded from the sky and adjacent residential properties and structures, either through exterior shields or through optics within the fixture, to include "cut-off" technology that controls light spread. The same type poles and fixtures shall be used throughout a multi-building/multi-tenant project site and be compatible in size and

scale with adjoining properties, as well as the overall character of the Northern Gateway District.

12. Buildings, along with trees and landscaping, shall be predominant along streets, rather than pavement and parking lots. Primary building entrance(s) shall face public right of way and travel ways and not parking lots.

13. Landscaped buffers shall be provided along edge of buildings, sidewalks and right of ways. New development and redevelopment fronting on public streets shall provide street tree plantings 40 feet (desired) to 60 feet (maximum) distance on center with 2.5 - 3 inch caliper minimum diameter.

14. When sites are redeveloped, internal parking lot reorganization shall promote efficiency, safe access and aesthetic design options that include walkways within parking lots and shade trees.

15. Drive-through banks are the only drive-through business permitted in the NGD. Drive-through banks must have drive-through facilities located to the side or rear of the building and the canopies shall relate in architectural style and design to the buildings to which they are attached. A drive-through bank shall not be approved if the Development Review Board determines the facility will have an undue adverse effect on pedestrian or traffic safety.

Section 1614. Low Density Residential District "LDR"

A. Definition/Purpose

Two areas bordering the AGR District in the southwest quadrant of the city are classified as a Low Density Residential District to allow for more intensive development.

The purpose of designating the Low Density Residential 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 Vergennes.

B. Permitted Uses*

1. One-Family Dwelling.

* Agricultural uses are not listed because they are exempted from these regulations, see Section 312.

C. Conditional Uses

1. Agricultural Accessory Uses.
2. Planned Unit Development.
3. Recreation, Outdoor.

D. Dimensional Standards

Residential and Non Residential uses		
	One Family	**Non Residential Uses**
Maximum density	1 unit per 2 acres	NA

Residential and Non Residential uses		
	One Family	**Non Residential Uses**
Lot area minimum per unit	20,000 sq. ft.	4 Acres
Lot frontage minimum	100 feet	350 feet
Lot depth minimum	125 feet	400 feet
Front yard minimum	20 feet	40 feet
Rear yard minimum	20 feet	25 feet
Side yard minimum	20 feet	25 feet
Coverage maximum	20%	20%
Building height maximum	35 feet	35 feet
Accessory structure height maximum	24 feet	24 feet

E. District Standards for Planned Unit Developments

1. Clustered or planned unit developments (PUD) are required, except in the case of a residential use as an adjunct to agricultural use.

Section 1615. Archaeological Overlay District "AOD"

A. Definition/Purpose

This district is superimposed over other land use districts and encompasses archaeologically sensitive sites of eighteenth and nineteenth century military occupation and fortification, which include Fort William (A), MacDonough's Shipyard (B) and the two, (C) and (D), assumed locations of the batteries erected during the War of 1812. 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.

B. 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.

C. 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.

Section 1616. Flood Hazard Overlay District "FHOD"

A. Establishment

Pursuant to § 4424 of the Act, the following regulations are established for the Flood Hazard Overlay District.

B. 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.

C. 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 centerline 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.

D. 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.

E. 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.

F. 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.

G. 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 1616.C, D, and E of these regulations.

If the proposed land development will be located in an area of special flood hazard and meets the requirements of Section 1616.H of these regulations, it shall be reviewed by the zoning administrator pursuant to Section 1616.H. If the proposed land development does not meet the requirements of Section 1616.H, the zoning administrator shall refer the application to the Development Review Board for review pursuant to Section 1616.I.

H. 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:

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

2. 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 F 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.

4. All recreation vehicles associated with approval of any permit applications shall be fully licensed and highway ready or be on the site for fewer than 180 consecutive days. Any recreation vehicles not meeting either of these standards shall require conditional use review and meet standards in accordance with the elevation and anchoring requirements for "manufactured homes" found in Section 1616.L.1.j, 1616.L.1.k, and 1616.L.1.l.

I. 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 1616.H, 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.

J. 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 1616.L 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. Nine 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 1616.L(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.

K. Standards for Conditional Use Review in a Flood Hazard Area

In reviewing and rendering a decision on an application for conditional use review 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, velocities, or fluvial erosion 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.

L. Conditions Attached to Conditional Use Approval in Flood Hazard Areas

1. 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 recreation vehicles shall be fully licensed and highway ready or be on the site for fewer than 180 consecutive days. Any recreation vehicles not meeting either of these standards shall be required to meet the standards identified for "manufactured homes" as identified in Section 1616.L.1.j, k, and l above.

n. 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.

o. Development within the floodway or in areas where a regulatory floodway has not been designated is prohibited unless hydrologic and hydraulic analyses are performed in accordance with standard engineering practice, by a registered professional engineer, certifying that the proposed development will not result in any increase in flood levels (0.0 feet) during the occurrence of the base flood.

p. 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.

q. All necessary permits be received from these governmental agencies, etc.

2. Upon consideration of those factors in Section 1616.K 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 regulations, and the municipal plan.

M. 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 § 4469 of the Act.
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.
    b. Report such variances issued to the Administrator upon request.

N. 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 regulations pertaining to that area, and will be maintained at the risk of the owner.

O. 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.

P. 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.

Q. Precedence of Regulations

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

R. 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 the flood hazard area regulations.

2. A copy of the Annual Report shall be submitted to the State Coordinating Agency.

S. Definitions for Section 1616

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 (1%) 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 (1%) 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.

EXISTING MANUFACTURED HOME PARK OR SUBDIVISION: A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final grading or the pouring of concrete pads) is completed by October 23, 1973.

EXPANSION TO AN EXISTING MANUFACTURED HOME PARK OR SUBDIVISION: The preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured are to be affixed (including the installation of utilities, the construction of streets, and either final grading or the pouring of concrete pads).

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.

FLOOD: A general and temporary condition of partial or complete inundation of normally dry land areas by water, including the collapse or subsidence of land caused by an unusually high water level generally due to a severe storm, or by a flash flood or by some similarly unusual and unforeseeable event.

FLOODPLAIN: Any land area susceptible to being inundated by water from any source (see definition of “flood”).

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: 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.

MANUFACTURED HOME PARK OR SUBDIVISION: A parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

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

NEW MANUFACTURED HOME PARK OR SUBDIVISION: A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after October 23, 1973, the earliest date of adoption of these regulations.

RECREATION VEHICLES: A vehicle which is: (a) Built on a single chassis; (b) 400 square feet or less when measured at the largest horizontal projection; (c) Designed to be self-propelled or permanently towable by a light duty truck; and 9d) Designed primarily not for use as a permanent dwelling but as a temporary living quarters for recreational, camping travel, or seasonal use.

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.

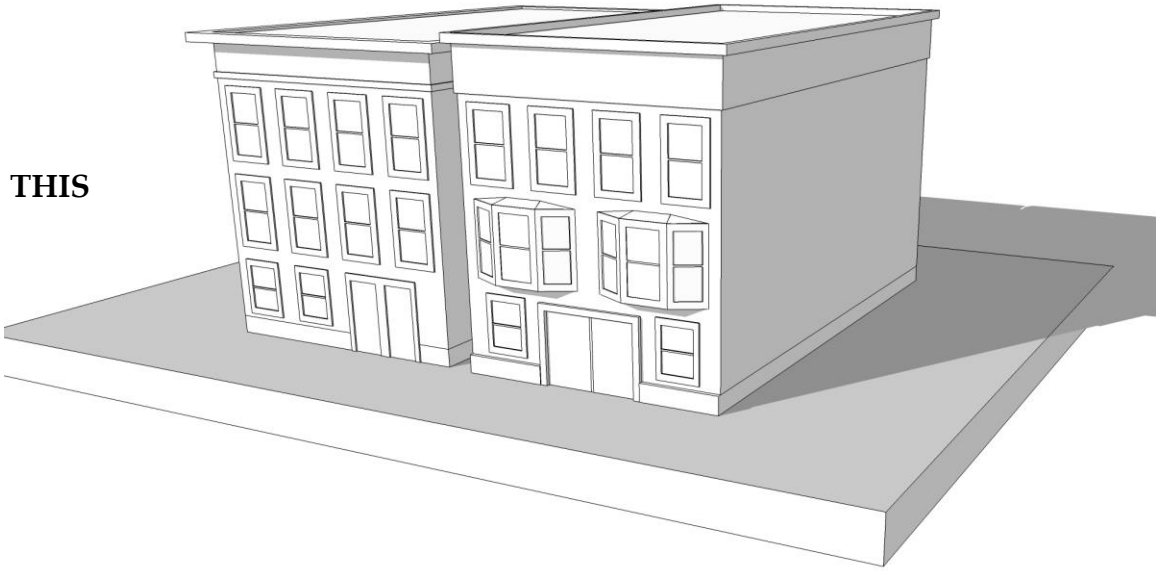
START OF CONSTRUCTION: See FEMA definition in Section 1909.1 of the current National Flood Insurance program rules and regulations.

Section 1617. Illustrated Guidelines

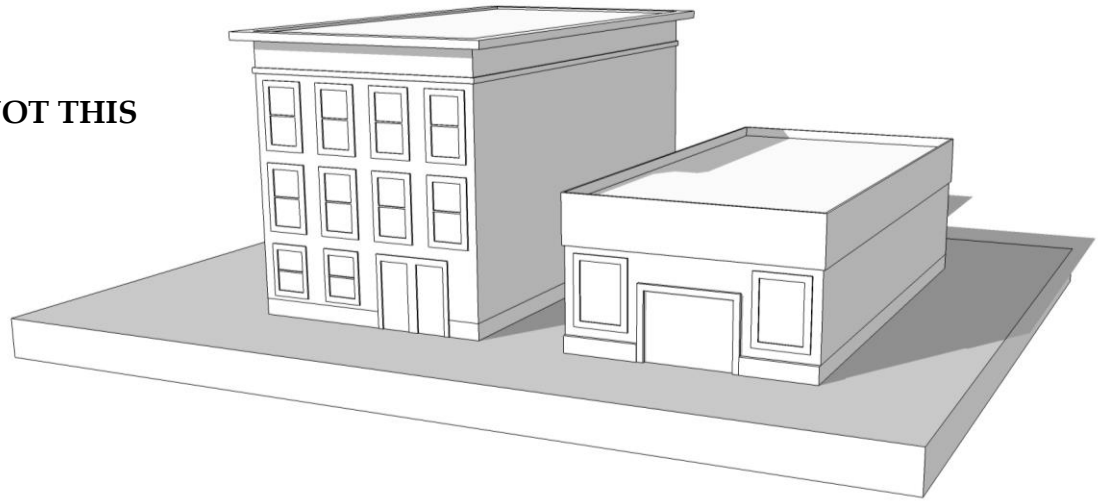
A. Massing, Scale and Rhythm

Maintain similar size, scale and massing of buildings. Maintain consistent size, spacing, placement and rhythm of window openings.

THIS



NOT THIS



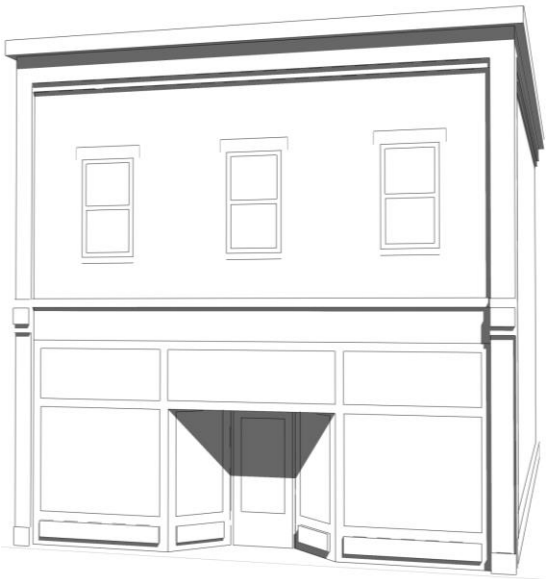
In the illustration below, building size and massing is not consistent. Rooflines are irregular and rhythm and proportion of windows are inconsistent.

The photo below illustrates similar rooflines and consistent rhythm and proportion of windows.

Saint Albans, VT

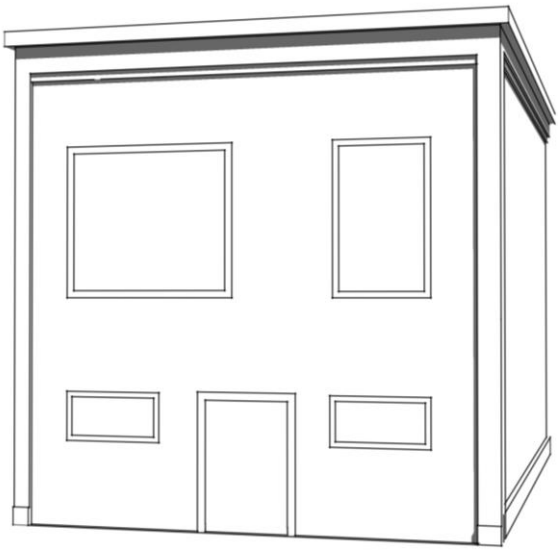
B. Entrances and Store Fronts

Maintain size, shape and proportion of window and storefront openings similar to that seen historically in the district (see photo below). Use articulated architecture or a canopy that is welcoming and easily identifiable from streets and sidewalks.



THIS

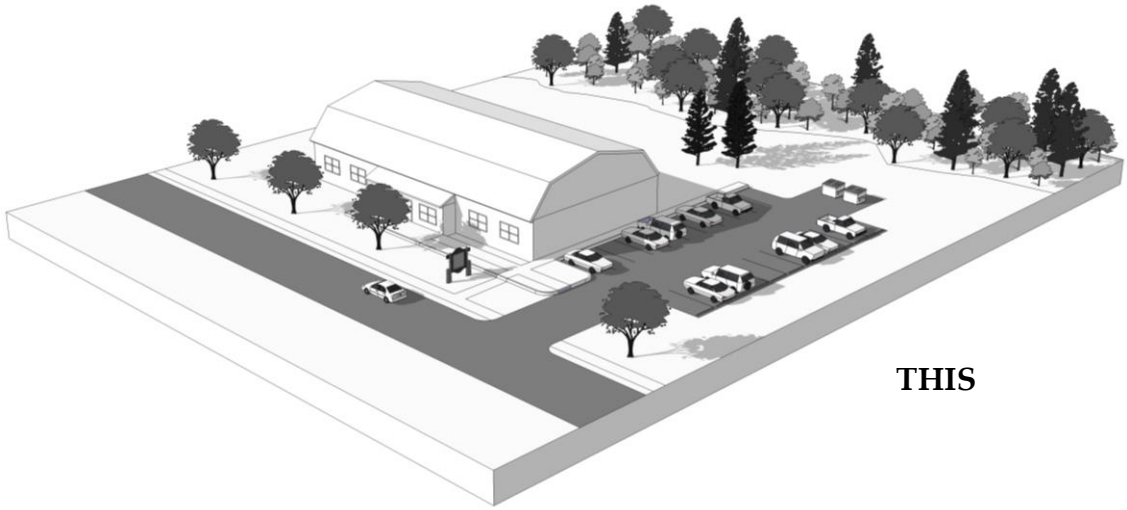
Large storefront windows maintained. Window proportions are regular. Articulated architecture at entry.

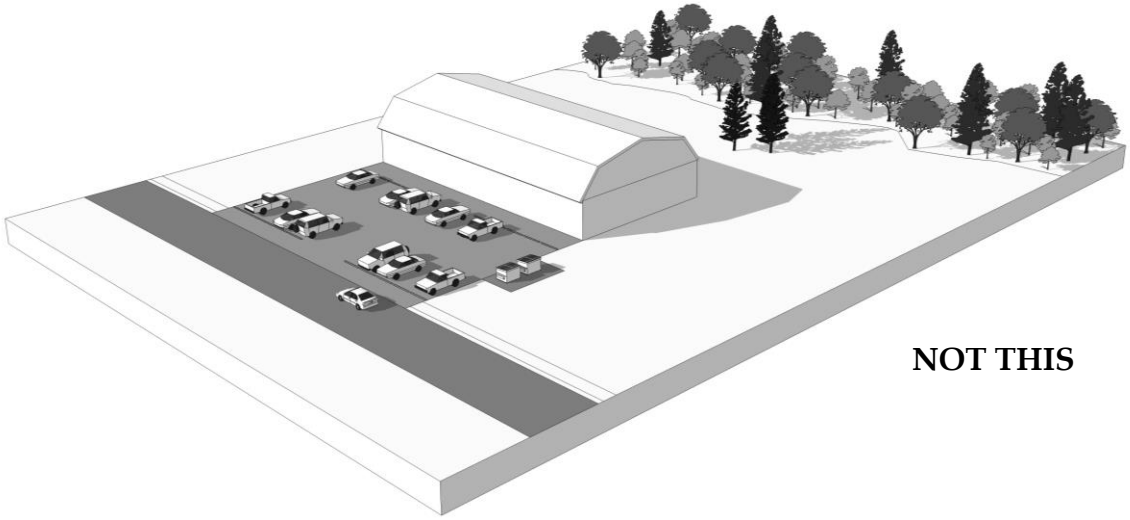


NOT THIS

Large storefront windows have not been maintained. Irregular window sizing and pattern. Entry not articulated.

Primary entries shall front the street with parking at rear or side.





McDonald's entry faces the road with parking in the rear.

South Lake Tahoe, CA

Dunkin Donuts with parking in rear and primary entries facing the road.

Cambridge, MA

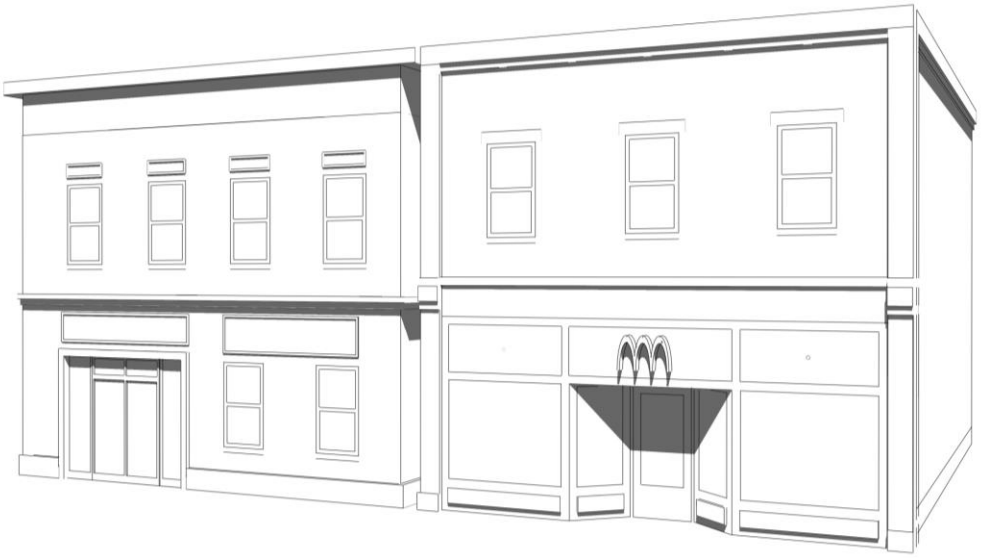
C. Roof Design and Mechanical Equipment Screening

NOT THIS
Rooftop equipment is visible from ground view.

THIS
Parapet conceals rooftop equipment from ground view.

D. Franchises

Franchise operations shall fit in a contextual and harmonious manner with the character of the district and maintain basic configurations and proportions typical of storefronts.



Dunkin' Donuts Franchise

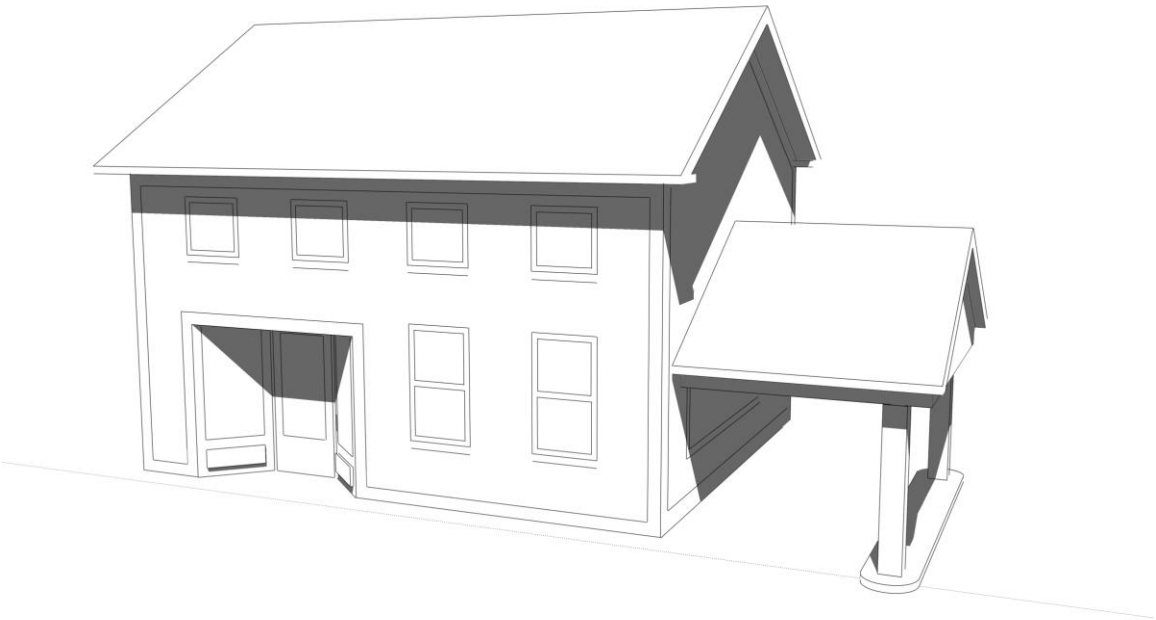
South Burlington, VT

Subaru Franchise

Rhinebeck, NY

E. Drive-through Banks

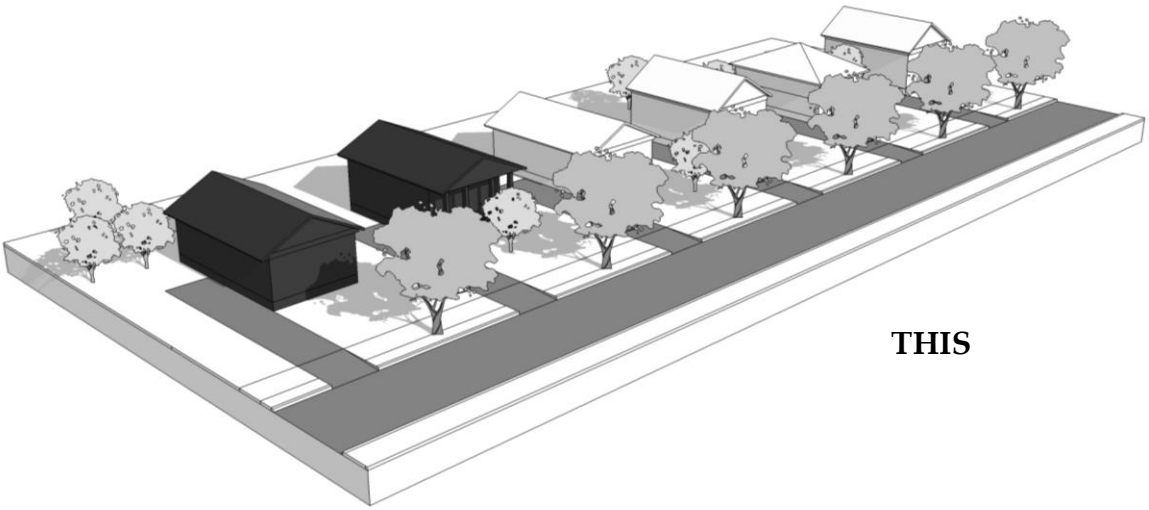
Drive-through facility is located at the side of the building and the canopy relates in architectural style and design to the building to which it is attached.

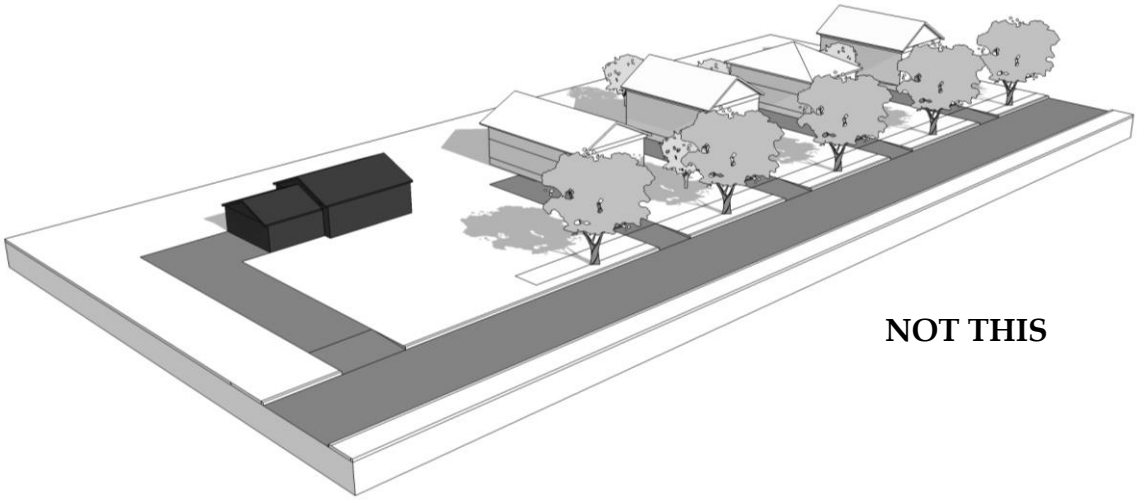


National Bank of Middlebury, Middlebury VT

F. Setbacks

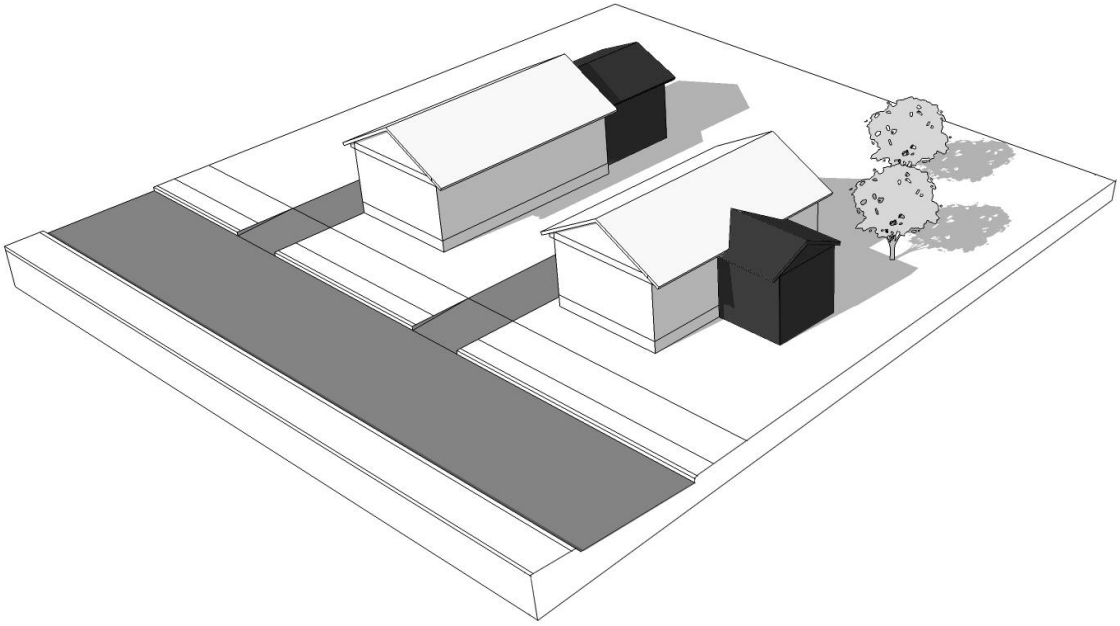
Buildings shall reinforce the alignment and setback pattern established by its neighbors.





G. Additions

Place new additions on an inconspicuous side or rear. Size and scale of addition shall not overpower or dominate original building.



The addition to this historic home (on right) does not dominate or overpower.

Dayton, OH

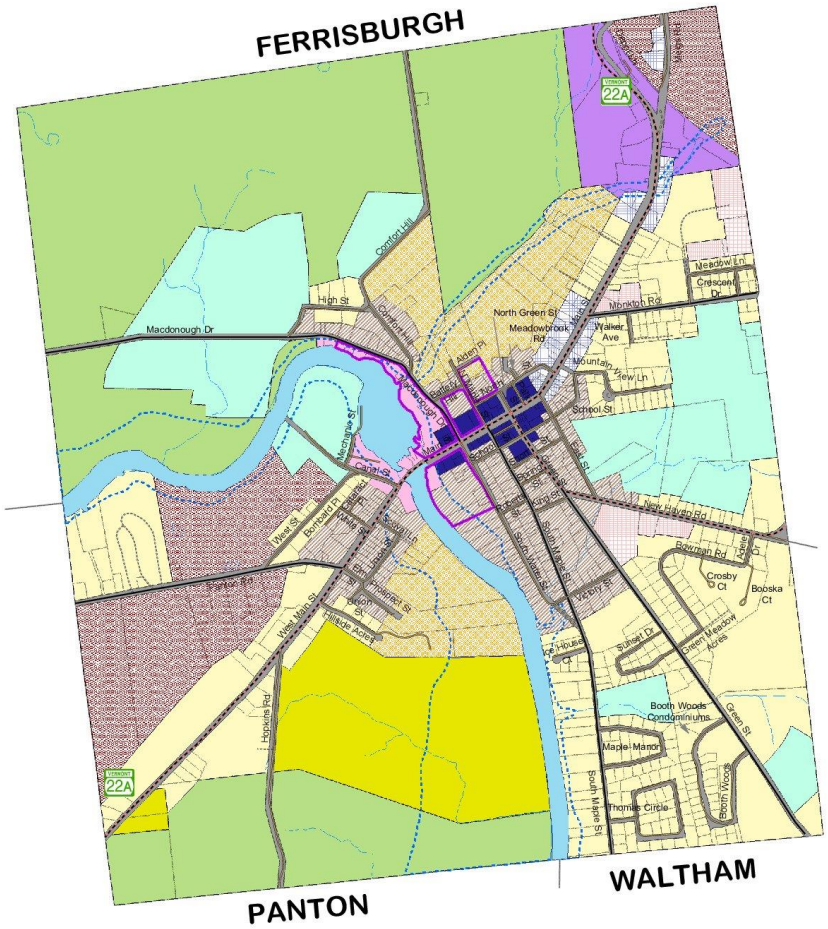
H. Stories

New buildings shall contain a minimum of two (2) stories.

THIS **THIS** **NOT THIS**

City of Vergennes

Land Use Map and Zoning Map



Land Use and Zoning

- Central Business District; CBD
- Commercial District; COM
- Northern Gateway; NG
- Industrial District; IND
- Residential/Limited Business District; RLB
- Historic Neighborhood; HN
- High Density Residential District; HDR
- Medium Density Residential District; MDR
- Low Density Residential; LDR
- Agriculture and Rural Residential District; AGR
- Otter Creek Basin District; OCB
- Public District; PUB
- Archaeological Overlay; AO
- Flood Hazard District (100yr); FHO

Sources:

Zoning Districts: Adopted by the City Council, Nov 10, 2015.

Land Use Map: Adopted under the Municipal Development Plan by the City Council, Sept 30, 2014.

Parcel Boundaries: Digitized from city tax maps, 1997.

See Zoning Administrator for current information.

ACRPC 1/2016

0.5 0.25 0 Miles

N

Addison County REGIONAL PLANNING COMMISSION