

Town of Georgia
Development Regulations
October 14, 2013

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Contents

Article 1. Authority and Purpose.....	1
Section 1.1 Enactment.....	1
Figure 1.1. How to Get a Zoning Permit At-A-Glance.....	1
Section 1.2 Amendment and Effective Date.....	3
Section 1.3 General Purpose	3
Section 1.4 Applicability.....	3
Section 1.5 Interpretation.....	4
Section 1.6 Severability.....	5
Article 2 Zoning Districts, Land Uses and Dimensional Standards.....	6
Section 2.1 Establishment of Zoning Districts and Official Zoning Map.....	6
Section 2.2 Allowed, Prohibited, Exempted, and Not Listed Uses, Other Exemptions	9
Table 2.2 Land Uses	10
Section 2.3 Dimensional Standards for Structures and Lots	13
Table 2.3(a) Minimum Lot Size	13
Table 2.3(b) Dimensional Standards in the L-1 and L-2 Districts.....	13
Table 2.3 (c) Dimensional Standards By Zoning District	15
Table 2.3 (d) Dimensional Standards for Special Uses	16
Article 3 Permits and Approvals.....	18
Section 3.1 Zoning Permit.....	18
Section 3.2 Conditional Use Approval	23
Section 3.3 Site Plan Review and Approval	27
Section 3.4 Variances.....	32
Section 3.5 Planned Unit Development.....	33
Section 3.6 Development in the Flood Hazard Zone District.....	40
Section 3.7 South Village Core Design Criteria and Guidelines	46
Section 3.8 Waivers	54
Article 4 Subdivision Approval	55
Section 4.1 Purpose	55
Section 4.2 Applicability.....	56
Section 4.3 Application Requirements	56
Section 4.4 Subdivision Review Process	62

Figure 4.3 Subdivision Process.....	62
Section 4.5 Natural Subdivision	66
Section 4.6 Subdivision Review Standards	66
Article 5 General Regulations and Review Standards	70
Section 5.1 Removal of Structures After Damage	70
Section 5.2 Existing Small Lots	70
Section 5.3 Height Limits	71
Section 5.4 Nonconformities	71
Figure 5.4 Increasing the Degree of Nonconformity of a Structure	73
Section 5.5 Parking Requirements.....	74
Table: 5.5(a) Off Street Parking Spaces	74
Figure 5.5 Shared Parking	76
Table 5.5(b) Parking Lot Stall and Aisle Dimensions.....	78
Section 5.6 Performance Standards	79
Section 5.7 Recreational/Camping Vehicles with Sleeping Quarters	80
Section 5.8 Signs	82
Figure 5.8 Examples of Sign Types.....	83
Section 5.9 Special Provisions for Certain Zoning Districts	86
Section 5.10 Riparian Buffer Zones.....	87
Figure 5.10 Finding Top of Slope and Top of Bank for Measuring Stream Setbacks.....	87
Section 5.11 Wastewater and Water Supply	90
Article 6 Specific Use Standards	91
Section 6.1 Accessory Dwelling Units	91
Section 6.2 Gas/Service Stations and Other Motor Vehicle Related Uses	92
Section 6.3 Earth Resource Extraction.....	92
Section 6.4 Home Business, Home Occupations and Home Industry	93
Section 6.5 Limitation on Regulation of Public Facilities.....	95
Section 6.6 Mixed Uses.....	95
Section 6.7 Renewable Energy	97
Section 6.8 Wireless Telecommunication Facility	101
Section 6.9 Roadside Stands.....	106
Section 6.10 Seasonal Conversion	107
Article 7 Planning and Design Standards	108
Section 7.1 Energy Efficient Design	108
Section 7.2 Farm and Forestland Preservation.....	108
Section 7.3 Site Design.....	109

Section 7.4 Exterior Storage of Materials or Equipment 109

Section 7.5 Landscaping and Screening 109

Section 7.6 Outdoor Lighting 110

Section 7.7 Vehicular Circulation 111

Section 7.8 Pedestrian Accessibility..... 112

Section 7.9 Parking, Traffic Access, and Circulation 113

Section 7.10 Street Signs 113

Section 7.11 Public and Private Road Standards 114

Section 7.12 Site Preservation and Erosion Control 118

Section 7.13 Stormwater 118

Section 7.14 Utilities 119

Article 8 Administration and Enforcement..... 120

Section 8.1 Zoning Administrator, Zoning Board of Adjustment and Planning Commission 120

Section 8.2 Fees for Zoning Permits, Public Hearings, and Administration 120

Section 8.3 Combined Review 121

Section 8.4 Public Hearing/Public Notice Requirements for Planning Commission/Zoning Board
of Adjustment Approvals 121

Section 8.5 Decisions 122

Section 8.6 Appeals..... 122

Section 8.7 Violations and Enforcement 123

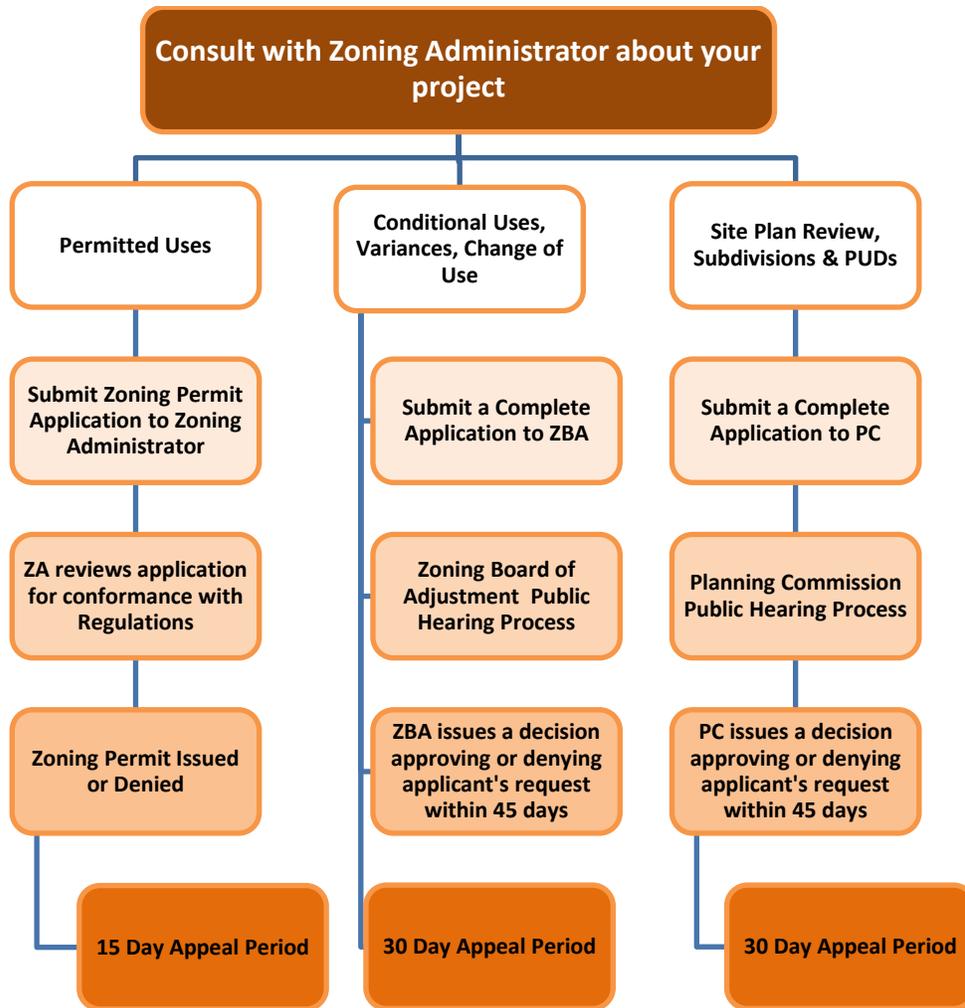
Article 9 Definitions..... 124

Article 1. Authority and Purpose

Section 1.1 Enactment

These Regulations shall be known as the **Town of Georgia Development Regulations**.

Figure 1.1. How to Get a Zoning Permit At-A-Glance



Text Box 1.1 Important Abbreviations

Ch. 117: The Vermont Planning & Development Act, 24 VSA, Chapter 117

VSA: Vermont Statutes Annotated

PC: Georgia Planning Commission

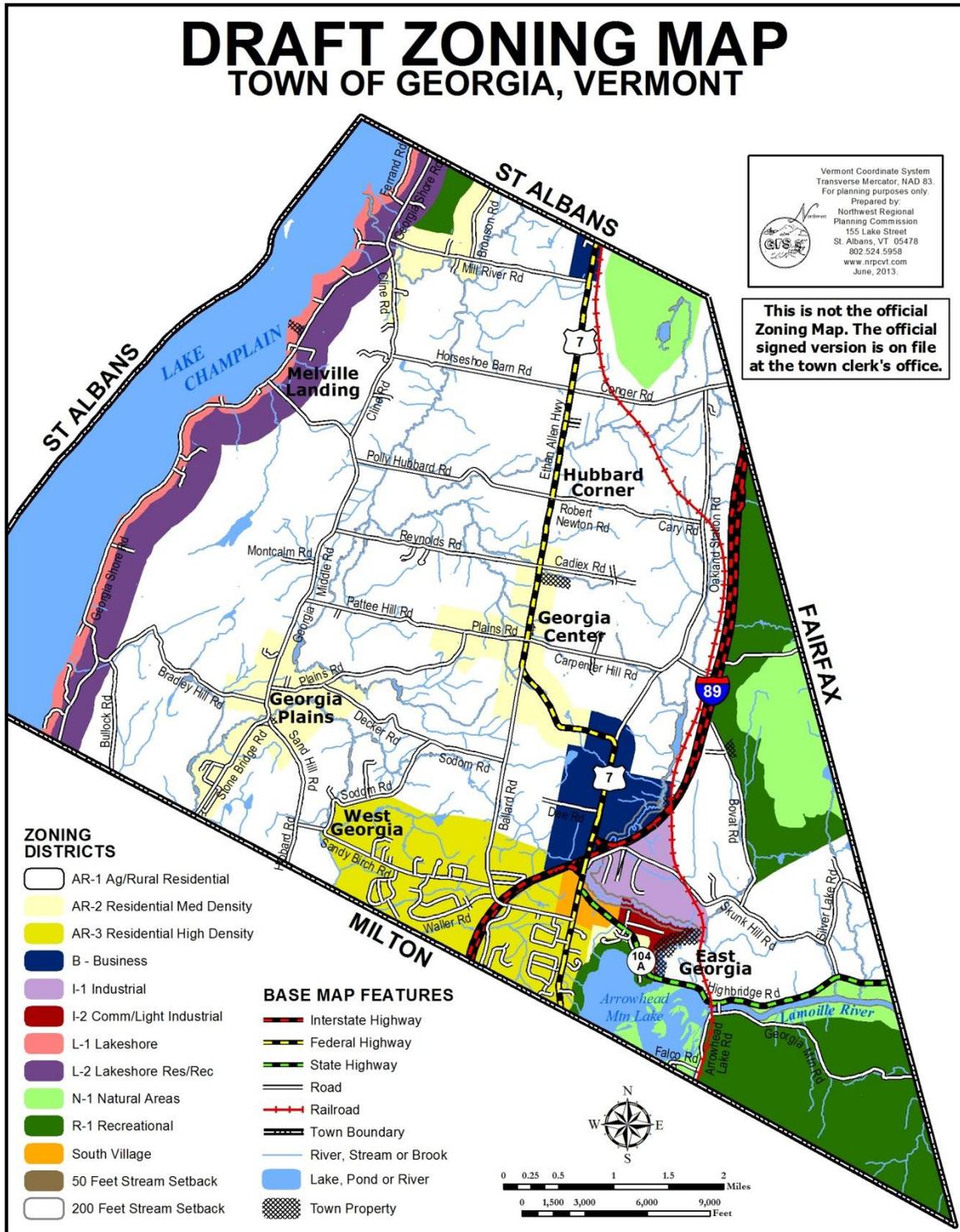
PUD: Planned Unit Development

Regulations: The Georgia Development Regulations

ZA: Zoning Administrator

ZBA: Zoning Board of Adjustment

Map 1.1 Georgia Zoning Districts



Section 1.2 Amendment and Effective Date

- A. Amendment.** Zoning amendments shall be prepared and adopted in accordance with the requirements of Ch. 117, Sections 4441, 4442, 4444, and 4446.
- B. Effective Date.** These Regulations shall become effective twenty-one (21) days after adoption by a majority of the members of the Town of Georgia Select Board, pursuant to Ch. 117, Section 4442.

Section 1.3 General Purpose

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

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

Section 1.4 Applicability

A. Land Development and Conformance with Regulations.

No land development, as defined in Article 9 (Definitions) of these Regulations, may continue or commence except in conformance with these Regulations. Any use not expressly permitted or conditionally permitted in any district is prohibited in that district except where specifically enabled under Section 2.2 B (Uses Not Listed) of these Regulations. Conformance with Regulations shall be evidenced by securing applicable municipal land use approvals and/or permits, as well as applicable state and federal approvals and/or permits.

- B. Limitations to Zoning Regulations.** The following uses and structures are specifically exempted from municipal land use and development Regulations by Vermont State law. In accordance with Ch. 117 [§4413], no municipal Zoning Permit or approval under these Regulations shall be required for:

1. Public utility power generating plants and transmission facilities shall only be regulated pursuant to Ch. 117 Section 4413(b) (by 30 V.S.A. Section 248, the Public Service Act);
2. Accepted agricultural and silvicultural practices shall only be regulated pursuant to Ch. 117 Section 4413(d)(1-3);
3. Roadside stands for agricultural products, provided they meet requirements of Section 6.9 (Roadside Stands).
4. Hunting, fishing or trapping on public or private land as specified by the State [under 24 V.S.A. §2295]. This excludes facilities that may support such activities, such as firing ranges, rod and gun clubs, and fish and game clubs, which are subject to these Regulations.

C. Exemptions from Zoning Regulations. The following activities are exempt from these Regulations unless they are located in a Flood Hazard Zone District where they require a zoning permit:

1. Construction of driveways or other right-of-way improvements. Driveway permits shall be secured from the Road Commissioner or Agency of Transportation, and driveways and related right-of-way improvements shall meet municipal and State standards.
2. Routine excavation and fill associated with ornamental site landscaping, nursery operations, cemetery operations, and like applications, provided that the excavation and fill is not associated with basic site preparation for development.
3. Routine maintenance and repairs to existing structures that will not result in a change of use.
4. Internal construction which will not increase useable floor space or alter a permitted use.
5. Accessory structures no larger than one hundred (100) square feet.
6. Fences less than five (5) feet in height.
7. Construction of ramps and other structures for handicapped accessibility.
8. Exemptions from sign Regulations as indicated in Section 5.8 E (Exemptions).

Section 1.5 Interpretation

A. Other Regulations. Upon the date that these Development Regulations become effective, any prior zoning and subdivision Regulations of the Town of Georgia then in effect shall be amended in their entirety. Previous amendments to the Regulations were made on 4/12/10; 6/8/09; 8/04/08; 11/12/07; 9/12/05; 2/14/05; 8/12/02; 5/12/97; 2/28/94; 2/24/92; 11/12/90; 7/4/88;

1/23/84; 9/14/81; 1/6/74; 9/30/68; and 1/23/67.

B. Conflicting Regulations. Should text or provisions of these Regulations conflict internally, or conflict with other applicable Regulations, the following guidelines shall dictate:

1. Where applicable, the most restrictive regulation shall apply;
2. The most recently adopted regulation shall apply;
3. Where applicable, pre-emptory Regulations shall preempt municipal codes; and
4. If guidelines (1) and (2) conflict, an Administrative Interpretation shall be made by the ZA, PC, and/or ZBA, including mutual consultations as appropriate. Administrative Interpretations shall be recorded as official Town policy, and shall be incorporated into updates of these Regulations, which are periodically updated. In the event that the PC and/or Selectboard do not agree with a recorded Administrative Interpretation, the matter shall be addressed as the PC and Selectboard see fit. Any lots, land uses, or structures established by Administrative Interpretation which conflict with a subsequent Selectboard revision to these Regulations shall automatically become non-conforming lots, uses, or structures, as applicable, and abide by requirements in Section 5.4 (Nonconformities).

Section 1.6 Severability

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

Article 2 Zoning Districts, Land Uses and Dimensional Standards

Section 2.1 Establishment of Zoning Districts and Official Zoning Map

A. Zoning Districts. The zoning districts of the Town of Georgia are:

AR-1	Agricultural/Rural Residential -Low Density
AR-2	Residential-Medium Density
AR-3	Residential-High Density
SV	South Village Core
B	Business
I-1	Industrial
I-2	Commercial-Light Industrial
R-1	Recreational
N-1	Natural Areas
L-1	Lakeshore
L-2	Lakeshore Residential-Recreational Flood Hazard Overlay Zone District

- 1. Agricultural/Rural, Residential District (AR-1).** The primary purpose of the AR-1 is to provide a place in Georgia for agriculture and silviculture uses. The goals and policies of the Comprehensive Municipal Plan encourage development in other areas of the Town and not in the AR-1 District. Residential and other uses permitted in the district should be very low density and should not interfere with the agricultural and rural nature of the district, and should not place an unreasonable burden on the Town's ability to provide and maintain Town services to all residents. It is a policy of the Town not to allow strip development in this district. Land should be developed so that large contiguous expanses of agricultural, forestry, significant geological areas, wildlife habitat, scenic areas, and other important open space land will be protected. Development may be phased in order to meet the purposes of this district.
- 2. Residential-Medium Density District (AR-2).** The purpose of the AR-2 Residential District is to provide a location for residential development at a higher density than surrounding rural areas where historic centers of the Town are located. In addition, small scale commercial uses will be allowed. Development in the district should reflect historic village patterns, protect important resources, enable the economic provision of services, plan for pedestrian and vehicular access, avoid strip development, and be planned so as not to burden the ability of the Town to provide adequate facilities and services.
- 3. Residential-High Density District (AR-3).** The purpose of the AR-3 District is to enable higher density residential development where existing development at a higher density has already occurred. Development in the district should enable the economic provision of services, reasonable pedestrian and vehicular access within the district and to nearby business and recreation districts, protect important resources, avoid strip development, and be planned so as not to burden the ability of the Town to provide adequate facilities and services.

4. **South Village Core (SV).** The South Village Core District provides a concentrated core settlement of small-scale commercial, governmental, and residential uses in a traditional Vermont village setting. The standards in this section intend to achieve a livable streetscape where people can walk, gather, and meet comfortably. A mix of uses is allowed at a higher density than elsewhere in the Town to create a community where people live, work, and shop. Developers are encouraged to work with the PC on developing their site according to the Design Criteria and Guidelines which are intended to implement the South Village Core Strategic Plan dated November, 2009.
5. **Business (B).** The Business District is a moderate traffic area with good access to major highways. The purpose of the Business District is to enable mixed commercial and residential uses in an interconnected, unified pattern that does not result in strip development. Development in the district will have controlled access on highways, screening and landscaping, creative design and layout, some pedestrian circulation, and connections to adjoining residential and commercial districts. This district is not intended to serve as a regionally-designated growth center. Commercial uses shall be of a scale and size appropriate only for a locally-designated growth center.
6. **Industrial District (I-1).** The Industrial District enables industrial development in an area with good highway and rail access and set apart from agricultural and residential districts. The I-1 District enables heavy and light industrial development in an efficient pattern.
7. **Commercial-Light Industrial District (I-2).** The purpose of the Commercial-Light Industrial District is to enable commercial and light industrial development in an area with good highway access and set apart from agricultural and residential districts. The I-2 District enables light industrial development to develop in an efficient and integrated pattern. This district is not intended to serve as a regionally-designated growth center. Commercial uses shall be of a scale and size appropriate only for a locally-designated growth center.
8. **Recreation District (R-1).** The Recreation District has severe limitations for development, including steep slopes, poor soil suitability for development, and high elevations. Therefore, much of the district is best suited to remain in a natural state or to be used for outdoor recreation purposes. Residential uses are limited to large lots to limit fragmentation and minimize the impact on the land and prevent substantial alteration to the landscape.
9. **Natural Areas District (N-1).** The Natural Areas District has significant natural features or areas which are unique or irreplaceable. The purpose of this district is to protect these features and areas in their natural state to the extent possible for present and future generations. Structures are limited to large lots to limit fragmentation and minimize the impact on the land and prevent substantial alteration to the landscape.
10. **Lakeshore District (L-1).** The Lakeshore District contains a 500 foot strip of land measured from the mean water mark of Lake Champlain inland 500 feet bordering Lake Champlain - one of the most significant natural features of the Town of Georgia. The purpose of the district is to protect the water quality of the lake and the recreational potential and natural beauty of the shoreline.

11. **Lakeshore Residential-Recreation District (L-2).** The Lakeshore Residential-Recreation District which contains land close to Lake Champlain beginning at the easterly border of L-1 District continuing inland 1500 feet, is one of the most significant natural features of the Town of Georgia. The purpose of the district is to protect the water quality of the lake and the natural beauty of the shoreland area. Development within the district should preserve the contiguous open lands, and protect the view looking eastward from the lake. There are some severe limitations on development in this district due to soil conditions and slopes and thus densities in the district should be low.

12. **Flood Hazard Zone Overlay District.** The Flood Hazard Zone District Regulations in Section 3.6 (Development in the Flood Hazard Zone District) apply to development located in areas identified as special flood hazard areas on the National Flood Insurance Maps which are also adopted by reference. This district overlays other zoning districts in these Regulations. Wherever there is overlap, both districts shall apply. If there is a conflict between the two district requirements or specific provisions for development located within the Flood Hazard Areas, the more restrictive shall apply.

The purpose of the Flood Hazard Zone District is to:

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

B. Official Zoning Map. For purposes of these Regulations, the Town of Georgia is divided into eleven zoning districts, as shown on the official Zoning Map (the "Zoning Map") on file in the office of the Georgia Town Clerk and incorporated by reference. The Zoning Map shall be identified by the signatures of the Town of Georgia Selectboard and certified by the Town Clerk using the following language: "This is to certify that this is the Zoning Map of the Town of Georgia, Vermont". Figure 1.1 is a photo reduction of the Zoning Map, attached for general information purposes.

C. Interpretation of District Boundaries. Where uncertainty exists as to the boundaries of districts as shown on the Zoning Map, the following rules shall apply:

1. Boundaries indicated as approximately following the centerlines of streets, highways, or alleys shall be interpreted to follow such centerlines.
2. Boundaries indicated as approximately following property boundaries or platted lot lines shall be interpreted as following such lot lines.

3. Boundaries indicated as following watercourses shall be interpreted as following the centerline of such watercourses. Boundaries indicated along the shoreline of Lake Champlain shall be the normal mean water mark, established by the Army Corps of Engineers as 95.5 feet. Boundaries indicated along the shoreline of Arrowhead Mountain Lake shall be at the high water mark of 290.0 feet.
 4. Boundaries indicated as following Town boundaries shall be interpreted as following such lines.
 5. Boundaries indicated as parallel to, or extensions of, features indicated in subsections 1 through 4 above will be so interpreted. Distances not specifically indicated on the Zoning Map will be determined by the scale of the map.
- D. Parcels in More than One Zoning District.** When a zoning district boundary established by these Regulations divides a lot, as defined in Article 9 (Definitions), the lot may be developed according to the following requirement:
1. The dimensional requirements for the less restrictive zone may apply to the lot if at least sixty percent (60%) of the lot's acreage lies in the less restrictive zone.
 2. The permitted and conditional uses for the less restrictive zone cannot extend into the more restrictive zone by more than 75 feet, except where the Flood Hazard Zone District applies these standards shall take precedent.
- E. Disputes.** The ZA will resolve any uncertainty regarding the location of a district boundary, taking into consideration the above-stated rules. A determination by the ZA regarding the location of a district boundary may be appealed to the ZBA.

Section 2.2 Allowed, Prohibited, Exempted, and Not Listed Uses, Other Exemptions

- A. Uses.** Land uses are listed in Table 2.2 by Zoning District as allowed, exempted, or prohibited, or are not listed.
1. **Allowed Uses.** Allowed land uses may be either permitted (P) or conditional (C). All allowed uses require a zoning permit issued by the ZA.
 - a. **Permitted Uses.** Permitted uses (P) require a Zoning Permit from the ZA only.
 - b. **Uses Requiring PC/ZBA Approval.** Some uses may also require Site Plan Review as defined in Section 3.3 (Site Plan Review and Approval) and require approval by the PC. Uses that require Conditional Use approval (noted with C in Table 2.2) require approval(s) from the ZBA before the ZA can issue a Zoning Permit.
 2. **Exempt Uses.** Uses marked with an (E) in Table 2.2 are exempt and do not require a zoning permit. See also the statutory exemptions in Section 1.4 (Applicability).
 3. **Prohibited Uses.** Uses marked with an (X) under a certain zoning district in Table 2.2 are

specifically prohibited in that district.

Table 2.2 Land Uses											
P (Permitted Use), C (Conditional Use), X (Prohibited), E (Exempt)											
	AR-1	AR-2	AR-3	SV	B	I-1	I-2	R-1	N-1	L-1	L-2
Principal Residential Uses											
Dwelling, Single Family	P	P	P	P	P/C(3)	X	X	P	C	P	P
Dwelling, Two Family	P	P	P	P	P	X	X	X	X	C	C
Dwelling, Multi-Family	X	C(4)	P(4)	P	C	X	X	X	X	X	X
Dwelling, Seasonal	X	X	X	X	X	X	X	X	X	P	P
<u>Conversion of a Seasonal Dwelling to a Single Family Dwelling</u>	X	X	X	X	X	X	X	X	X	P	P
Hunting Camp	P	P	X	X	X	X	X	P	P	X	X
<u>Conversion of a Hunting Camp to a Single Family Dwelling</u>	C	C	X	X	X	X	X	C	C	X	X
Accessory Residential Uses											
Bed and Breakfast	C	P	P	P	P	X	X	C	X	C	C
Daycare Level 1 (6 or less children)	E	E	E	E	E	E	E	E	E	E	E
Daycare Level 2 (7 or more children)	C	C	C	C	C	C	C	X	X	C	C
Home Business	E	E	E	E	E	E	E	E	E	E	E
Home Occupation	P	P	P	P	P	P	P	P	P	P	P
Home Industry	C	C	C	C	C	C	C	C	X	C	C
Commercial Uses											
Agribusiness	C	C	C	C	C	C	C	X	X	C	C
Convenience Store	X	X	C	P	C	C	C	X	X	X	X
<u>Earth Resource Extraction</u>	C	X	X	X	X	C	C	X	X	X	X
Forestry	P	P	P	P	P	P	P	P	P	P	P
Heavy Equipment Sales	X	X	X	X	C	C	P	X	X	X	X
Industry, Heavy	X	X	X	X	X	C	X	X	X	X	X
Industry Light	X	X	X	C	C	C	P	X	X	X	X
Kennel*	C	C	X	X	C	C	X	X	X	C	C
Laundromat/Dry cleaner*	X	X	X	P	C	X	X	X	X	X	X
Lodging Establishment*	X	X	X	P	C	X	X	X	X	X	X
Manufactured Home Sales	X	X	X	X	X	C	C	X	X	X	X
Marina*	X	X	X	X	X	X	X	X	X	C	X

Article 2 Zoning Districts, Land Uses and Dimensional Standards

	AR-1	AR-2	AR-3	SV	B	I-1	I-2	R-1	N-1	L-1	L-2
Mixed Use*	C	C	C	P(1)/ C(2)	C	C	C	X	X	X	X
Motor Vehicle Repair and/or Service*	X	X	X	C	C	C	C	X	X	X	X
Motor Vehicle Sales*	X	X	X	X	C	C	C	X	X	X	X
Museum	X	P	P	P	P	X	X	X	X	X	X
Office	X	X	X	P	P	X	X	X	X	X	X
Personal or Professional Service	X	C	C	P	P	X	X	X	X	X	X
Restaurant*	X	X	X	P	C	X	X	X	X	X	X
Research or testing Laboratory	X	X	X	C	C	C	P	X	X	X	X
Retail Store*	X	C	C	P	C	X	X	X	X	X	X
Rural Retail	C	X	X	X	X	X	X	X	X	X	X
Self-Storage Facilities	C	C	X	X	C	C	C	X	X	X	X
Veterinary Clinic	C	C	C	C	C	X	X	X	X	X	X
Youth camp, commercial*	C	X	X	X	X	X	X	C	X	C	C
Other Uses											
Accessory Use – non residential	P	P	P	P	P	P	P	P	P	P	P
Accessory Structure	P	P	P	P	P	P	P	P	P	P	P
Cemetery	C	C	X	X	X	X	X	X	X	X	X
Contractor Yards	X	X	X	X	X	C	C	X	X	X	X
Essential Service	C	C	C	C	C	C	C	C	C	C	C
Group Home	E	E	E	E	E	X	X	E	E	E	E
Multi-Tenant Elderly Housing	C	C	C	C	C	X	X	X	X	X	X
Nursing Home	X	C	C	C	C	X	X	X	X	X	X
Parking Facility	X	X	X	C	X	X	X	X	X	X	X
Places of Worship	P	P	P	P	P	X	X	X	X	X	X
Municipal Facilities	C	P	P	P	P	C	P	C	X	P	P
State Facilities	C	C	C	C	C	C	C	X	X	C	C
Federal Facilities	C	C	C	C	C	C	C	X	X	C	C
Recreation Indoor	X	C	C	C	C	C	C	X	X	X	X
Recreation, Private Outdoor *	C	C	C	C	C	C	C	X	X	C	C
Recreation, Public Outdoor	C	C	C	C	C	C	C	C	C	C	C
Schools	C	P	P	C	P	C	C	C	C	C	C
Small Scale Commerce	C	X	X	X	X	X	X	X	X	X	X
Trucking Terminal	X	X	X	X	X	C	C	X	X	X	X
Village Green	X	X	X	P	X	X	X	X	X	X	X
Warehouse	X	X	X	X	C	C	P	X	X	X	X
Wildlife Preserve	X	X	X	X	X	X	X	C	P	X	X

Article 2 Zoning Districts, Land Uses and Dimensional Standards

	AR-1	AR-2	AR-3	SV	B	I-1	I-2	R-1	N-1	L-1	L-2
Wireless Telecommunication Facility	C	C	C	C	C	C	C	C	C	C	C
<p>Notes:</p> <ul style="list-style-type: none"> (*) See table 2.3 (d) Dimensional Standards for Special Uses (1) Permitted uses only (2) Involving Conditional uses (3) Single Family Dwelling as part of a business (4) Up to four units <p>Uses not listed in this Table may be approved by the ZBA according to Section 2.2 B (Uses Not Listed) Uses will also require Site Plan Review if the application meets the applicability standards of Section 4050 or is located in the South Village Core, except as noted in Section 4050.</p>											

B. Uses Not Listed. In the event that a proposed use is not in these Regulations, the ZBA may allow it as a conditional use in accordance with Section 3.2 (Conditional Use Approval) if the ZBA finds that the proposed use is of the same general character as one or more permitted or conditional uses allowed within the district. The ZBA shall determine the minimum lot size, setbacks, lot frontage, and parking requirements based on similar uses allowed by these Regulations. Prior to the public hearing, the ZBA shall send notice to the PC, which may submit its written or oral recommendations regarding the proposed use.

1. The ZBA may not permit the following uses under this section:

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

Section 2.3 Dimensional Standards for Structures and Lots

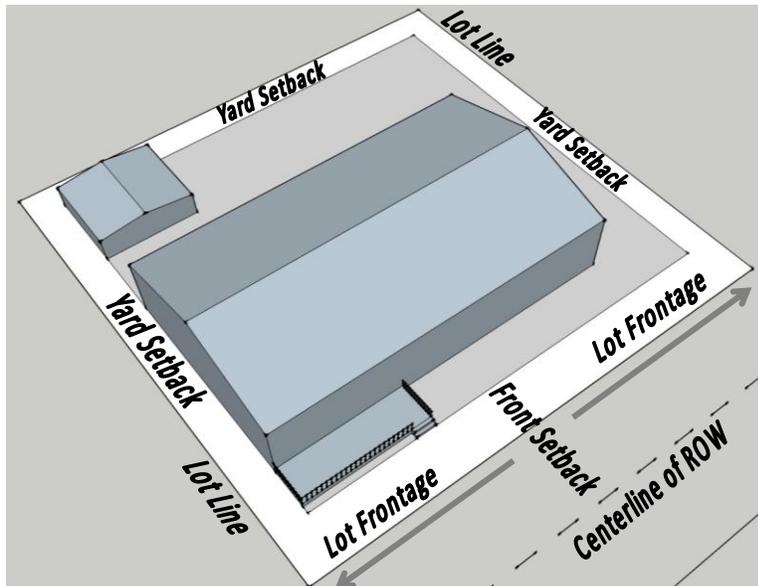
- A. All structures and lots must meet the dimensional standards listed in Table 2.3(a) and 2.3(b), and 2.3 (c) except when otherwise approved by the PC/ZBA as a variance or a PUD, or as noted in Table 2.3(d) (Dimensional Standards for Special Uses).

Table 2.3(a) Minimum Lot Size (See special uses in Table 2.3(d))	
<i>AR-1</i>	5 acres per dwelling unit or use / 5 acres for multi-tenant elderly housing (for four units); ½ acre for each additional dwelling unit.
<i>AR-2</i>	2 acres (single family dwelling) 3 acres (two family) 4 acres for three and four family dwelling 2 acres for commercial or other use 4 acres for multi-tenant elderly (for four units) and ¼ acre for each additional unit
<i>AR-3</i>	1 acre for each single family dwelling and other uses, except as follows; 1 1/2 acres for each two family dwelling; 2 acres for each three and four family dwelling; 2 acres for multi-tenant elderly housing (for four units); ¼ acre for each additional dwelling unit
<i>SV</i>	No minimum
<i>B</i>	1 acre for each use, mixed use building, or single family dwelling; 1 ½ acres for each two family dwelling; 2 acres for multi-tenant elderly housing (for four units); ¼ acre for each additional dwelling unit
<i>I-1</i>	2 acres for all uses
<i>I-2</i>	1 acre for municipal, state or federal facilities and services ¼ acre for each additional dwelling unit 2 acres for all other uses
<i>R-1</i>	20 acres for all uses
<i>N-1</i>	20 acres for all uses
<i>L-1</i>	1 acre for each dwelling unit, seasonal dwelling, or other use;
<i>L-2</i>	3 acres for each Single family dwelling and other uses, except as follows: 4 acres for two family dwelling

Table 2.3(b) Dimensional Standards in the L-1 and L-2 Districts					
	L-1 (1)				L-2
Lot Size (min)	>5 acres	2 acres – 5 acres	1 acre – 2 acres	< 1 acre (Pre-existing)	See Table 2.3(a)
Lot frontage (min)	250 feet	150 feet	100 feet	N/A	200 ft.
Shoreline frontage (min)(1) (for property fronting on Lake Champlain)	250 feet	150 feet	100 feet	N/A	N/A

Table 2.3(b) Dimensional Standards in the L-1 and L-2 Districts cont....					
	L-1 (1)				L-2
Lot Size (min)	>5 acres	2 acres – 5 acres	1 acre – 2 acres	< 1 acre (Pre-existing)	See Table 2.3(a)
Setback, front yard (min)	75 feet	75 feet	50 feet	30 feet, but not less than 5 feet from the edge of the road ROW	75 ft.
Setback, side yard (min)	50 feet	50 feet	20 feet	10 feet	30 ft.
Setback, rear yard (min) (2)	50 feet	50 feet	20 feet	10 feet	30 ft.
Setback, shoreline (min) (1)(2)	50 feet	50 feet	50 feet	25 feet	N/A
Building height (max)	16 ft. for the first 200 ft. from the shoreline 30 ft. from 201 ft. to 500 ft. from the shoreline 35 ft. from 501 ft. or more from the shoreline				35 feet
(1) All shoreline setbacks and frontage will be measured from/at the normal mean water level, set by the U.S. Army Corps of Engineers at 95.5 feet.					
(2) Retaining walls along the shoreline are exempt from the shoreline setback standards.					

Figure 2.3(a) Measuring Setbacks



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

Rear Yard Setback: The required minimum horizontal distance between a structure and the rear property line.

Side Yard Setback: The required minimum horizontal distance between a structure and the related side property line.

Table 2.3 (c) Dimensional Standards By Zoning District

	AR-1	AR-2	AR-3	SV	B	I-1	I-2	R-1 and N-1
Lot frontage (min)	250 ft.	150 ft.	120 ft.	All new lots shall have frontage on a public or private road	120 ft.	150 ft.	120 ft.	350 ft.
Setback, front yard (min)	75 ft.	75 ft.	50 ft. except: Minimum setbacks for all lots fronting on Route 7: 75 ft.	0 feet from edge of ROW Maximum: 15 ft. (1)	75 ft.			100 ft.
Setback, side yard (min)	40 ft.	25 ft.	20 ft.	0-15 ft. (3)	B and I-2: 20 ft. I-1: 30 ft. 200 ft. from Deer Brook and Arrowhead Mtn. Lake			50 ft.
Setback, rear yard (min)	40 ft.	25 ft.	20 ft.	10 ft. ----- 200 ft from Deer Brook	B and I-2: 20 ft. I-1: 30 ft. ----- 200 ft. from Deer Brook and Arrowhead Mtn. Lake			50 ft.
Building size (max)	3,500 sf per commercial use or agribusiness; 2,000 sf for small scale commerce; 20 units multi-tenant elderly	3,500 square feet per commercial building; 20 units for multi-tenant elderly housing		20,000 sf footprint	20,000 sf footprint for retail only			
Building height (min)	NA			2-3 stories (2)	NA			
Building height (max)	35 ft.			50 ft.	35 ft.	45 ft.	45 ft.	R-1: 35 ft. N-1: 20 ft.
Lot coverage (max)	NA				50%	75%	50%	NA

1) Where there are any existing buildings that exceed the maximum setback on adjacent parcels, the structure shall be built to the maximum setback (15 feet) and not any closer to the street ROW.)
 2) Buildings consist of at least two habitable stories above average finished grade and do not exceed 50 ft. in building height. In addition, effort is made so that the height of architectural details, such as building tops and first story cornices, are aligned to generally match the height of those on any adjacent buildings that meet the district height requirements
 3) 15 ft. if abutting a lot in another zoning district, if bordering a lot in the SV other than a firewall barrier constructed according to state fire marshal standard

B. Dimensional Standards for Special Uses. In all districts except the South Village Core, the following requirements apply to these non-residential uses.

Table 2.3 (d) Dimensional Standards for Special Uses				
Uses	Minimum Acreage Required	Setback From Center Line of Road	Side Line & Rear Setback	Road Frontage
<i>Motor Vehicle Repair and/or Service</i>	1	100 ft.	75 ft.	200 ft.
<i>Campgrounds (allowed as Private Outdoor Recreation)</i>	10	300 ft. (1)	100 ft.	300 ft.
<i>Commercial Youth Camp</i>	5	150 ft. (1)	75 ft.	250 ft.
<i>Kennel</i>	5	100 ft. (1)	100 ft.	200 ft.
<i>Laundromat/Drycleaner</i>	1	100 ft.	50 ft.	150 ft.
<i>Marinas</i>	2	75 ft. (1)	20 ft.	150 ft. (2)
<i>Mixed Use</i>	(3)	100 ft.	50 ft.	150 ft.
<i>Lodging Establishments</i>	2	100 ft.	50 ft.	200 ft.
<i>Motor Vehicle Sales</i>	1	100 ft.	50 ft.	150 ft.
<i>Retail Store</i>	1	100 ft.	50 ft.	150 ft.
<i>Restaurant</i>	1	100 ft.	50 ft.	150 ft.
NOTE: For <i>uses</i> not listed refer to Section 2.2 B (Uses Not Listed)				
(1) This <i>setback</i> also applies from <i>shoreline</i> .				
(2) This applies to lake frontage and <i>road</i> frontage.				
(3) The sum of minimum acreage for combination of uses. The PC may reduce the required acreage when such reduced acreage best implements the standards and purposes of the district.				

C. Notes to Dimensional Standards.

- 1. Accessory Structures.** Accessory structures which are no larger than two hundred (200) square feet and no taller than twelve (12) feet in height shall have minimum side yard and rear yard setbacks of ten (10) feet, except in the South Village Core District, where the setbacks for such district shall control. Such structures shall be unoccupied by humans or animals, and cannot be converted to other uses. All other accessory structures shall meet the setback requirements of these Regulations.
- 2. Number of Structures on a Lot.** There shall be only one principal structure allowed on a lot, except where approved by the PC as a Planned Unit Development, in the South Village Core District, **or** where permitted as an Accessory Dwelling Unit.

3. **Fences.** Fences do not require setbacks, except that no fence shall be constructed in a Town or State highway right-of-way without the property-owner first obtaining a right-of-way permit respectively from the Georgia Road Commissioner or Vermont Agency of Transportation.
4. **Frontage and Front Yard.** Lots which abut on more than one road shall provide the frontage and front yard setback required on each road, except as provided in Section 7.11 (Public and Private Roads Standards)
5. **Signs.** See Section 5.8 (Signs).
6. **Setback Waiver in the South Village Core District.** The PC may grant a waiver from meeting the maximum front yard setback only if all of the following conditions apply:
 - a. The property has unique physical circumstances or conditions that were not created by the applicant, which prevents the maximum setback from being met. Such unique physical circumstances or conditions may include, but are not limited to, irregular lot size or poor soil conditions.
 - b. Due to such physical circumstances or conditions, there is no possibility that the property can be developed in conformance with the maximum setback and the authorization of a waiver is necessary to enable the reasonable use of the property. The applicant must show that all other possible alternatives have been considered before the PC will consider granting a waiver.
 - c. If a waiver is authorized, the resultant setback will represent the minimum increase in setback that will afford relief.

Article 3 Permits and Approvals

Section 3.1 Zoning Permit

A. Applicability.

1. A Zoning Permit must be issued by the ZA prior to the start of land development, construction or excavation on any land or buildings, and prior to a structure's change in use, construction, structural alteration, enlargement, relocation or is otherwise changed unless the activity falls under limitations or exemptions from land development under Section 1.4 B (Limitations to Zoning Regulations) and Section 1.4 C (Exemptions from Zoning Regulations).

When an application for a municipal land use permit seeks approval of a structure, the ZA shall provide the applicant with a copy of the applicable building energy standards under 21 VSA §266 (residential building energy standards) and 268 (commercial building energy standards). However, the ZA need not provide a copy of the standards if the applicant certifies that the structure will not be heated or cooled. The ZA may provide a copy of the Vermont Residential Building Energy Code Book published by the Department of Public Service in lieu of the full text of the residential building energy standards.

2. **Expiration.** Zoning Permits shall expire after a period of twelve (12) months from the date of issue, unless extended as described in Section 3.1 C (Permit Extension).
3. Pursuant to Ch. 117 Section 4449, Zoning Permits shall be posted at town hall upon issuance, and shall not take effect until 15 days after issuance by the ZA, or in the event that a notice of appeal is properly filed in accordance with Ch. 117, Section 4465, the permit will not take effect until final adjudication of the appeal. Each Zoning Permit issued shall contain a statement of the time period for appeals.

B. Notifying the Town in the Case of Exemptions. In cases falling under the provisions of Section 1.4 (Applicability) and Table 2.2 (Land Uses) where land development is exempt from these Regulations, applicants must notify the ZA of the project in writing to ensure compliance and to notify the office of the listers.

C. Permit Extension.

1. An extension for principal structures and principal uses of up to one year may be granted by the ZA if substantial construction (if application is for a structure) or due diligence (if application is for a use) is evident, provided a written request for extension is submitted prior to expiration of the permit. Permits for accessory structures shall not be extended beyond the original one-year permit period. Substantial construction shall be established by the installation of at least all footings and foundation walls and/or slab, installation of the septic system (which shall have

been inspected and approved), and installation of the driveway (in accordance with a valid Right-of-Way permit). A second extension shall not be granted.

2. If substantial construction has not been completed (as defined above) at the end of the initial twelve month period (for accessory structures), or at the end of a one year extension (for principal structures and uses), the permit shall expire and no construction may occur on the site without the issuance of a new permit in accordance with all provisions of the most current Regulations.
 3. An extension of a permit shall not be required if construction has progressed to the point where the structure can reasonably be used for its intended purpose. At a minimum, the structure shall have functional water and wastewater services, an operational heating system, electricity, and shall be sufficiently closed in (roof, windows, and doors) to provide protection from the elements.
- D. Application.** Any application for a Zoning Permit shall, at the expense of the applicant, show that the plans and the intended use conform to all provisions of these Regulations. An application is not complete unless all necessary information is provided and any fee, if applicable, is paid. If the ZA fails to act with regard to an application for a permit within 30 days of the receipt of a completed application, a permit will be deemed issued on the 31st day.
- E. Access to Property.** The ZA shall be allowed reasonable access to private or public property for the purpose of inspecting and investigating conditions relating to any application for a Zoning Permit. A permit may be denied if reasonable access is not provided.
- F. Effective Dates.** A Zoning Permit will not take effect until 15 days after issuance by the ZA, or, in the event that a notice of appeal is properly filed, in accordance with Ch. 117 Section 4464, such permit will not take effect until final adjudication of the appeal. Each Zoning Permit issued will contain a statement of the period of time within which an appeal may be filed.
- G. Procedures After Issuance.** Within three business days following the issuance of a Zoning Permit, the ZA will:
1. Deliver a copy of the permit to the Listers, and
 2. Post a copy of the permit in at least one public place in the Town until the expiration of 15 days from the date of the issuance of the permit.
- H. Impact Fee.** No Zoning Permit for land development which is subject to payment of an impact fee pursuant to any impact fee ordinance in effect will be issued until all applicable impact fees,

as established by the Town of Georgia Selectboard, are paid to the Town of Georgia and the Town of Georgia School District.

I. Certificate of Occupancy.

1. **Application.** It shall be unlawful to use or occupy or permit the use or occupancy of any land or structure or part thereof which requires a permit under these Regulations, or that requires a Wastewater and Potable Water Supply Permit from the State of Vermont under Section 5.11 (Wastewater and Water Supply), until a Certificate of Occupancy (C.O.) is issued by the ZA. Provision of a Vermont Building Energy Standards Certificate as required by 21 VSA §266 (residential building energy standards) or 268 (commercial building energy standards) shall also be a condition precedent to the issuance of any Certificate of Occupancy.

An application for a Certificate of Occupancy shall be on the form prescribed by the ZA along with any required fee. The application shall contain a statement under oath by the permit holder certifying compliance with these Regulations and all conditions imposed by Town boards, and shall, at applicant's expense, be accompanied by such supporting documentation as the ZA may reasonably require. Such documentation may include written statements under oath by tenants, contractors, or appropriate licensed professionals.

2. **Authority to Inspect.** The ZA, accompanied by appropriate Town officials or consultants, shall have the authority to inspect any property prior to the issuance of a Certificate of Occupancy. Refusal to provide reasonable access to the ZA or Town representative for the purpose of inspecting compliance with this Zoning Regulation or applicable conditions constitutes grounds for denial of a Certificate of Occupancy.
3. **Decisions.** The ZA shall issue or deny a Certificate of Occupancy within fifteen (15) days of the date that a complete application for a Certificate of Occupancy is submitted, including written certification as described in Section 5.11 A (2)(c) (Wastewater and Potable Water Supply Permit) of these Regulations and provision of a Vermont Building Energy Standards Certificate as required by 21 VSA §266 (residential building energy standards) or 268 (commercial building energy standards) . Failure of the ZA to act within this time shall constitute approval on the sixteenth day. Denial of a Certificate of Occupancy shall be in writing and shall contain all reasons known to the ZA as of the date of the denial, and shall be delivered by certified mail, return receipt requested.
4. **Conditional Certificate of Occupancy.** Conditional Certificates of Occupancy may be issued if part of a building is ready for occupancy before the completion of the entire structure, provided that the requirements of Section 3.1 H (1) (Application) have been met for the portion of the building to be occupied. Conditional Certificates of Occupancy may also be issued in the event that actual operation of a septic disposal system is needed to demonstrate compliance with the Vermont Environmental Protection Regulations or the Performance Standards in Section 5.6 (Performance Standards) of these Regulations. A Conditional Certificate of Occupancy is not to exceed 180 days.

J. Prior and/or Additional Approvals Necessary. No construction and occupancy related permits shall be issued by the ZA or responsible party until applicable approvals have been granted by the PC, ZBA, or other responsible party. Such approvals include, but are not limited to, Wastewater and Water Supply Permits, Site Plans, Boundary Adjustments, Subdivisions, PUDs, Conditional Uses, Changes of Use, and Variances.

K. Referral to State Agencies.

No Zoning Permit for the development of land of the following types, or located within the following designated areas, may be granted by the Town of Georgia prior to the expiration of a period of thirty days following the submission of a report to the state agency designated in each case, describing the proposed use, the location requested, and an evaluation of the effect of the proposed use on the goals and policies of the Comprehensive Municipal Plan and the Regional Plan, if any. The report shall be prepared by the ZA; however, the applicant shall bear all costs associated with the preparation of the report.

1. Department of Environmental Conservation: Any uses or activities affecting ground or surface water resources; any area designated as a flood plain or wetland.

2. Fish and Wildlife Department: Wildlife lands and stream bank areas owned or leased by the State.

L. Limits on Permits for New Residential Construction. The Georgia Municipal Plan clearly sets forth objectives related to balancing the rate of residential growth with the ability of the Town to provide services and facilities, and concentrating residential development in the southern tier of the Town. To achieve these objectives, no Zoning Permit for new residential construction may be issued except in strict compliance with the following provisions which shall be in addition to the requirements in Section 3.1 A (Applicability) and Section 3.1 B (Permit Extension).

For the purposes of this sub-section, new residential construction is defined as construction which creates any new year-round dwelling unit(s). Conversion of seasonal dwelling units to year-round dwelling units, additions to existing dwelling units, and the creation of accessory apartments or multi-tenant elderly housing shall require Zoning Permits, but shall not be subject to the limitations in Section 3.1 K (1-5) (Permits for New Residential Construction).

1. Commencing at the beginning of each calendar year, the ZA shall accept applications for Zoning Permits for residential construction, which may only be submitted by lot-owners of record. When each application is deemed to be a complete application, it shall be labeled with the date and time of acceptance. The application shall also be labeled with the number of dwelling units to be constructed (one family, two family, three family, or multi-family as defined in these Regulations).

2. Unless authorized by Section 3.1 K(3), Zoning Permits for no more than thirty-five (35) new residential dwelling units may be permitted in any calendar year. Commencing at the beginning of each year, the ZA shall issue such permits on a first-come-first-serve basis (based on the date and time each application was accepted) until permits for all thirty-five (35) dwelling units have been issued, at which point the ZA shall not issue any more Zoning Permits for new dwelling construction until the beginning of the next year.
 - a. Permits for no more than five (5) new dwellings may be issued to an individual land owner in any calendar year.
 - b. In any single subdivision in the AR-2 or AR-3 Districts, permits for no more than ten (10) new dwellings may be issued in the calendar year.
 - c. For any single subdivision not in the AR-2 or AR-3 Districts, permits for no more than five (5) new dwellings may be issued in any calendar year.
3. If, in any year, the ZA does not issue all 35 permits for new dwelling construction, the unissued permits shall not be added to the allocation for any future years, except as follows:
 - a. If, no later than January 15 of the following year, the PC determines that the reason for the shortfall in the previous year is that a major subdivision that furthers many of the objectives in the goals and policies of the Comprehensive Municipal Plan was approved too late in the year to begin construction but will be in construction the following year, then the PC may recommend to the Selectboard that up to five (5) of the unused permits from the previous year be carried forward for one year, but under no circumstances may permits for more than forty (40) new dwellings be authorized for any single calendar year. Upon recommendation of the PC, the Selectboard may authorize the ZA to carry forward permits for up to five (5) new dwellings for one year. Under no circumstances may permits for more than forty (40) new dwellings be authorized for any single calendar year.
4. Of the thirty-five (35) new dwelling units to be constructed each year, no more than twenty-one (21) may be constructed on lots in the AR-2, AR-3 (as per district requirements), and B Zoning Districts, and no more than fourteen (14) may be constructed on lots that are located in the AR-1, L-1, L-2, R-1 and N-1 Zoning Districts.
5. If, in any year, the ZA does not issue all permits for residential construction within the AR-1, L-1, L-2, R-1 and N-1 Zoning Districts, the unused permits shall not be added to the allocation for any future years, except as follows:
 - a. If unused permits are allowed to be carried forward as in Section 3.1 K(3)(a), no more than 40 (forty) percent of the permits carried forward (rounded to the nearest whole number) may be issued for new dwellings located in the AR-1, L-1, L-2, R-1 and N-1 Zoning Districts.
6. The ZA shall maintain records showing the number of Zoning Permits which have been issued each year for new dwellings in the AR-1, AR-2, AR-3, B, L-1, L-2, N-1, and R-1 Zoning Districts.

Section 3.2 Conditional Use Approval

- A. Applicability.** A Zoning Permit for any use or structure that requires conditional use approval will not be issued by the ZA until the ZBA grants such approval according to these Regulations. The change of a permitted use to a conditional use requires approval under this section.
- B. General Standards.** A permit will be granted only upon a finding by the ZBA that the following standards, in addition to other applicable standards including the District Regulations and Section 3.2 H (Special District Standards for Conditional Uses), have been met:
1. Public facilities and services are reasonably available to serve the proposed development or are planned and included in the Town Capital Budget and Program to serve the proposed development at the time anticipated for its completion.
 2. The use will not create an undue adverse impact on the character of the neighborhood, area, or district affected and that:
 - a. A nuisance or hazard will not be created to the detriment of the health, safety, or welfare of the intended users, neighbors, or the citizens of the Town;
 - b. The proposed use or building and the relationship between the buildings and the land will be compatible with the purposes of the district and the character of the surrounding neighborhood and will not unduly detract from abutting residences or other property; and
 - c. Appropriate use or development of adjacent property will not be impeded. The Board will consider the scale of the proposed development in relation to existing and proposed uses and buildings, and the effect of the proposed use on the continued enjoyment and access to existing and approved uses in the vicinity of the proposed use.
 3. Traffic generated or patterns of ingress or egress will not cause congestion, hazard or detriment to the neighborhood or nearby intersections. The ZBA may require a traffic study to determine compliance with this standard.
 4. That the use proposed is consistent with the purpose of the district, the goals and policies of the Comprehensive Municipal Plan, these Regulations and other bylaws, and ordinances adopted by the Town of Georgia.
 5. That the utilization of renewable energy resources will not be adversely affected.
 6. That Section 5.6 (Performance Standards) will be complied with.

C. Permit Conditions. The ZBA may condition a permit in order to ensure that the standards of these Regulations will be met, including, but not limited to, the following conditions:

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

D. Expiration. Approval from the ZBA allowing a conditional use will expire one year from date of issue if construction has not progressed to the point where the structure can reasonably be used for its intended purpose, as defined in Section 3.1 B (Permit Extension). An extension of one year to these permits will be granted by the ZA if application for extension takes place before the approval has expired. At the end of two years, the above permits will permanently expire unless the ZBA grants a further extension.

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

F. Special District Standards for Conditional Uses. In addition to Section 3.2 B (General Standards), and all other requirements of these Regulations, applications for Conditional Uses will meet the special district standards of Table 3.2.

Article 3 Permits and Approvals

Table 3.2 Special District Standards for Conditional Uses											
	AR-1	AR-2	AR-3	SV	B	I-1	I-2	R-1	N-1	L-1	L-2
Exterior storage of materials or equipment be excluded from the front yard and/or screened.	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
The siting, layout, and appearance of the building(s) will be consistent and integrated with the character, style, scale, and current development pattern of the surrounding district	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
The use as designed and planned will be of a scale appropriate for the district and community and not out of character with the style, and scale of other uses and buildings in the district.	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	
Commercial, institutional, and governmental uses will provide for pedestrian access and circulation.	✓	✓	✓	✓	✓						
Traffic and waste generation from each use will be manageable for a residential neighborhood setting		✓	✓							✓	✓
Any uses, such as storage of hazardous materials, including above ground bulk petroleum or other flammable material storage, may be required to have a greater setback from the property lines than the district requirements where there is a finding that it is necessary for the protection of the health, safety and welfare of the public.					✓	✓	✓				
Developed areas will be landscaped so as to blend with surrounding area.			✓	✓	✓	✓	✓				
The use will not cause erosion or unstable soil conditions.								✓	✓	✓	✓
The use will be consistent with the purposes of the district and will retain its predominantly natural (and in R-1 outdoor recreation) character.								✓	✓	✓	✓
Wherever possible, new telecommunication facilities shall be co-located on or near existing structures, unless separate locations will create less impact on visual and natural resources. In order to minimize tower proliferation, it is the policy of the Town to require applicants to exhaust all reasonable options for sharing space on existing towers or tower sites prior to proposing new towers or tower sites. Collocation is the favored alternative.	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
Utility lines and access roads shall be installed so as to minimize aesthetic and ecological impacts	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
A lot on which a Motor Vehicle Service or Repair is located shall not be within 500 feet (air distance) of another lot with a Motor Vehicle Service or Motor Vehicle Repair.				✓							
Motor Vehicle Service and Repair pumps, lubricating, and other service devices shall be located at least 30 feet from the front, side, and rear lot lines. Pump islands, pumps, air compressor and recharging stations, and other service areas shall be located to the side or the rear of the station building (see figure 3.2).				✓							
Motor Vehicle Service shall have no more than ten individual fueling stations located on the premises. Four additional pumps for diesel, kerosene and/or fuels other than gasoline, and recharging stations for electric vehicles, may also be installed on-site.				✓	✓						

Article 3 Permits and Approvals

Table 3.2 Special District Standards for Conditional Uses cont...											
	AR-1	AR-2	AR-3	SV	B	I-1	I-2	R-1	N-1	L-1	L-2
Light fixtures mounted in/on Motor Vehicle Service canopies shall either be recessed so that the lens cover is flush with the bottom surface (ceiling) of the canopy; or for indirect lighting, mounted and shielded or skirted so that direct illumination is focused exclusively under the canopy. Lights shall not be mounted on the top or sides (fascia) of canopies, nor shall fascia be internally illuminated.				✓	✓	✓	✓				
Motor Vehicle Repair and Service shall meet parking requirements under Section 5.5 (Parking Requirements), however fueling stations at pump islands may be counted toward meeting on-site parking requirements.				✓	✓	✓	✓				
All motor vehicle parts and dismantled vehicles at Motor Vehicle Repair and Service are to be stored within a building, and no regular repair work taking more than an hour is to be performed outside a building.				✓	✓						
Use of a Motor Vehicle Service is limited to the retail sale of gasoline, other petroleum products, and other products associated with automobile service and maintenance. The sale of other types of retail items (e.g., food or convenience items), or the provision of other services (e.g., car rentals, car washes, restaurant seating) shall be subject to applicable standards of these Regulations pertaining to each use.				✓	✓	✓	✓				

Figure 3.2

Pumps on side of building



Section 3.3 Site Plan Review and Approval

A. Applicability. Site Plan Review by the PC is required of all uses, or changes of use (excluding single or two-family dwelling units, accessory uses, home occupations, seasonal conversions, agricultural uses, and forestry uses), except as otherwise provided in Section 3.3 G (Site Plan Review in the South Village Core), provided that the use also meets one or more of the following criteria:

1. The use requires new or expanded parking for a cumulative total of six (6) or more vehicles.
2. The use involves the construction or addition of 1,500 square feet of a structure's footprint.
3. The use involves the construction, expansion or substantial alteration of any outside storage yard or area for the display of items for sale.
4. In the determination of the ZA, the new use or expansion will result in significant change to an existing approved site plan on file for the subject property.
5. Earth resource extraction as defined in Section 6.3 (Earth Resource Extraction).

B. Application Procedures. A complete application for Site Plan Review shall be filed with the planning coordinator, who will schedule a hearing with the PC at the next available date but not sooner than fifteen (15) days. If Conditional Use review is required, applicant must obtain this approval from the ZBA prior to scheduling a hearing for Site Plan Review.

1. **Optional Concept Plan.** Concept plan review is optional in all zoning districts except the South Village Core, where it is required.

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

- a. **Application Submission.** The applicant must submit eight sets of concept plans, which may be un-surveyed but should be drawn neatly and accurately, and shall include scale, north arrow, legend, and title block. The concept plans shall be at least 11" X 17" and shall show land use areas, proposed structures, roads, driveways, parking and loading spaces, pedestrian walkways, general landscaping plans, signs and lighting.
- b. **Recommendations.** The PC will make written recommendations based on its review of the Concept Plan for the submission of the Site Plan Review application.

2. **Site Plan Review Application Submission.** An application for Site Plan Review will consist of eight sets of site plan maps and supporting data which will include the following information and any in the Concept Plan recommendation(s). The application will not be deemed complete until all of the applicable materials have been submitted. Failure to submit a complete application shall be grounds for denial of the application by the PC.
- a. **Address.** Address of subject property.
 - b. **Owners of Record.** Name and address of the owners of record of the subject property.
 - c. **Adjoining Lands.** Name and address of the owners of record of adjoining lands.
 - d. **Map or Survey.** Drawn to scale, showing existing features, including contours, land use, structures, large trees, roads, easements, rights of way, deed restrictions, name and address of person or firm preparing the map, scale of map, north point, date of map/revisions, and legend.
 - e. **Site Plan.** 24" by 36" in size and drawn to an appropriate scale, showing proposed land use areas including proposed structures, roads, driveways, traffic circulation, parking and loading spaces, and pedestrian walkways; landscaping plans including site grading, culverts, drainage, landscape design, screening, signs and lighting; name and address of person or firm preparing the map, scale of map, north point, date of map and revisions, legend, and name, address and interest of the applicant in the subject property.
 - f. **Preparation of Plans.** The PC may require that the map or survey and site plan be prepared, at applicant's expense, by a registered landscape architect, registered land surveyor, registered civil engineer, or registered architect if the proposed project utilizes more than 3,500 square feet, including parking area, or is a complex proposal that could have impacts on surrounding property owners, major roads, or important resources.
 - g. **Phasing.** Construction sequence and timing schedule for completion of each phase for buildings, parking spaces, and landscaped areas of the entire project.
 - h. **Building Materials.** Specifications of the building materials to be used.
 - i. Specifications of the plantings to be used or, if located in the South Village Core District or otherwise required by the PC, a landscaping and screening plan according to Text Box 3.3 (Requirements of a Landscaping and Screening Plan). See said box.
 - j. **Location Map.** A site location map showing the location of the project in relation to nearby Town highways and developed areas at a scale of one inch equals one thousand feet.

- k. **Traffic Study.** Uses that will generate more than one hundred and fifty (150) vehicle trip-ends per day (estimates shall be based on the most recent rates provided by the Institute of Transportation Engineers) shall include a traffic study conducted by a professional traffic engineer at the Applicant's expense subject to PC / SB approval. The study will include details of existing and proposed ingress and egress, expected traffic volumes, turning movements, existing and resulting levels of service, proposed traffic control measures and proposed accommodations for pedestrian, bike and transit. The PC may require a traffic study for projects generating less than 150 vehicle trip-ends where it finds there is a potential traffic safety issue.
- l. **Fire and Rescue.** A letter from the Georgia Fire Chief indicating any fire and rescue concerns with the proposed project.
- m. **Lighting Plan.** A lighting plan including the location and height of mountings and/or light poles, fixture type, lamp type, wattage, level of illumination (footcandles). The PC may require that the lighting plan be developed by a qualified professional. This plan shall show light levels, evenness, and patterns of light distribution, and should also indicate the lamp type, wattage, and lamp loss factors applied.
- n. **Sign Plan.** Sign details including dimensions, height, material, and proposed lighting.
- o. At the request of the applicant, the PC may waive any of the above submission requirements, but only where it finds that the size and scope of the application is such that the requirements represent an undue burden on the applicant and are clearly not necessary for the PC to make findings on the application consistent with the requirements of these Regulations.
- p. If located in the South Village Core District, an explanation of how the project conforms to each of the criteria in Section 3.7 (South Village Core Design Criteria.)
- q. **Conformance with Planning and Design Standards.** All site plan applications will show conformance with applicable standards in Article 7 (Planning and Design Standards).

Text Box3.3: Requirements of a Landscaping and Screening Plan

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

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

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

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

C. Issuance of Zoning Permit. The applicant must submit a site plan and any other required documentation to the ZA with any changes made according to the conditions of the PC decision, before a Zoning Permit will be issued. Such conditions shall be made a part of the Zoning Permit by reference.

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

- D. Financial Surety.** The PC may require that the owner or developer provide a letter of credit from a financial institution or other suitable form of financial security to guarantee the performance and completion of the site plan.
- E. Expiration.** Site Plan approvals from the PC expire three years from date of issue if construction has not progressed to the point where the structure or site can reasonably be used for its intended purpose, as defined in Section 3.1 B (Permit Extension). If the site plan has not been implemented within the three year period, an extension of one year may be granted by the PC upon written request prior to expiration of the approval, which shall include a statement of why the site plan has not been implemented and the basis of the request for the extension.
- F. Technical Review.** The PC may require the applicant to pay for reasonable costs of an independent technical review of a Site Plan Review application, as provided for in 24 V.S.A. Ch. 117 Section 4461(c).
- G. Site Plan Review in the South Village Core (SV).**
1. Site plan review shall be required for all land development (except the construction of one and two family dwellings) of any property in the South Village Core District, regardless of whether the development meets the specific criteria in Section 3.3 A (Applicability). Applications for site plan review in the South Village Core District must conform to the South Village Core Design Criteria and Guidelines in Section 3.7, which are intended to implement the purposes of the South Village Core District and the South Village Core Strategic Plan dated November, 2009. Applications shall not be reviewed under the standards contained in Article 7 (Planning and Design Standards).

Section 3.4 Variances

- A. Pursuant to Ch. 117, Section 4469(a), an applicant may request a variance from these Regulations for a structure which is not primarily a renewable energy resource structure. The ZBA may grant such a variance after public hearing only if all of the following facts are found in the affirmative:
1. That there are unique physical circumstances or conditions, including irregularity, narrowness, or shallowness of lot size or shape, or exceptional topographical or other physical conditions peculiar to the particular property, and that unnecessary hardship is due to such conditions and not the circumstances or conditions generally created by the zoning regulation in the neighborhood or district in which the property is located;
 2. That because of such physical circumstances or conditions, there is no possibility that the property can be developed in strict conformity with these Regulations and that the authorization of a variance is therefore necessary to enable the reasonable use of the property;
 3. That the unnecessary hardship has not been created by the applicant;
 4. That the variance, if authorized, will not alter the essential character of the neighborhood or district in which the property is located, substantially or permanently impair the appropriate use or development of adjacent property, reduce access to renewable energy resources, or be detrimental to the public welfare; and
 5. That the variance, if authorized, will represent the minimum variance that will afford relief and will represent the least deviation possible from the zoning regulation and from the plan.
- B. When the variance requested is for a structure which is primarily a renewable energy resource structure, the Board may grant the variance only if it finds that all of the facts listed in Ch. 117 Section 4469(b) are found in the affirmative.

In no case will the ZBA grant a variance for a use which is not permitted or conditionally permitted in the applicable district.

- C. **Variance Procedure in the Flood Hazard Zone District.** Variances will be granted by the ZBA only.
1. In accordance with Ch. 117 Section 4469(a) and 4424, and in accordance with the criteria for granting a variance found in 44 CFR, Sec. 60.6, of the National Flood Insurance Program Regulations;
 2. Upon determination that during a base flood the variance will not result in increased flood levels; and
 3. Upon a determination that the structure or other development is protected by methods that minimize flood damages during a base flood and create no additional threats to public safety.

Section 3.5 Planned Unit Development

A. Purpose. In accordance with Ch. 117 Section 4417, Planned Unit Developments are allowed in order to encourage flexibility in design, the most appropriate use of land, mixed uses appropriate to a local growth center, adequate and economic provision of roads and utilities, and the preservation of natural resources, including primary agricultural and forestry soils, significant habitat, significant geologic areas, and scenic areas. Accordingly, the PC may modify the density and the area and dimensional requirements of these Regulations. If the PUD is part of a subdivision application, the PC will require the review of the PUD simultaneously with the review of an applicable subdivision plat. Such modifications will be subject to the following conditions and standards, the district Regulations, where applicable, Article 4, Subdivision Approval, and the goals and policies of the Comprehensive Municipal Plan.

Text Box 3.5

A **PUD** is a development designed and planned as an integral unit which may contain various commercial, industrial and residential uses and may consist of individual lots or structures that do not satisfy the dimensional requirements otherwise contained in these Regulations.

A **PUD-Residential** is a residential development, designed and planned as an integral unit and may contain various types of residential structures which may consist of individual lots or structures that do not satisfy the dimensional requirements otherwise contained in these Regulations.

B. Review Process for Subdivisions and When A PUD Is Required.

1. The PUD will be reviewed under these Regulations simultaneously with the review of an applicable subdivision plat under Article 4, Subdivision Approval.
2. Major subdivisions shall be submitted as PUD-Residential applications in the AR-1, AR-2, AR-3, and L-2 districts.
3. Minor subdivisions may be submitted as PUD-Residential in the AR-1, AR-2, AR-3 and L-2 districts at an applicant’s discretion, provided:
 - a. Minor Subdivisions classified by the PC as Major Subdivisions (cumulatively creating four or more new residential building lots within a five-year period), and later phases may be required to be submitted as PUD-Residential at the discretion of the PC.
 - b. Minor Subdivisions where lots are created and not built within a five-year period, and any further subdivision creating four or more cumulative building lots shall be considered a Major Subdivision and submitted as a PUD-Residential in the districts listed above.

C. Application Requirements.

1. The applicant will submit eight sets of site plan maps and supporting data to the Planning Office, which will include the following information in addition to the submission requirements for Major Subdivision Preliminary Plats in Article 4, Subdivision Approval:
 - a. A statement setting forth the nature of all proposed modifications of the existing Development Regulations and the proposed standards and criteria which the applicant proposes for the development, including standards for the design, size and spacing of buildings and sizes of lots and open spaces.
 - b. All appropriate legal documents including articles of association, covenants, regulations, or declarations of condominium for those developments that will provide common open space, recreation, roads, parking areas, community water and sewer systems, or other facilities used, owned, or maintained in common.
 - c. Proposed method for maintaining open space land for review and approval, including but not limited to deed restrictions, conservation easements, or long term lease agreements. Open land may be retained by the developer if the appropriate restrictions are placed on the land.

D. PUD Requirements. the requirements in Table 3.5 must be met in all PUD projects:

Table 3.5 PUD Requirements		
	PUD	PUD-Residential
<i>Where Allowed</i>	B, I-1, and I-2 Districts	AR-1, AR-2, AR-3 and L-2 Districts
<i>Permitted Uses</i>	Permitted and conditional uses allowed in the District where the PUD is proposed are allowed.	Residential uses, accessory uses and home occupations are allowed.
<i>Minimum Lot Size in a PUD</i>	50% of the minimum lot size for the use under the zoning district Regulations.	AR-1 and L-2: 0.75 acres per dwelling unit.
		AR-2 and AR-3: 0.5 acres per dwelling unit
<i>Density (Maximum allowed number of lots)</i>	Total size of the subject parcel divided by the minimum lot size for the zoning district in Table 2.3(a), except in the case where a density bonus is applied.	
<i>Minimum Setbacks</i>	50 feet side and rear setbacks unless waived by PC.	50 feet around the perimeter. Larger setbacks may be required at perimeter.

Figure 3.5 Planned Unit Developments

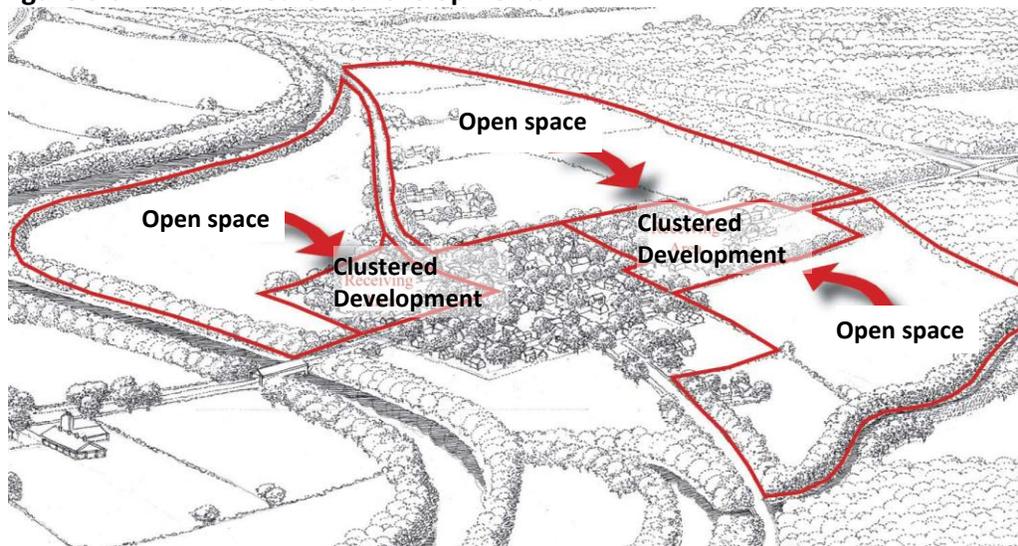


Figure 3.5 shows an example of a typical PUD where the minimum lot size is reduced to cluster uses on a smaller amount of land, allowing for the preservation of open space.

E. General Standards. All PUDs will meet the following standards. The PC may impose conditions to ensure that these standards are met.

- 1. Conformance with the Planning and Design Standards.** All PUD applications must conform to applicable standards in Article 7 (Planning and Design Standards).

2. The PUD will not place an unreasonable burden on the ability of the Town to provide municipal or governmental services. Any phasing of the development will be consistent with the goals and policies of the Comprehensive Municipal Plan and Capital Budget and Program and will take place over a sufficient period of time so that adequate Town facilities and services may be provided.
3. The PC may allow for a greater concentration or intensity of residential land use within some section or sections of the development than in others provided there is a reservation of open space on the remaining land in accordance with the standards in this section.
4. The PUD is consistent with the goals and policies of the Comprehensive Municipal Plan, Article 4, Subdivision Approval, and the Capital Budget and Program.
5. The PUD reflects the development limitations and possibilities of the project site. The development plan identifies slopes greater than 25%, wetlands, flood hazard areas, primary agricultural and forestry soils, historic sites, significant geologic areas, significant habitat, scenic areas, and, in the AR-1 and L-2 Districts, high elevations and ridge tops.
6. The PUD provides an integrated approach to the development of the project site so that developed areas are coordinated in layout and design, there is a clear distinction between developed and undeveloped areas, and the undeveloped areas provide for open space in accordance with standards in these Regulations.
7. The PUD will meet applicable standards in Article 7 (Planning and Design Standards).
8. The height of and scale of buildings will be in keeping with the character of the area within which the PUD is located.
9. All buildings and roadways will be grouped and clustered together or close to buildings on adjacent parcels so as to minimize the appearance of strip development and adverse impacts on the following resources:
 - a. Primary agricultural soils
 - b. Land under active forest management
 - c. Significant habitats
 - d. Significant geological areas
 - e. Scenic areas
 - f. Historic resources
 - g. Potential recreation areas
 - h. Flood hazard areas.

To accomplish these objectives, buildings shall be sited along hedge rows, at the edge of forested areas, at the edge of development roads, Town highways, or road crossings, and within non-prime forested areas. Applicants will demonstrate how the resource values will be protected in future phases.

10. All roads shall be designed and built in accordance with the Town of Georgia Policy for Roads, or Private Road Standards, whichever is applicable. All roads to be taken over by the Town shall require Selectboard approval to be taken over.
11. The PUD is an effective and unified treatment of the development possibilities of the project site, and the development plan makes appropriate provision for preservation of slopes greater than 25%, wetlands, flood hazard areas, historic sites, significant habitats, significant geological areas, and scenic areas.
12. In AR-2 and AR-3 Districts, provision of public recreation facilities may be required.
13. In the AR-2, AR-3 and B Districts, lot layout will reinforce a compact village pattern of buildings fronting on public streets, ways, and spaces with pedestrian circulation along the streets and parking generally in the back or to the side of buildings.
14. In the I-1 and I-2 and B Districts lot layout will be compact and will result in an efficient use of the land for industrial and commercial purposes while providing for convenient access to services and amenities for employees in the District.
15. In the AR-2 and AR-3 districts, the PUD should be designed to most fully utilize the developable land while still meeting the criteria of these Regulations.

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

1. The PC shall require a minimum of 20% for open space land, depending on the character of the parcel, when establishing open land requirements.
2. Open space land will be located so as to conform with and extend existing and potential open space land on adjacent parcels, especially pedestrian walks, trail networks, and protection of significant habitats.
3. Areas in common ownership by tenants' or property owners' associations that are used for parking, loading, vehicular or railway access, sewage disposal or water supply will not meet the open space land requirements of this section unless allowed by the PC.
4. The open space land will provide for the protection of resources on the site that have been identified in the goals and policies of the Comprehensive Municipal Plan, including agricultural land, woodland, significant habitat, geologic areas, scenic areas, and historic sites.
5. The location, shape, size, and character of the open space land will be suitable for its intended use. Open space land should provide for large expanses of contiguous resource lands where

such resources are present on a parcel.

6. Open space land will be suitably improved and/or maintained for its intended use, except that open space containing natural areas requiring preservation may be left unimproved. Provisions will be made to enable lands designated for agriculture and forestry to be utilized for these purposes. The PC may require agricultural land be available for lease to farmers where the land is not retained in farm ownership. Management plans for forestry may be required.
 7. Land shown as open space land will be conveyed in fee simple or protected for its intended use by means of deed restrictions agreed to by the PC. The applicant may, at their choice, grant a conservation easement to one of the following instrumentalities:
 - a. The Town, if it agrees;
 - b. A non-profit conservation organization; and
 - c. Another suitable party, such as a homeowners association, provided there are appropriate deed restrictions placed on the land.
 8. The location, size and design of open space land donated for Town recreation needs should be consistent with the goals and policies of the Comprehensive Municipal Plan and Capital Budget and Program.
 9. Additional measures that may be imposed to protect resources identified on the parcel include, but are not limited to, restrictions on building sites through designation of building envelopes and clearing limits.
 10. Sewage disposal areas and rights-of-way shall not count as open space, except that in the B, I-1, and I-2 Districts, sewage disposal areas and utility easements may count as open space.
 11. The PC may request input from the Conservation Commission regarding the appropriateness of the location, size, and quality of the designated open space for its intended purpose (see 24 V.S.A.§4505(8)).
- G. Density Bonus.** The PC may, at the request of the applicant, consider granting one or more density bonuses according to the following schedule for clustered development if the applicant clearly demonstrates that the developable portion of the parcel(s) and supporting roads, infrastructure, facilities and services can accommodate higher densities of development. Density bonuses, as applied in combination, shall not increase the overall density of development by more than 150%, based on the number of dwelling units for residential development or the maximum building coverage for non-residential development.
1. Renewable Energy Access or Development. Density bonuses for development that promotes renewable energy development will be considered as follows:
 - a. Energy Efficient Siting. A density bonus of 50% may be considered for planned development in which 60% of the building lots or units are oriented to maximize energy

efficiency under Section 7.1 (Energy Efficient Design).

- b. **Group Net Metering.** A density bonus of up to 50% may be considered for PUDs or that incorporate [include installation of] a group net-metered renewable energy facility (e.g. solar collectors, wind turbines) that is designated to provide at least fifty percent of the average annual energy consumption of each unit within the development, subject to facility approval by the VT Public Service Board.
2. **Energy Efficient Building Design.** A density bonus of up to 50% may be considered for PUDs that incorporate one or more of the following design elements, as certified by a qualified professional architect or engineer licensed by the State:
- a. Energy efficient building design that exceeds minimum state energy efficiency requirements for residential and commercial buildings (e.g., LEED, Energy Star Homes, Vermont Builds Greener Program).
 - b. Residential development in which single family dwelling units do not exceed 1,500 square feet, and/or two family and multi-family dwelling units do not exceed 1,200 square feet of habitable floor area per unit.

Section 3.6 Development in the Flood Hazard Zone District

A. Lands to which these Regulations Apply

In accordance with 10 V.S.A. Chapter 32, and 24 V.S.A. Chapter 117, Section 4424, 4411, and 4414, there is hereby established a bylaw for areas at risk of flood damage in the Town of Georgia. Except as additionally described below, all administrative procedures follow municipal procedures under 24 V.S.A. Chapter 117.

1. Regulated Flood Hazard Areas. These Regulations shall apply to the Special Flood Hazard Area in and on the most current flood insurance studies and maps published by the Department of Homeland Security, Federal Emergency Management Agency, National Flood Insurance Program, as provided by the Secretary of the Agency of Natural Resources (or most current agency) pursuant to 10 V.S.A. Chapter 32 § 753, which are hereby adopted by reference and declared to be part of these Regulations. The location of the boundary shall be determined by the ZA. If the applicant disagrees with the determination made by the ZA, a Letter of Map Amendment from FEMA shall constitute proof.
2. Base Flood Elevations and Floodway Limits in Special Flood Hazard Areas. Where available, base flood elevations and floodway limits provided by the National Flood Insurance Program and in the Flood Insurance Study and accompanying maps shall be used to administer and enforce these Regulations. In Special Flood Hazard Areas where base flood elevations and/or floodway limits have not been provided by the National Flood Insurance Program in the Flood Insurance Study and accompanying maps, it is the applicant's responsibility to develop the necessary data. Where available, the applicant shall use data provided by FEMA, or State, or Federal agencies.
 - a. Where available; i.e., Zones A1-A30, AE and AH; the base flood elevations and floodway limits provided by the National Flood Insurance Program in the Flood Insurance Study and accompanying maps shall be used to administer these Regulations.
 - b. In Zones AE, AH, and A1 – A30 where base flood elevations and/or floodway limits have not been determined, development shall not be permitted unless it is demonstrated that the cumulative effect of the proposed development, when combined with all other existing and anticipated encroachment, will not increase the base flood elevation more than 1.00 foot at any point within the community. The demonstration must be supported by technical data that conforms to standard hydraulic engineering principles and certified by a registered professional engineer.

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

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

D. Development Prohibited in Hazard Areas. Notwithstanding other provisions of these Regulations, the following land development shall be prohibited in the Flood Hazard Areas:

1. All dumps, junk yards, and bulk storage of flammable and other hazardous materials;
2. Sewage and water treatment facilities, except where approved by the State and the Town of Georgia;
3. New construction, substantial improvement, expansion or relocation of any structure, fill or other encroachment in the floodway, which would result in an increase in flood levels or flood velocities during a base flood (see Flood Insurance Study and accompanying maps); and
4. Encroachments in Floodway Areas. Encroachments or development above grade and less than one foot above the base flood elevation, are prohibited unless hydrologic and hydraulic analyses are performed in accordance with standard engineering practice, by a registered professional engineer at the Applicant's expense, certifying that the proposed development will:
 - a. Not result in any increase in flood levels (0.00 feet) during the occurrence of the base flood; and
 - b. Not increase any risk to surrounding properties, facilities, or structures from erosion or flooding.
5. The use of fill is prohibited in flood hazard areas.

E. Permit Requirements and Review Procedure.

1. Within the flood hazard area, no development (as defined in Article 9, Definitions), building, manufactured home, or structure shall be constructed, erected, moved, replaced, altered or enlarged; nor shall any parcel of land be divided into two or more lots; nor shall any mining, excavation, filling, or storage of materials be commenced or substantially extended; nor shall any watercourse be altered or relocated, except upon conditional use approval by the ZBA. Before granting such approval, the ZBA shall find that the applicant has satisfied all review and design requirements of this by-law.
2. Applicants shall provide the following information in addition to that required elsewhere in this by-law:

- a. Existing and proposed contours, at one foot intervals, based on USGS National Geodetic Vertical Datum and reference points on FIRM maps;
 - b. Existing and proposed elevations at the corners of proposed foundations, and all utilities and land alterations;
 - c. Lowest elevation of the lowest floor (including basement) for all existing and proposed buildings;
 - d. A certified plan for flood proofing and a description of any proposed storage of materials;
 - e. Other information required to determine compliance with these Regulations; and
 - f. A Vermont Agency of Natural Resources Project Review Sheet for the proposal. The Project Review Sheet shall identify all State and Federal agencies from which permit approval is required for the proposal, and shall be filed as a required attachment to the municipal permit application. The identified permits, or letters indicating that such permits are not required, shall be submitted to the ZA and attached to the permit before work can begin.
3. For applications filed and permits issued in the flood hazard area, the ZA shall:
- a. Upon receipt of an application send a copy to the Vermont Agency of Natural Resources, Department of Environmental Conservation (DEC) for review pursuant to Ch. 117 Section 4424. Permits may only be issued after DEC comment or after the expiration of 30 days from date of mailing to DEC.;
 - b. Notify the applicant of other State or Federal permits which may be required; and
 - c. Maintain permit records for development in the flood hazard area, including the elevation to mean sea level of the lowest floor (including basement) of all new or substantially improved buildings; elevation, relative to mean sea level, to which buildings have been flood-proofed; certifications of flood-proofing required under this regulation; all variance actions, including justification for their issuance.
4. No Certificate of Occupancy shall be issued until the ZA has determined that the building or use of land has been completed in accordance with this by-law and the terms of the permit and has obtained verification of “as built” elevations or an “as built” dry floodproofing certificate, as appropriate.

F..Flood Hazard Area Development Standards. All development (including subdivisions, manufactured homes and public utilities and facilities) shall be designed to minimize flood damage, provide adequate drainage to reduce exposure to flood hazards and to assure sites are reasonably safe from flooding. Development in the floodway is prohibited unless a registered professional engineer certifies the proposed development will not result in any increase in flood

levels during a base flood.

1. All structures, including manufactured homes, shall be reasonably safe from flooding and be designed and constructed using flood resistant materials and utilizing methods and practices to minimize flood damage. This includes anchoring of structures to foundations to prevent flotation, collapse or

lateral movement from hydrological forces including buoyancy.

2. All utilities and facilities such as gas, electrical, plumbing, heating and ventilating, and other service facilities shall be located and designed to prevent water entering or accumulating in the components during conditions of flood.

3. All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters.

4. All new or replacement sewage systems (including on site systems) shall be designed and located to minimize or eliminate infiltration of flood waters, discharges into flood waters, impairment to systems or contamination from them during flooding.

5. No excavation, fill or other encroachment resulting in ponding or other flood damage detrimental to other property owners shall be permitted.

6. Where possible, shoreline cover shall not be disturbed. However, where excavation, fill or shoreline protection works are necessary, they shall be designed, constructed and maintained to minimize erosion and embankment failure.

7. Alteration or relocation of a watercourse is not permitted without notification to the Vt. Dept. of Environmental Conservation and adjacent communities. Copies of same shall be sent to the Administrator of the Federal Insurance Administration. The flood carrying capacity of any altered or relocated watercourse shall be maintained.

8. Structures to be substantially improved in Zones A, A1-A30, AE, and AH shall be located such that the lowest floor is at least one foot above base flood elevation; this must be documented, in as built condition, with a FEMA Elevation Certificate.

9. Non-residential structures to be substantially improved shall:

a. Meet the standards in VII A3; or

b. Have the lowest floor, including basement, together with attendant utility and sanitary facilities be designed so that two feet above the base flood elevation the structure is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy; a permit for flood proofing shall not be issued until a registered professional engineer or architect, at applicant's expense, has reviewed the structural

design, specifications and plans, and has certified that the design and proposed methods of construction are in accordance with accepted standards of practice for meeting the provisions of this subsection.

10. Fully enclosed areas below grade on all sides (including below grade crawlspaces and basements are prohibited.

11. Fully enclosed areas that are above grade, below the lowest floor, below BFE and subject to flooding, shall:

a. Be solely used for parking of vehicles, storage, or building access, and such a condition shall clearly be stated on any permits; and

b. Be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exist of floodwaters. Such designs must be certified by a registered professional engineer or architect, at applicant's expense, or meet or exceed the following minimum criteria: a minimum of two openings on two walls have 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 equipment with screens, louvers, valves, or other covering or devices provided that they permit the automatic entry and exit of floodwaters.

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

a. Normal continuation and maintenance of non-complying structures; or

b. Improvements required for maintenance of structural integrity or historic significance of a historic structure (as defined in Article 9).

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

14. In A1-30, AH, and AE Zones, all recreational vehicles to be placed on a site must:

a. Be elevated and anchored; or

b. Be on the site for less than 180 consecutive days; or

c. Be fully licensed and highway ready.

G. Enforcement and Penalties.

1. This bylaw shall be enforced under these development regulations bylaws in accordance with 10 V.S.A. Section 1974(a), 4451, and 4452. A copy of the notice of violation will be mailed to the State NFIP Coordinator.

2. If any appeals have been resolved, but the violation remains, the ZA shall submit a declaration to the Administrator of the National Flood Insurance Program requesting a denial of flood insurance to the property pursuant to Section 1316 of the National Flood Insurance Act of 1968, as amended.

3. Violations of the Accepted Agricultural Practices shall be enforced under this Section as violations of this bylaw. Such violations shall also be immediately reported to the Secretary of Agriculture for enforcement under 6 V.S.A. Section 4812.

H. Variance Procedure. Variances will be granted by the ZBA only:

1. In accordance with Ch. 117 Section 4469(a) and 4424, and in accordance with the criteria for granting a variance found in 44 CFR, Sec. 60.6, of the National Flood Insurance Program Regulations;
2. Upon determination that during a base flood the variance will not result in increased flood levels;
3. Upon a determination that the structure or other development is protected by methods that minimize flood damages during a base flood and create no additional threats to public safety; and
4. Any variance issued in the Special Flood Hazard Area will inform the applicant in writing over the signature of a community official that the issuance of a variance to construct a structure below the base flood elevation increases risk to life and property and will result in increased flood insurance premiums. Such notification shall be maintained with a record of all variance actions.

Section 3.7 South Village Core Design Criteria and Guidelines

A. **Applicability.** Land development in the South Village Core District shall satisfy the following design criteria. To demonstrate that a criterion is satisfied, the applicant must comply with each associated guideline.

B. **Design Criteria.**

1. **Design and Context Sensitivity.**

The purpose of this criterion is to allow the development of buildings, lighting fixtures, and signs that conform to the desired character and design of the South Village Core.

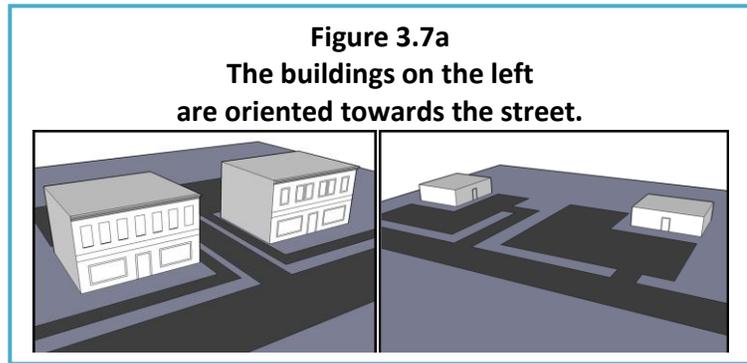


Figure 3.7a
The buildings on the left are oriented towards the street.

- a. **Guideline 1a.** Buildings and lots are oriented to a public or private street (see Figure 3.7a) and conform to the applicable dimensional standards in Table 2.3(b), (c), and (d) (Dimensional Standards By Zoning District) and (Dimensional Standards For Special Uses).
- b. **Guideline 1b.** Buildings have interesting and diverse storefronts, facades, and/or architectural detailing. Listed below are design elements that make interesting and diverse storefronts, facades, or architectural detailing.

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

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

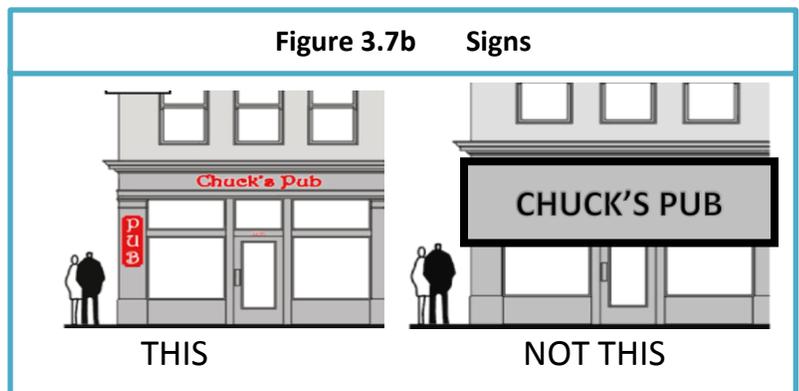


Figure 3.7b Signs

THIS

NOT THIS

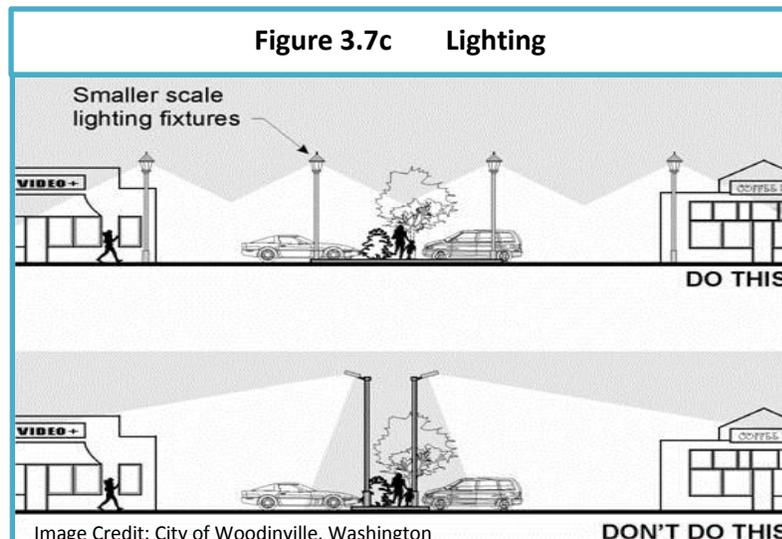
The sign on the left has pedestrian orientation and is integrated into the architecture.

- a. **Guideline 1c.** Signs are architecturally integrated in a building's elevation and have orientation to pedestrians as well as automobiles (Figure 3.7b). Pedestrian orientation means that signs are scaled to be easily read by pedestrians walking in the streetscape. Whether bracketed off the face of a building or mounted directly on the façade, signs are hung in logical spaces between windows or between floor levels. Signs do not obscure key architectural features of a building. Signs shall also conform to Section 5.8 (Signs).

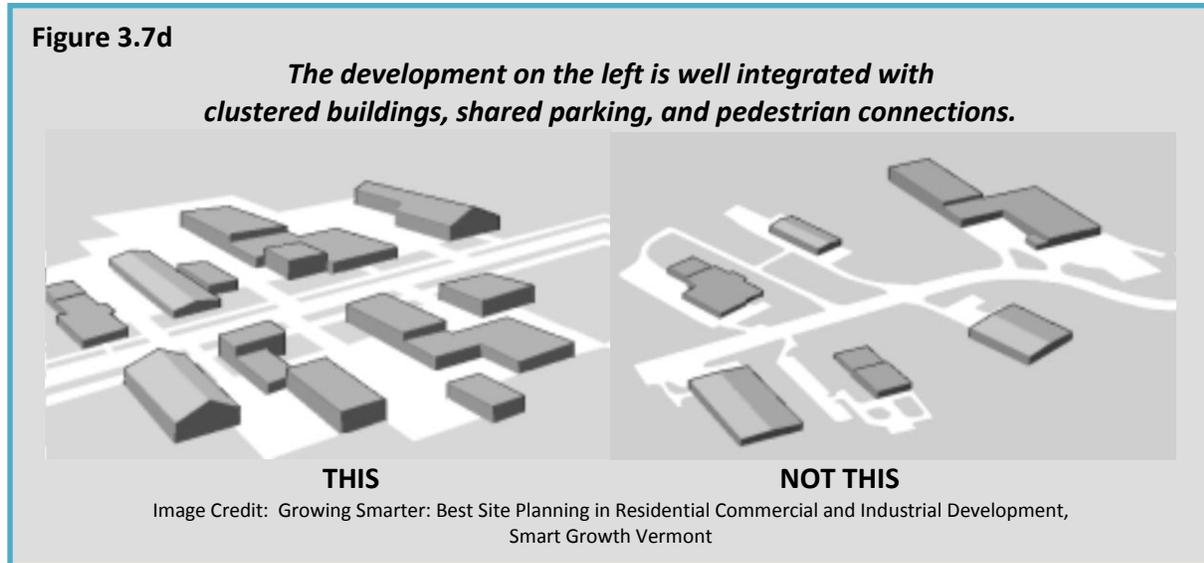
- b. **Guideline 1d.** Outdoor lighting illuminates public spaces, including streets, sidewalks, walkways, parks/plazas, and parking areas, as approved by the PC in accordance with the following.
 - i. Outdoor lighting fixtures are designed to direct light downward and adjusted so as not to cast light directly on adjacent roadways or properties and do not cause excessive glare within the property or adjoining properties. To achieve this, lighting fixtures shall have either exterior shields or optics within the fixture, such as “cut-off” technology that controls light spread. Parking area lighting shall be a concealed recessed light source.

 - ii. Lighting fixtures in public spaces, including sidewalks, walkways, and plazas, are of a smaller, pedestrian scale (See Figure 3.7c). Pedestrian scale lighting is a maximum of 16 feet in height. In no case shall any parking area light fixture exceed a maximum of 20 feet in height.

 - iii. Lighting fixtures are architecturally integrated in the design of a building or sign. The same pole type and fixtures shall be used on a development site.



- 2. **Efficient and Compact Use of Site, Mixed Use Development.** The purpose of this criterion is to create a compact site layout that is coordinated with adjacent development and to permit land uses that are mixed on-site or are mixed in combination with adjacent uses (existing or planned). The combining of land uses promotes easy access among stores and services by pedestrians and minimizes vehicle accesses to streets with a goal of having accesses serve two or more properties.
 - a. **Guideline 2a.** The site layout clusters and integrates buildings with existing development to promote linked pedestrian trips (see Figure 3.7d).



- b. **Guideline 2b.** Opportunities for shared parking are utilized in the proposal (See Section 5.5 C (Shared Parking) for shared parking approval requirements);
- c. **Guideline 2c.** The proposal is a mixed use development or contributes to a mixed use district. Mixed-use means a combination of residential, commercial, and/or governmental uses, arranged vertically (in multiple stories of buildings) or horizontally (adjacent to one another). Opportunities for including mixed uses include, but are not limited to, apartments on upper levels with commercial space on the ground floor or public parking in the basement underneath an office or apartment building.
- d. **Guideline 2d.** The number of curb cuts and their widths shall be minimized as feasible and shall integrate entries with other access points and streets rather than at random locations along the street. When possible, the PC shall require shared access to adjoining properties and may limit access to



the property to the lesser traveled street. Shared access shall be possible when it can be implemented without removal of any existing buildings; shared access is feasible based on subsurface conditions; and shared access will not have an adverse effect on one of the uses of the property in question.

3. Pedestrian Access, Safety, and Comfort. The purpose of this criterion is to permit development that is accessible by a direct, convenient, attractive, safe, and comfortable system of pedestrian facilities, and development that provides appropriate pedestrian amenities. The design of buildings and the streetscape supports a safe and attractive pedestrian environment.

- a. **Guideline 3a.** Building(s) have at least one public entrance facing and oriented toward the street with a direct link to sidewalks and any other pedestrian walkways (Figure 3.7e). Corner entrances are encouraged on corner buildings.

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

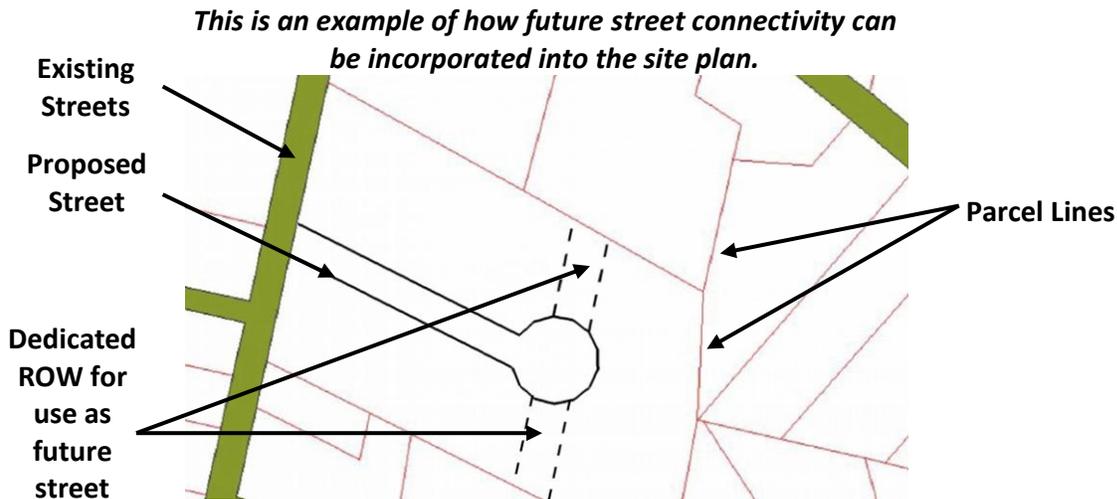
- b. **Guideline 3b.** Windows or window displays are provided at a pedestrian scale (eye level) along facades that face and are oriented to streets.
- c. **Guideline 3c.** Sidewalks are placed along every street having frontage on the development parcel and pedestrian walkways are integrated throughout the site plan, providing connection to adjacent land uses, parking areas, and building entrances. Sidewalks include a greenstrip or street-furnishing zone as a buffer from the street and are constructed in accordance with Town of Georgia specifications. Appropriate pedestrian amenities (for example street tree well cutouts, space for outdoor seating, mailboxes, newspaper vending machines, etc.) may be provided in the greenstrip or street furnishing zone as appropriate.
- d. **Guideline 3d.** Street trees are planted in the street furnishing zone or greenstrip along all sidewalks, or if not possible due to infrastructure or other physical constraints, in the front yard parallel to the edge of the right-of-way. Street tree selection, purchasing, spacing, and planting is done according to Criterion 6 (Quality Landscaping and Screening) and an overall landscaping plan as required in Text Box 3.3 (Requirements of a Landscaping and Screening Plan).
- e. **Guideline 3e.** Parking lots and vehicle drives are not located between the primary building entrance and the street and are located behind or to the side of a building (See Figure 3.7a). Parking lots are not located on street corners.
- f. **Guideline 3f.** Landscape buffering is provided between parking lots and all adjacent sidewalks and pedestrian walkways.

4. Building a Safe Public Road Network. The purpose of this criterion is to permit development that is part of a complete and connected road network that safely and efficiently accommodates vehicles, pedestrians, bicycles and future transit.

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

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

Figure 3.7f Street Connectivity

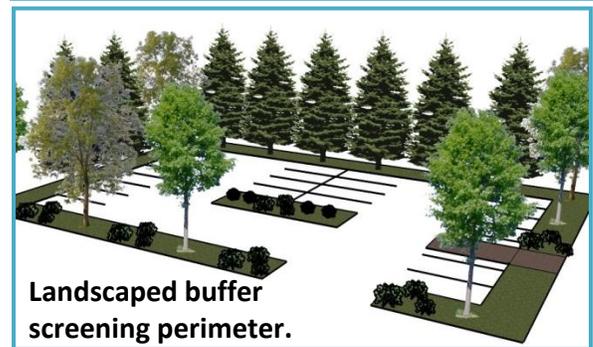


- b. **Guideline 4b.** All proposed new roads are built to Town standards and may be taken over by the Town as public roads. All roads will be required to be named and identified by a street sign, which is of a standard approved by the Town in accordance with E-911 street address ordinances.

- c. **Guideline 4c.** When a traffic study is required (according to application requirements in Section 3.3 B(2) (Site Plan Review Application Submission), the proposal does not cause traffic conditions on a Town highway or intersection to go below a Level of Service (LOS) of C, as defined by the Vermont Agency of Transportation. The PC may require mitigation measures for existing traffic conditions that are dangerous according to LOS and crash data from the Vermont Agency of Transportation.



- 5. **Efficient Parking, Loading, and Service Areas.** The purpose of this criterion is to minimize the amount of land developed as surface parking and loading areas and to promote efficient and safe parking, loading, and service facilities with good circulation and access.



- a. **Guideline 5a.** The project uses shared parking where feasible. Shared parking means that multiple uses share one or more parking facilities See Section 5.5 C (Shared Parking).
- b. **Guideline 5b.** All parking lots proposed as part of a single development plan are designed to provide cross access connectivity (vehicular and pedestrian), or the interconnection of parking areas. Cross access connectivity (vehicular and pedestrian) is provided to any existing adjacent parking lots when it can be implemented without removal or relocation of any existing buildings, it is feasible based on subsurface conditions, and it will not have an undue adverse effect on one of the uses of the adjacent properties.
- c. **Guideline 5c.** Parking areas are landscaped and screened from adjacent uses and from the roadways in the vicinity via buffers around the perimeter and planting strips and islands integrated throughout the lot design (Figure 3.7g).

- 6. **Quality Landscaping and Screening.** The purpose of this criterion is to create attractive, human-scale, mixed use neighborhoods with abundant shade trees and vegetation, and to approve quality landscaping and other screening methods, which harmonize mixed uses and transportation infrastructure in a pedestrian-friendly village.

- a. **Guideline 6a.** Landscaping is integrated throughout the site, including in front and side yards, within and around parking areas, and where rear yards abut residential

properties, so as to soften the landscape and effectively shade parking areas, sidewalks/walkways, and public spaces. In addition, trees and other landscaping are placed to interrupt the facades of buildings, to visually reduce the scale and bulk of large buildings, to integrate the site with the surrounding landscape, and to enhance environmental quality (e.g., wildlife habitat, soil stabilization, air quality, energy conservation).

- b. **Guideline 6b.** Landscaping or other screening is placed appropriately on the site to mitigate the impacts of development on adjacent properties and pedestrian sidewalks/walkways. Examples of where the use of landscaping or screening is appropriate include to screen utility infrastructure, to screen the exterior storage of materials, to buffer noise from kitchen or heating infrastructure or equipment, to screen unsightliness or buffer odor from refuse removal areas, and to screen unsightliness and noise of parking and/or loading areas.
- c. **Guideline 6c.** Landscaping plans use both deciduous and coniferous shade-giving trees in available yard areas, especially front and side yards and parking areas, when possible. Shade trees are especially important in instances where street trees are not practical because of site constraints. Flowering, ornamental, or small trees are used to compliment shade trees in instances where large yard areas exist, and where space limitations prevent the planting of shade trees.
- i. In addition to trees, landscaping plans include a combination of the following:
- Landscaping beds that enhance the general appearance of the site and define planting strips, lawn, and buffer areas;
 - A mix of evergreen and flowering shrubs and bushes adjacent to buildings, within planting beds, and to compliment shade trees and other landscaping features; and
 - Lawns mixed with trees and other plants, especially in any front yard area.
 - Large mulched areas are prohibited.
- ii. Compliance with this guideline shall be possible if:
- It can be implemented without removal or relocation of any existing building on the site; and
 - Subsurface conditions on the property are adequate to accommodate required landscaping.
- d. **Guideline 6d.** Where street trees are proposed in the greenstrip, street furnishing area, or in the front yard parallel to the edge of the right-of-way, at least one street tree is planted for each 40 linear feet of greenstrip or frontage (excluding driveways), unless modified by the PC due to infrastructure or other practical barriers. In addition, greenstrips are no less than 6 feet wide where street trees are proposed and street tree wells within a surfaced street furnishing zone are no less than 4 feet by 4 feet. The

applicant shall demonstrate that there is adequate rooting space. Street tree selection, purchasing, spacing, and planting is done according to an overall landscaping plan according to Text Box 3.3 (Requirements of a Landscaping and Screening Plan).

7. Public Space. The purpose of this criterion is to create usable public space and parkland that integrates appropriately with existing or planned public space, including adjacent parks, sidewalks, and public buildings. To seek specific opportunity for public greenspace appropriate for a central village green.

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

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

a. **Guideline 8a.** Development sites control erosion in accordance with the erosion control standards in Section 7.13 (Site Preservation and Erosion Control).

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

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

ii. Use of permeable pavement for parking stalls and spillover parking, sidewalks, driveways and bike trails.

Section 3.8 Waivers

- A. Setback Waiver.** In conjunction with a proposed subdivision and/or site plan proposal, the PC may waive setback standards up to 50% in any district to allow for single story attached garages, decks, porches, and/or accessory structures if all of the following conditions apply:
1. The property has unique physical circumstances or conditions that were not created by the applicant, which prevents the applicant from meeting the setback requirement. Such unique physical circumstances or conditions may include but are not limited to irregular lot size or poor soil conditions.
 2. Due to such physical circumstances or conditions, there is no possibility that the property can be developed in conformance with the setback standard and the authorization of a waiver is necessary to enable the reasonable use of the property. The applicant must show that all other possible alternatives have been considered before the PC will consider granting a waiver.
 3. No waiver shall be granted which would have an undue adverse effect on adjacent property, the character of the area or on public health and safety. In the issuance of waivers, the PC:
 - a. Shall consider and may require design features, screening, or some other remedy in order to mitigate anticipated impacts of any such waiver. The design feature should have a minimum height of five (5) feet above grade level and shall provide adequate privacy to the surrounding use(s). Options include a wall, a solid fence, a densely planted hedge or natural and/or man-made landforms.
 - b. May require that all outdoor storage of materials and equipment, including waste storage facilities, shall not be stored or located within the reduced setback area.
 - c. Shall provide only the minimum waiver that will represent the least deviation possible from these Regulations.
 4. Applications for waivers shall be considered by the PC after a public hearing held in accordance with Section 8.4 (Public Hearing/Public Notice Requirements for Planning Commission/Zoning Board of Adjustment Approvals).

Article 4 Subdivision Approval

Section 4.1 Purpose

1. Policy.

1. It is hereby declared to be the policy of the Town of Georgia to consider the subdivision of land and the subsequent development of the subdivided plat as subject to the control of the Town of Georgia pursuant to the Vermont Planning and Development Act (Act) Title 24, Chapter 117 and the goals and policies of the Georgia Comprehensive Municipal Plan for the orderly, planned, efficient and economical development of the Town.
2. Land to be subdivided shall be of such character that it can be used safely for building purposes without danger to health or peril from fire, flood, or other menace. Land shall not be subdivided until proper provision has been made for drainage, water, sewage, and capital improvements such as schools, parks, sidewalks, curbs, recreation facilities, and transportation facilities.

2. Purpose.

1. To protect and provide for the public health, safety, and general welfare of the Town of Georgia.
2. To guide the future growth and orderly development of the Town in accordance with the goals and policies of the Comprehensive Municipal Plan and all other By-Laws enacted to implement the Plan.
3. To provide for adequate light, air, and privacy, to secure safety from fire, flood, and other dangers, and to prevent over-crowding of the land and undue congestion of populations.
4. To guide public and private policy and action in order to provide adequate and efficient transportation, water, sewage, schools, parks, playgrounds, recreation, sidewalks, curbs, and other public requirements and facilities.
5. To provide the most beneficial relationship between the uses of land and buildings and the circulation of traffic throughout the Town, having particular regard to the avoidance of congestion in the streets and highways.
6. To ensure that public facilities are available and will have a sufficient capacity to serve any proposed subdivision.
7. To prevent the pollution of air, streams, rivers, ponds, and Lake Champlain; to assure the adequacy of drainage facilities; to safeguard the water tables; and to encourage the wise use and management of natural resources throughout the Town in order to preserve the integrity, stability, and beauty of the community and the value of land.

8. To preserve the natural beauty and topography of the Town and to ensure appropriate development with regard to these natural features.
9. To further the purposes contained in the Vermont Planning and Development Act, and in particular, those purposes in Section 4302 of Ch. 117.

Section 4.2 Applicability

These Subdivision Regulations shall apply to all subdivisions of land, as defined in these Regulations, located within the Town of Georgia. No land shall be subdivided within the Town of Georgia until the subdivider shall obtain final approval of the proposed subdivision from the PC and the final approved subdivision plat is recorded in the Georgia Land Records.

Section 4.3 Application Requirements

This section includes all requirements necessary for a boundary adjustment, and minor or major subdivision application, to be deemed complete.

A. General Application Requirements

1. **Number of Copies.** Eight (8) copies of all required submissions under these Regulations shall be submitted.
2. **Application Fees.** Upon submission of an application for subdivision approval, the subdivider applicant shall pay the application fee as established by the Selectboard. Such fee shall include the costs of publication, public hearings, administrative expenses, and for periodic inspections by Town retained consultants during the installation of public improvements. Should the PC deem it necessary to employ an engineer to review any plans for streets, drainage, water, sewage or other public improvements, the costs of such engineer shall be borne solely by the subdivider.
3. **Legal Data.** The final plat application for a minor or major subdivision shall be accompanied by a certificate of title showing the ownership of all property and easements to be dedicated to the Town. All proposed deeds conveying property or easements to the Town shall also accompany the final application. In addition, a draft of all restrictions of all types which will run with the land and become covenants shall be filed with the final application. The PC may require the filing of such other legal data as it deems necessary in the enforcement of these Regulations.
4. **Waivers.** The PC may waive, subject to appropriate conditions, any or all improvements and application submission requirements as in its judgment of the special circumstances of a particular plat or plats are not requisite in the interest of the public health, safety and general welfare, or which in its judgment are inappropriate because of an inadequacy or lack of connecting facilities adjacent to or in proximity to the subdivisions.

In granting waivers, the PC shall require such conditions as will, in its judgment, secure substantially the objectives of the requirements so waived. No such waiver may be granted if it would have the effect of nullifying the intent and purpose of the goals and policies of the Comprehensive Municipal Plan or varying these or other applicable Regulations.

5. **Filing of Final Plat.** Upon approval of a final plat by the PC, the PC Chair shall sign and date the plat. The Final Plat, either submitted in an approved digital format, or on Mylar measuring 18” by 24” with signature, shall be filed by the subdivider with the Town Clerk within 180 days of the PC’s signed written decision. Final approval shall expire if the Final Plat is not filed by the subdivider within the 180 day period. One ninety (90) day extension may be granted pursuant to Title 24 Ch. 117, Section 4463(b)(1), Vermont Statutes Annotated.
 6. **Bonding.** Bonding shall be required sufficient to cover the completion and maintenance of required improvements for two years after completion. The amount of bond shall be established by the PC based upon the subdivider’s estimate, bids or other information deemed necessary by the PC, but shall not exceed 150% of the projected improvement and maintenance costs.
 7. **Revisions.** No changes, erasures, modifications, or revisions shall be made on any subdivision plat after final approval, unless said plat is first resubmitted to the PC and the PC approves the modifications. In the event a subdivision plat is recorded without complying with this requirement, the plat shall be considered null and void.
 8. **Effect of Final Approval.** Final approval by the PC shall not be deemed to constitute or be evidence of any acceptance by the Town of any street, easement, utility, park, recreational area or open space shown on the final plat. Such acceptance may only be accomplished by formal resolution of the Selectboard.
 9. **Expiration of Approval.** Legally filed Final Plats are permanent and have no expiration. Construction on approved lots is subject to all provisions of these Regulations in effect at the time zoning and construction related permits are applied for.
- B. Boundary Adjustment.** All Boundary Adjustment applicants shall submit to the Zoning Administrator, a survey which reflects the existing and proposed lot boundaries, the location of water supplies and wastewater disposal systems and all structures located on the lots affected by the adjustment and the distances from those structures to the existing and proposed boundary line (the line to be adjusted).
- C. Sketch Plan Review.** For the purpose of classification and initial discussion, all subdivision applicants, prior to submitting applicable Preliminary or Final Plat applications, shall submit the following Sketch Plan information:
1. Name, address, and telephone number of the owner of record and applicant.
 2. Names and addresses of owners of record of contiguous properties.

3. Boundaries and area of proposed subdivision.
4. Existing and proposed layout of property lines; type and location of existing and proposed restrictions on land, such as easements and covenants.
5. Type, location, and approximate size of existing and proposed streets, utilities, and open space.
6. Date, true north arrow and scale (numerical and graphic).
7. Location map, showing relation of proposed subdivision to adjacent property and surrounding area.
8. Deed reference – tax map reference.
9. Zoning district.
10. Payment of required fees.
11. Size of lots and number of lots.

D. Preliminary Plat for Major Subdivisions

1. The Preliminary Subdivision Plat shall consist of one or more maps or drawings which may be printed or reproduced on paper with all dimensions shown in feet or decimals of a foot, drawn to a scale of not more than one hundred (100) feet per inch, showing or accompanied by the following information. Reference Section 4.3 A(5) (Filing of Final Plat) for final plat filing.
 - a. Proposed subdivision name or identifying title and the name of the Town.
 - b. Name and address of the record owner, subdivider and designer of the preliminary plat, and any option holders of the proposed subdivision.
 - c. Number of acres within the proposed subdivision, location of property lines, existing easements, buildings, water-courses and other essential existing physical features.
 - d. The names of all subdivisions immediately adjacent and the names of owners of record and deed reference of adjacent acreage.
 - e. The zoning district designation of the area to be subdivided and any zoning district boundaries affecting the tract.
 - f. Deed reference, tax map reference.

- g. The location and size of any existing sewers and water mains, culverts and drains on the property to be subdivided.
- h. Location, names and present widths of existing and proposed streets, highways, easements, building lines, alleys, parks, and other public open spaces as well as similar facts regarding adjacent property two hundred (200) feet from property lines. Street names are to be submitted to the Selectboard. The approval is to be documented by means of a letter.
- i. Contour lines at intervals of five (5) feet for existing grades and for proposed finished grades where changes of existing ground elevation will be five (5) feet or more.
- j. Typical cross sections of the proposed grading and roadways and of sidewalks.
- k. Complete survey of subdivision tract by a licensed land surveyor.
- l. Date, true north point and scale.
- m. Means of providing water supply to the proposed subdivision
- n. Means of on-site disposal of septic wastes including location and results of tests to ascertain subsurface soil, rock and ground water conditions, depth to ground water unless pits are dry at depth of five (5) feet; location and results of percolation tests on each lot.
- o. Provisions for collecting and discharging storm drainage, in the form of a drainage plan.
- p. Preliminary designs of any bridge or culverts which may be required.
- q. The proposed lot lines with approximate dimensions and suggested locations of buildings.
- r. The location of temporary markers adequate to enable the PC to location readily and appraise the basic layout in the field. Unless an existing street intersection is shown, the distance along a street from one corner of the property to the nearest existing street intersection shall be shown.
- s. Any parcels of land proposed to be dedicated to public use and the conditions of such dedication.
- t. The location of natural features or site elements to be preserved.
- u. Fire protection letter of requirements from the Fire Department.
- v. List of waivers, if any, the subdivider desires from the requirements of these Regulations.

2. **Vicinity Map.** The Preliminary Plat shall be accompanied by a vicinity map drawn at the scale of not over four hundred (400) feet to the inch to show the relation of the proposed subdivision to the adjacent properties and to the general surrounding area. This map shall show all the area within two thousand (2,000) feet of any property line of the proposed subdivision or any smaller area between the tract and all surrounding existing streets, provided any part of such a street used as part of the perimeter for the vicinity map is at least five hundred (500) feet from any boundary of the proposed subdivision. Within such area, the vicinity map shall show:

- a. All existing subdivisions and approximate tract lines of parcels together with the names of the record owners of all adjacent parcels of land; namely, those directly abutting or directly across any street adjoining the proposed subdivision.
- b. Locations, widths and names of existing, filed or proposed streets, easements, building lines and alleys pertaining to the proposed subdivision and to the adjacent properties as designated in Section 4.3 D(2) (Vicinity Map), above.
- c. An outline of the platted area with its street system and an indication of the future street system of the remaining portion of the tract, if the preliminary plat submitted covers only part of the subdivider's entire holding.

E. Final Plat for Major and Minor Subdivisions. The Final Plat shall consist of one or more sheets of drawings which conform to the following specifications and requirements.

1. **Specifications:**

- a. It shall be on Mylar paper clearly and legibly drawn, and the size of the sheets shall be 18 inches x 24 inches, or an approved digital version. Mylar sheets shall have a margin of two (2) inches outside of the border lines on the left side for binding and a one (1) inch margin outside the border along the remaining sides. Space shall be reserved thereon for endorsement by all appropriate agencies.
- b. The final plat for a major subdivision shall conform in all respects to the preliminary plat as approved by the PC.
- c. The Subdivision Plat shall show those items referenced in Section 4.3 A(5) (Filing of Final Plat) for filing of final plat.

2. **Requirements.**

- a. Proposed subdivision name or identifying title, the name of the municipality, the name and address of the record owner and subdivider, the name, license number and seal of the licensed land surveyor, the boundaries of the subdivision and its general location in relation to existing streets or other landmarks and scale, date and true north point.
- b. Street names, lines, pedestrian ways, lots, reservations, easements and area to be dedicated to public use as approved by the PC.

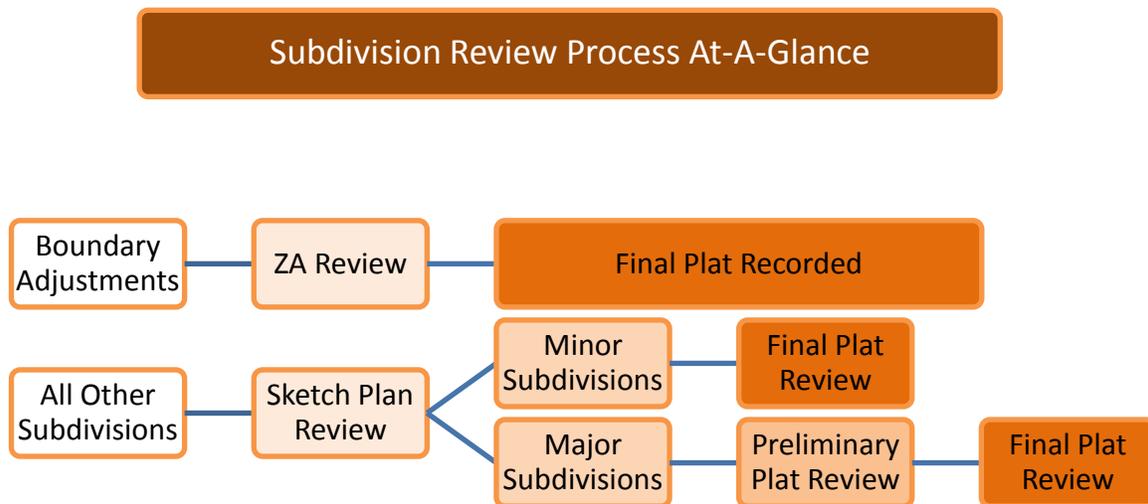
- c. Sufficient data acceptable to the PC to determine readily the location, bearing and length of every street line, lot line, boundary line and to reproduce such lines upon the ground. When practicable these should be tied to reference points previously established by a public authority.
 - d. The length of all straight lines, the deflection angles, radii, length of curves and central angles of all curves, tangent distances and tangent bearings for each street.
 - e. By proper designation on such Plat, all public open space for which offers of cession are made by the subdivider and those spaces title to which is reserved by the subdivider.
 - f. Lots within the subdivision numbered in alternating order within the blocks.
 - g. The location of all of the improvements referred to in Section 4.6 C (Street Standards) and, the location of all fire protection devices, utility poles, sewage disposal systems, and rough grading and other devices and methods of draining the area within the subdivision.
 - h. Permanent reference monuments and lot corner markers shall be clearly indicated.
 - i. Monuments shall be set at all corners and angle points of the boundaries of the subdivision, and for new roads at all street intersections, angle points in street lines, points of curve and such intermediate points as shall be required by the PC.
 - j. Deed reference, tax map reference.
3. The following supporting documents shall be submitted to the PC with the Final Plat.
- a. Copies of proposed deeds, agreements or other documents showing the manner in which streets, open space, including park and recreational areas served and maintained, and a certificate from the Legislative Body or Town attorney that these documents are satisfactory. Such certificate shall not be construed, however, as acceptance by the Town of Georgia of any areas proposed to be dedicated to the Town.
 - b. A certificate from a licensed consulting engineer as to the satisfactory completion of all improvements that may be required by the PC, or in lieu thereof, a performance bond to secure completion of such improvements and their maintenance for a period of two (2) years, with a certificate from the Legislative Body that it is satisfied either with the bonding or surety company, or with security furnished by the subdivider.
 - c. Any other documents required by the PC as a result of preliminary plat approval.
 - d. The final plat application for a minor or major subdivision shall be accompanied by a Certificate of Title showing the ownership of all property and easements to be dedicated or acquired by the Town, or reserved, and said Certificate of Title shall be approved by the Town attorney. Copies of all proposed Offers of Dedication, deeds, easements or

other instruments conveying property or easements to the Town shall also accompany the final application and be approved by the town attorney.

Section 4.4 Subdivision Review Process

A. **Overview.** Detailed review process requirements for boundary adjustments, sketch plan review, minor subdivisions and major subdivisions are included in this Section. The Subdivision Review process differs by subdivision type.

Figure 4.3 Subdivision Process



B. **Boundary Line Adjustments.** A boundary line adjustment between parcels in existence as of the effective date of these regulations, as evidenced by recorded deeds, maps, or permits, is exempt from review under these regulations provided:

- The adjustment would not invalidate or result in noncompliance of any conditions of a prior subdivision or PUD approval under these Regulations.
- The boundary adjustment does not result in the creation of a new or nonconforming lot or structure under these Regulations.

1. While such a boundary adjustment shall not require review or plat approval by the Planning Commission under these regulations, an application for a zoning permit shall be submitted to the Zoning Administrator and issued in accordance with the provisions of Section 3.1 (Zoning Permit) of these Regulations if the aforementioned conditions are met.

2. Any permit issued by the Zoning Administrator shall be subject to recording of a plat, approved by the Zoning Administrator, and recorded pursuant to Section 4.3 A(5) (General Application Requirements) of these Regulations, which depict the adjusted boundary line as plotted by a surveyor. Permits shall be filed and a notice thereof recorded pursuant to Section 3.1 A (Applicability) of these Regulations.

C. Sketch Plan Review

1. **Submission of Application & Scheduling with PC.** For the purpose of classification and initial discussion, all subdivision applicants, (excluding Boundary Adjustments) prior to submitting applicable Preliminary or Final Plat applications, shall submit Sketch Plan information as outlined in Section 4.2 A, and in a handout entitled 'Application Submittal Requirements for Sketch Plans' available from the Planning Department. Application materials shall be submitted at least fifteen (15) days prior to a regularly scheduled meeting of the PC, and no meeting shall be scheduled until application materials are received. Applicants will be notified in writing if application materials are missing following submission. Sketch Plan meetings shall be noticed to adjacent property owners and posted at the Georgia Municipal Building. Sketch plans shall not be publicly warned in the Town's newspaper of general circulation, as they do not constitute Public Hearings.
2. **Requirements.** The subdivider, or his duly authorized representatives, shall attend the meeting of the PC on the sketch plan to discuss the requirements of these Regulations for streets, improvements, drainage, sewage, water supply, fire protection, and similar aspects, as well as the availability of existing services and facilities and other pertinent information.
3. **Conformance.** The PC shall study the sketch plan to determine whether or not it conforms to, or would be in conflict with, the goals and policies of the Comprehensive Municipal Plan, these and any other applicable regulations then in effect, and shall, where it deems necessary, make specific recommendations for changes in subsequent submissions. Within a reasonable timeframe, such written recommendations shall be sent to the applicant. The PC may also require where necessary for the protection of the public health, safety, and welfare that a minor subdivision comply with all or some of the requirements specified in these Regulations for major subdivisions.
4. **Effect of Sketch Plan Proposal.** Approval of a sketch plan shall not constitute approval of a subdivision plat and is merely authorization for the applicant to file a preliminary plat or final plat application.

D. Minor Subdivision Application

1. **Application.** Within six (6) months of classification by the PC of the sketch plan as a minor subdivision, the subdivider shall submit an application for approval of a subdivision plat. The application shall contain those items in Section 4.3 E (Final Plat For Major And Minor

Subdivisions) of these Regulations, and shall conform to the layout shown on the sketch plan plus any recommendations made by the PC.

2. **Submission of Complete Application & Final Plat Public Hearing.** Subsequent to Sketch Plan Review, an application for Final Plat shall be submitted to the Planning Department. The Application shall include all items included in a handout entitled “Application Submittal Requirements for Sketch Plans” available from the Planning Department. Applicants will be notified in writing if application materials are missing following submission. No public hearing for the Final Plat shall be scheduled until all application materials are received. At the opening of the Public Hearing, the PC will determine whether the application is sufficiently complete for processing. The PC may request any additional information deemed necessary for plat review. Final Plat hearings shall be warned in accordance with Section 8.4 A (Public Hearings).
3. **Action.** The PC shall, within forty-five (45) days after the close of the evidence or any continuation thereof, approve, modify and approve, or disapprove such plat. Failure to so act within the forty-five (45) days shall constitute deemed approval on the 46th day.

E. Major Subdivision Application

1. **Preliminary Plat Application.** Within six (6) months of classification by the PC of the sketch plan as a major subdivision, the subdivider shall submit an application for approval of a preliminary plat. The application shall contain those items in Section 4.3 D (Preliminary Plat for Major Subdivisions) of these Regulations, and shall conform to the layout shown on the sketch plan plus any recommendations made by the PC.
2. **Submission of Application & Preliminary Plat Public Hearing.** Subsequent to Sketch Plan Review, an application for Preliminary Plat shall be submitted to the Planning Department. The application shall include all items included in a handout entitled ‘Application Submittal Requirements for Preliminary Plats’ available from the Planning Department. Applicants will be notified in writing if application materials are missing following submission. No public hearing for the Preliminary Plat shall be scheduled until all application materials are received. At the opening of the Public Hearing, the PC will determine whether the application is sufficiently complete for processing. The PC may request any additional information deemed necessary for plat review. Preliminary Plat hearings shall be warned in accordance with Section 8.4 A (Public Hearings).
3. **Action on Preliminary Plat.** The PC shall act to approve or disapprove Preliminary Plat applications within forty-five (45) days after closure of the evidence. A written and signed decision, including background information, findings-of-fact, conclusion, and decision with applicable conditions shall constitute final Preliminary Plat action of the PC. Failure to act within the 45-day period shall constitute deemed approval on the 46th day, provided:
 - a. The PC may continue the hearing pending receipt of required and/or requested information or as scheduling otherwise requires;

- b. Non-submittal of required and/or requested information may constitute grounds for Preliminary Plat denial; and
- c. Preliminary Plat approval does not constitute Final Plat approval.

Preliminary Plat decisions shall be distributed per requirements in Title 24 Ch. 117, Section 4464(b)(1)(3), Vermont Statutes Annotated.

- 4. **Sectionalizing.** At the time the PC grants preliminary plat approval, it may require the plat to be divided into two or more sections (parts) and may impose such conditions upon the filing of application for final plat approval for each section as it deems necessary to assure the orderly development of the plat.
- 5. **Effect of Preliminary Plat Approval.** Approval of a preliminary plat shall not constitute approval of the subdivision plat. Prior to approval of the final subdivision plat, the PC may require additional changes as a result of further study. The approval of a preliminary plat shall be effective for a period of one year, and any plat not receiving final approval prior to the expiration of one (1) year shall be null and void, and the subdivider shall be required to resubmit a new plat for preliminary approval subject to all new zoning and subdivision Regulations. Should the PC impose sectionalizing as a condition of preliminary plat approval, it may extend the one (1) year effective period of preliminary approval.
- 6. **Final Plat Application.** Within six (6) months of preliminary plat approval, the subdivider shall submit an application for approval of a final subdivision plat. The application shall contain those items in Section 4.3 E (Final Plat for Major and Minor Subdivisions) of these regulations, and shall conform to the layout shown on the approved preliminary plat and incorporate all conditions in the preliminary plat approval.

If sectionalizing was a requirement of preliminary plat approval, a separate final plat application shall be filed for each section within the time periods imposed in the preliminary plat approval.

- 7. **Submission of Application & Final Plat Public Hearing.** Subsequent to Preliminary Plat approval, an Application for Final Plat shall be submitted to the Planning Department. The application shall include all items identified in a handout entitled, "Application Submittal Requirements for Final Plats," available from the Planning Department. Applicants will be notified in writing if application materials are missing following submission. No public hearing for the Final Plat shall be scheduled until all application materials are received. No public hearing for Final Plats shall be scheduled until the 30-day appeal period for Preliminary Plat approval has lapsed and no appeals have been filed. At the opening of the Public Hearing, the PC will determine whether the application is sufficiently complete for processing. The PC may request any additional information deemed necessary for plat review. Final Plat hearings shall be warned in accordance with Section 8.4 A (Public Hearings).
- 8. **Action on Final Plat.** The PC shall act to approve or disapprove Final Plat applications within forty-five (45) days after closure of the hearing. A written and signed decision, including background information, findings-of-fact, conclusion, and decision with applicable conditions

Article 4 Subdivision Approval

shall constitute final action of the PC for purposes of potential appeals under Section 8.6 (Appeals) of these Regulations. Failure to act within the 45-day period shall constitute deemed approval on the 46th day, provided:

- a. The PC may continue the hearing pending receipt of required and/or requested information or as scheduling otherwise requires; and
- b. Non-submittal of required and/or requested information may constitute grounds for Final Plat denial.

Final Plat decisions shall be distributed per requirements in Title 24 Ch. 117, Section 4464(b)(1)(3), Vermont Statutes Annotated.

Section 4.5 Natural Subdivision

- A. Railroad tracks, federal highways, state highways, and the Lamoille River shall create natural subdivisions of property, and will create separate lots for the purposes of these Regulations. Private rights-of-way, easements, Town highways not in compliance with Section 4.5 B, and other rivers shall not create a natural subdivision of lots.
- B. Town highways may create natural subdivisions of property if all resulting lots comply with the minimum lot-size requirements of these Regulations.
- C. In situations where a property is crossed by a Town highway, private right-of-way, easement, or river other than the Lamoille River, and either of the resulting lots do not comply with the minimum lot-size requirements of these Regulations, the property will be considered naturally subdivided only if the location and function of the highway, right-of-way, easement or river effectively separates the property so it cannot be used or developed as one parcel or lot.

Section 4.6 Subdivision Review Standards

- A. **Standards for Evaluation.** Final approval of any subdivision shall be based on a finding by the PC that the subdivision is in accord with the following standards.
 1. **Lot Layout.**
 - a. **Corner Lots.** Corner lots shall have extra width to permit a front yard setback on each street.
 - b. **Side Lot Lines.** Side lot lines shall generally be at right angles to straight streets, or radial to curved street lines.

- c. Topography. Consideration in lot layout shall be given to topographic, drainage and soil conditions.
 - d. Access. Lots shall be laid out so as to avoid direct access to heavily traveled streets or highways.
- 2. The land is suitable for subdivision or development. In making this determination it shall at least consider flooding, improper drainage, steep slopes, rock formations, adverse earth formations or topography, utility easements or other features which will be harmful to the safety, health, and general welfare of the present or future inhabitants of the subdivision and/or its surrounding areas.
- 3. The proposal includes due regard for the preservation and protection of existing aesthetic features such as trees, scenic points, brooks, streams, rock outcroppings, water bodies, other natural resources, agricultural resources, and historical resources.
- 4. The proposal includes sufficient open space for recreation.
- 5. The proposal includes adequate provision for the control of runoff and erosion during and after construction.
- 6. The proposed development is in compliance with the goals and policies of the Georgia Comprehensive Municipal Plan, these Regulations, Capital Budget and Program, and other Regulations then in effect.
- 7. The proposed development will not result in undue water or air pollution. In making this determination it shall at least consider the elevation of land above sea level and its relation to the floodplains, the nature of soils and subsoils and their ability to adequately support waste disposal of effluents, and the applicable Vermont Department of Health and Vermont Department of Water Resources Regulations.
- 8. The proposed development is compatible with surrounding properties.
- 9. The site is suitable for the proposed density.
- 10. The proposal contains adequate provision for pedestrian traffic in terms of safety, convenience, access to points of destination, and attractiveness.
- 11. The proposed development will not place an unreasonable burden on the ability of local governmental units to provide municipal, educational, or governmental services and facilities.
- 12. There is sufficient water available for the reasonably foreseeable needs of the proposed development.
- 13. The proposed development will not cause unreasonable highway congestion or unsafe conditions with respect to the use of roads and highways in the Town.

B. Parkland and School Sites. The PC, pursuant to 24 V.S.A. S4417 (as amended from time to time), may require as a condition to subdivision approval, the dedication of land or the payment of a fee in lieu of land thereof for public recreation and school purposes. The PC shall develop uniform criteria for determining when to require land dedication or a fee alternative, the amount of land or fee to be exacted, the uses to which the land or fee are to be put, and the manner in which dedication or payment is to be made. In developing uniform criteria, the PC shall consider the following factors:

1. Acreage size of proposed subdivision.
2. Physical suitability of the subdivider's land for use as parkland or a school site.
3. The minimum area required for practical use for such purposes.
4. Whether use of the subdivider's land for such purposes would conform to the Town's recreation plans and the school district's school facility plans.
5. The potential need for school sites or parkland that the proposed subdivision may generate.

C. Street Standards.

1. **Layout Coordination.** Proposed streets shall be extended to the boundary lines of the tract to be subdivided, unless prevented by topography or other physical conditions or unless, in the opinion of the PC, such extension is not necessary or desirable for the coordination of the layout of the proposed subdivision with the existing layout or the most advantageous future development of adjacent tracts.
2. **Topography.** Streets shall be logically related to the topography so as 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.
3. **Through Traffic.** Minor streets shall be so laid out that their use by through traffic will be discouraged.
4. **Reserved Strips.** The creation of reserved strips shall not be permitted adjacent to a proposed street in such a manner as to deny access from adjacent property to such street.
5. **Dead Ends.** Dead-end roads require "Ts" or "hammerheads" at the terminus of all dead-ends. Cul-de-sac designs are discouraged, but may be permitted provided it has a minimum turn-around radius of 100' on the outside edge of the road and a 75' radius on the inside edge.

6. **Intersections.** Wherever possible, street layouts should be planned to avoid four (4) way intersections and incorporate three (3) way intersections. Jog intersections with centerline offsets of less than two hundred (200) feet shall not be permitted. All street intersections shall be as nearly at right angles as possible.

 7. **Accessibility.** All dwellings must be accessible to emergency and service vehicles.

 8. **Sight Distances.** Sight distances should be consistent with probable traffic speed, terrain, alignments, and climate extremes.

 9. **Drainage.** Adequate provisions shall be made to control the stormwater runoff.

 10. **Design.** All streets shall be constructed in accordance with State design standards, as adopted by the Selectboard.
- D. Conformance with the Planning and Design Standards.** All subdivision applications must conform to applicable standards in Article 7 (Planning and Design Standards).

Article 5 General Regulations and Review Standards

Section 5.1 Removal of Structures After Damage

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

Section 5.2 Existing Small Lots

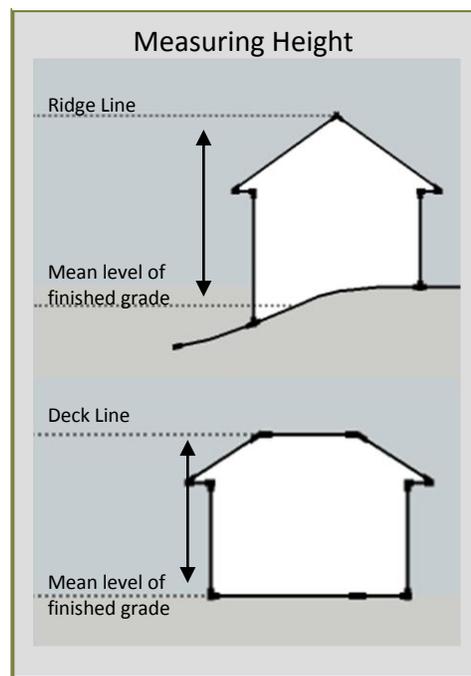
- A.** Existing small lots may be developed for purposes permitted or conditionally permitted in the district which they are located if the lots are:
1. Legally subdivided;
 2. In individual, separate and non-affiliated ownership from surrounding properties;
 3. In existence at the time a bylaw or Regulations made them non-conforming;
 4. Include a minimum 1/8 acre of land area and minimum 40' width or depth dimension;
 5. Serviced by adequate wastewater disposal and water supply facilities, including possible off-lot facilities, as evidenced by written confirmation from the Department of Environmental Conservation; and
 6. All other applicable approvals are secured.
- B.** If the existing small lot comes under common ownership with one or more contiguous lots, it shall be deemed merged with the contiguous lots. An existing small lot shall not be deemed merged and may be separately conveyed if all the following conditions apply as enabled by Ch. 117 Section 4412(2)(B):
1. The lots are conveyed in their preexisting nonconforming configuration.
 2. On the effective date of any bylaw, each lot was developed with a water supply and wastewater disposal system.
 3. At the time of transfer, each water supply and wastewater system is functioning in an acceptable manner.

4. The deeds of conveyance create appropriate easements on both lots for replacement of one or more wastewater systems , potable water systems, or both, in the event there is a failed system or failed supply as defined in 10 V.S.A. Chapter 64.

Section 5.3 Height Limits

- A. All structures shall comply with the height restrictions in the district Regulations. Chimneys, non-commercial antenna structures, rooftop solar collectors extending less than 10 feet above roofs, and wind turbines with blades equal to or less than 10 feet in diameter are exempt from this requirement.
- B. The only exception to Section 5.3 A is that the ZBA may grant a conditional use permit, as provided under Section 3.2 (Conditional Use Approval) for the following uses/structures in all districts (except as noted).
 1. Windmills and wind turbines with blades more than 10' in diameter.
 2. Rooftop solar collectors existing more than 10' above roofs.
 3. Belfries (Nonresidential).
 4. Church spires.
 5. Monuments.
 6. Water and fire towers.
 7. Telecommunication/communication towers.
 8. Single purpose industrial structures (within the I-1 zoning district only).

Figure 5.3



Section 5.4 Nonconformities

- A. **Applicability.** The following provisions apply to all lots, uses, and structures legally existing on the effective date of these Regulations that do not conform to the requirements of these Regulations as they exist or as may be amended. Structures located on existing small lots, which otherwise conform to these Regulations, including setbacks, are not considered nonconforming. Structures and uses improperly authorized as a result of error by the ZA are nonconforming.

B. Non-Conforming Lots. Non-conforming lots are subject to the requirements of Section 5.2 (Existing Small Lots).

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

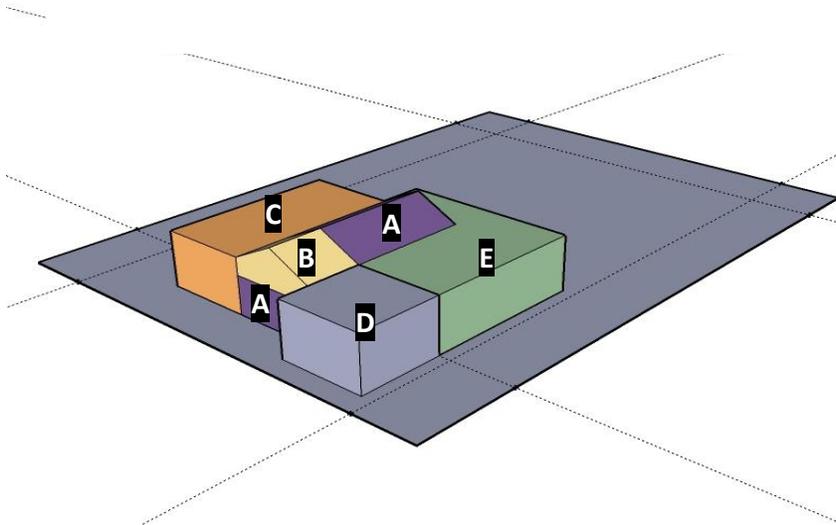
1. The area used for a non-conforming use shall not be expanded beyond the square footage in use when the use first became non-conforming under the Regulations.
2. The use shall not be changed to another nonconforming use.
3. The use shall not be re-established if discontinued for a period of twelve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

D. Non-Conforming-Structures. Non-conforming structures may continue to be utilized, subject to the following.

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

- E. **Nonconforming Mobile Home Parks.** Nonconforming Mobile Home Parks, whether nonconforming in lot size, use, or structure(s), shall be treated pursuant to Ch. 117 Section 4412(7)(B).
- F. **Public Nuisance & Public Health, Safety, & Welfare Considerations.** Nothing in this Section shall prevent municipal or other appropriate officials from taking actions legally authorized to abate any public nuisance, health, safety, or welfare concerns as related to nonconforming lots, nonconforming uses, or nonconforming structures.

Figure 5.4 Increasing the Degree of Nonconformity of a Structure



The building 'A' is the original nonconforming structure because it encroaches into the setback. Addition 'B' is allowed under these Regulations because it does not encroach further into the setback than Building 'A'. Addition 'C' is not allowed because it creates development that would not be allowed with a conforming structure. Addition 'D' is not allowed under these Regulations because it encroaches further into the setback than Building 'A'. Addition 'E' is allowed because it is not within the setback area of the road, or side or rear property lines.

Section 5.5 Parking Requirements

A. Off-Street Parking Requirements. Adequate provision shall be made so that normal vehicular traffic to any new or expanded use may be parked off the roads, streets, and highways. The off-street parking space specifications listed below are required unless modified by the PC or the ZBA in accordance with Table 5.5a below.

Table: 5.5(a) Off Street Parking Spaces	
Use	Minimum Parking Spaces Required
<i>Dwelling Units</i>	2 per dwelling unit
<i>Accessory Apartments to Single Family Dwellings</i>	1
<i>Multi-Tenant Elderly Housing</i>	1 per dwelling unit
<i>Offices, Personal and Professional Services, Retail Store, Daycares, Veterinary Clinics</i>	1 per 200 SF, plus 1 for each employee per largest working shift
<i>Convenience Stores</i>	1 per 100 SF of retail floor area.
<i>Lodging Establishment or Bed and Breakfast</i>	1 for each three employees per largest working shift plus 1 for each sleeping room, plus 75% of spaces required for <i>accessory uses</i> such as <i>restaurants</i> and <i>banquet rooms</i> , if applicable.
<i>Other Commercial Uses</i>	One <i>parking space</i> for each employee on the largest working shift, 1 for each <i>motor vehicle</i> used in the business, and 1 for every 200 SF of floor area.
<i>Restaurants and Banquet Rooms</i>	1 for every 150 SF of floor space.
<i>Industrial Uses</i>	1 for every <i>motor vehicle</i> used in the business and 1 for each employee on the largest working shift.
<i>Place of Worship and School</i>	1 per six seats in principal assembly room for places of worship, and 1 for each 20 students of design capacity, plus 1 for each 400 SF of <i>office</i> space or design capacity.
<i>Marina</i>	1 space for each boat berth plus any additional required for <i>accessory uses</i> or <i>structures</i> located on the same <i>lot</i> .
<i>Hospitals, Nursing Homes</i>	1 per each bed of design capacity plus 1 per each two employees on the largest working shift
<i>Group Homes</i>	1 per two beds plus 1 for each employee on the largest working shift.
<i>Motor Vehicle Sales, Repair and Service</i>	1 per 400 SF of shop, sales or <i>service</i> area plus 1 per employee on the largest working shift.
<i>Campground</i>	1 per <i>camp</i> site.
<i>Municipal, State, Federal, or Regional Facility</i>	1 per 200 SF of gross floor area.
<i>Agribusiness and Heavy Equipment Sales</i>	1 per 400 SF of enclosed shop, sales or <i>service</i> area plus 1 per employee on the largest working shift.
<i>Recreation Outdoors, Recreation Indoors</i>	1 per employee on the largest working shift plus 1 for every two patrons for the design capacity.
<i>Trucking Terminal</i>	1 per employee on the largest working shift plus 1 per truck or

Table: 5.5(a) Off Street Parking Spaces	
Use	Minimum Parking Spaces Required
	vehicle used in the business plus 1 for each three patrons of the business.
Warehouse	1 per employee on the largest working shift plus 1 per 2000 SF of gross floor area.

B. Reduction or Increase in Required Parking Spaces. The PC or ZBA may approve an increase or a decrease of the off-road parking space requirements in Section 5.5 A (Off-Street Parking Requirements) based on a parking space analysis to be completed at the cost of the applicant by a qualified consultant approved by the PC or ZBA. Required parking spaces may also be reduced by the PC or ZBA in accordance with the shared parking provisions in Section 5.5 C (Shared Parking) below. In no case shall the total number of off-road parking spaces exceed 110% of the required parking spaces in Section 5.5 A (Off-Street Parking Requirements).

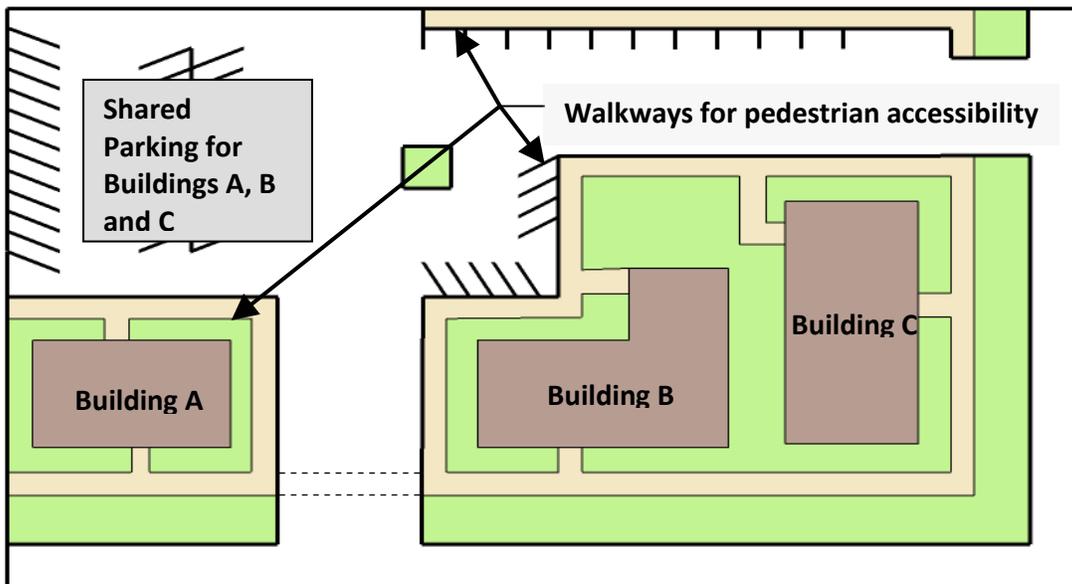
C. Shared Parking. Shared parking allows a reduction in the total number of parking spaces required for certain properties in cases where a mix of adjacent land uses have varying peak periods of parking demand. Shared parking arrangements are encouraged wherever possible for the following reasons:

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

1. General Standards. The PC under Site Plan Review may approve shared parking if the following general standards are met:

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

Figure 5.5 Shared Parking



2. **Maximum Required Off-Road Parking Spaces for Shared Parking Facilities.** The maximum number of off-street parking spaces required for shared parking shall be the sum of parking spaces required in Section 5.5 A (Off-Street Parking Requirements) or the number approved according to Section 5.5 B (Reduction or Increase in Required Parking Spaces) for all the uses proposing to make use of the shared parking facility. In accordance with Section 5.5 C(3) the PC or ZBA may approve a reduction in the maximum number of required spaces.
3. **Standards for Reducing Maximum Required Off-Road Parking Spaces for Shared Parking Facilities.** The PC may approve a reduction to the maximum required parking spaces for a shared facility in two (2) cases as follows.
 - a. **Uses with Different Hours.** The PC or ZBA may approve the use of up to 90% percent of the required off-street parking for a daytime use to serve as the required off-street parking provided for a nighttime use and vice-versa. Similarly, the PC or ZBA may approve the use of up to 90% percent of the required off-street parking for a weekday use to serve as the required off-street parking provided for a weekend use and vice-versa. The applicant shall demonstrate that there is no substantial conflict in the principal operating hours of the uses for which the sharing of parking is proposed.
 - b. Daytime uses primarily operate between the hours 8:00 a.m. and 6:00 p.m.
 - c. Nighttime uses primarily operate between the hours of 6:00 p.m. and 8:00 a.m.
 - d. Weekday uses are only open Monday through Friday.
 - e. Weekend uses are only open Saturday and/or Sunday.

4. **Commercial Uses.** The PC or ZBA may approve shared parking arrangements between two or more commercial uses having the same or overlapping operating hours, allowing reductions in the total maximum number of required parking spaces as follows.
- a. Up to a 20 percent reduction in the total maximum number of required parking spaces for four or more separate establishments;
 - b. A 15 percent reduction in the total maximum number of required spaces for three establishments;
 - c. A 10 percent reduction in the total maximum number of required spaces for two establishments; and
 - d. The following additional standards shall apply.
 - i. No reductions to the parking requirement shall be made if the proposed business establishments have previously received a reduction through the provisions for shared parking under Section 5.5 C (Shared Parking) above.
 - ii. New business establishments seeking to meet parking requirements by becoming part of an existing shared parking arrangement shall provide the PC or ZBA with an amendment to the agreement stating their inclusion in the shared parking facility or area.
- D. Off-Street Parking Lot Design Standards.** Each off street parking space shall be provided access to a public street through a drive or aisle. Adequate space shall be available for maneuvering in and out of parking areas and located so as not to interfere with circulation to and within the site according to the stall and access aisle dimensions in Table 5.5(b) (Parking Lot Stall and Aisle Dimensions).
- 1. Parking areas are clearly defined and marked at their edges so as to prevent parking outside these designated areas.
 - 2. Parking and loading areas include sufficient space for refuse and snow removal.

Table 5.5(b) Parking Lot Stall and Aisle Dimensions					
Parking Stall Type	Minimum Stall Dimensions		Minimum Width for Stall Access Aisle		Minimum Width for Emergency Access Drive Aisles
	Width	Length	One-Way	Two-Way	
<i>Standard Parallel</i>	9 ft.	24 ft.	12 ft.	20 ft.	20 ft.
<i>Standard 45-Degree</i>	9 ft.	18 ft.	16 ft.-4 in.	20 ft.	20 ft.
<i>Standard 60-Degree</i>	9 ft.	18 ft.	19 ft.	20 ft.	20 ft.
<i>Standard 90-Degree</i>	9 ft.	18 ft.	20 ft.	25 ft.	20 ft.
<i>Accessible</i>	9 ft.-5 in.	18 ft.	20 ft.	25 ft.	20 ft.

E. Loading Areas.

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

Section 5.6 Performance Standards

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

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

Section 5.7 Recreational/Camping Vehicles with Sleeping Quarters

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

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

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

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

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

1. It shall not be permanently attached to the ground;
2. It may be occupied for recreational camping purposes only, for not more than a total of 45 days between May 1st and November 30th, if it is not hooked up to a water supply or septic system;

3. It has a self-contained storage tank for waste water, which is either emptied off site in an approved disposal facility or the owner and occupant enters into a *service* contract with an approved hauler for collection and disposal off site in an approved facility, OR, an approved self-contained porta-let is provided on site and the owner or occupant enters into a *service* contract with an approved hauler for collection and disposal off site in an approved facility;
4. It shall meet applicable setback standards for the district in which it is located;
5. There is not more than one unit on a *lot*; and
6. Such use does not conflict with any provision of this or any other applicable regulations.

Section 5.8 Signs

All outdoor signs, except as indicated in Section 5.8 E (Exemptions), require a Zoning Permit prior to being erected, constructed or replaced. Examples of outdoor signs are illustrated in Figure 5.8 (Examples of Types of Signs) below.

- A. Number of Signs Permitted.** Up to two (2) signs may be permitted for any non-residential use provided that the signs are located on the premises of the use. Only one of the two permitted signs may be freestanding.
- B. Sign Size.** The total area of each sign panel shall not exceed sixteen (16) square feet, with a single continuous perimeter enclosing the extreme limits of the sign panel surface. The area of supporting framework shall not be included in the area calculation if such framework is incidental to the display and does not bear any copy or graphics. Signs may be two-sided; in such cases, the area requirement shall apply to each side separately. A larger sign area may be approved by the ZBA as a conditional use provided it does not exceed twenty-five (25) square feet in area in the South Village Core District and fifty (50) square feet in area in all other districts. The height of a free-standing sign shall not exceed eight (8) feet. A taller free-standing sign may be approved by the ZBA as a conditional use, except in the South Village Core District, provided it does not exceed twenty (20) feet in height. These size limits shall also apply to the overall size of multi-business signs.
- C. Standards for Specific Sign Types.**
- 1. Freestanding Signs.** Freestanding signs shall not be placed within fifty (50) feet of the centerline of a right-of-way or ten (10) feet from a property line, except in the South Village Core District, where signs shall not be placed within five (5) feet from the edge of the right-of-way or the sidewalk, whichever is further from the road.
 - 2. Projecting Signs.** Projecting signs shall not extend more than three (3) feet from the building and shall have a clearance of a least eight (8) feet.
 - 3. Wall Signs.** Signs attached to buildings shall not extend above the roof or parapet of the building.
 - 4. Illuminated signs** shall be lighted only by a continuous non-flashing light. Such illumination will not be provided by neon or similar sources. No string lighting, pennants or other attention-gathering devices will be permitted for more than four weeks per calendar year.

D. Home Business, Home Occupation, Home Industry.

1. **Home Business and Home Occupation.** A sign advertising a home business or a home occupation is permitted only if it does not exceed six (6) square feet and four (4) feet in height and it is limited to the name, address, phone, profession, or home business or home occupation of the occupant of the premises on which said sign is located. Such signs shall not be illuminated.

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

Figure 5.8 Examples of Sign Types

Awning Sign



Window Sign



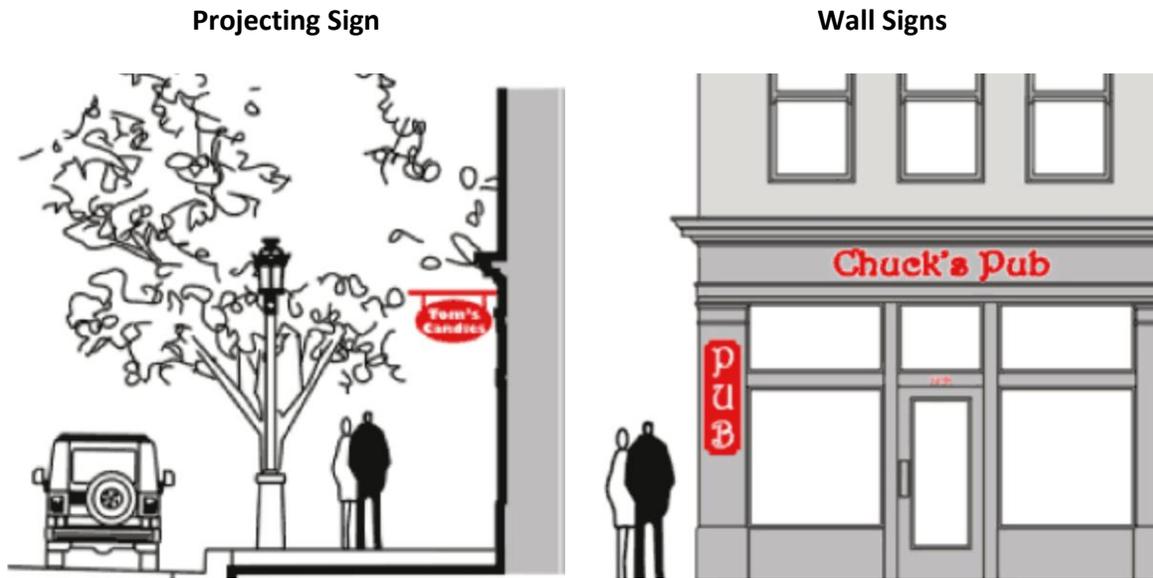
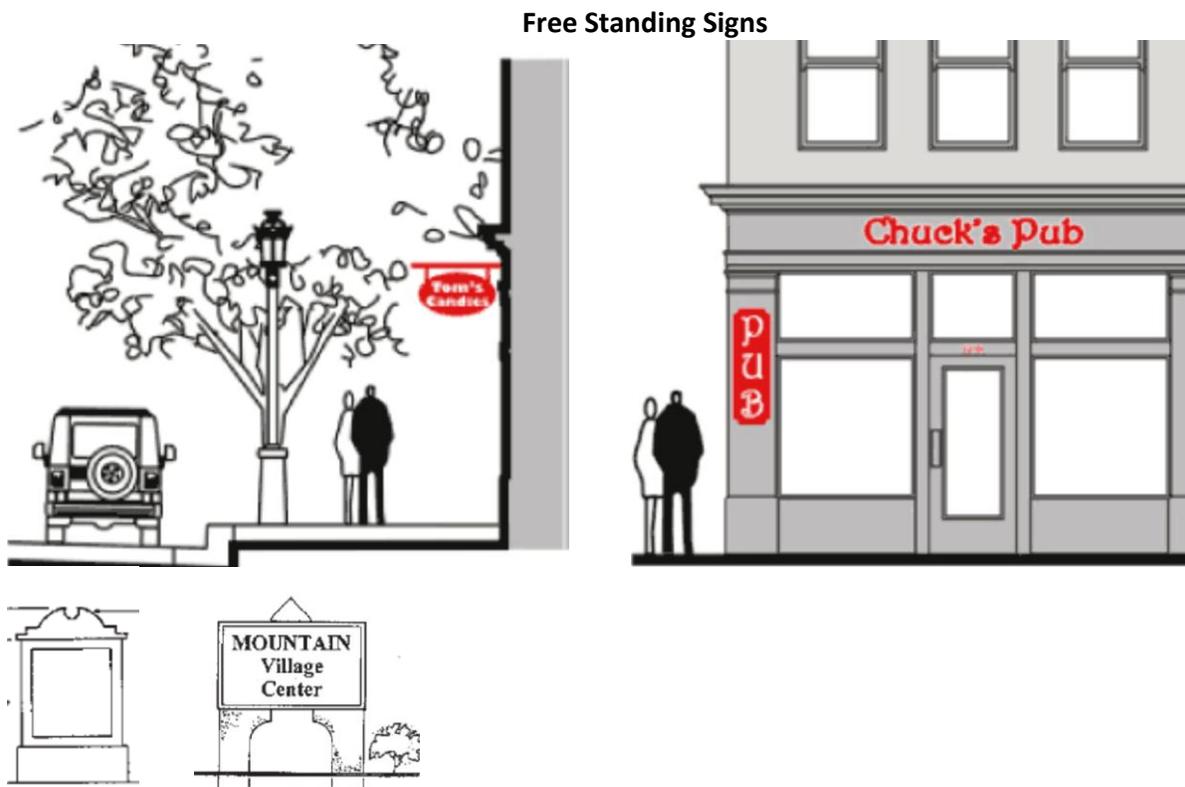


Figure 5.8 Examples of Sign Types Continued



E. Exemptions. The following signs do not require permits.

1. Residential signs not exceeding four (4) square feet in size and six (6) feet in height, which only state the name and address of the occupants.
2. Farm signs.
3. Historic markers not exceeding four (4) square feet in size and six (6) feet in height.
4. Temporary signs displayed for events sponsored by not-for-profit organizations, which shall not exceed thirty-two (32) square feet, and shall be displayed for not more than ten consecutive days and more than twenty days per year.
5. On-site directional, safety, or parking signs.
6. Signs erected by a public school, the Town of Georgia, the State of Vermont or the United States Government.
7. Bulletin boards on the premises of any church, school, or similar public structure provided they do not exceed twenty-four (24) square feet in size and ten (10) feet in height.
8. Temporary real estate or construction signs provided they do not exceed twenty-four (24) square feet in size and eight (8) feet in height and are removed promptly when the property has been sold, leased or developed.
9. Signs for roadside stands, see Section 6.9 (Roadside Stands) provided they do not exceed sixteen (16) square feet and a height of eight (8) feet. The sign may remain in place when the stand is not in business but shall be covered, and must comply with all other sign requirements.
10. Signs or flags indicating that a business is open and/or the hours of operation, provided such signs or flags are:
 - a. Limited to one per use (one for hours of operation, and one open/closed sign, or one for both);
 - b. Are located on the premises of the use for which the sign is advertising; and
 - c. Do not exceed ten (10) square feet for a flag and two (2) square feet for a sign.

Section 5.9 Special Provisions for Certain Zoning Districts

A. **Applicability.** All uses in the Districts listed below shall meet the special provisions in Table 5.9 for that district in which the use is located.

Table 5.9 Special Provisions for Certain Zoning Districts	AR-1	AR-2	AR-3	R-1	N-1	L-1	L-2
Areas with slopes of 25% or greater shall not be developed for roads, driveways or buildings	✓	✓	✓	✓	✓	✓	✓
No more than fifty percent (50%) of trees (i.e. every other tree) eight (8) inches and over in diameter at breast height (dbh) may be cut on any <i>lot</i> within the district unless recommended by a professional or County Forester as part of a certified <i>forestry</i> plan. The area required for driveway access and for the <i>structure</i> or structures will not be subject to this restriction.							✓
Any cutting or clearing operation activities (except silviculture in the L-2) shall preserve natural shrubbery and vegetation to the greatest extent possible.						✓	✓
No more than fifty percent (50%) of the trees (i.e.. every other tree) four (4) inches and over in diameter at breast height (dbh) may be cut in the strip paralleling the <i>shoreline</i> and extending fifty (50) feet inland from all points along the <i>shoreline</i> .						✓	
The remaining area of the <i>lot</i> behind the aforementioned fifty (50) foot strip shall also have no more than fifty percent (50%) of the trees (i.e.. every other tree) four (4) inches and over in diameter, cut. The area required for driveway access and for the <i>structure</i> or <i>structures</i> will not be subject to this restriction.						✓	
Shore cover removal restrictions will not apply to the removal of dead, diseased and dying trees.						✓	
Commercial, institutional, and governmental <i>uses</i> will provide for pedestrian access and circulation.	✓	✓	✓	✓	✓	✓	✓

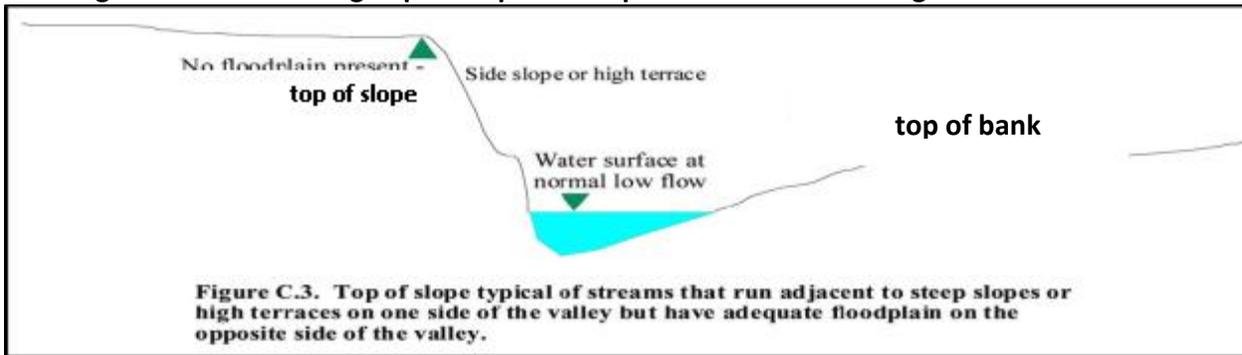
Section 5.10 Riparian Buffer Zones

- A. **Purpose.** It is the purpose of this section to preserve water quality, and to promote the public health, safety and welfare by protecting the streams and rivers in Georgia by buffering them from erosion, pollution and visual blight. These **streams and rivers** are recognized as providing important fish, wildlife, and ecological habitat, recreational and educational opportunities, and scenic enjoyment for the public. No development within riparian buffer zones may occur except as in this Section. Background information and rationale for required buffers result from the *Town of Georgia Stream Buffer Analysis* ('Stream Buffer Analysis' completed by the Northwest Regional Planning Commission, May 31, 2004.)
- B. **Zone Boundaries and Applicability.** All land within 50 feet of Type 1 streams, and within 200 feet of Type 2 streams, as depicted on the Official Georgia Zoning Map, are included in the riparian buffer zone.

1. Streams are identified in Table 5.10(a).

Table 5.10(a) Riparian Buffer Zones by Type		
	Stream Description	Required Riparian Buffer Zone
Type 1	Named streams and primary tributaries as shown on zoning map **	50' each side of stream
Type 2	Deer Brook	200' each side of stream

Figure 5.10 Finding Top of Slope and Top of Bank for Measuring Stream Setbacks



- 2. All riparian buffers shall be measured perpendicular from and along the top-of-bank/top of slope of affected streams.
- 3. In the event a Class II wetland exists in association with a waterway as shown on the National Wetland Inventory (NWI) dataset, the buffer is measured from the top-of-bank/top of slope of the delineated wetland.

4. When reviewing subdivision and site plan applications, the PC may approve a reduction or require an increase of the buffer where site evaluations by a qualified engineer have been conducted and support a reduction or increase of the buffer.
5. In the case of a storm event that realigns the stream corridor, the determination of the buffer will have to be re-established.

C. Buffer Zone Requirements and Interpretations

All lands within riparian buffer zones, as applicable, shall be undisturbed and covered with natural vegetation, except for uses expressly permitted Section 5.10 D (Permitted Uses) and conditionally permitted under Section 5.10 E (Conditional Uses).

Upon request by a landowner, the ZA shall determine whether an area falls within the riparian buffer zone by referring to the Official Zoning Map and Town of Georgia GIS database. The Town may require the applicant, at applicant's expense, to have a licensed professional conduct a site visit to confirm whether a proposed land development or conditional use under Section 5.10E (Conditional Uses) is within the riparian buffer zone. A written determination, prepared by said licensed professional, shall be made as to whether or not the area is within either zone. The application shall not be deemed complete until such a determination has been made and relevant information provided by the applicant.

D. Permitted Uses. The following uses shall be permitted in the Riparian Buffer Zone, without obtaining a Zoning Permit:

1. Land development as existed on the date of enactment of these Regulations.
2. Un-paved recreational trails, provided appropriate erosion control features are incorporated.
3. Removal of individual trees within the buffer which are in clearly in danger of falling and causing damage to persons or property.
4. Agriculture and silvicultural activities conducted in accordance with Accepted Agricultural Practices as defined in Article 9 (see Agriculture definition) of these Regulations.
5. Stream bank vegetative development and/or restoration, including the removal of invasive, non-native species.
6. Wildlife and fisheries management activities, under applicable guidelines of the Vermont Department of Fish & Wildlife.
7. Municipal and State highway projects including ditching, stream bank stabilization, and associated utility work that does not widen the existing improvements. Impacted areas need to be replanted or otherwise stabilized at the completion of the project.

E. Conditional Uses. The following uses may be allowed in the Riparian Buffer Zone following issuance of a Conditional Use Permit by the ZBA, including a public hearing and compliance with Conditional Use Review criteria in Section 3.2 (Conditional Use Approval). Written advisory recommendations can be solicited from the Georgia Conservation Commission.

1. The cutting of trees if recommended by a Professional and or County Forester as part of a certified forestry plan.
2. Private underground utility lines (e.g. septic lines; water lines; other local utilities) not regulated under the Public Service Act, but receiving other applicable permit approvals (e.g. Wastewater Disposal & Water Supply Permit).
3. Microhydro and Geothermal Renewable Energy Facilities.

F. Application Procedure. Applications for Conditional Use approval shall be made to the ZBA. The ZBA shall evaluate applications based on the following criteria in addition to criteria specified in Section 3.2 (Conditional Use Approval) for Conditional Use Approvals. As noted above, approvals shall also be secured from the PC and Road Commissioner as needed.

1. Purpose of the proposed project.
2. Proposed site design with existing site conditions and the location of the buffer area. The ZBA may require a design with contour intervals.
3. A proposed mitigation plan describing how water quality will be protected during and after construction (by minimizing land disturbance, erosion, runoff, and use of fertilizers and pesticides; replanting with native vegetation, etc.). The ZBA may require an erosion control plan and downstream water quality monitoring to ensure that water quality is not unduly impaired by the Conditional Use.
4. The use will not cause erosion or unstable soil conditions

Section 5.11 Wastewater and Water Supply

A. General Requirements for Wastewater and Potable Water Supply Systems

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

2. **Wastewater and Potable Water Supply Permit.** Wastewater disposal and potable water supply shall be regulated by the Vermont Agency of Natural Resources, DEC, Environmental Protection Rules, Chapter 1, Wastewater System and Potable Water Supply Rules, effective September 29, 2007, or as periodically revised or amended. These Rules apply to the subdivision of land, the construction, modification or change in use of a building or structure, the creation or modification of a campground, and the construction, modification, replacement and operation of their associated potable water supplies and wastewater disposal systems.
 - a. Applicants shall contact the District Permit Specialist to determine if a Wastewater and Potable Water Supply Permit is required by the DEC in accordance with 10 V.S.A. Chapter 64 and the Wastewater System and Potable Water Supply Rules.

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

 - c. If a Wastewater System and Potable Water Supply Permit under Section 5.11 is required, the ZA will not issue a Certificate of Occupancy until such permit has been issued and filed in the Georgia Land Records and a statement that the wastewater disposal system has been constructed in full compliance with the permit has been submitted by the qualified designer as defined in the Wastewater System and Potable Water Supply Rules.

Article 6 Specific Use Standards

Section 6.1 Accessory Dwelling Units

A. Accessory Dwelling Unit Standards. One ADU may be permitted within or appurtenant to a building that is a single-family dwelling unit provided the following standards are met:

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

B. Accessory Agricultural Dwelling Unit. One accessory agricultural dwelling unit on an operating farm is permitted for the purpose of providing housing to people working on the farm. The dwelling must meet the dimensional and other requirements of the Development Regulations. At the time the farm is no longer in operation or is not under permanent conservation easement for farming purposes, the owner must apply to have the accessory dwelling subdivided from the property or have the accessory dwelling removed from the property. If the accessory dwelling unit is an accessory apartment, the property owner may apply for approval of an ADU under Section 6.1 A (Accessory Dwelling Unit Standards). An accessory agricultural dwelling unit is intended as a single purpose occupancy unit, and therefore must only be occupied by farm laborers of the subject farm.

Section 6.2 Gas/Service Stations and Other Motor Vehicle Related Uses

- A.** In all districts where they are allowed (see Table 2.2), gas/service stations, motor vehicle repair and/or service, and motor vehicle sales shall comply with the following as applicable:
1. A new gas/service station shall not be located within 300 feet of any lot occupied by a school, hospital, library, or religious institution. (This standard does not apply to motor vehicle repair and/or service and motor vehicle sales uses).
 2. All automotive parts and dismantled vehicles are to be stored within a building or be effectively screened from adjacent properties and roads. No major repair work is to be performed outside a building.
 3. A landscaped area shall be maintained at least five feet in depth along all lot frontage not used as a driveway; specific landscaping and screening may be required (see Section 7.5 Landscaping and Screening). To ensure conformance with the Conditional Use and Site Plan Standards in Article 3 (Permits and Approvals) and Article 7 (Planning and Design Standards), the ZBA may require a larger landscaped area.

Section 6.3 Earth Resource Extraction

Commercial removal of topsoil, rock, sand, gravel or similar material may be permitted by the ZBA as a conditional use provided it meets the standards of Section 3.2 (Conditional Use Approval) and other applicable sections of these Regulations and that the removal will meet the following standards.

A. Standards

1. The removal will not cause any hazard to health, property, or property values.
2. The depth of excavation will not cause any hazard or injury to roads or adjacent properties.
3. The area excavated will be regraded, reseeded, replanted, and mulched and the proposed slope and soil conditions will not result in erosion or excessive runoff. Temporary erosion control plans will be adequate until final regrading is accomplished.
4. The hours of operation of the proposed removal will not have a significant adverse impact on the use and enjoyment of adjoining properties.
5. The removal will meet the Performance Standards in Section 5.6 of these Regulations.
6. The removal will not cause any traffic hazards or excessive congestion or physical damage to Town or State highways on the expected routes of truck traffic.

7. The removal will not have an adverse impact on water resources, wildlife habitat and agricultural land.
 8. Excavation of earth materials is prohibited within the 100 year floodplain where activity will lower the level of the water table, interfere with natural flow patterns or fisheries habitat, or reduce the flood stage capacity.
- B. Conditions.** In granting permission, the ZBA may consider and impose conditions, including, but not limited to, the following.
1. A performance bond will be required to insure reclamation of the land upon completion of the excavation of materials and topsoil in accordance with an acceptable plan.
 2. Hours of operation may be restricted.
 3. An acceptable regrading, reseeding, and replanting plan is required. The plan will show existing grades and finished grades for the areas where removal will occur. All regraded areas, except for exposed ledge rock, will be covered with a minimum of four (4) inches of topsoil and a suitable cover crop.
- C. Exemptions.** This section will not apply to the removal of natural resources from an agriculture operation, nursery, or cemetery as long as the natural resources being removed are not being offered for sale.

Section 6.4 Home Business, Home Occupations and Home Industry

- A. Home Business.** A Home Business shall not require a Zoning Permit in any district and shall be considered to be part of a residential use. A Home Business is a use of an accessory building or no more than 50% of a dwelling for a business that exhibits no external indications that a business exists. Home Businesses must meet all of the following standards:
1. There are not employees or helpers other than members of the household.
 2. The Home Business is not visible from outside the home.
 3. The Home Business does not generate significant additional traffic.
 4. The Home Business has no impact on the character of the neighborhood.
 5. The Home Business has no signs.
 6. The Home Business has no external storage of materials or equipment.
 7. The Home Business produces no objectionable noise, smoke, vibration, dust or odors discernible on any adjoining property.

B. Home Occupation. A Home Occupation requires a Zoning Permit. No provision of these Regulations shall infringe upon the right of any resident to use no more than 50% of the residence or use an accessory structure for an occupation which is customary in residential areas and which does not change the character of the residential area providing all of the following standards are met:

1. The Home Occupation shall be carried on by members of the family living on the premises plus no more than one non-family full-time equivalent employee.
2. The Home Occupation shall occupy a no more than 50% of the dwelling or an accessory structure.
3. There shall be no exterior displays, except that one unlit sign not exceeding four square feet per side is allowed.
4. No traffic shall be generated in a volume of greater than an estimated average of 10.0 trips per day and that alters the essential character of the neighborhood or substantially impairs the use of adjacent property.
5. Excessive noise, smoke, vibration, dust, glare, odors, electrical interference, or heat that is detectable at the boundaries of the property shall not be generated.
6. Where new parking is proposed, it shall be provided off-street and shall be located in side or rear yards outside setback areas. However, existing residential parking areas may be utilized.
7. Exterior storage of materials used in the home occupation shall be minimal, not visible from the street, road, or adjacent properties, and shall not be allowed in setback areas.
8. There shall be no potential risk to public health from the Home Occupation such as toxic emissions or on-site disposal of hazardous wastes.

C. Home Industry. A Home Occupation not meeting all of the Home Occupation standards listed above may qualify as a Home Industry, which requires Conditional Use Review and Site Plan Review in all districts where allowed. The ZBA and PC shall review applications for Home Industries for conformance with Section 3.2 (Conditional Use Review) and Section 3.3 (Site Plan Review) and the following standards:

1. The Home Industry shall be carried on by members of the family living on the premises plus no more than three non-family full-time equivalent employees.
2. Home Industries are allowed signs permitted according to Section 6.5 C of these Regulations.
3. No traffic shall be generated in a volume that alters the essential character of the neighborhood, or substantially impairs the use of adjacent property.

4. Excessive noise, smoke, vibration, dust, glare, odors, electrical interference or heat that is detectable at the boundaries of the property shall not be generated.
5. Parking shall be provided off-street, outside of setback areas.
6. No exterior storage of materials shall be allowed in the setback areas. Exterior storage areas shall be screened by landscaping or other appropriate methods (See Section 7.4).
7. There shall be no potential risk to public health from the Home Industry, such as toxic emissions or on-site disposal of hazardous wastes.

Section 6.5 Limitation on Regulation of Public Facilities

- A.** In accordance with Ch. 117 (Section 4413), the following public facilities may be regulated, subject to Site Plan Review and Conditional Use Review only, with respect to location, size, height, building bulk, yards, courts, setbacks, density of buildings, off street parking and loading, traffic, noise, lighting, and landscaping or screening requirements, and only to the extent that the Regulations do not interfere 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 Vermont Department of Education;
 3. Churches and other places of worship (see definitions), convents, and parish houses;
 4. Public and private hospitals;
 5. Regional solid waste facilities certified by the State (10 V.S.A. chapter 159); and
 6. Hazardous waste management facilities for which a notice of intent to construct has been received under state law (10 V.S.A. 6606a).

Section 6.6 Mixed Uses

- A. Applicability and Standards.** In the zoning districts where allowed as permitted or conditional uses (see Table 2.2), the PC or ZBA may approve a mixed use development that consists of more than one principal use per lot in accordance with the following standards:
1. There shall not be more than two principal structures on a lot unless approved as part of a PUD. More than one principal use may occupy a single principal structure.

2. The PC/ZBA shall specify the maximum number of uses approved for a particular lot.
 3. Each use that is part of a mixed use must be allowed under Section 2.2 (Allowed, Prohibited, Exempted And Not Listed Uses, Other Exemptions).
 4. Mixed uses shall be arranged to be compatible, and to minimize visual and noise impact for the residents of the development and adjacent properties. To achieve this, the PC/ZBA shall require landscaping, screening, and/or setbacks as appropriate.
- B. Review Process.** A mixed use requires conditional use (except for permitted uses in the SV) and may also require site plan approval from the PC. Review shall be coordinated with other reviews according to Section 8.3 (Combined Reviews) and the following standards:
1. Uses that require conditional use approval shall be coordinated in one written conditional use decision for the mixed use.
 2. Uses that require site plan approval shall be coordinated in one written site plan decision for the mixed use.
 3. Once conditional use and site plan approval for a mixed use is granted, permitted uses may be approved by the ZA in accordance with these Regulations.
 4. Applicants may apply for a Zoning Permit for a mixed use under a single application. The Zoning Permit decision must list all approved uses or categories of uses for the site. A Zoning Permit will not be required for new tenants or property owners unless there is a change in the approved uses or a Zoning Permit is otherwise required.

Section 6.7 Renewable Energy

A. Allowed Uses. For purposes of these Regulations, “small-scale renewable energy facility” that is intended to serve the principal use of one property and meets the following standards, shall be allowed as a permitted accessory structure in all zoning districts in which accessory structures are allowed, subject to the appropriate review process and the issuance of a Zoning Permit issued by the ZA. These systems include:

1. Small scale renewable energy facilities to be mounted on buildings or structures (with the exception of historic structures) which, as mounted, do not exceed maximum district height requirements by more than 10 feet. Facilities mounted on non-conforming structures will not be considered to increase the degree or amount of nonconformance.
 - a. The application for a roof-mounted system shall also include written certification from the system designer or installer that that the roof is structurally able to support system weight, and associated snow and wind loads.
2. Individual ground-mounted solar and wind facilities that meet the following requirements:
 - a. A ground-mounted solar facility must meet minimum district setback requirements from property lines and rights-of-way, unless waived by the PC under Section 3.8 (Waivers); and shall not exceed a total height of 20 feet, as measured vertically from the ground to the highest point of the structure.
 - b. A ground-mounted wind energy facility shall not exceed a total height of 150 feet, or a maximum height of 40 feet above obstructions (e.g., structures, tree canopies) within 300 feet of the tower, whichever is greater, as measured vertically from the base of the tower at ground level to the top of the rotor blade at its highest point. The facility shall be set back at least 1.1 times the total facility height from all property lines, overhead utility lines, and public rights-of-way. A minimum clearance of 30 feet is required between the ground and the rotor blade tip at its lowest point.
 - c. A wind facility shall not cause shadow flicker for more than 30 minutes per day on any occupied building located in the vicinity of the property.
 - d. Ground-mounted facilities must be sited or screened so that they are not highly visible from adjoining properties.
 - e. A ground-mounted solar installation shall not cast glare onto adjoining properties.
 - f. The installer must certify in writing that the facility as installed meets manufacturer's specifications and accepted industry safety and performance standards, as established by the National Electrical Code, Institute of Electrical and Electronic Engineers, Underwriters Laboratories, American National Standards Institute, or similar testing and

certification facilities. The applicant shall forward a copy of system specifications to the Fire Department.

- g. Line connections between a ground-mounted facility and the principal structure must be buried.
- h. Facility lighting or use of the facility for display or advertising purposes is prohibited.

B. Site Plan/Conditional Use Review. All other renewable energy facilities regulated by the municipality including facilities sized to generate power for more than one single dwelling, must receive site plan and conditional use approval from the PC and ZBA prior to the issuance of a Zoning Permit.

Site plan and conditional use review and approval by the PC and ZBA is also required prior to the issuance of a Zoning Permit for any renewable energy facility located in the following areas, to avoid undue adverse impacts to the community's most significant natural, historic and scenic resources:

- Designated scenic byway as listed in the Town Plan.
- Primary agricultural soils as mapped by the U.S. Natural Resource Conservation Service.
- Surface water and wetland buffers, as required under Section 5.10 (Riparian Buffer Zones).
- Existing critical wildlife habitat as delineated by the Town of Georgia and/or the State of Vermont.

Renewable energy facilities regulated by the municipality that require site plan and conditional use review by the PC and ZBA must meet the following standards:

1. **Environmentally Sensitive Areas.** In order to minimize the environmental impacts of facility development, new renewable energy facilities must meet:
 - a. Minimum setback distances from surface waters and wetlands, as required for all new development under Section 5.10 (Riparian Buffer Zones), unless waived by the PC and ZBA under Section 3.8 (Waivers). New hydro facilities, including micro-hydro generation, should maintain sufficient flow (run of river) to avoid undue adverse impacts to water quality, local fisheries, and aquatic and riparian habitat.
 - b. Applicable requirements for development within Special Flood Hazard Areas (SFHAs) as shown on National Flood Insurance Program (NFIP) maps and regulated by the municipality under Section 3.6 (Development in the Flood Hazard Overlay Zone). No renewable energy structure, except for a hydro facility, shall be located in a regulated floodway.

- c. **Wildlife Habitat.** New or expanded facilities shall be designed, constructed and operated to avoid significant adverse impacts to wildlife and necessary [critical, significant] wildlife habitat, including core habitat areas, migratory routes and travel corridors, and state or federally listed rare, threatened and endangered species as mapped by the state or municipality, or identified through site investigation. Buffer zones may be required to protect identified habitat values as delineated by the Town of Georgia and/or the State of Vermont.
2. **Farm and Forest Land.** New generation and transmission facilities must be sited to avoid wherever feasible, or to otherwise minimize and mitigate the fragmentation of and adverse impacts to the town's working landscape, including large tracts of undeveloped forestland, open farm land, and primary agricultural soils mapped by the U.S. Natural Resource Conservation Service.
- a. In order to conserve open space, ground-mounted renewable energy facilities, including wind towers, solar panels, and accessory structures, shall be sited and clustered on the least productive portion of the site, along field and forest edges, or on otherwise disturbed areas, to minimize encroachments on open farm fields and to, to the extent feasible, to avoid siting a facility on primary agricultural soils.
 - b. The facility must be accessed from an existing access serving the property, unless otherwise approved by the PC and ZBA as necessary to meet technical facility siting requirements. New access roads are to be located along forest and field edges, or in otherwise disturbed areas, as necessary to minimize site disturbance, resource fragmentation, and visual impacts, and to limit the introduction of invasive species. Access roads constructed along or within agricultural fields should be constructed at grade with the elevation of the field.
 - c. Facilities located in agricultural areas should be fenced as necessary to prevent livestock access, consistent with landowner agreements. Site restoration after facility decommissioning and removal must allow for continued agricultural use of the site.
 - d. A renewable energy facility shall be sited to avoid core forest areas and critical forest habitat.
 - e. For farm and forest land enrolled in State or municipal tax stabilization programs, or subject to permanent conservation easements, facilities shall be sited to meet applicable program requirements and restrictions.
3. **Scenic Resources.** Energy facilities shall be sited and designed to avoid or, if no viable alternative location exists, to otherwise minimize and mitigate undue adverse visual impacts to the community's scenic resources, as viewed from public rights-of-way, public vantage points and adjoining properties, and particularly within or as viewed from designated scenic byway corridors, historic districts, and scenic roads or views mapped by the municipality.
- a. Ground-mounted facilities are to be sited or screened so that they are not highly visible from adjoining properties. The Vermont Public Service Department's publication "Siting

- a Wind Turbine on Your Property," provides guidelines to minimize visual impacts. A system rated under these guidelines shall have no more than a "minimal impact" on residential and public properties.
- b. Landscaping and screening shall be required as necessary to preserve scenic views of particular importance to the community, and to minimize visual impacts to adjoining properties. This may include the use of existing topography and vegetation, or a combination of plants, natural or architectural screening materials to either screen the facility from view or visually blend it into its surroundings.
 - c. All structures must be designed using context-sensitive, non-reflective materials, colors, and textures that will blend the facility into its natural setting or surrounding environment. Wind facilities should be finished in a neutral, non-reflective color (e.g., matte gray or white) so that they blend into a range of sky conditions.
 - d. Exterior lighting shall be avoided except as required for safe facility operation, and shall incorporate energy-efficient, shielded light fixtures that are cast downward to minimize light trespass, glare and sky glow.
 - e. Onsite electrical connections must be buried to the extent physically feasible, except where connected to the transmission or distribution system.
 - f. No facility shall be used for purposes of advertising or display. Signs must meet applicable sign requirements under Section 5.8 (Signs), and be limited to required warning and safety signs.

Section 6.8 Wireless Telecommunication Facility

A. Authority. Pursuant to 24 VSA §4414(12), the ZBA shall have the authority to regulate construction, alteration, and development, decommissioning and dismantling of wireless telecommunication facilities in the Town of Georgia. These Regulations are intended to be consistent with the Telecommunications Act of 1996 and Title 24, Chapter 117 of Vermont Statutes Annotated. If any section of these Regulations are held by a court of competent jurisdiction to be invalid, such finding shall not invalidate any other part of these Regulations.

B. Permit Required

1. Wireless telecommunication facilities may be permitted as conditional uses upon compliance with these Regulations in the I-1 (Industrial) and R-1 (Recreational) zoning districts. No installation or construction of, or significant addition or modification to, any wireless telecommunication facility shall commence until a permit has been issued by the ZBA.
2. However, in accordance with 24 VSA § 4412(9), a permit shall be issued for a wireless telecommunication facility that, in the determination of the ZBA, will impose no impact or merely a de minimis impact upon any criteria established in Section 6.8 F (Criteria for Approval and Conditions). The ZBA's determination regarding no impact or de minimis impact shall be in writing and shall be subject to appeal under 24 VSA §4471.
3. Exemptions.
 - a. No permit shall be required for a wireless telecommunication facility that is used exclusively for municipal radio dispatch service or emergency radio dispatch service and which does not exceed 50 feet in elevation. These Regulations shall not apply to amateur radio, citizens band radio, AM or FM radio or broadcast television service.
 - b. No permit shall be required for a wireless telecommunication facility that has received a certificate of public good pursuant to 30 VSA §248a.
4. This ordinance shall not prohibit a property owner's ability to place or allow placement of antennae used to transmit, receive, or transmit and receive communications signals on the property owner's premises if the aggregate area of the largest face of the antennae is not more than eight square feet and if the antennae and the mast to which they are attached do not extend more than 12 feet above the roof of that portion of the building to which they are attached.

C. Permit Application Requirements. In addition to other information otherwise required in the Town of Georgia's Zoning Regulations, applicants shall include the supplemental information contained in Table 6.8.

Table 6.8 Wireless Telecommunication Facilities Application Requirements
Applicant’s legal name, address and telephone number. If the applicant is not a natural person, the applicant shall provide the state in which it is incorporated and the name and address of its resident agent
Name, title, address and telephone number of the person to whom correspondence concerning the application should be sent.
Name, address and telephone number of the owner or lessee of the property on which the wireless telecommunication facility will be located
Names and addresses of all adjoining property owners. Adjoining property owners shall be determined without regard to any public or private right-of-way.
Vicinity map showing the entire vicinity within a 1,000 foot radius of the Wireless Telecommunication Facility, including the location of any tower, topography, public and private roads and driveways, buildings and structures, utilities, water bodies, wetlands, landscape features, historic sites and necessary wildlife habitats. It shall indicate the property lines of the proposed facility site parcel and all easements or rights-of-way needed for access from a public right-of- way to the facility.
Location of the facility on a USGS Topographic Map or a GIS-generated map compatible with the Vermont Center for Geographic Information (VCGI) standards and encompassing the area within at least a two-mile radius of the proposed tower site.
Elevations and proposed site plans of the facility showing all facades and indicating all exterior materials and colors of towers, buildings and equipment, as well as all landscaping, utility wires, guy wires and screening. (All plans shall be drawn at a minimum scale of 1 inch = 50 feet).
In the case of a site that is forested, the approximate average elevation of the existing vegetation within 50 feet of any tower base.
Construction sequence and time schedule for completion of each phase of the entire project.
<p>Qualified engineer’s report that:</p> <ul style="list-style-type: none"> • Describes any tower’s design elevation, • Documents the elevation above grade for all proposed mounting positions for antennas to be collocated on a tower and the minimum distances between antennas, • Describes a tower’s capacity, including the number, elevation and types of antennas that the tower is proposed to accommodate. • In the case of new facilities, demonstrates that the existing towers and structures within 5 miles of the site cannot reasonably be modified to provide adequate coverage and adequate capacity to the community. • Describes potential changes or additions to existing structures or towers that would enable them to provide adequate coverage. • Describes the output frequency, number of channels and the power output per channel for each antenna. In the alternative, a coverage map may be provided. • Demonstrates the facility’s compliance with the standards in these Regulations or other applicable standards. • Provides proof that at the proposed facility site the applicant will be in compliance with all FCC Regulations, standards and requirements, and includes a statement that the applicant commits to continue to maintain compliance with all FCC Regulations, standards and requirements for radio frequency radiation (RFR).

Table 6.8 Wireless Telecommunication Facilities Application Requirements
<ul style="list-style-type: none"> • Includes such other information as determined by the ZBA to evaluate the application.
Letter of intent committing the facility owner and its successors to permit shared use of the tower if the additional users agree to meet reasonable terms and conditions for shared use, including compliance with all applicable FCC Regulations, standards and requirements and these Regulations and all other applicable laws.
In the case of an application for additional antennas or other equipment to be installed on an existing facility, a copy of the executed contract with the owner of the existing structure.
To the extent required by the National Environmental Policy Act (NEPA) and as administered by the FCC, a complete Environmental Assessment (EA) draft or final report describing the probable impacts of the facility, or a written statement by the applicant that an EA is not required for the facility.

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

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

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

F. Criteria for Approval and Conditions. An application for a wireless telecommunication facility permit shall be approved after a hearing when the ZBA finds all of the following criteria have been met.

1. The facility shall not be built on speculation. If the applicant is not a wireless telecommunication provider, the ZBA may require the applicant to provide a copy of a contract or letter of intent showing that a wireless telecommunication service provider is legally obligated to locate a wireless telecommunication facility on lands owned or leased by the applicant.

2. The facility will not project more than 20 feet above the average elevation of the tree line measured within 50 feet of the highest vertical element of the wireless telecommunication facility, unless the proposed elevation is reasonably necessary to provide adequate wireless telecommunication service capacity or coverage or to facilitate collocation of facilities.
3. The minimum distance from the base of any tower to any property line is not less than 100% of the total elevation of the tower, including antenna or equipment.
4. The facility will not be illuminated by artificial means and will not display any lights or signs except for such lights and signs as required by the Federal Aviation Administration, Federal or State law, or these Regulations.
5. The applicant will remove the facility should the facility be abandoned or cease to operate. The ZBA may require the applicant to provide a bond or other form of financial guarantee acceptable to the ZBA to cover the costs of removal of the facility, should the facility be abandoned or cease to operate.
6. The applicant demonstrates that the facility will be in compliance with all FCC standards and requirements regarding radio frequency radiation.
7. The applicant will maintain adequate insurance on the facility.
8. The facility will be properly identified with appropriate warnings indicating the presence of radio frequency radiation. The ZBA may condition a permit on the provision of appropriate fencing.
9. The proposed equipment cannot be reasonably collocated at an existing wireless telecommunication facility. In determining whether the proposed equipment cannot be reasonably collocated at an existing facility, the ZBA shall consider the following factors:
 - a. The proposed equipment would exceed the structural or spatial capacity of the existing facility and the existing facility cannot be reinforced, modified or replaced to accommodate planned equipment at a reasonable cost.
 - b. The proposed equipment would materially impact the usefulness of other equipment at the existing facility and such impact cannot be mitigated or prevented at a reasonable cost.
 - c. The proposed equipment, alone or together with existing equipment, would create radio frequency interference and/or radio frequency radiation in violation of federal standards.
 - d. Existing towers and structures cannot accommodate the proposed equipment at an elevation necessary to function reasonably or are too far from the area of needed coverage to function adequately.
 - e. Collocation of the equipment upon an existing tower would cause an undue aesthetic impact.

10. The facility provides reasonable opportunity for collocation of other equipment.
11. The facility will not unreasonably interfere with the view from any public park, natural scenic vista, historic building or district, or major view corridor.
12. The facility will not have an undue adverse aesthetic impact. In determining whether a facility has an undue adverse aesthetic impact, the ZBA shall consider the following factors:
 - a. The results of the balloon test, if conducted.
 - b. The extent to which the proposed tower(s) and equipment has been designed to blend into the surrounding environment through the use of screening, camouflage, architectural design and/or imitation of natural features.
 - c. The extent to which access roads have been designed to follow the contour of the land and will be constructed within forest or forest fringe areas and not open fields.
 - d. The duration and frequency with which the facility will be viewed on a public highway or from public property.
 - e. The degree to which the facility will be screened by existing vegetation, topography, or existing structures.
 - f. Background features in the line of sight to the facility that obscure or make the facility more conspicuous.
 - g. The distance of the facility from the point of view and the proportion of the facility that is above the skyline.
 - h. The sensitivity or unique value of a particular view affected by the facility.
 - i. Any significant disruption of a view shed that provides context to an important historic or scenic resource.
13. The facility will not destroy or significantly imperil necessary wildlife habitat or that all reasonable means of minimizing the destruction or imperilment of such habitat or species will be utilized.
14. The facility will not generate undue noise.

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

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

Unused portions of a wireless telecommunication facility shall be removed within 180 days of the time that such portion is no longer used. Replacement of portions of a facility previously removed shall require a new permit, pursuant to Section 6.8 B (Permit Required).

Section 6.9 Roadside Stands

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

- A.** The stand is used for the sale of agricultural products, as provided for in Ch. 117 Section 4413(d) and 10 VSA Section 6001(22).
- B.** The stand is erected at least thirty (30) feet back from the nearest edge of the roadway surface.
- C.** Parking spaces are provided off of the road right-of-way.

Section 6.10 Seasonal Conversion

A seasonal dwelling unit in the L-1 (Lakeshore) and L-2 (Lakeshore Residential-Recreational) may be converted to a single family dwelling if the ZA, through the permit process, determines that the conversion meets all of the following requirements:

- A.** The property shall conform to all current State regulations and Section 5.11 (Wastewater and Water Supply). Certificate of Occupancy requirements in Section 3.1H (Certificate of Occupancy) must be followed.
- B.** The property shall have adequate access in accordance with Town ordinances (a letter from the fire chief is required).
- C.** The proposed year-round residential use is a permitted use in the District.
- D.** Two off-street parking spaces per dwelling unit are required on the lot, or with deeded parking easement on an adjacent lot.

Article 7 Planning and Design Standards

The PC shall evaluate Site Plan Review, Subdivision and Planned Unit Development applications against the following Planning and Design Standards, unless the requirement specifically refers to subdivision review. The standards are listed alphabetically. In reviewing the applications, the PC may consider and impose appropriate safeguards and conditions with respect to whether the project adequately meets the required standards.

Section 7.1 Energy Efficient Design

- A. Developments are encouraged to incorporate energy-efficient siting of buildings, such as:
1. Orienting buildings on the site to optimize passive solar heating and cooling opportunities.
 2. Orienting buildings so as to minimize wind loads on the structure.
 3. Placing and appropriately shading windows to maximize solar penetration during the winter months and minimize solar penetration during the summer months.
 4. Designing landscaping to provide shading and cooling during the summer months while allowing solar heat penetration during the winter months.
 5. Using the least amount of area for roadways and the least length of sewer, water and utility lines within environmentally and economically sound limits.

Section 7.2 Farm and Forestland Preservation

Within the AR-1, R-1 and N-1 districts, subdivision boundaries, lot layout, and building envelopes shall be located and configured to minimize or avoid adverse impacts to primary agricultural soils, productive farmland and forestland, and large tracts of forestland (>50.0 acres regardless of ownership). Methods for avoiding adverse impacts include, but may not be limited to, clustering development, locating building envelopes at field, orchard, or forest edges and/or on the least fertile/productive soils; designating vegetated buffer areas between agricultural and other proposed uses to minimize land use conflicts; designing access roads, driveways, and utility corridors to follow existing linear features; and sharing access to the extent feasible.

Section 7.3 Site Design

- A. Generally.** Sites will be designed with consideration to adjacent and nearby sites and buildings in order to foster an integrated form and a pattern of interconnected uses.
- B. Business (B) and Commercial-Light Industrial (I-2) Districts.** The siting, layout, and appearance of the building(s) will be consistent and integrated with other uses in the district, will provide access for pedestrians, and will not cause strip development along roads. Interconnect adjoining properties by shared driveways, parking lots, or frontage roads are encouraged.

Section 7.4 Exterior Storage of Materials or Equipment

In certain situations, the PC requires that exterior storage of materials or equipment be excluded from the front yard and/or screened.

Section 7.5 Landscaping and Screening

- A. Adequacy of landscaping and screening.** Particular consideration will be given to preservation of existing vegetation and important features of the site, including large trees, views and vistas, and stone walls; visibility of unsightly or incompatible areas from the road and adjoining properties; and the adequacy of landscaping materials given seasonal conditions, soil conditions and erosion control, and light on the site.
1. Landscaping will take the form of shade trees, deciduous shrubs, evergreens, well-kept grasses and ground cover. Selections shall preferably be native to Vermont, but at a minimum rated for a plant hardiness zone of 4; zone 5 may be acceptable with micro-climate justification
 2. Landscaping may be required to be installed and maintained in front and side yards and may be required where rear yards abut residential properties or public roads. Adequate setbacks and site grading may be required to insure that the plantings are not adversely affected by traffic and road salt. Street trees may be required along state and town highways, particularly in areas where there is little vegetative cover presently. Landscaping will be installed within a time frame established by the PC.

3. In determining the amount and type of plantings to be required, the PC will take into account at least the following:
 - a. Existing trees, shrubs, evergreens and other vegetation to be preserved on the site;
 - b. The visibility of incompatible or unsightly areas from public roads and/or adjacent properties;
 - c. The land form and overall landscaping plan for the development;
 - d. Other factors which, in the PC's judgment, affect the safety and appearance of the development; and
 - e. The owner or developer may be required to provide a letter of credit or other suitable form of financial security to guarantee the performance and completion of all planting required pursuant to this section, which security will also guarantee plantings for a period of two years.

B. Street Trees.

1. Street trees may be required along roads in the AR-2, AR-3, and B districts unless waived by the PC for topographical or physical limitations.
2. **Subdivisions.** The Commission may require that suitable hardwood shade trees (such as Sugar Maple, Red Maple, Ash or Oak) be planted along streets where trees do not exist at intervals of forty (40) feet or less. All trees shall measure at least ten (10) feet in height and at least two (2) inches in diameter measured at a point six (6) inches above finished grade level. All trees are to be planted within five (5) feet of the edge of the street right-of-way.

Section 7.6 Outdoor Lighting

Outdoor lighting fixtures will be designed to direct light downward and adjusted so as not to cast light directly on adjacent roadways or properties. The PC may prohibit fixtures that cause excessive glare within the property or on adjoining properties. Outdoor lighting may be required by the planning commission to illuminate areas such as streets, sidewalks, and parking areas.

Section 7.7 Vehicular Circulation

Particular consideration will be given to visibility at intersections, to traffic flow and control, to pedestrian safety and convenience, and to access in case of emergency.

- A. The planning commission may require shared access to adjoining properties or may limit access to the property to a side street or secondary road.
 - 1. Where traffic access is required to only a portion of the land, the PC may require sharing that access with future uses of the remainder of the parcel.
 - 2. For uses for which a traffic study is required, the proposal will not cause traffic conditions on a Town or State highway to go below a Level of Service C condition (as defined by the Vermont Agency of Transportation) unless such a condition already exists, in which case the use will not cause traffic conditions to go to a lower Level of Service. The proposal may be conditioned to mitigate an adverse traffic condition.

Section 7.8 Pedestrian Accessibility

- A. **Adequacy of pedestrian circulation.** All development in the SV, B, I-1, I-2, and AR-3 Districts, shall provide adequate pedestrian circulation via sidewalks and/or non-motorized improved paths. The PC shall require curbs and sidewalks along the road frontage and a sidewalk to the entrance of the building to facilitate pedestrian access to the site and between the site and nearby services, facilities and neighborhoods.
- B. In the AR-2, AR-3, B and I-2 Districts pedestrian access to the building and along the street may be required.
- C. **Pedestrian Access in Subdivisions and PUDs.**
 - 1. **Curbs and Sidewalks.** Curbs and sidewalks are required unless deemed inappropriate by the PC.
 - 2. **Pedestrian Accesses.** The PC may require, in order to facilitate pedestrian access from the roads 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.
 - 3. **Pedestrian Circulation.** Projects will provide adequate pedestrian circulation within the project, such as sidewalks and pathways along public and private streets, connecting the project to public buildings and uses, to other commercial or industrial uses, and to nearby residential and recreation areas.

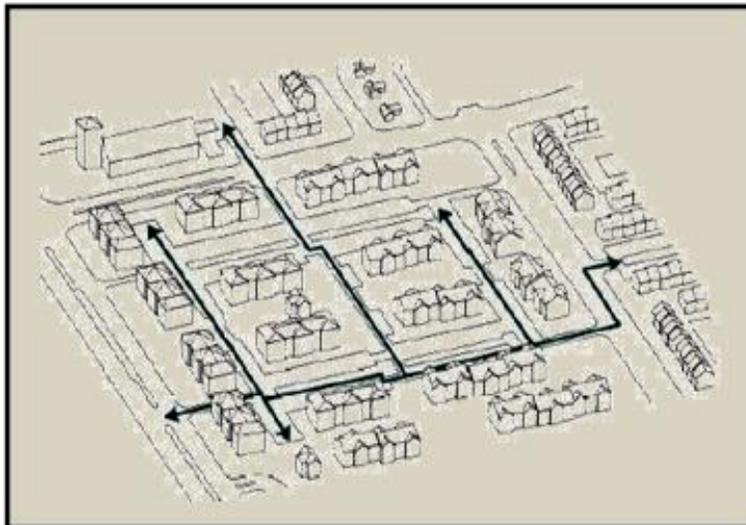


Figure 7.8 Pedestrian Circulation
This image is an example of a project that contributes to a logical street and pedestrian network

- 4. The project will promote and contribute to a logical street and pedestrian network within the project and the district, which provides for connections between parcels, between other commercial and industrial uses, and between the site and nearby residential and recreation uses, and for the continuation of streets and pedestrian ways.

Section 7.9 Parking, Traffic Access, and Circulation

A. Parking Lot Screening. Parking areas may be required to be landscaped or screened from adjacent uses and from the roadways in the vicinity.

B. Parking Lot Location.

1. Parking may be prohibited in the front, side and rear yard setback areas.
2. In the AR-2, AR-3 and B Districts, parking, loading, and utility areas may be required to be located to the side or rear of buildings, and may be required to be screened.

C. Parking Lot Design.

1. Permeable surfaces may be required for proposed parking areas to control stormwater runoff. Relocation or redesign of parking areas may be required to limit runoff and control erosion in accordance with approved State standards.
2. The size and location of any paved area may be limited by the PC.
3. Consideration will be given to the effect of noise, glare or odors associated with parking, loading, and service areas on adjoining properties and State and Town highways.

D. Parking Lot Access.

1. In the AR-2 and AR-3 Districts, access may be limited to one curb cut. Sharing of driveways with adjoining properties is encouraged.
2. In the B District, access control techniques are required. Sharing of driveways with adjoining properties may be required.

Section 7.10 Street Signs

All roads, whether public or private, will be required to be named and identified by a street sign which is of a standard approved by the Town in accordance with E-911 street address ordinance.

Section 7.11 Public and Private Road Standards

A. Public and Private Roads.

1. **Town Road Width.** The width of any Town of Georgia public highway right-of-way shall be determined pursuant to 19 VSA §32.
2. **Development on Class IV Road.** Development on Class IV town roads must be consistent with the standards and regulations of the Town of Georgia Policy for Roads.
3. **Roads to be Accepted by the Town.** No roads will be accepted by the Town unless the right-of-way is at least sixty (60) feet wide and the road is built to the Town of Georgia Policy for Roads (incorporated by reference). No roads can be accepted by the Town without the approval of the Selectboard.
4. **Frontage Requirement.** No land development may be permitted on lots which do not either have frontage on a public road or public navigable waters, as required in the District Regulations, or with the approval of the planning commission, access to such a road or waters by a permanent right-of-way at least sixty (60) feet in width. Pre-existing lots with pre-existing rights-of-way at least 30 feet in width may be developed with the approval of the PC. Any easement or right-of-way which is relied upon to provide the access described above must be capable of actually providing such access in accordance with the Town-adopted Town of Georgia Policy for Roads, or Private Road Standards, whichever is applicable.
5. **Private Roads.** The following are requirements for all land development on any private road:
 - a. Front and side yard setbacks, and frontage requirements (for new lots) will be as required for public roads, except if reduced in PUDs.
 - b. A lot with frontage on a combination of public and private roads shall have setbacks from both the public road and the private road equal to the front yard setback requirement in the district regulations. If such a lot is in a PUD, the setback requirement from the private road may be waived.
 - c. Private roads may not serve as access to more than three (3) dwelling units, or three (3) lots used for non-residential purposes except agricultural or forestry, or a combination of dwelling units and non-residential lots greater than three, except in a PUD.
 - d. Private roads accessing three (3) or more dwelling units or three (3) or more lots used for non-residential purposes except agricultural or forestry, or a combination of dwelling units and non-residential lots totaling three (3) or more, shall meet Town private road standards approved by the Selectboard, which standards as they now exist or are hereafter modified by the Selectboard are incorporated by reference.
 - e. An application for a Zoning Permit for a lot with access by a private road shall include a

copy of the deed for the lot which shall address the following:

- i. A clear statement of the rights of ingress, egress, or any other rights of those sharing the right-of-way.
 - ii. A clear statement setting forth terms and conditions for maintenance of the right-of-way.
 - f. No private road that is a dead-end shall be longer than 1000 feet; this requirement may be waived by the PC for a Planned Unit Development if it is determined that a private road in excess of this length shall further the goals of a Planned Unit Development, and the goals and policies of the Comprehensive Municipal Plan and that the proposed private road shall meet town private road standards approved by the Selectboard and incorporated as such standards now exist or are hereafter modified.
6. **Reduced Frontage on Cul-De-Sacs.** The PC may approve reduced frontage requirements for lots on cul-de-sacs or other dead ends of public or private roads; however, side and rear setbacks on such lots will not be reduced.
7. **Private Road Construction Standards.** All private roads shall be constructed to a minimum of these standards.
- a. The construction guidelines and standards contained in this policy are considered minimum standards. The planning commission may impose a stricter requirement if, in its opinion, public health and safety considerations, traffic or other conditions warrant.
 - b. The PC reserves the right to modify the standards for a particular project, where, because of unique physical circumstances or conditions, there is no possibility that the project can be completed in strict conformance with these provisions. Fiscal reasons are not a basis for modification of the standards.
 - c. All new roads petitioned to be taken over by the Town of Georgia must meet Town Owned and Maintained Road Standards prior to being taken over. It will be the responsibility of the developer to upgrade the private road to Town road standards. Furthermore, the road proposed to be conveyed to the Town shall be maintained by the developer until the road is accepted by the Town of Georgia. The Town of Georgia will not accept cul-de-sacs as Town highways.
 - d. All new rights-of-way (ROW) shall be a minimum of sixty feet (60') in width.
 - e. All sod and topsoil shall be stripped from roadway grade. Ledge and boulders shall be removed to at least 18 inches below sub-grade and replaced with compacted sand or gravel. All ditches and drains shall be constructed so that they effectively drain the sub-grade prior to placement of any base material. An additional six inches of sand cushion shall be placed over any clay sub-grade.

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

Table 7.11 Private Road Construction Standards		
Number of Dwellings Accessed	Minimum Road Width	Minimum Right-of-Way Width
3 to 5	14’ wide w/ 2’ shoulders	60 feet
6 to 25	18’ wide w/ 2’ shoulders	
>26	Town Owned & Maintained Road Standards(1) (2)	

- (1) The developer may request a paving waiver.
- (2) Constructing a road to Town Owned & Maintained Standards does not require the Town to take the road over as a Town road. However, the developer may submit a petition to the Selectboard requesting the Town to take over the road.

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

8. Private Road Ditching & Culverts

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

- k. All private road ditching and culverts must conform to the foregoing standards prior to the issuance of the first Certificate of Occupancy. A letter from a certified engineer stating that the ditching and culverts conform to these standards shall be submitted to the ZA with the Certificate of Occupancy application.

Section 7.12 Site Preservation and Erosion Control

- A. Adequacy of erosion control.** To control erosion, the site plan or subdivision plat will meet the following standards.
1. The development plan will fit the topographic, soil and vegetation characteristics of the site with a minimum of clearing and grading.
 2. Existing natural drainage patterns will be preserved wherever possible.
 3. The sequence of construction activities will be designed so that the smallest area possible is disturbed at any one time. Only areas where active construction is taking place should be exposed. All other areas should be protected by vegetative and structural control measures.
 4. Seed and mulch will be applied as soon as possible to disturbed soils.
 5. Disturbance should be avoided as much as possible between October 15 and May 1.

Section 7.13 Stormwater

- A. Drainage in Subdivisions.** An adequate surface storm water drainage plan for the entire land development area shall be provided. The subdivider may be required by the PC to carry away by pipe or open ditch any spring or surface water that may exist either previous to or as a result of the land development. A culvert or other drainage facility shall, in each case, be large enough to accommodate potential runoff from its entire upland drainage area, whether inside or outside the subdivision. Where it is anticipated that additional runoff incidental to development will overload an existing downstream drainage facility so that there will be drainage to private property or an increase in the expenditure of public funds, the planning commission shall not approve the subdivision until provision has been made for the improvement of said condition. Where a proposed project is traversed by a water course or drainage way, there shall be provided a storm water drainage easement of such width as to encompass the one hundred (100) year flood area of such water course, which easement shall be indicated on the Final Subdivision Plat. The subdivider's engineer shall provide such information as the PC deems necessary to determine the adequacy of all proposed drainage facilities.
- B.** Stormwater drainage, infiltration retention and treatment facilities, including culverts and ditches, shall be designed to accommodate potential runoff from the entire upstream drainage area, based on conditions of total potential development, in accordance with the following

standards.

1. The PC will require the applicant to maintain post-development peak storm flows at predevelopment levels.
2. All stormwater management facilities shall be designed in accordance with best management practices for stormwater management as most recently amended by the VT Agency of Natural Resources.
3. The preparation and implementation of a stormwater management plan, prepared by a Vermont Licensed Engineer, may be required by the PC.
4. Off-site easements and/or management facilities may also be required by the PC as needed to accommodate stormwater runoff on adjoining properties or downstream from the proposed development.

Section 7.14 Utilities

Utility Easements. Easements of sufficient width shall be provided so as to serve both a proposed project and existing and anticipated developments outside the project.

Article 8 Administration and Enforcement

Section 8.1 Zoning Administrator, Zoning Board of Adjustment and Planning Commission

A. Zoning Administrator (ZA)

1. A ZA shall be nominated by the PC and appointed by the Selectboard for a term of three years and will be charged with the responsibility of administering these Regulations.
2. The ZA will not permit any land development which is not in conformance with these Regulations.

B. Zoning Board of Adjustment (ZBA)

1. There will be a ZBA whose members, as well as their number and term of office, will be determined by the Selectboard in conformance with Ch. 117 Section 4460. ZBA land development duties shall include:
 - a. Review of Conditional Use requests, including potential Uses Not Listed per Section 2.2 B (Uses Not Listed) of these Regulations;
 - b. Review of Variance requests; and
 - c. Review of applicable appeals from decisions of the ZA.

C. Planning Commission

1. There will be a PC in accordance with Ch. 117, Subchapter 2. PC land development review duties shall include:
 - a. Review of Minor & Major Subdivisions;
 - b. Review of Site Plans;
 - c. Review of PUDs (in conjunction with a Subdivision and/or Site Plan); and
 - d. Review of right-of-way or easement for land development without frontage. See Section 7.11 A(2) (Frontage Requirement)

Section 8.2 Fees for Zoning Permits, Public Hearings, and Administration

Upon submission of an application for a Zoning Permit, PC or ZBA approval, applicant shall pay application fee(s) as established by the Selectboard. Such fee(s) shall include the costs of publication, public hearings, site visits, and for periodic inspections by town employees or consultants during the installation of public improvements. Fees will be collected by the office of the ZA and must be paid for applications under these Regulations to be considered complete. Fees are non-refundable.

Section 8.3 Combined Review

- A. Where more than one approval is required from the PC or ZBA, project review, to the extent feasible, shall be conducted concurrently pursuant to Ch. 117, Section 4462. For example, joint subdivision/site plan applications shall be reviewed concurrently by the PC, and a single land use decision addressing both applications shall be made. The PC will not conduct a Site Plan Review unless and until a CU review approval is granted by the ZBA.
- B. Where approvals from the PC and ZBA are sought, project review, to the extent feasible, shall also be conducted concurrently pursuant to Ch. 117, Section 4462. For Conditional Uses, applicants are encouraged to attend Sketch Plan review and/or Optional Concept Plan review, as applicable, with the PC prior to meeting with the ZBA. In this manner, input from the PC can be provided to the ZBA as part of Conditional Use review. For variances, applicants are required to seek ZBA decisions before any review by the PC.
- C. Municipal review, to the extent possible, shall be coordinated with applicable state reviews, and/or conditioned on securing all necessary state permits.

Section 8.4 Public Hearing/Public Notice Requirements for Planning Commission/Zoning Board of Adjustment Approvals

A. Public Hearings

- 1. The following land development applications require public hearings before the ZBA and/or PC. Specific duties are indicated in Section 8.1 B (Zoning Board of Adjustment) and Section 8.1 C (Planning Commission) above.
 - a. Conditional Uses
 - b. Variances
 - c. Minor & Major Subdivisions
 - d. Site Plan Reviews
 - e. PUDs (in conjunction with a Subdivision and/or Site Plan).
 - f. Appeals of ZA decisions
 - g. Review of right-of-way or easement for land development without frontage (Section 7.11 A(2), Frontage Requirement) in association with a subdivision or site plan.
- 2. All hearings for land development applications above (1-7) shall be noticed, pursuant to Ch. 117, Section 4464, not less than 15-days in advance of the hearing by:
 - a. Publication in a newspaper of general circulation;
 - b. Posting of notice at town hall; in public view at the nearest right-of-way to the property;

- and posting at the Georgia Public Library and/or Georgia Post Office; and
- c. Mailing notice (regular US mail) to applicant and all adjacent property owners, including those across rights-of-way.
3. Applicants for land development shall be responsible for supplying an accurate list of all adjacent property owner names and mailing addresses for respective hearings. Failure to provide the materials in a timely manner may result in delay of the public hearing.
 4. The ZA or responsible party, as applicable, shall ensure that all notices required above are made in a timely manner. At the discretion of either staff person, applicants may be responsible to ensure the right-of-way posting after being provided the actual notice form by staff. Where applicants are requested to post rights-of-way per Section 8.4 A(2)(b) (Public Hearings), and fail to do so in a timely manner, the ZBA and/or PC reserve the right to cancel and reschedule public hearings.
 5. Remaining provisions of Ch. 117 Section 4464 regarding public notice for hearings shall apply.

Section 8.5 Decisions

Any action or decision of the PC or ZBA shall be taken by the concurrence of a majority of the members of that Board. In accordance with Ch. 117 (24 V.S.A. §4464(b)), the PC or ZBA shall issue a decision within 45 days after the adjournment of the hearing. Failure to issue a decision within the 45-day period shall be deemed approval and shall be effective on the 46th day.

Section 8.6 Appeals

- A. Interested Person Status Required.** Only interested persons, as defined in Article 9 of these Regulations, may appeal decisions of the ZA, ZBA, or PC. Failure to have and secure interested person status shall void the ability to appeal municipal land use decisions.
- B. Appeals of ZA.** Interested persons may appeal any decision or act taken by the ZA by filing a notice of appeal with the Secretary of the ZBA, or Town Clerk if no Secretary has been elected, pursuant to Ch. 117 Section 4465. Such appeals shall include information required by Section 4465, and shall be made within 15-days of the ZA decision or act. A copy of the appeal shall also be filed with the ZA.
 1. **Notice of Appeal – Contents.** Pursuant to Ch. 117 Section 4466, a notice of appeal shall be in writing and shall include the name and address of the appellant, a brief description of the property with respect to which the appeal is taken, a reference to the regulatory provisions applicable to the appeal, the relief requested by the appellant, the alleged grounds why the

requested relief is believed proper under the circumstances and payment of appeal fees as applicable.

2. **Appeal Hearings.** Appeal hearings to the ZBA shall be conducted pursuant to Ch. 117 Section 4468.
 3. **Rejection of Appeals.** The ZBA may reject appeals and requests for reconsideration without hearing pursuant to Ch. 117 Section 4470(a). Rejected appeals or rejected requests for reconsideration may be appealed to the Environmental Court pursuant to Ch. 117, Section 4471.
- C. Appeals - ZBA, PC, and Legislative Body Decisions.** Interested persons who have participated in the application process may appeal written decisions of the ZBA, PC, or Legislative Body to the Environmental Court. Such appeals shall be filed pursuant to Ch. 117 Section 4471, and shall be made within 30 days of the municipal panel's written decision. A copy of the appeal shall also be filed with the municipal clerk or the ZA who shall supply the list of interested persons to the appellant within 5 working days.

Section 8.7 Violations and Enforcement

- A.** Pursuant to Ch. 117 Section 4470(b), the Town shall enforce all provisions of the Development Regulations, decisions of the ZA, and decisions of its appropriate municipal panels.
- B.** Violations of these Regulations will be prosecuted in accordance with 24 V.S.A. Section 4451. Any person who violates these Regulations will be fined not more than \$100 for each offense, unless a higher fine is permitted under Ch. 117, in which case the highest possible fine may be imposed. Each day that a violation is continued will constitute a separate offense. No action may be brought under this section unless the alleged offender has had at least seven days' notice by certified mail that a violation exists and has failed to satisfactorily respond to or correct the alleged violation.
- C.** If any structure or land is or is proposed to be subdivided, constructed, reconstructed, altered, converted, maintained, or used in violation of these Regulations, the ZA will institute in the name of the Town any appropriate action, injunction or other proceeding to prevent, restrain, correct, or abate such construction or use, or to prevent, in or about such premises, any act, conduct, business, or use constituting a violation in accordance with 24 V.S.A. Section 4452.
- D.** The commencement or continuation of land development to which these Regulations are applicable, as set forth in Section 1.4 (Applicability) Section 1.5 (Interpretation) and Section 1.6 (Severability), which is not in conformance with these Regulations, will constitute a violation of these Regulations.

Article 9 Definitions

A. General Definitions

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

B. Specific Definitions

Accessory Dwelling Unit (ADU). See *Dwelling Unit, Accessory*.

Acre. An acre, as used in these regulations, shall be computed on the basis of 43,560 square feet.

Act. The Vermont Planning and Development Act. Title 24, Chapter 117, Vermont Statutes Annotated.

Administrative Officer. *Administrative Officer* and ZA are one and the same and can be used interchangeably. (See Ch. 117 Section 4448)

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

Agriculture. Includes those activities identified in 10 VSA 6001(22) as may be amended, and prepared by the Vermont Agency of Agriculture, Food & Markets.

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

Appropriate Municipal Panel (AMP). A PC performing development review; a ZBA; a Development Review Board; or a Legislative Body performing development review.

Area of Shallow Flooding. This definition applies to Section 3.6 (Development in the Flood Hazard Zone District). A designated AO or AH zone on a community's Flood Insurance Rate Map (FIRM) with a one percent or greater annual chance of flooding to an average depth of one to three feet where a clearly defined channel does not exist, where the path of flooding is unpredictable, and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.

Base Flood. This definition applies to Section 3.6 (Development in the Flood Hazard Zone District). The flood having a one percent chance of being equaled or exceeded in any given year.

Base Flood Elevation (BFE). This definition applies to Section 3.6 (Development in the Flood Hazard Zone District). The elevation of the water surface elevation resulting from a flood that has a one percent (1%) chance of equaling or exceeding that level in any given year. On the Flood Insurance Rate Map, the elevation is usually in feet, in relation to the National Geodetic Vertical Datum of 1929, the North American Vertical Datum of 1988, or other datum referenced in the Flood

Insurance Study report, or the average depth of the base flood, usually in feet, above the ground surface.

Basement. This definition applies to Section 3.6 (Development in the Flood Hazard Zone District). Any area of the *building* having its floor subgraded (below ground level) on all sides.

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

Bedroom. A private room planned and intended for sleeping, separated from other rooms by a door, and accessible to a bathroom without crossing another bedroom. A bedroom shall be a minimum of 80 square feet, and have at least one window, one closet, one interior method of entry and exit, excluding closets and bathrooms, and be physically separate from other rooms.

Boundary Adjustment. Adjustment of property lines between adjacent lots that does not create any new lots, does not create any non-conforming lots, and does not impact access to any parcel.

Building.

Building. A *structure* designed to be used as a place of assembly, occupancy, storage or shelter.

Building Envelope. A three dimensional volume within which all *structures* must be contained.

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

Building Lot. Land occupied or to be occupied by not more than one principal *building* and its *accessory structures*.

Building, Principal. The primary *building* on a *lot* or a *building* that houses a principal *use*.

Camp

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

Camp, Seasonal. See *Dwelling, Seasonal*

Camp, Commercial, Youth. Any parcel of land used wholly or in part for recreational or educational purposes, accommodating five or more children at one time under eighteen years of age for a period of, or portions of, five days or more. The operation may be a day

camp or a resident *camp*.

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

Capital Budget. A document which sets forth a financial management plan (over a six year period), which is the capital investment program including a listing of capital projects and expenditures prioritized in the form of an annual capital budget. A maximum level of future growth is established as the basis for scheduling municipal capital facilities and service expenditures.

Cemetery. Land used for the burial of the dead; does not include mortuaries or crematories.

Change of Use. The initiation of a new *use* on the subject property.

Chapter 117. Vermont's Municipal & Regional Planning and Development Act, also known as 24 VSA Chapter 117. The abbreviation 'Ch. 117' is used in these Regulations.

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

Community Sewage Disposal System. Any sewage disposal system, other than a municipal sewage disposal system, that disposes of sewage for domestic, commercial, industrial, or institutional uses from two or more users.

Community Water System. Any water system, other than a municipal water system that supplies water for domestic, commercial, industrial, or institutional uses to two or more users.

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

Contractor Yards. A facility for the storage and maintenance of contractor's supplies and operational equipment.

Convenience Store/Mini Mart. Any *lot* or area of land, including the *building* or *buildings* thereon, which is used for the retail sale of products normally associated with a quick stop facility. This does not include a full scale *retail store*.

Day Care

Day Care Level 1. A state registered or licensed *family* child care home serving no more than six full-time and four part-time children, as defined in Title 33 VSA.

Day Care Level 2. A state registered or licensed *family* child care *facility* serving more than six full-time and four part-time children, as defined in Title 33 VSA.

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

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

Development. This definition applies to Section 3.6 (Development in the Flood Hazard Zone District) Any human-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations, or storage of equipment or materials.

Driveway. A private way providing access from residential dwelling unit(s) or non-residential structures to a roadway or street. Driveway permits are required from the Road Commissioner.

Dwelling

Dwelling Unit. A *building*, or a portion thereof, occupied as a residence by a single family and having living, sleeping, eating, cooking, and sanitation facilities.

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

Dwelling, Single Family. A detached *building* which contains one *dwelling unit*. Includes site built as well as *manufactured* and *mobile homes*. Also see *Use by Right*

Dwelling, Single Family, as Part of a Business. A *dwelling unit* which is attached to an allowed business, and which is designed for and occupied by one *family*. The *dwelling unit* may be occupied by a family unrelated to the business located in the building.

Dwelling, Two Family. A detached *building* which contains two *dwelling units*.

Dwelling, Multi Family. A detached *building* which contains three or more *dwelling units*.

Dwelling Unit, Accessory (ADU). An efficiency or one-bedroom dwelling unit that is clearly subordinate to a single-family dwelling and has facilities and provisions for independent living, including sleeping, food preparation, and sanitation, provided there is compliance with Section 6.1 of these Regulations.

Earth Resource Extraction. The extraction of minerals, including solids such as sand and gravel, liquids such as water, and gases such as natural gas. This use may also include preparation activities such as crushing and washing customarily part of the mining/quarrying activity.

Easement. The right to use another person's land for a stated purpose.

Facility and Services, Municipal. Those facilities provided for and/or available to the residents of the Town, including sewage disposal, fire protection, town equipment garages, police protection, public and

private hospitals, educational facilities, governmental administration buildings, sewage and water facilities, fire facilities, postal services, public parking garages and like facilities. It also includes State and Federal facility.

Facility and Service, State or Federal. A facility or *service* which is owned or operated by the state or federal government.

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

Family. One or more persons living together as a single housekeeping unit, as distinguished from a group occupying a boarding house, lodging house, club, fraternity or *lodging establishment*.

Fence. A constructed barrier erected to enclose a particular area or to screen an area from view.

Finished Grade. The final average elevation of soil around a *structure*.

Flood Hazard Boundary Map (FHBM). This definition applies to Section 3.6 (Development in the Flood Hazard Zone District). An official map of a community, issued by the Administrator, where the boundaries of the flood, mudslide (i.e., mudflow) related erosion areas having special hazards have been designated as Zones A, M, and/or E.

Flood Insurance Rate Map (FIRM). This definition applies to Section 3.6 (Development in the Flood Hazard Zone District). An official map of a community on which the Administrator has delineated both the special hazard areas and the risk premium zones applicable to the community.

Flood Insurance Study. This definition applies to Section 3.6 (Development in the Flood Hazard Zone District). An examination, evaluation, and determination of flood hazards and, if appropriate, corresponding water surface elevations.

Flood-Proofing. This definition applies to Section 3.6 (Development in the Flood Hazard Zone District). Any combination of structural and non-structural additions, changes, or adjustments to *structures* which reduces or eliminates flood damage to real estate or improved real property, water and sanitary facilities, *structures*, and their contents.

Floodway. This definition applies to Section 3.6 (Development in the Flood Hazard Zone District). The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot at any point. Please note that Special Flood Hazard Areas and floodways may be shown on a separate map panels.

Floodway, Regulatory in Town of Georgia. This definition applies to Section 3.6 (Development in the Flood Hazard Zone District). The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot at any point.

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

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

Garage, Repair. See *Motor Vehicle Service and Motor Vehicle Repair*.

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

Ground Floor Area. The interior of the first floor of a *structure*, as measured in square feet.

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

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

Heavy Industry. The processing and *manufacturing* of certain materials and products not having the characteristics of "*Light Industrial*."

Historic Structure. This definition applies to Section 3.6 (Development in the Flood Hazard Zone District). Any structure that is (a) listed individually in the National Register of Historic Places (a listing maintained by the Department of the Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register; (b) certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district; (c) individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or (d) individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either: 9i) by an approved state program as determined by the Secretary of the Interior, or (ii) directly by the Secretary of the Interior in states without approved programs.

Home Business Home Business is a use of an accessory building or up to 50% of a dwelling for a business which exhibits no apparent indications that a business exists. Uses otherwise listed in Table 2.2 may qualify as a home business if they meet the requirements of Section 6.5(A). [See also Home Occupation and Home Industry and Section 6.5(A)].

Home Industry Use of up to 50% of a residential lot by a resident for an occupational business with not more than three non-family full time equivalent employees, and which could normally be expected to be customarily located in the area and that will not change the character of the neighborhood. Uses otherwise listed in Table 2.2 may qualify as a Home Industry if they meet the requirements of Section 6.5(C). [See also Home Business and Home Occupation and Section 6.5(C)].

Home Occupation. Use of a no more than 50% of a dwelling or an accessory building by a resident for an occupational business with not more than one non-family full time equivalent employee, and which could normally be expected to be customarily located in the area and that will not change the character of the neighborhood. Uses otherwise listed in Table 2.2 may qualify as a home occupation if they meet the requirements of Section 6.5 B (Home Occupations). [See also Home Business and Home Industry and Section 6.5 A and Section 6.5 C].

Homes. See *Dwelling Unit*

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

Interested Person. Person as defined in 24 V.S.A., *Ch. 117*, Section 4465(b).

Intermittent Stream. A stream that conveys flowing water periodically throughout the year, often only during storm water events or spring runoff. Intermittent streams often constitute minor tributaries to the primary waterways / watersheds in Georgia and are typically unnamed.

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

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

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

Land Development. The division of a parcel into two or more parcels, the construction, *reconstruction*, *conversion*, structural *alteration*, relocation or enlargement of any *building* or other *structure*; any mining, excavation or landfill; and any change in the *use* of any *building* or other *structure*, or land, or extension of *use* of land.

Landowner. The record owner of fee title to the *lot*.

Laundromat/Dry Cleaners. A business which provides clothes washing machines and clothes dryers for public use for a fee, and/or provides clothes-washing and/or dry-cleaning services to the public for a fee.

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

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

Lot

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

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

Lot, Existing Small. A lot that does not meet the minimum area requirements for a specific use within a zoning district. See Section 5.2 (Existing Small Lots).

Lot Frontage. Those side(s) of a *lot* abutting on a *road*.

Lot Owner. The record owner of fee title to a *lot*.

Lot Size. The area of a lot, the boundaries of which are established by a deed or deeds recorded in the land records of the Town of Georgia, or as shown on a plat approved by the Georgia PC.

Lowest Floor. This definition applies to Section 3.6 (Development in the Flood Hazard Zone District). The lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, *building* access or storage in an area other than a basement area is not considered a *building's* lowest floor; provided that such enclosure is not built so as to render the *structure* in violation of the applicable non-elevation design requirements of Section 3.6.

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

Manufactured home (or Mobile home). This definition applies to Section 3.6 (Development in the Flood Hazard Zone District). A structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when attached to the required utilities. The term "manufactured home" does not include a "recreational vehicle".

Manufactured Home Sales. The use of any building, land area, or other premises for the display of and sale of manufactured homes.

Manufacturing. The processing, packaging, assembly or fabrication of any article, substance or commodity.

Marina. Any shoreline property used to provide one (1) or more of the following.

- a) Access to public waters for docking or mooring of five (5) or more boats with or without other services; or
- b) A small-craft harbor complex providing access to public waters characterized by such activities as boat repairs, sales, rentals, chartering, derricks, docks, wharfs, moorings, marine railways, boat storage and other marine-type facilities and commercial services which may include the sale of food or other services clearly incidental to the operation of the marine based activities.

Mean Sea Level. This definition applies to Section 3.6 (Development in the Flood Hazard Zone District). For purposes of the National Flood Insurance Program, the National Geodetic Vertical Datum (NGVD) of 1929 or other datum, to which base flood elevations shown on a community's Flood Insurance Rate Map are referenced.

Mobile Home. A residential dwelling that was fabricated in an off-site manufacturing facility, designed to be a permanent residence, and built prior to the Federal Manufactured Home and Constructed Safety Standards Act of 1974.

Mobile/Manufactured Home Park. A site containing spaces with required improvements and utilities that are leased or sold for the long-term placement of mobile or manufactured homes. The site may include services and facilities for the residents.

Motor Vehicle

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

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

Motor Vehicle Service. The use of any building, land area, or other premise for the sale of motor vehicle fuel, lubricants, and related products and accessories, and for servicing of automobiles and light trucks. The sale of motor vehicles is prohibited.

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

Municipal Land Use Permit. Means any of the following whenever issued.

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

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

Named Streams. A waterway that typically conveys flowing water throughout the entire year, however, on occasion said flows may cease based on dry conditions or otherwise. The named streams in Georgia are: Mill River, Stonebridge Brook, Lamoille River, Deer Brook, Beaver Meadow and Rugg Brook.

New Construction. This definition applies to Section 3.6 (Development in the Flood Hazard Zone District). Structures for which the start of construction commenced on or after the effective date of the floodplain management regulation adopted by the community and includes any subsequent improvements to such structures.

Nonconforming Lots or Parcels. Lots or parcels that do not conform to the current Regulations covering area and dimensional requirements, but were in conformance with all applicable laws, ordinances and Regulations prior to the enactment of a bylaw with which they did not conform, including a lot or parcel improperly authorized as a result of error by the ZA or appropriate municipal panel.

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

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

Nonconformity. A *nonconforming use, structure, lot, or parcel.*

Nursery. Land or greenhouses used to raise flowers, shrubs, and plants for sale.

Nursing Home. A facility licensed by the State of Vermont which provides long-term health care to elderly patients in a residential setting.

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

Open Space. Land which is set aside from development and designated for public recreation, productive use (such as *agriculture* or *forestry*) or resource protection (such as *wildlife* or *scenic areas*).

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

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

Pedestrian Walkway. A cleared way for pedestrians and/or bicycles that may or may not be paved or otherwise improved.

Place of Worship. A *building* or *structure*, together with any *accessory structures* with the exception of a rectory, used for regular assembly for religious worship, and which is maintained and controlled by a religious body organized to sustain such worship.

Plan. The Comprehensive Plan of the Town of Georgia adopted pursuant to the Vermont Planning and Development Act.

Planned Unit Development (PUD). A development, commercial, residential or mixed use, designed and planned as an integral unit which may contain various commercial and industrial and *residential uses* which may consist of individual *lots* or *structures* that do not satisfy the dimensional requirements otherwise contained in these Regulations.

Planned Unit Development-Residential (PUD-Residential). A residential development, designed and planned as an integral unit which may contain various types of residential *structures* which may consist of individual *lots* or *structures* that do not satisfy the dimensional requirements otherwise contained in these Regulations.

Planning Commission. The duly elected body for the Town of Georgia to execute functions authorized under Subchapter 2 of *Ch. 117*.

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

Public Notice. The form of notice prescribed by Sections 4444, 4449, or 4464 of *Ch. 117*, as the context requires.

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

Radio, Non Commercial. Communication through electromagnetic waves for non-commercial purposes, such as; amateur (ham) *radio*, two-way *radio*.

Reconstruction. The *rebuilding* of damaged or destroyed properties.

Recreation

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

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

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

Recreation, Public Outdoor. Outdoor recreation facilities which are publicly owned and operated. Examples of *public outdoor recreation* facilities include playgrounds, playfields, parks, *open spaces*, swimming pools, tennis courts, and similar facilities.

Recreational vehicle. This definition applies to Section 3.6 (Development in the Flood Hazard Zone District). A vehicle which is: (a) Built on a single chassis; (b) 400 square feet or less when measured at the largest horizontal projection; (c) Designed to be self-propelled or permanently towable by a light duty truck; and (d) Designed primarily not for use as a permanent dwelling but as a temporary living quarters for recreational, camping, travel, or seasonal use.

Renewable Energy. Energy produced using a technology that relies on a resource that is being consumed at a harvest rate at or below its natural regeneration rate and shall include the following: solar photovoltaic and solar thermal energy; wind energy; geothermal heat pumps; farm, landfill, and sewer methane recovery; low emission, advanced biomass power, and combined heat and power technologies using biomass fuels such as wood, agricultural or food wastes, energy crops, and organic refuse-derived waste, but not municipal solid waste; advanced biomass heating technologies and technologies using biomass-derived fluid fuels such as biodiesel, bio-oil, and bio-gas.

Renewable Energy Facilities Regulated by the Town. These include renewable energy facilities that are sized to serve more than one dwelling but do not include those which are regulated by the VT Public Service Board. Facilities must meet the standards of Section 6.7 Renewable Energy.

Renewable Energy Facility, Small Scale. An energy conversion system that is sized and that will serve the principal use of one property and that is not connected to the electric utility system grid. These include but are not limited to solar thermal systems, a solar photovoltaic (PV) system or a wind system with a nameplate capacity of 15 kW or less – Facilities must meet all of the standards of Section 6.7 Renewable Energy. Renewable Energy Facilities and Systems which are regulated by the VT Public Service Board are not considered small scale renewable energy facilities for the purposes of these regulations.

Research and Testing Laboratory. A building or group of buildings in which are located facilities for scientific research, investigation, testing, or experimentation related to development of manufactured, processed or compounded products.

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

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

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

Right-of Way. A type of easement that gives one the right to travel across property owned by another person or entity.

Riparian. Of, on or relating land area edges bordering streams and rivers.

Riparian Buffer Zone. The width of land measured perpendicular to the top-of-bank along streams per distance requirements in Section 5.10. Riparian buffer zones shall be undisturbed areas consisting of trees, shrubs, ground cover plants, duff layer and a naturally vegetated ground surface

Road/Street

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

Road/Street, Public. A *right-of-way* which provides overland access to a lot or lots and is owned by the Town of Georgia, State of Vermont or United States.

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

Scale. The relationship between distances on a map and actual ground distances.

Scale of Development. The relationship of a particular project or development, in terms of size, height, bulk, intensity, and aesthetics, to its surroundings.

Scenic Areas. The major *scenic areas* shall be those identified in the goals and policies of the Comprehensive Municipal Plan. *Scenic areas* appropriate for protection and/or preservation shall also include scenic vistas and corridors in more localized neighborhoods or geographic areas.

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

Self-Storage Facility. A structure or group of structures containing self-service, separate, individual and private spaces of varying sizes, leased or rented on individual leases for varying periods of time used only for storage of items or materials.

Service

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

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

Service, Financial, Insurance, Real Estate. A business activity that renders such *services* as banks, credit agencies, security brokers, insurance companies, and real estate companies and other activities generally falling under the Standard Industrial Classification Code #60-67.

Service, Personal. Includes barber, hairdresser, beauty parlor, shoe repair, photographic studio and businesses providing similar *services* of a personal nature.

Service, Professional. Includes, but is not limited to, doctor, dentist, chiropractor, other health *service*, legal *service*, architectural *service*, engineering *service*, certified public accountant, educator, real estate appraisal, *social service*, and other *services* generally

falling under the Standard Industrial Classification Code #80-83 and 89. Also includes Social Service, Business Service and Financial, Insurance, and Real Estate Services.

Service, Social. Establishment providing daytime assistance and counseling for income, employment, *family*, health, psychological, learning disability, or physical disability issues.

Setback

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

Setback, Rear Yard. The required minimum horizontal distance between a *structure* and the rear property line.

Setback, Shoreline. The required minimum horizontal distance between a *structure* and the *shoreline* (as defined in these Regulations).

Setback, Side Yard. The required minimum horizontal distance between a *structure* and the related side property line.

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

Shoreline Frontage. The side of a *lot* abutting on Lake Champlain or Arrowhead Mountain Lake.

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

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

Site Plan. The development plan for one or more lots on which is shown the existing and proposed conditions of the lot, and surrounding area, and any other information that reasonably may be required in order for the Appropriate Municipal Panel to make an informed decision.

Small Scale Commerce. A *personal or professional service* that does not exceed 2000 square feet in gross floor area, and does not generate more than 25 average weekday trips.

Special Flood Hazard Area. This definition applies to Section 3.6 (Development in the Flood Hazard Zone District). The floodplain within a community subject to a 1 percent or greater chance of flooding in any given year. For purposes of these Regulations, the term “area of special flood hazard” is synonymous in meaning with the phrase “special flood hazard area”. This area is usually labeled Zone A, AO, AH, AE, or A1-30 in the most current flood insurance studies and on the maps published by the Federal Emergency Management Agency. Maps of this area are available for viewing in the municipal office or online from the FEMA Map Service Center: msc.fema.gov Base

flood elevations have not been determined in Zone A where the flood risk has been mapped by approximate methods. Base flood elevations are shown at selected intervals on maps of Special Flood Hazard Areas that are determined by detailed methods. Please note, where floodways have been determined they may be shown on separate map panels from the Flood Insurance Rate Maps.

Start of construction. This definition applies to Section 3.6 (Development in the Flood Hazard Zone District). For purposes of floodplain management, determines the effective map or bylaw that regulated development in the Special Flood Hazard Area. The “start of construction” includes substantial improvement, and means the date the building permit was issued provided the actual start of construction, repair, reconstruction, rehabilitation, addition placement, or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footing, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building,

Street. See *road*.

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

Street Furnishing Zone. The buffer between the *sidewalk* and the street where the utility poles, trees, hydrants, signs, benches, transit shelters, planters, and other street furniture should be placed. See also *Greenstrip*.

Strip Development. Linear development along a highway that has at least some of the following characteristics: *use* of individual curb-cuts for each project, lack of connections between projects, one story *buildings* containing a single type of *use*, little or no pedestrian circulation between projects, accessibility primarily by automobile, separation of projects by parking *lots*, individual project design and lack of coordination among projects in design, and narrow depth and *broad* street frontage of parcels to take advantage of exposure on the highway.

Structure

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

Structure. This definition applies to Section 3.6 (Development in the Flood Hazard Zone District) a walled and roofed building, as well as a manufactured or mobile home, and

any related built systems, including gas or liquid storage tanks.

Structure, Accessory. A *structure* on the same *lot* with, and of a nature customarily incidental and subordinate to, the principal *structure*, such as a *garage*, patio, tool shed, porch, deck, carport or small scale renewable energy facility in accordance with Section 6.7 Renewable Energy). A *structure* used for *dwelling* purposes shall not be considered an *accessory structure* except when approved as an *accessory dwelling unit*.

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

Structure, Principal. *Structure* housing the primary use of the property.

Subdivider. Any person, who is owner of record or his or her duly authorized representative, firm, corporation, partnership, or association who shall lay out for the purpose of sale, development or otherwise any subdivision or part thereof.

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

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

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

Subdivision, Final Plat. The final drawings on which the subdivision is presented to the Planning Commission for approval and which, if approved, shall be filed for record with the Town Clerk.

Subdivision, Preliminary Plat. The preliminary drawings for a major subdivision, indicating the proposed layout of the subdivision, to be submitted to the Planning Commission for its consideration.

Subdivision Amendment. Any change in a recorded subdivision plat, if such change affects any street layout on such plat, or area reserved thereon for public use, or any lot line, or if the change affects any map or plan legally recorded after the adoption of any subdivision regulation by the Town of Georgia.

Subdivision, Sketch Plan. Any informal sketch of the proposed subdivision, the purpose of which is to enable the applicant to save time and expense in reaching general agreement with the PC regarding the form of the subdivision and objectives and requirements of these Regulations.

Substantial damage. This definition applies to Section 3.6 (Development in the Flood Hazard Zone District). Damage of any origin sustained by a structure whereby the cost of restoring the structure to its before-damaged conditions would equal or exceed 50 percent of the market value of the structure before the damage occurred.

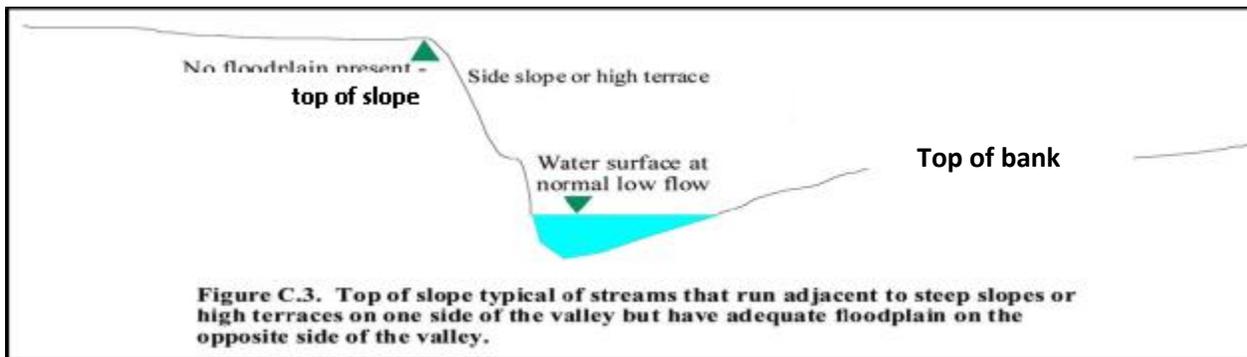
Substantial Improvement. This definition applies to Section 3.6 (Development in the Flood Hazard Zone District). Any reconstruction, rehabilitation, addition, or other improvement of a structure after the date of adoption of these regulations, the cost of which, over three years, or over the period of a common plan of development, cumulatively equals or exceeds fifty percent (50%) of the market value of the structure before the “start of construction” of the improvement. This term includes structures which have incurred “substantial damage”, regardless of the actual repair work performed. The term does not, however, include either: (a) any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specification which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions; or (b) any alteration of a “historic structure”, provided that the alteration will not preclude the structure’s continued designation as a “historic structure.”

Swale. A man-made drainage ditch; does not include natural streams or rivers identified on United States Geological Survey (U.S.G.S.) maps, which are free flowing or which have been altered by excavation, manipulation or disruption.

Telecommunication Tower. A guyed, monopole, or self-supporting tower, constructed as a free standing structure or in association with a building, other permanent structure or equipment, containing one or more antennas intended for transmitting and/or receiving television, AM/FM radio, digital, microwave, cellular, telephone, or similar forms of electronic communication.

Top of Bank. The point along a stream bank where an abrupt change in slope is evident, and the point at which riparian buffers and applicable high impact buffers shall be measured from. In circumstances where a top-of-bank is not clearly evident, a determination of edge of stream and consequent stream-side edge of riparian buffer area shall be made by the ZA.

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



Trip Ends. The total number of trips entering and leaving a specific land use or site over a designated

period of time.

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

Undisturbed. No construction, no earth moving activities, no storage of materials, no tree, shrub, or ground cover removal, and no mowing, except as enabled under Section 5.10 (Riparian Buffer Zone).

Use

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

Use, Accessory. A *use* on the same *lot* with, and clearly incidental and subordinate to, the principal *use*.

Use By Right. Uses which, by State statute, are allowed within a single family dwelling in all zoning districts which allow single family dwellings. *Accessory Dwelling Units* (Sections 2010.24.9 and 4080); Daycare Level 1; Group Homes; and Home Businesses are examples of *uses by right* within single family dwellings. Zoning Permits and special conditions may be required for uses (see relevant sections).

Use, Change of. The initiation of a new *use* on the subject property.

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

Use, Conditional. A type of *use* in any district which requires approval by the ZBA after a warned public hearing, and for which general and specific standards of conformance apply. See *Ch. 117, Section 4414(3).*

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

Use, Permitted. Any *use* allowed in a zoning district and subject to the restrictions applicable to that district.

Use, Residential. The use of a building, or portion thereof, as a dwelling unit or units.

Variance. An allowed deviation from specific requirements pertaining to this zoning code, granted by the ZBA to an Applicant.

Veterinary Clinic. An institution providing primary health *services* and medical or surgical care to

animals, primarily on an outpatient basis. Such a facility would exclude research, training, long-term care, or breeding facilities.

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

Violation. This definition applies to Section 3.6 (Development in the Flood Hazard Zone District). The failure of a structure or other development to be fully compliant with this bylaw. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in 44 CFR 60.3 is presumed to be in violation until such time as that documentation is provided.

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

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

Wildlife Preserve. A natural area preserving the habitat of native wildlife species, not to include hunting preserves, game farms and zoos.

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

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

Wireless Telecommunication Service Provider. Any person or entity providing *wireless telecommunication services*.

Zoning Board of Adjustment (ZBA). The duly appointed body for the Town of Georgia to execute functions authorized under 24 V.S.A., Subchapter 10 of *Ch. 117*.