



# Town of Georgia Development Regulations February 27, 2023

Prepared by the Georgia Planning Commission with assistance  
from Northwest Regional Planning Commission.

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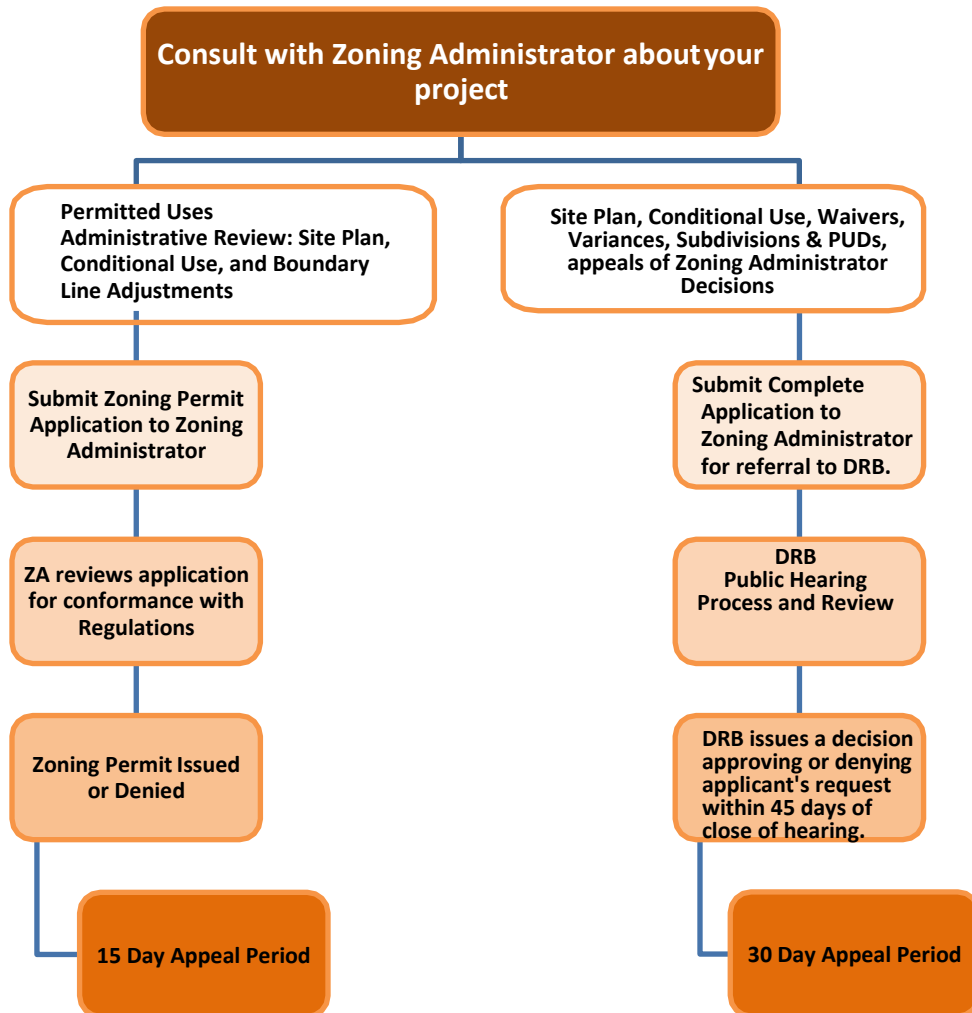
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**Figure 1.1. How to Get a Zoning Permit At-A-Glance**



**Text Box 1.1 Important Abbreviations**

**Ch. 117:** The Vermont Planning & Development Act, 24 V.S.A., Chapter 117

**V.S.A.:** Vermont Statutes Annotated

**PC:** Georgia Planning Commission

**PUD:** Planned Unit Development

**Regulations:** The Georgia Development Regulations

**ZA:** Zoning Administrator/Administrative Officer

**DRB:** Development Review Board

## Article 1. Authority and Purpose

### Section 1.1 Enactment

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

### Section 1.2 Amendment and Effective Date

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- A. **Amendment.** Zoning amendments shall be prepared and adopted in accordance with the requirements of 24 V.S.A. 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 Selectboard, pursuant to 24 V.S.A. Section 4442.

### Section 1.3 General Purpose

- 
- A. 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 24 V.S.A. The Regulations are designed to implement the purposes and policies in the Municipal Plan and 24 V.S.A.

### Section 1.4 Applicability

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- A. **Land Development and Conformance with Regulations.**  
No land development may continue or commence except in conformance with these Regulations. Conformance with these Regulations shall be evidenced by a Zoning Permit issued by the ZA and applicable associated municipal land use approvals as well as applicable state and federal approvals and/or permits

## Section 1.5 Interpretation

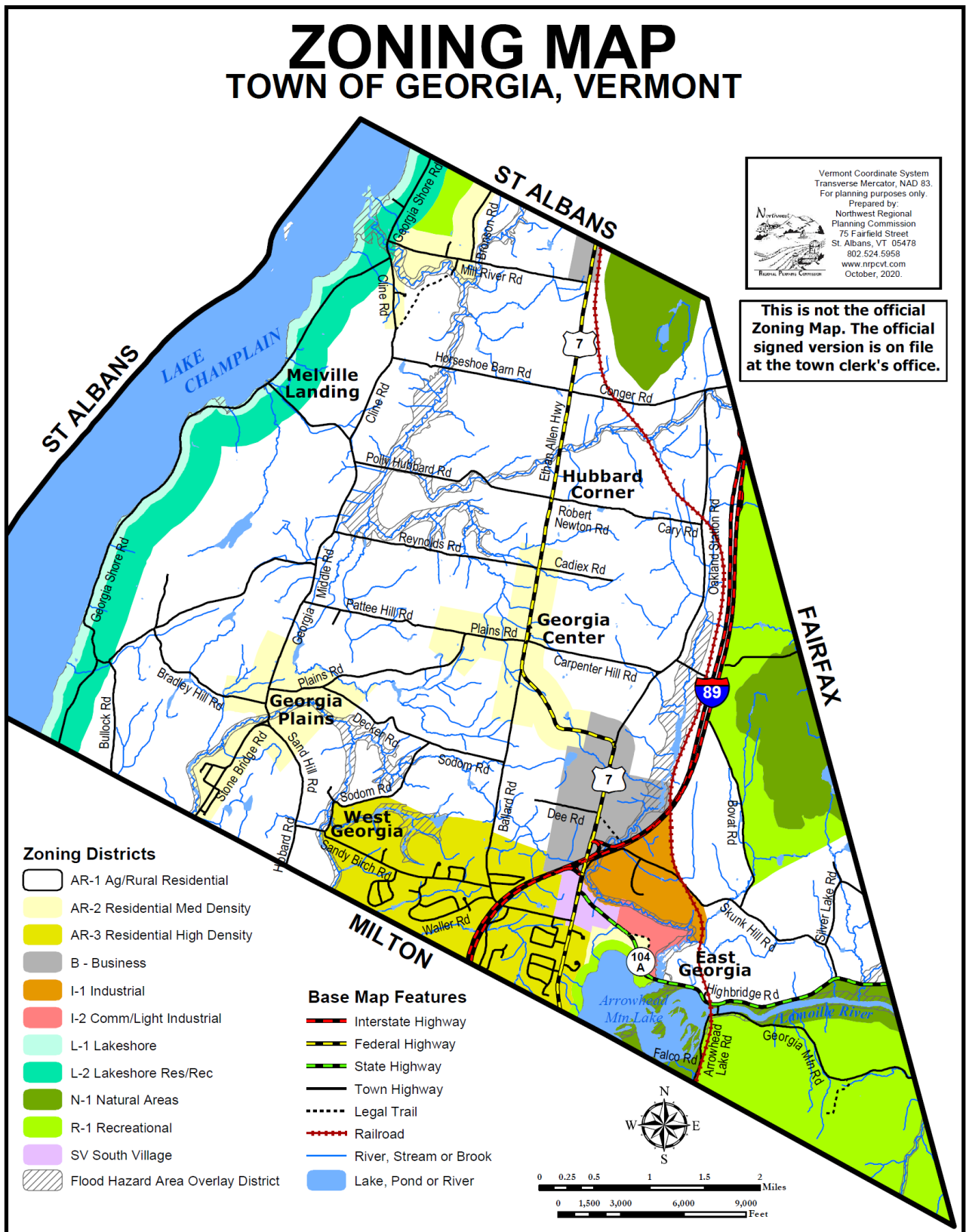
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- A. **Prior Versions of These Regulations.** Upon the date that these Regulations become effective, any prior zoning and subdivision Regulations of the Town of Georgia, including any interim regulations then in effect shall be amended in their entirety. Previous amendments to the Regulations were made on 8/24/20; 10/14/13; 4/12/10; 6/8/09; 8/04/08; 11/12/07; 9/12/05; 2/14/05; 8/12/02; 5/12/97; 7/8/96; 2/28/94; 2/24/92; 11/12/90; 7/4/88; 1/23/84; 9/14/81; 1/6/74; 2/19/70; 9/30/68; and 1/23/67.
- B. Applicability of Regulations.
1. Should any provision of these Regulations conflict with another provision of these Regulations, the most restrictive provision shall apply.
  2. Where these Regulations impose a greater restriction than imposed or required by other provisions of law or by other laws, rules, regulations, resolutions or ordinances, the provisions of these Regulations shall control.
  3. The provisions of these Regulations shall not be construed to abrogate or annul the provisions of other ordinances or regulations or to impair private restrictions placed on property. Where these Regulations impose a greater restriction upon land, buildings, or structures than is imposed by any such provision, the restrictions of these Regulations shall control.
- C. Most Recent Amendment in Effect. Any citation to a statute, law, rule, regulation or ordinance contained in these Regulations shall be deemed to refer to such statute, law, rule, regulation or ordinance as amended, whether or not such designation is included in the citation.

## Section 1.6 Severability

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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.

Map 1.1 Georgia Zoning Districts





## Article 2      Zoning Districts, Land Uses and Dimensional Standards

### Section 2.1 Establishment of Zoning Districts and Official Zoning Map

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**A. Zoning Districts. For the purposes of these Regulations, the Town of Georgia is divided into the zoning districts shown on the Official Zoning Map. The zoning districts 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

These Regulations also contain provisions for the Flood Hazard Zone Overlay District. The Flood Hazard Zone Overlay District overlays other zoning districts established by these Regulations. The provisions of these Regulations that apply to and in the Flood Hazard Zone Overlay District are in addition to the provisions of these Regulations that apply to and in the underlying zoning district.

**B. Purposes of Zoning Districts.** The purposes of each zoning district are set forth below:

- 1. Agricultural/Rural Residential District (AR-1).** The primary purpose of the AR-1 District 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, 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 District is to enable, in areas where historic centers of the Town are located, residential development at a higher density than surrounding rural districts. 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 intent of the South Village Core District is to promote development of a compact settlement with a mix of small-scale business, civic, and residential uses and to foster a built environment patterned on a traditional Vermont village center with streetscapes and public spaces where people can walk, gather, and meet comfortably. Property owners and developers shall plan proposed development according to the Design Criteria and Standards (Section 3.6) and the 2009 South Village Core Strategic Plan.
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 regional growth center. Commercial uses shall be of a scale and size appropriate only for a local growth center.
6. **Industrial District (I-1).** The I-1 District enables industrial development in an area with good highway and rail access and is 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 I-2 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 regional growth center. Commercial uses shall be of a scale and size appropriate only for a local growth center.
8. **Recreation District (R-1).** The Recreation District has severe limitations for development, including steep slopes, poor soil suitability, 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. 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.

9. **Natural Areas District (N-1).** The N-1 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 and to protect significant geological areas, wildlife habitat, scenic areas and other open space land. 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 L-1 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, significant geological areas, wildlife habitat, scenic areas, and other important open space land. The building height dimensional standards established for this district are intended to preserve visual access to Lake Champlain. This district includes all islands.
  11. **Lakeshore Residential-Recreation District (L-2).** The L-2 District which contains land close to Lake Champlain beginning at the easterly border of the L-1 District continuing inland 1,500 feet. 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 contiguous open lands, significant geological areas, and wildlife habitat and protect the view looking eastward from Lake Champlain. 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 Area Overlay District (FHAO).** The purpose of the Flood Hazard Overlay District is to:
    - a. Protect human life and health and minimize public and private financial losses due to flooding;
    - b. Conserve drainage and water 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 Special 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 Comprehensive Municipal Plan; and
    - e. Ensure continued community eligibility for the National Flood Insurance Program.
- B. **Official Zoning Map.** The Official Zoning Map is on file in the office of the Georgia Town Clerk and incorporated herein by reference. For purposes of these Regulations, the Town of Georgia is divided into eleven zoning districts, as shown on the Official Zoning Map. The Flood Hazard Area Overlay District is not depicted on the Official Zoning Map. The Official 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 Official Zoning Map of the Town of Georgia, Vermont". Map 1.1 is a reduced size reproduction of the Official Zoning Map, included for general information purposes only.

- C. **Interpretation of District Boundaries.** Where uncertainty exists as to the boundaries of districts as shown on the Official 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 plotted 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 Official 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, the following requirements shall apply. These requirements shall not apply to the boundary lines of the Flood Hazard Area Overlay District:
1. If at least sixty percent (60%) of the lot's acreage lies in the zoning district with the least restrictive dimensional requirements, the least restrictive dimensional requirements apply to the entire lot. Otherwise, the dimensional requirements for each zoning district apply to the portion of the lot in that zoning district.
  2. A use allowed in one of the zoning districts in which a lot lies, but prohibited in the other, can extend up to a maximum of 75 square feet into the zoning district in which the use is prohibited.
- 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 DRB.

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

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A. **Types of Land Uses.** Table 2.2 establishes the review standards for each type of land use in each zoning district. Within each zoning district land uses are designated as:

- Permitted (P);
- Permitted with Site Plan Review (P/S);
- Conditional Use (C);
- Conditional Use with Site Plan Review (C/S);
- Prohibited (X); or
- Exempt (E).

1. **Permitted Uses.** Permitted uses are marked in Table 2.2 by the letter 'P' or 'P/S'. In districts where they are allowed, permitted uses require a zoning permit and may be approved by the Zoning Administrator subject to the zoning permit standards in Section 3.1. Permitted uses may also require site plan approval from the DRB.
2. **Conditional Uses.** Conditional uses are marked in Table 2.2 by the letter 'C' or 'C/S'. Conditional uses require approval by the DRB according to the conditional use provisions in Section 3.2 as a prerequisite to the Zoning Administrator issuing a zoning permit. Conditional uses may also require site plan approval from the DRB.
3. **Prohibited Uses.** Where a use listed in Table 2.2 is not designated as permitted, conditional, or exempt in a zoning district (when the cell is marked with a X) such use is prohibited and shall not be allowed in that zoning district.
4. **Exempt Uses.** Uses marked by the letter (E) in Table 2.2 are exempt and do not require a zoning permit. See also the statutory exemptions in Section 1.4 (Applicability).

<b>Table 2.2 Land Uses</b>	AR-1	AR-2	AR-3	SV	B	I-1	I-2	R-1	N-1	L-1	L-2
<b>Principal Residential Uses</b>											
Dwelling, Single Household	P	P	P	P <sup>1</sup>	P/C <sup>2</sup>	X	X	P	C	P	P
Dwelling, Two Household	P	P	P	P <sup>3</sup>	P	X	X	X	X	C	C
Dwelling, Multi-Household (4 Units or less)	X	C/S	P/S	P/S <sup>4</sup>	C/S	X	X	X	X	X	X
Dwelling, Multi-Household (5 Units or more)	X	X	X	C/S	C/S	X	X	X	X	X	X
Dwelling, Seasonal	X	X	X	X	X	X	X	X	X	P	P
Conversion of a Seasonal Dwelling to a Single-Household Dwelling	X	X	X	X	X	X	X	X	X	P	P
Hunting Camp	P	P	X	X	X	X	X	P	P	X	X
Conversion of a Hunting Camp to a Single Household Dwelling	C	C	X	X	X	X	X	C	C	X	X
Group Home (8 or less persons) <sup>5</sup>	P	P	P	P	P	P	P	P	P	P	P
Group Home (9 or more persons)	C/S	C/S	C/S	C/S	C/S	X	X	X	X	C/S	C/S
Multi-Tenant Housing for Older Persons	C/S	C/S	C/S	P/S	C/P	X	X	X	X	X	X
<b>Accessory Residential Uses</b>											
Bed and Breakfast	C/S	P/S	P/S	P/S	P/S	X	X	C/S	X	C/S	C/S
Daycare Level 1 (6 or less children full time)	E	E	E	E	E	E	E	E	E	E	E
Daycare Level 2 (7 or more children)	C/S	C/S	C/S	C/S	C/S	C/S	C/S	X	X	C/S	C/S
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	P or C <sup>6</sup>	C	C	C	C	X	C	C

<sup>1</sup> Single Household Dwellings are permitted in the South Village Core District but shall only be allowed on the second story of a mixed used structure. All other new single household dwellings are prohibited.

<sup>2</sup> Single Household Dwelling as part of a business.

<sup>3</sup> Two household dwellings are permitted in the South Village Core District but shall only be allowed on the second story of a mixed used structure. All other new two household dwellings are prohibited.

<sup>4</sup> Multi-Household dwelling (4 Units or less) uses are permitted in the South Village Core District but shall only be allowed on the second story of a mixed used structure. All other multi-household dwelling (4 Units or less) uses are prohibited.

<sup>5</sup> A residential care home or group home to be operated under state licensing or registration, serving not more than eight persons who have a disability as defined in 9 V.S.A. § 4501, shall be considered by right to constitute a permitted single-family residential use of property. If a valid permit is in place for a single household dwelling, no additional permit or approval is required. Note: Any structural alterations or other land development associated with these uses that are not exempt shall require a zoning permit.

<sup>6</sup> Home industries uses not more than 3,000 square feet in size shall be considered a permitted use. Home industries greater than 3,000 square feet in size shall be considered a conditional use.

Table 2.2 Land Uses	AR-1	AR-2	AR-3	SV	B	I-1	I-2	R-1	N-1	L-1	L-2
<b>Commercial Uses</b>											
Agribusiness	C/S	C/S	C/S	X	C/S	C/S	C/S	X	X	C/S	C/S
Car Wash	X	X	X	X	C/S	C/S	C/S	X	X	X	X
Earth Resource Extraction	C/S	X	X	X	X	C/S	C/S	X	X	X	X
Service station	X	X	C/S	P/S <sup>7</sup>	C/S	C/S	C/S	X	X	X	X
Heavy Equipment Sales	X	X	X	X	C/S	C/S	P/S	X	X	X	X
Industry, Heavy	X	X	X	X	X	C/S	X	X	X	X	X
Industry Light	X	X	X	C/S	C/S	C/S	P/S	X	X	X	X
Kennel*	C/S	C/S	X	X	C/S	C/S	X	X	X	C/S	C/S
Laundromat/Dry cleaner*	X	X	X	P/S	C/S	X	X	X	X	X	X
Lodging Establishment*	X	X	X	P/S	C/S	X	X	X	X	X	X
Manufactured Home Sales	X	X	X	X	X	C/S	C/S	X	X	X	X
Marina*	X	X	X	X	X	X	X	X	X	C/S	X
Nursing Home	X	C/P	C/S	C/S	C/S	X	X	X	X	X	X
Motor Vehicle Repair*	X	X	X	X	C/S	C/S	C/S	X	X	X	X
Motor Vehicle Sales*	X	X	X	X	C/S	C/S	C/S	X	X	X	X
Museum	X	P/S	P/S	P/S	P/S	X	X	X	X	X	X
Office	X	X	X	P/S	P/S	X	X	X	X	X	X
Personal or Professional Service	X	C/S	C/S	P/S or C/S <sup>8</sup>	P/S	X	X	X	X	X	X
Recreation, Private Outdoor*	C/S	C/S	C/S	X	C/S	C/S	C/S	X	X	C/S	C/S
Recreation, Private Indoor*	X	C/S	C/S	P/S or C/S <sup>9</sup>	C/S	C/S	C/S	X	X	X	X
Restaurant, Sit-down*	X	X	X	P/S	C/S	X	X	X	X	X	X
Restaurant, Take-out*	X	X	X	C/S	C/S	X	X	X	X	X	X
Research or Testing Laboratory	X	X	X	C/S	C/S	C/S	P/S	X	X	X	X
Retail Store*	X	C/S	C/S	P/S or C/S <sup>10</sup>	C/S	X	X	X	X	X	X

<sup>7</sup> Service stations shall be less than 3,000 square feet in size in the South Village Core District. Service stations larger than 3,000 square feet in size in the South Village Core District shall be prohibited.

<sup>8</sup> Personal or professional service uses not more than 3,000 square feet in size shall be considered a permitted use. Personal or professional service uses greater than 3,000 square feet in size shall be considered a conditional use.

<sup>9</sup> Indoor recreation using not more than 3,000 square feet shall be considered a permitted use. Indoor recreation using greater than 3,000 square feet shall be considered a conditional use.

<sup>10</sup> Retail uses not more than 3,000 square feet in size shall be considered a permitted use. Retail uses greater than 3,000 square feet in size shall be considered a conditional use.

<b>Table 2.2 Land Uses</b>	AR-1	AR-2	AR-3	SV	B	I-1	I-2	R-1	N-1	L-1	L-2
Rural Retail	C/S	X	X	X	X	X	X	X	X	X	X
Schools, Private	C/S	P/S	P/S	C/S	P/S	C/S	C/S	C/S	C/S	C/S	C/S
Self-Storage Facilities	C/S	C/S	X	X	C/S	C/S	C/S	X	X	X	X
Shopping Complex	X	X	X	C/S	C/S	X	X	X	X	X	X
Veterinary Clinic	C/S	C/S	C/S	C/S	C/S	X	X	X	X	X	X
Youth camp, commercial*	C/S	X	X	X	X	X	X	C/S	X	C/S	C/S
<b>Other Uses</b>											
Accessory Use – nonresidential	P/S	P/S	P/S	P/S	P/S	P/S	P/S	P/S	P/S	P/S	P/S
Accessory Structure	P	P	P	P	P	P	P	P	P	P	P
Cemetery	C/S	C/S	X	X	X	X	X	X	X	X	X
Contractor Yards	X	X	X	X	X	C/S	C/S	X	X	X	X
Essential Service	C/S	C/S	C/S	P/S	C/S	C/S	C/S	C/S	C/S	C/S	C/S
Federal Facilities	C/S	C/S	C/S	C/S	C/S	C/S	C/S	X	X	C/S	C/S
Mixed Use* See Section 6.6	C/S	C/S	C/S	P/S	P/S	P/S	P/S	X	X	X	X
Municipal Facilities	C/S	P/S	P/S	P/S	P/S	C/S	P/S	C/S	X	P/S	P/S
Parking Facility	X	X	X	C/S <sup>11</sup>	X	X	X	X	X	X	X
Places of Worship	P/S	P/S	P/S	P/S	P/S	X	X	X	X	X	X
Recreation, Public Indoor	X	C/S	C/S	P/S or C/S <sup>12</sup>	C/S	C/S	C/S	X	X	X	X
Recreation, Public Outdoor	C/S	C/S	C/S	C/S	C/S	C/S	C/S	C/S	C/S	C/S	C/S
Schools, Public	C/S	P/S	P/S	C/S	P/S	C/S	C/S	C/S	C/S	C/S	C/S
Small Scale Commerce	C/S	X	X	X	X	X	X	X	X	X	X
State Facilities	C/S	C/S	C/S	C/S	C/S	C/S	C/S	X	X	C/S	C/S
Trucking Terminal	X	X	X	X	X	C/S	C/S	X	X	X	X
Village Green	X	X	X	P/S	X	X	X	X	X	X	X
Warehouse	X	X	X	X	C/S	C/S	P/S	X	X	X	X
Wildlife Preserve	X	X	X	X	X	X	X	C	P/S	X	X
Wireless Telecommunication Facility	C/S	C/S	C/S	C/S	C/S	C/S	C/S	C/S	C/S	C/S	C/S

<sup>11</sup> Parking facility uses shall not be located within 40 feet of the edge of the public right-of-way in the South Village Core District. Please note that this regulation shall only apply to parking facility uses that are a separate, principal use of a property.

<sup>12</sup> Indoor recreation using not more than 3,000 square feet shall be considered a permitted use. Indoor recreation using greater than 3,000 square feet shall be considered a conditional use.



Table 2.2 Land Uses	AR-1	AR-2	AR-3	SV	B	I-1	I-2	R-1	N-1	L-1	L-2
Cannabis – License Types - See 7 V.S.A. §§ 831 and 861 for Definitions											
Cultivator	P	C	X	X	C <sup>13</sup>	C <sup>14</sup>	P <sup>15</sup>	C <sup>16</sup>	X	X	C
Wholesale, Broker	C	C	C	C	C	C	C	X	X	X	C
Wholesale, Storage	X	X	X	X	P	P	P	X	X	X	X
Product Manufacturer	X	C	X	X	C	C	C	X	X	X	X
Testing Laboratories	X	X	X	C	C	C	P	X	X	X	X
Retailer (Only if Town Opt-in)	X	C	X	C	C	X	C	X	X	X	X
Notes: (*) See table 2.3 (d) Dimensional Standards for Special Uses											

- B. **Uses Not Listed.** In the event that a proposed use is not identified on Table 2.2 or defined in these Regulations, the DRB may allow it as a conditional use in accordance with Section 3.2 (Conditional Use Review) if the DRB finds that the proposed use is of the same general character and has a similar impact on neighboring properties as one or more uses allowed within the zoning district. The DRB shall determine the minimum lot size, setbacks, lot frontage, and parking requirements based on similar uses allowed in the zoning district. Prior to the public hearing, the DRB shall send notice to the PC, which may submit its written or oral recommendations regarding the proposed use.
- C. **Cannabis Integrated and Mixed Cultivation Licenses.** In the event an individual or entity has obtained either an Integrated License or a Mixed Cultivation License, all license types and tiers included in the integrated or mixed cultivation license shall be either permitted or conditional in the zoning district in order for the integrated or mixed cultivation license to be an approved land use.

<sup>13</sup> Indoor cultivation only

<sup>14</sup> Indoor cultivation only

<sup>15</sup> Indoor cultivation only

<sup>16</sup> Outdoor cultivation, Tier 1 only

### 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 DRB as a variance or a PUD, or as noted in Table 2.3(d) (Dimensional Standards for Special Uses).

<b>Table 2.3(a) Minimum Lot Size (See special uses in Table 2.3(d))</b>	
<i>AR-1</i>	5 acres per dwelling unit or use; 5 acres for multi-tenant housing for older persons for up to four units and ½ acre for each additional unit of housing for older persons.
<i>AR-2</i>	2 acres for a single household dwelling 3 acres for a two-household dwelling 4 acres for a three and four household dwelling 2 acres for each commercial or other use 4 acres for multi-tenant housing for older persons for up to four units and ¼ acre for each additional unit of housing for older persons.
<i>AR-3</i>	1 acre for each single household dwelling and other uses, except as follows: 1 1/2 acres for each two-household dwelling; 2 acres for each three and four household dwelling; 2 acres for multi-tenant housing for older persons for up to four units and ¼ acre for each additional unit of housing for older persons.
<i>SV</i>	3,000 square feet
<i>B</i>	1 acre for each use, mixed use building, or single household dwelling 1 ½ acres for each two-household dwelling 2 acres for multi-tenant housing for older persons for up to four units and ¼ acre for each additional unit of housing for older persons.
<i>I-1</i>	2 acres for all uses
<i>I-2</i>	1 acre for municipal, state or federal facilities and services 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 household dwelling and each other use, except as follows: 4 acres for two household dwelling

Table 2.3(b) Dimensional Standards in the L-1 and L-2 Districts					
	L-1 (1)				L-2
<i>Lot Size (min)</i>	>5 acres	2 acres – 5 acres	1 acre – 2 acres	< 1 acre (Pre-existing)	See Table 2.3(a)
<i>Lot frontage (min)</i>	250 feet	150 feet	100 feet	N/A	200 feet
<i>Shoreline frontage (min)(1)</i> (for property fronting on Lake Champlain)	250 feet	150 feet	100 feet	N/A	N/A
<i>Setback, front yard (min)</i>	75 feet	75 feet	50 feet	30 feet, but not less than 5 feet from the edge of the road ROW	75 feet
<i>Setback, side yard (min)</i>	50 feet	50 feet	20 feet	10 feet	30 feet
<i>Setback, rear yard (min) (2)</i>	50 feet	50 feet	20 feet	10 feet	30 feet
<i>Setback, shoreline (min) (1)(2)</i>	50 feet	50 feet	50 feet	25 feet	N/A
<i>Building height (max) (3)</i>	Maximum height is 16 feet for the first 200 feet from the shoreline. Maximum height is 30 feet from 201 feet to 500 feet from the shoreline. Maximum height is 35 feet from 501 feet 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 side and shoreline setback standards.					
(3) Building height restrictions are intended to preserve visual access to and from Lake Champlain.					

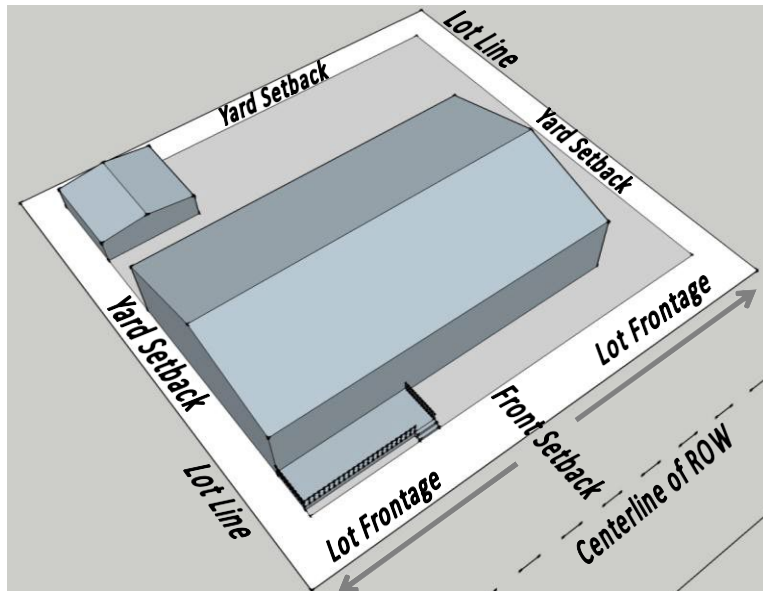


Figure 2.3(a) Measuring Setbacks

**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
<b>Lot frontage (min)</b>	250 ft.	150 ft.	120 ft.	30 ft.	120 ft.	150 ft.	120 ft.	350 ft.
<b>Setback, front yard (min)</b>	75 ft.	75 ft.	50 ft. except: Minimum setbacks for all lots fronting on Route 7: 75 ft.	8 feet from edge of road right-of-way. Maximum 16 ft. <b>(1)</b>	75 ft.			100 ft.
<b>Setback, side yard (min)</b>	40 ft.	25 ft.	20 ft.	0 ft. or 10 ft. <b>(3)</b>	B and I-2: 20 ft. I-1: 30 ft. 200 ft. from Deer Brook and Arrowhead Mtn. Lake			50 ft.
<b>Setback, rear yard (min)</b>	40 ft.	25 ft.	20 ft.	10 ft.	B and I-2: 20 ft. I-1: 30 ft. 200 ft. from Deer Brook and Arrowhead Mtn. Lake			50 ft.
<b>Building size (max)</b>	3,500 sf per commercial use or agribusiness; 2,000 sf for small scale commerce; 20 units multi-tenant housing for older persons	3,500 square feet per commercial building; 20 units for multi-tenant housing for older persons		20,000 sf footprint	20,000 sf footprint for retail uses only	N/A		

	AR-1	AR-2	AR-3	SV	B	I-1	I-2	R-1 and N-1
Building height (min)	N/A			2-3 stories (2)	N/A			
Building height (max)	35 ft.			50 ft.	35 ft.	45 ft.	45 ft.	R-1: 35 ft. N-1: 20 ft.
Lot coverage (max)	N/A				50%	75%	50%	NA
<p>(1) Where there are any existing buildings that exceed the maximum setback on adjacent parcels, the structure shall be built to the maximum setback (16 feet) and not any closer to the street ROW.</p> <p>(2) Buildings consist of at least two habitable stories above average finished grade and do not exceed 50 ft. in building height. In addition, 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.</p> <p>(3) The 0 ft. setback shall apply if buildings on adjoining properties will be attached such as with townhouse-style structures. The 10 ft. setback shall apply to all other types of development.</p>								

- 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	Sideline & 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. <b>(1)</b>	100 ft.	300 ft.
<i>Commercial Youth Camp</i>	5	150 ft. <b>(1)</b>	75 ft.	250 ft.
<i>Kennel</i>	5	100 ft. <b>(1)</b>	100 ft.	200 ft.
<i>Laundromat/Drycleaner</i>	1	100 ft.	50 ft.	150 ft.
<i>Marinas</i>	2	75 ft. <b>(1)</b>	20 ft.	150 ft. <b>(2)</b>
<i>Mixed Use</i>	<b>(3)</b>	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.
<p>NOTE: For uses not listed refer to Section 2.2 B (Uses Not Listed)</p> <p>(1) This setback also applies from shoreline.</p> <p>(2) This applies to lake frontage and road frontage.</p> <p>(3) The sum of minimum acreage for combination of uses. The DRB may reduce the required acreage when such reduced acreage best implements the standards and purposes of the district.</p>				

C. **Additional 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. All other larger accessory structures shall meet the setback requirements of these Regulations.

2. **Density Calculation.** The number of residential dwelling units on a lot shall be based on the following density calculation:

Maximum residential dwelling units = Total lot size divided by the minimum lot size (see Table 2.3(a)).

All calculations shall be rounded to the nearest whole number. The density calculation shall not be used to calculate maximum residential density in the South Village Core District, which does not have a maximum residential density standard based on these Regulations. Any applicable density bonuses allowed in these Regulations shall be considered to be in addition to the maximum residential dwelling units calculated under this Section.

3. **Number of Principal Structures on a Lot.** There shall be only one principal structure allowed on a lot except where approved by the DRB as a Planned Unit Development (see Section 3.5), as a Mixed Use (see Section 6.6), or where permitted as an Accessory Dwelling Unit. This regulation shall not apply to land development located in the South Village Core District (SV), Industrial District (I-1), and Commercial-Light Industrial District (I-2). The regulation shall also not apply to lots in the Business District (B) that contain only non-residential uses or only housing for multi-tenant older persons.
4. **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 from the Georgia Selectboard (see 19 V.S.A. Section 1111) or Vermont Agency of Transportation, respectively.
5. **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)
6. **Signs.** See Section 5.9 (Signs).



## Article 3      Permits and Approvals

### Section 3.1 Zoning Permit

- A. **Applicability.** A zoning permit must be issued by the ZA prior to any land development unless the activity falls under exemptions from land development under Section 3.1(J) below.

When an application for a zoning permit seeks approval of a structure, the ZA shall provide the applicant with a copy of the applicable building energy standards under 21 V.S.A. §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 or a web link to the code book in lieu of the full text of the residential building energy standards.

- B. **Prior and/or Additional Approvals Necessary.** All required approvals from the Development Review Board (conditional use review, site plan review, subdivision review, variance, PUD, etc.) shall be obtained before the Zoning Administrator may issue a zoning permit.
- C. **Application.** Any application for a zoning permit shall, at the expense of the applicant, show that the proposal conforms to all provisions of these Regulations and contain a plan that shall show the following information in sufficient detail to determine whether the proposal is in conformance with these Regulations:
1. The dimensions of the lot, including property boundaries;
  2. The location, size, shape, and height of existing and proposed buildings and structures;
  3. The location of existing and proposed easements, rights-of-way, sidewalks, and utilities;
  4. The location of natural features such as watercourses, wetlands, floodplains, rock outcroppings, and stands of trees;
  5. The setbacks from property boundaries, rights-of-way, surface waters, and wetlands; and
  6. Any other information that may be needed to determine compliance with these Regulations.

An application is not complete unless all necessary information is provided and any fee, if applicable, is paid. The ZA is responsible for making the determination that an application is complete. If the ZA fails to act with regard to a complete application for a zoning permit within 30 days of the date a complete application is received, a permit will be deemed issued on the 31st day. 24 V.S.A. § 4448(d).

- D. **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, such permit will not take effect until final adjudication of the appeal and the time for taking an appeal to the Environmental Division has passed without an appeal being taken. Each zoning permit issued will contain a statement of the period of time within which an appeal may be filed.
- E. **Procedures After Issuance.** Within three business days following the issuance of a zoning permit, the ZA shall:
1. Deliver a copy of the permit to the Assessor; 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; and
  3. Upon receiving a zoning permit, the applicant shall post a notice of the zoning permit on a form prescribed by the ZA within view from the public right-of-way most nearly adjacent to the subject property until the expiration of 15 days from the date of the issuance of the permit.
- F. **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 Georgia School District.
- G. **Permit Expiration and Extension.**
1. **Expiration.** Zoning permits shall expire one year from the date of issue unless extended as described in these Regulations.
  2. **Extension.** An extension of a zoning permit approval for principal structures and principal uses for 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. Zoning 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.
  3. An extension of a zoning permit granted for a structure 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, and electricity, and shall be sufficiently closed in (roof, windows, and doors) to provide protection from the elements.

4. **Commercial uses in the I-1, I-2, SV or B district.** If the DRB has granted an extended permit expiration date under conditional use or site plan review approval, that expiration date shall also apply to any building permits required as part of the approved development.

H. **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 zoning permit or application for a zoning permit. An application for a zoning permit may be denied if reasonable access is not provided.

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 zoning permit under these Regulations until a Certificate of Occupancy is issued therefor by the ZA, stating that the proposed use of the structure or land conforms to these Regulations. Provision of a certificate as required by 30 V.S.A. § 51 (residential building energy standards) or 53 (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 these Regulations, a zoning permit 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 thirty (30) 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 30 V.S.A. § 51 (residential building energy standards) or 53 (commercial building energy standards). Failure of the ZA to act within this time shall constitute deemed approval on the thirty-first day.
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 (I)(1) (Application) have been met for the portion of the building to be occupied, or if weather conditions at the time of completion of the development are such that landscaping cannot be installed or would be unlikely to survive. 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 5.7 (Performance Standards) of these Regulations. A Conditional Certificate of Occupancy is not to exceed 180 days.

J. **Exemptions.** The following types of land development are specifically exempt from municipal permitting. Where land development is exempt from these Regulations, property owners must notify the ZA of the project in writing to ensure compliance. The following types of land development are exempt and a zoning permit shall not be required:

1. **State Exemptions.** These Regulations shall not regulate the following types of land development exempt in state statute:

- a. Required Agricultural Practices as those practices are defined by the Secretary of Agriculture, Food and Markets. Violations of the Required Agricultural Practice Rules may be reported by the municipality to the Commissioner of Agriculture, Food and Markets for enforcement.
- b. Farm structures associated with required agricultural or farming practices are exempt. However, the Town of Georgia shall be notified of the intent to build a farm structure associated with a required agricultural or farming practice according to 24 V.S.A. §4413(d)(3) of the Act and the provisions below:
  - i. For purposes of these Regulations, “farm structure” means a building, enclosure, or fence for housing livestock, raising horticultural or agronomic plants, or carrying out other practices associated with accepted agricultural or farming practices, including a silo, as “farming” is defined in 10 V.S.A. §6001(22), but excludes a dwelling for human habitation.
  - ii. A person shall notify the Zoning Administrator in writing of the intent to build a farm structure, shall provide a plan with the proposed facility, and a letter of determination from the Agency of Agriculture, Food and Markets indicating that the proposed structure is a farm structure. The structure shall abide by setbacks approved by the Secretary of Agriculture, Food and Markets. No municipal land use permit for a farm structure shall be required. The Zoning Administrator shall provide a copy of the intent to build a farm structure to the Assessor.
  - iii. All farm structures within the Flood Hazard Area Overlay District (see Article 9) shall be constructed and maintained in accordance with the requirements of the rules established by the Vermont Agency of Natural Resources.
- c. Accepted silvicultural practices, as defined by the Commissioner of Forests, Parks and Recreation, including practices in compliance with the Acceptable Management Practices for Maintaining Water Quality on Logging Jobs in Vermont, as adopted by the Commissioner of Forests, Parks and Recreation.

- d. Forestry operations as defined in 10 V.S.A. §2602.
  - e. Public utility power generating plants and transmission facilities that are regulated by the Vermont Public Utility Commission (under 30 V.S.A. §248), including net-metered wind generation facilities and solar panels.
  - f. Hunting, fishing or trapping on public or private land as specified under 24 V.S.A. §2295. This does not include facilities that may support such activities as firing ranges, rod and gun clubs, and fish and game clubs, which are subject to these Regulations.
2. **Local Exemptions.** The following types of land development are exempt from local regulation (unless located in the Flood Hazard Area Overlay District):
- a. Modifications of building interiors if no change of use is proposed; repairs and minor alterations (including, but not limited to, chimneys, window or door replacement, re-roofing or re-siding) to existing structures not resulting in any change to any exterior dimensions or height of the structure.
  - b. Any residential fence or wall less than five (5) feet in height which does not extend into or obstruct public rights-of-way or interfere with corner visibility or sight distances for vehicular traffic.
  - c. Any minor accessory structure, such as a doghouse, child's playhouse, tree house, shed or similar structure, which meets all of the following requirements:
    - i. A floor area of one hundred (100) square feet or less;
    - ii. A height of 10 feet or less; and
    - iii. Located at least 5 feet from a property line and 35 feet from the edge of a public or private road right of way.
  - d. Handicap ramps.
  - e. Stairs to access single-household dwellings and two-household dwellings.
  - f. Garage sales, yard sales, auctions or other similar types of sales not exceeding three (3) consecutive days, nor more than six (6) days per calendar year total.
  - g. Exemptions from sign regulations as indicated in Section 5.9(E) (Exemptions).
  - h. The stabilization of damaged structures to prevent imminent hazards to public health and safety, and to adjoining properties; or for the repair, restoration or reconstruction of damaged structures to the extent of their prior condition and use per Section 5.1.

- i. Gardening and other non-commercial agricultural activities, excavations in cemeteries, and the removal or extraction of topsoil, rock, sand, gravel or other similar material in connection with the construction of a permitted structure or other allowed use.
  - j. Construction or improvement of driveways not shown on an approved site plan or subdivision plat. Driveway permits shall be secured from the Town of Georgia Road Foreman or Agency of Transportation, and driveways and related right-of-way improvements shall meet municipal and State standards.
  - k. Roadside stands for agricultural products, provided they meet requirements of Section 6.9 (Roadside Stands).
  - l. Electric vehicle charging stations and associated infrastructure.
  - m. Resurfacing and/or re-paving of an existing impervious surface (e.g., resurfacing a driveway).
  - n. Excavation, filling and grading involving less than 100 cubic yards of material and/or new at-grade patio and driveway areas less than 100 square feet in size, which meet the following requirements:
    - i. The location of the proposed excavation, filling and/or grading is not located within a 100-year floodplain, river corridor, or in an area with rare, threatened, or endangered species as identified by the Vermont Agency of Natural Resources.
    - ii. The proposed excavation, filling, and grading action is not located within the setbacks for the applicable zoning district, unless it constitutes re-surfacing or re-paving under Subsection 3.1(J)(2)(m), above.
- K. **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 new residential development in the southern residential zoning districts 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(G) (Permit Extension).

For the purposes of this sub-section, “new residential construction” is defined as construction which creates a new year-round dwelling unit(s).

Conversion of seasonal dwelling units to year-round dwelling units, additions to existing dwelling units, reconstruction or significant renovation to existing dwelling units, the creation of accessory dwelling units or multi-tenant housing for older persons, the creation of dwelling units in the South Village Core Zoning District, or the replacement of existing mobile home parks per 24 V.S.A. §4412(1)(B) 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 new residential construction, which may only be submitted by lot owner(s) 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 household, two household, three household, or multi-household as defined in these Regulations).
2. Unless authorized by Section 3.1(K)(3), zoning permits for new residential construction of no more than thirty-five (35) new 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-served basis (based on the date and time each application was accepted) until permits for new residential construction of all thirty-five (35) dwelling units have been issued, at which point the ZA shall not issue any more zoning permits for new residential construction until the beginning of the next year. New residential construction of dwelling units is subject to the following:
  - a. Permits for no more than five (5) new dwellings may be issued to an individual landowner 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 dwelling units 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 dwelling units may be issued in any calendar year.
3. If, in any year, the ZA does not issue all 35 permits for new residential 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 new residential construction of more than forty (40) new dwelling units 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 new residential construction of more than forty (40) new dwellings be authorized for any single calendar year.



4. Of the thirty-five (35) new dwelling units of new residential construction 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 new 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 residential construction of new dwelling units 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 residential construction of 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 Review

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- A. **Applicability.** The regulations in Section 3.2 shall apply to all development requiring conditional use review per Table 2.2. Expansion or alteration of an existing conditional use also requires approval under this section. Except as provided by Section 3.2(C)(1), a zoning permit for any use or structure that requires conditional use review will not be issued by the ZA until the DRB grants such approval according to these Regulations. The change of a permitted use to a conditional use requires approval under this section.
- B. **Application.** Application materials for Conditional Use Review shall be submitted to the ZA who will notify the applicant in writing when the application is complete. No public hearing for Conditional Use Review will be scheduled with the DRB until complete application materials are received. Conditional Use Review hearings will be warned in accordance with Section 8.4 (Public Hearings). A complete application for conditional use review shall include all the information requested on the Town of Georgia conditional use application form, all the information required in Table 3.2 and the application fee. Notwithstanding the foregoing, the DRB may require additional information to be submitted as part of the Conditional Use Review Process.



C. **Conditional Use Review Process.**

1. **Administrative Review.** In accordance with 24 V.S.A. §4464, the Zoning Administrator may review and approve minor amendments to previously approved conditional use approvals that do not have a substantial impact under any of the standards set forth in these Regulations and do not substantially alter any of the findings of fact of the most recent site plan approval.

- a. **Types of Land Development.** The following types of land development subject to conditional use review may be reviewed administratively:

- i. Additions less than five hundred (500) square feet in size to a principal structure that will be used to expand an existing conditional use;
- ii. Construction of accessory structures less than five hundred (500) square feet in size to be used to expand an existing conditional use;

The authority to approve an application administratively does not mean that the Zoning Administrator is required to use this authority. The Zoning Administrator may choose to refer any conditional use review application to the DRB.

- b. **Review and Notice.**

- i. **Review.** Upon determination that a conditional use application may be reviewed administratively, the Zoning Administrator shall review the application and draft a written decision. The draft written decision shall comply with the requirements of Section 8.5.
- ii. **Notice.** A copy of the draft written decision shall be sent to the applicant and all adjacent property owners. The draft written decision shall be accompanied with a notice indicating that all parties may request a public hearing on the application within 15 days of the issuance of the draft written decision. If no interested parties request a public hearing within the 15-day notice period, the Zoning Administrator shall approve the written decision.
- iii. **Request of Public Hearing.** An interested party may request a public hearing of an administrative conditional use application within 15 days of the issuance of the draft written decision. If requested, the conditional use application shall be referred to the DRB for review. Public notice, public hearing, and decision requirements in Section 8.4 and Section 8.5 shall apply.
- iv. **Decision.** The Zoning Administrator shall inform the DRB of all administrative conditional use amendment decisions.
- v. **Appeal.** All administrative conditional use review decisions are subject to appeal per Section 8.7.

2. **DRB Review.** Conditional use review applications that cannot be reviewed administratively shall be reviewed by the DRB. For conditional use review applications, the DRB shall hold a public hearing before issuing a decision on whether the proposed land development shall receive conditional use approval. Public notice, public hearing, and decision requirements in Section 8.4 and Section 8.5 shall apply.

D. **General Standards for Approval.** The DRB shall approve an application for conditional use only if it finds that the following standards, in addition to other applicable standards in Article 2, Article 5, Article 6 and Article 7, have been met:

1. The proposed land development shall not result in an undue adverse effect on the capacity of existing or planned community facilities.
2. For all conditional uses other than multi-household dwellings of 4 units or less, the proposed land development will not result in an undue adverse effect on the character of the area affected, as defined by the purpose or purposes of the zoning district within which the project is located, and specifically stated policies and standards of the Comprehensive Municipal Plan.
3. The proposed land development shall not result in an undue adverse effect on traffic on roads and highways in the vicinity. The DRB may require the applicant to provide a traffic study to demonstrate compliance with this standard.
4. The proposed land development shall not result in an undue adverse effect on bylaws and ordinances then in effect.
5. The proposed land development shall not result in an undue adverse effect on the utilization of renewable energy resources.

E. **Permit Conditions.** The DRB may condition its conditional use approval in order to ensure that the standards of these Regulations will be met. These conditions may include, but are not limited to, the following:

1. The DRB may limit the scale or dimensions of the proposal;
2. The DRB 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 DRB may require limits on days and hours of operation of a business;
4. The DRB may limit the outside storage of goods or materials and equipment;
5. The DRB 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 DRB may attach conditions with regard to size and location of parking areas, landscaping, screening, lighting and signs;

7. The DRB may require the submittal of a performance bond to ensure completion of any improvements deemed necessary to operation of the conditional use; and
8. Other reasonable conditions necessary to meet the standards of these Regulations.

**F. Expiration.**

1. Approval from the DRB allowing a conditional use will expire two years 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 may be granted by the ZA if application for extension takes place before the approval has expired. At the end of three years, the above permits will permanently expire unless the DRB grants a further extension.
2. For commercial uses in the I-1, I-2, SV, and B districts, the DRB may approve an expiration date beyond what is otherwise allowed in the Regulations if the applicant demonstrates, and the DRB concludes, that this is necessary to allow orderly completion of the development. Any such expiration date shall be noted as a permit condition.

**Figure 3.1 - Determining Undue Adverse Effect**

The following analysis shall be used by the DRB when the bylaw requires the DRB to determine whether a proposal creates an undue adverse effect:

- A. First, the DRB shall determine if a proposed project will have an adverse effect upon the resource, issue and/or facility in question. The DRB shall make this determination such by responding to the following question:
  1. Will the project have an unfavorable impact upon the resource, issue and/or facility in question?
- B. If the DRB determines that an adverse effect will be created by a project, the DRB shall then determine if the adverse effect is “undue.” To determine whether or not an adverse effect is undue, the DRB shall respond to the following two questions:
  1. Will the project violate or conflict with a clear, written standard in these Regulations or the Municipal Plan applicable to the resource, issue or facility in question?
  2. Can the unfavorable impact be avoided through site or design modifications, or mitigation, or other conditions of approval?

The DRB shall conclude that adverse effect is “undue” if the answer to B(1) is **YES** OR the answer to B(2) is **NO**.

### Section 3.3 Site Plan Review

- A. **Applicability.** The following section shall apply to any land development on a property with a principal use subject to site plan review per Table 2.2 (excluding single or two-household dwelling units, certain accessory uses, home occupations, seasonal conversions, and exempt uses). This section shall also apply to all excavation, filling or grading that involves 100 or more cubic yards of material and/or any excavation, filling, or grading located within a setback area, 100-year floodplain, and/or river corridor.
- B. **Site Plan Review Process.** A complete application for site plan review shall be filed with the Zoning Administrator. The Zoning Administrator shall determine if the site plan review may be completed administratively or if the site plan review shall be conducted by the DRB. If the application is determined to require DRB review, the Zoning Administrator shall schedule a hearing with the DRB at the next available date but not sooner than fifteen (15) days.
1. **Administrative Review.** In accordance with 24 V.S.A. §4464, the Zoning Administrator may review and approve minor amendments to previously approved site plans that do not have a substantial impact under any of the standards set forth in these Regulations and do not substantially alter any of the findings of fact of the most recent site plan approval.
- a. **Types of Land Development.** The following types of land development subject to site plan review may be reviewed administratively:
- a. A change of use from a conditional use to a permitted use requiring site plan review, or from a permitted use requiring site plan review to another permitted use requiring site plan review, provided that there are no proposed changes to the exterior dimensions of the principal structure five hundred (500) square feet or more, or the exterior of the property (access, parking, landscaping, etc.);
  - b. Additions to structures less than five hundred (500) square feet in size;
  - c. Construction of accessory structures less than five hundred (500) square feet in size;
  - d. Structural alterations required to comply with the Americans with Disabilities Act and/or the Vermont Fire and Building Safety Code;
  - e. Minor changes to the approved location of sidewalks or bike paths due to unanticipated physical obstacles (e.g., ledge, utility lines, etc.) discovered during construction;
  - f. Substitution of proposed landscaping materials from the approved planting list provided that the substitution does not change the overall design concept approved by the DRB;
  - g. Changes in the location of structures if the DRB previously defined a building envelope on the property; and
  - h. Changes in four (4) or less parking spots that does not conflict with the minimum parking requirements set forth in these Regulations.

The authority to approve an application administratively does not mean that the ZA is required to use this authority. The ZA may choose to refer any site plan review application to the DRB.

b. **Review and Notice.**

- i. **Review.** Upon determination that a site plan application may be reviewed administratively, the Zoning Administrator shall review the application and draft a written decision. The draft written decision shall comply with the requirements of Section 8.5.
- ii. **Notice.** A copy of the draft written decision shall be sent to the applicant and all adjacent property owners. The draft written decision shall be accompanied with a notice indicating that all parties may request a public hearing on the application within 15 days of the issuance of the draft written decision. If no interested parties request a public hearing within the 15-day notice period, the Zoning Administrator shall approve the written decision.
- iii. **Request of Public Hearing.** An interested party may request a public hearing of an administrative site plan application within 15 days of the issuance of the draft written decision. If requested, the site plan application shall be referred to the DRB for review. Public notice, public hearing, and decision requirements in Section 8.4 and Section 8.5 shall apply.
- iv. **Decision.** The Zoning Administrator shall inform the DRB of all administrative site plan amendment decisions.
- v. **Appeal.** All administrative site plan review decisions are subject to appeal per Section 8.7.

2. **DRB Review.** Site plan review applications that are not reviewed administratively shall be reviewed by the DRB according to the following process:

- a. **Concept Plan Discussion.** An applicant shall schedule a Concept Plan discussion with the DRB. The purpose of the Concept Plan discussion 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 DRB as to conformance of the project with these Regulations and such specific submission requirements that the DRB may require, or waive, for submission of a complete application for Site Plan Review. The Concept Plan discussion is intended to be an informal exchange of ideas. Concept Plan discussion will clarify issues and submission requirements and streamline the site plan review hearing process. **Concept plan review does not constitute site plan review application or approval.** The DRB may make written recommendations based on its review of the Concept Plan for the submission of the site plan review application. Although not considered a public hearing, the notification requirements in Section 8.4 shall apply.
- b. **Site Plan Review.** For site plan review applications, the DRB shall hold a public hearing before issuing a decision on whether the proposed land development shall receive site plan approval. Public notice, public hearing, and decision requirements in Section 8.4 and Section 8.5 shall apply.

C. **Application Requirements.** An application for site plan review shall consist of the following:

1. **Concept Plan Discussion.** A complete application for concept plan review shall include all information requested on the Town of Georgia concept plan review application form. The applicant must also submit eight sets of concept plans, which may show un-surveyed property boundaries but should be drawn neatly and accurately, and shall include scale, north arrow, legend, and title block. The concept plans shall be created on paper that is at least 11" X 17" in size and shall show land use areas, proposed structures, roads, driveways, parking and loading spaces, pedestrian walkways, general landscaping plans, signs and lighting.
2. **Site Plan Review Application Submission.** A complete application for site plan review shall include all information requested on the Town of Georgia site plan review application form. The applicant must also submit eight copies of the site plan maps and the information required in Table 3.2. The DRB may require that the site plan review application be prepared by a registered landscape architect and/or registered civil engineer if the proposed project includes land development affecting greater than 3,500 square feet of land or is a complex proposal that may have impacts on surrounding property owners, major roads, or important resources.

**Table 3.2 – Conditional Use, Site Plan, and Variance Application Plan Requirements**

Copies	<ul style="list-style-type: none"> <li>The applicant shall provide eight (8) 11" x 17" copies, 1 full size copy, and 1 digital copy of plans submitted with the application. If the plan sets have been produced in color, please provide the Town of Georgia with color copies.</li> </ul>
Owner and Preparer Information	<ul style="list-style-type: none"> <li>Name and address of the owner of record and adjoining landowner, including those across public and private roads;</li> <li>Name and address of person or firm preparing the site plan or application.</li> </ul>
Location, Scale, and Date	<ul style="list-style-type: none"> <li>Site location map;</li> <li>Scale of map (including graphic scale);</li> <li>North arrow;</li> <li>A legend containing information about all lines and symbols on plan set; and</li> <li>Date of preparation or revision</li> </ul>
Features of Existing Site	<ul style="list-style-type: none"> <li>Contours (2 feet), vegetation, and natural features (steep slopes, wetlands, rivers, streams);</li> <li>Structures, access points, easements, rights-of-way, parking areas, signs, and utilities (water, wastewater, stormwater, electric);</li> <li>Property, easement and zoning district boundaries;</li> <li>Distances from existing structures to property lines.</li> </ul>
Features on Adjacent Sites	<ul style="list-style-type: none"> <li>Structures, access points, culverts, wells, and other features that have the potential to impact or be impacted by the proposal including those directly across a public or private road.</li> </ul>
Proposed Site Improvements	<ul style="list-style-type: none"> <li>Structures, including principal structure elevations;</li> <li>Parking areas, access points, loading docks and service areas, and outside storage areas;</li> <li>Sidewalks and other walkways;</li> <li>Utilities, stormwater management, and anticipated easements;</li> <li>Lighting;</li> <li>Landscaping and screening;</li> <li>Signs;</li> <li>Areas of excavation, filling, and grading; and</li> <li>Distances from proposed structures to property lines.</li> </ul>
Landscaping Details	<ul style="list-style-type: none"> <li>Detailed specifications of the planting and landscaping materials to be used.</li> </ul>
Construction Sequence and Schedule	<ul style="list-style-type: none"> <li>Construction sequence and timing scheduled for completion of buildings, parking spaces, landscaped areas and other site improvements, including any phasing schedule.</li> </ul>

**Table 3.2 – Conditional Use, Site Plan, and Variance Application Plan Requirements**

Traffic Generation	<ul style="list-style-type: none"> <li>Estimate of daily and peak hour traffic generated. Uses that will generate more than one hundred and fifty (150) vehicle trip-ends per day (estimates shall be based on the most recent Institute of Transportation Engineers Trip Generation Manual for the proposed uses) shall include a traffic study conducted by a professional traffic engineer at the Applicant's expense. 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 DRB may require a traffic study for projects generating less than 150 vehicle trip-ends where it finds there is a potential traffic safety issue with roads or highways in the vicinity of the project.</li> </ul>
Emergency Services	<ul style="list-style-type: none"> <li>A letter from the Georgia Fire Chief indicating any fire and rescue concerns with the proposed project.</li> </ul>
South Village Standards	<ul style="list-style-type: none"> <li>If the proposed land development is located in the South Village Core District, an explanation of how the project conforms to each of the criteria in Section 3.6 (South Village Core Design Criteria) shall be provided.</li> </ul>
State Highway Access Permit	<ul style="list-style-type: none"> <li>Whenever a proposed site plan involves access to a State highway, the application for site plan approval shall include a letter of intent from the Agency of Transportation confirming that the Agency has reviewed the proposed site plan and is prepared to issue an access permit under 19 V.S.A. § 1111, and setting out any conditions that the Agency proposes to attach to the Section 1111 permit</li> </ul>
Waiver Request	<ul style="list-style-type: none"> <li>At the request of the applicant, the DRB may waive any of the above application 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 DRB to make findings and render conclusions on the application consistent with the requirements of these Regulations.</li> </ul>
Other Information	<ul style="list-style-type: none"> <li>Any other information or data that the DRB may reasonably require.</li> </ul>

D. **Standards.** Site plan review applications shall meet the following standards:

1. **District and Specific Use Standards.** The activity or use proposed in the site plan review application shall meet the district dimensional standards identified in Article 2 – Zoning District and District Regulations, Article 5 – General Regulations and, as applicable, the specific use standards under Article 6 of these Regulations.
2. **Planning and Design Standards.** All site plan review applications shall show conformance with applicable standards in Article 7 (Planning and Design Standards).



3. **South Village Standards.** Applications for site plan review in the South Village Core District must conform to the South Village Core Design Criteria and Standards in Section 3.6, which are intended to implement the purposes of the South Village Core District and the South Village Core Strategic Plan, dated November, 2009, and the Georgia South Village Transportation Master Plan, dated May, 2019. If there is a conflict between the standards in Section 3.6 and the standards in Article 7 (Planning and Design Standards), the more stringent standard shall apply.

E. **Expiration.**

1. Site Plan approvals from the DRB expire two 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(G). If the site plan has not been implemented within the two-year period, an extension of one year may be granted by the DRB 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.
2. For commercial uses in the I-1, I-2, SV, and B districts the DRB may approve an expiration date beyond what is otherwise allowed in these Regulations if the applicant demonstrates, and the DRB concludes, that this is necessary to allow orderly completion of the development. Any such expiration date shall be noted as a permit condition.

Section 3.4 Variances

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- A. **Application.** Pursuant to 24 V.S.A. 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 application for a variance shall contain all materials required in Table 3.2.
- B. **Standards.** The DRB 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 these Regulations and from the Comprehensive Municipal Plan.
- C. When the variance requested is for a structure which is primarily a renewable energy resource structure, the DRB may grant the variance only if it finds that all of the facts listed in 24 V.S.A. Section 4469(b) are found in the affirmative.

**In no case will the DRB grant a variance for a use, or for a structure which contains a principal use that is not permitted or conditionally permitted in the applicable district.**

- D. **Variance Procedure in the Flood Hazard Area Overlay District.** Variances will be granted by the DRB only in accordance with the above procedures and the standards in Article 9.

### Section 3.5 Planned Unit Development

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- A. **Purpose.** In accordance with 24 V.S.A. Section 4417, Planned Unit Developments (PUD) are allowed in order to encourage flexibility in design and use of land, adequate and economic provision of roads and utilities, and the preservation of natural resources. Accordingly, the DRB may modify the density and dimensional requirements of these Regulations.

#### **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.

B. **PUD Review Process**

1. All PUD applications shall be reviewed using the same process as a major subdivision (sketch, preliminary, final) as outlined in Section 4.4. All PUDs involving the subdivision of land shall have their PUD application and subdivision application reviewed concurrently.
2. Major subdivisions shall be submitted as PUD applications in the AR-1, AR-2, AR-3, and L-2 districts. The DRB may waive this requirement at Sketch Plan Review if it determines the goals of the zoning district and the standards of the bylaws will be met by a conventional subdivision.

3. Minor subdivisions may be submitted as a PUD in the AR-1, AR-2, AR-3 and L-2 districts at an applicant's discretion, provided:
  - a. Minor Subdivisions classified by the DRB 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 a PUD at the discretion of the DRB.
  - 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 in the districts listed above.

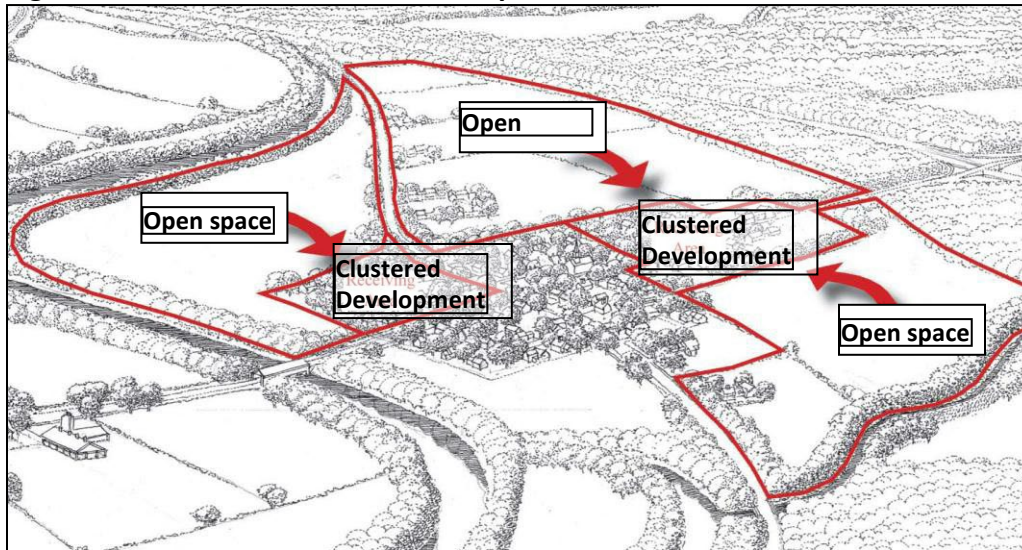
**C. Application Requirements.**

1. PUD applications shall include all application requirements for a major subdivision as outlined in Section 4.3.
2. PUD applications shall include a statement setting forth the nature of all proposed waivers/modifications of these Regulations and justification for why the DRB should grant such waivers/modifications. The preliminary PUD application shall also include draft deed language for each lot subject to waivers/modifications to the dimensional requirements.
3. A narrative describing the intended use of open space land within the PUD.

**D. PUD Dimensional Requirements.** All PUDs shall meet the dimensional requirements in Table 3.3:

<b>Table 3.3 – PUD Requirements</b>	
<i>Where Allowed</i>	AR-1, AR-2, AR-3, B and L-2 Districts
<i>Allowed Uses</i>	Permitted and conditional uses allowed in the zoning district where the PUD is proposed are allowed.
<i>Minimum Lot Size in a PUD</i>	AR-1 and L-2: 0.75 acres
	AR-2, AR-3, and B: 0.5 acres
<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.

**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. **PUD Standards.** To be approved, all PUD applications shall meet the following standards:

1. **General Regulations.** All PUD applications shall meet the applicable standards in Article 5 (General Regulations).
2. **Planning and Design Standards.** All PUD applications must conform to applicable standards in Article 7 (Planning and Design Standards).
3. **Subdivision Review Standards.** All PUDs that include a subdivision shall meet the Subdivision Review Standards (Section 4.9).
4. PUDs shall not place an unreasonable burden on the ability of the Town to provide municipal or governmental services. Any phasing of the development proposed by the applicant or required by the DRB 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.
5. 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. All buildings and roadways will be grouped/clustered together, be located close to buildings on adjacent parcels or at the edge of tree lines or forest blocks to minimize the appearance of strip development. PUDs shall not have undue adverse impacts on the following resources:
  - a. Primary agricultural soils (Section 7.2);
  - b. Rare, threatened, and endangered species as identified by the Vermont Agency of Natural Resources;

- c. Significant geological areas as identified in the Town of Georgia Comprehensive Municipal Plan;
  - d. Scenic areas as identified in the Town of Georgia Comprehensive Municipal Plan;
  - e. Historic resources as identified in the Town of Georgia Historic Sites and Structures Survey; and
  - f. Flood hazard areas (Article 9).
6. **Open Space Land.** Open space land within a PUD shall be identified and used for recreation, wildlife habitat, agriculture and/or forestry. Open space land will be in a location and of a size and shape approved by the DRB. Provision of open space land will meet, but will not be limited to, the following standards:
- a. The DRB shall require 20% of the parent parcel, but no more than 50 acres (whichever is greater), be reserved for open space land. 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. Land that is already conserved through a conservation easement or enrollment in the current use program cannot be used to meet the minimum open space land requirement. In addition, land containing wetlands regulated in Section 5.12, and/or the flood hazard area regulated in Article 9, cannot be used to meet the minimum open space land requirement.
  - b. Open space land shall be located so as to conform with and extend existing and potential open space land on adjacent parcels, especially pedestrian walks, trail networks, contiguous forest blocks and protection of significant habitats. 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.
  - c. A parcel containing open space land shall not be required to meet the frontage requirement for the zoning district in which it is located provided that the open space land is accessible via a right-of-way or easement connected to a public or private road at least 20 feet in width.
  - d. Areas in common ownership by tenants' or property owners' associations that are used for rights-of-way, parking, loading, vehicular or railway access, sewage disposal or water supply do not meet the open space land requirements of this section.
  - e. Open space land shall be maintained for its intended use. Provisions will be made to enable lands designated for agriculture and forestry to be utilized for these purposes. The applicant shall develop and implement a management plan for open space.

7. **Legal Requirements for the Open Space Land.** An open space lot shall only be used for agricultural, forestry, wildlife habitat, and/or recreational uses. The future use of the open space lot shall be protected in perpetuity by a binding legal instrument that is recorded with the deed. A note shall also be added to the subdivision plat and/or site plan indicating the existence of the deed restriction. The open space lot may be owned and managed through the following means:
    - a. Held in single fee-simple ownership by a private individual, a land trust or similar conservation-oriented non-profit organization, or a governmental entity, such as the Town of Georgia (if authorized by the Selectboard).
    - b. Held in common ownership by a homeowners' association provided the conserved lot is subject to a covenant or deed restriction addressing use and maintenance of the conserved lot.
    - c. In addition to the outlined types of ownership, the applicant may propose that the conserved lot be protected by a permanent conservation easement held by a land trust or similar conservation-oriented non-profit organization (with legal authority to accept such easements), or a permanent conservation easement provided to a governmental entity (such as the Town of Georgia). If the easement is provided to a land trust or similar organization, the applicant shall provide documentation that the organization is organized to be in perpetual existence and the conveyance instruments shall contain an appropriate provision for retransfer in the event the organization becomes unable to carry out its functions.
  8. Additional measures that may be imposed to protect significant natural resources identified on the parcel include, but are not limited to, restrictions on building sites through designation of building envelopes and clearing limits.
  9. The DRB may request input from the Georgia 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)).
- F. **Density Bonus.** The DRB may, at the request of the applicant, grant one or more density bonuses according to the following standards 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 and/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 a PUD 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 a PUD that incorporates the 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 Utility Commission.
- 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 household dwelling units do not exceed 1,500 square feet of habitable floor area, and/or two household and multi-household dwelling units do not exceed 1,200 square feet of habitable floor area per unit.

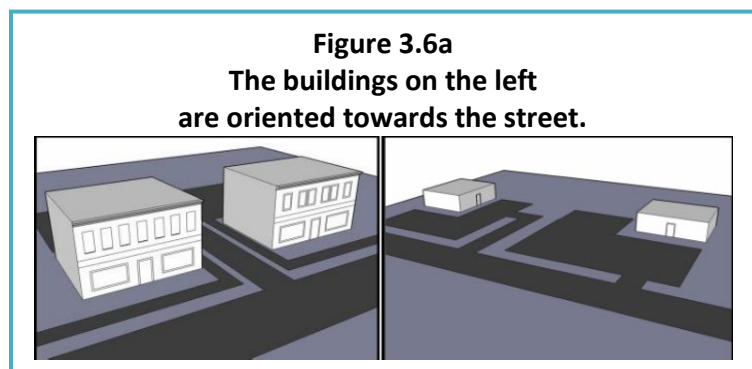
### Section 3.6 South Village Core Design Standards

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- A. **Applicability.** All 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 standard.

- B. **Design Criteria.**

- 1. **Criterion #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.



- a. **Standard 1a. Building Orientation.** Building(s) shall have at least one public entrance facing and oriented toward the street (see Figure 3.6a) and conform to the applicable dimensional standards in Table 2.3(c), and (d) (Dimensional Standards by Zoning District) and (Dimensional Standards for Special Uses).

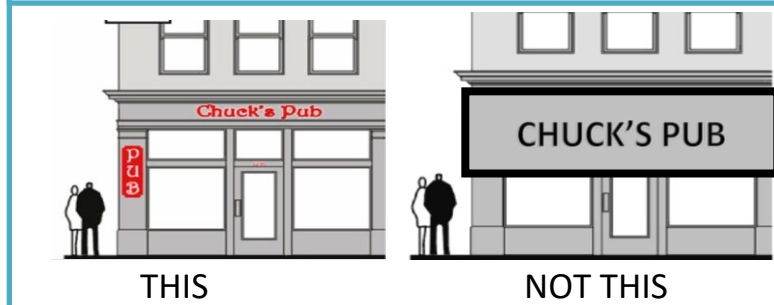
- b. **Standard 1b.** Buildings shall have interesting and diverse storefronts, facades, and/or architectural detailing. Franchise architecture shall be prohibited (see Article 10). Listed below are examples of design elements that make interesting and diverse storefronts, facades, or architectural detailing:

- i. Cornicing at top of roof and top of first story
- ii. Detailed molding around windows and doors
- iii. Accentuated entrances
- iv. Storefront windows
- v. Window and door awnings
- vi. Regularly spaced windows and doors
- vii. Front porches
- viii. Decorative signs integrated into the façade
- ix. Rooftop cupola, tower, or weathervane

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

- c. **Standard 1c.** Signs shall be architecturally integrated in a building's elevation and have orientation to pedestrians as well as automobiles (Figure 3.6b). 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 5.9 (Signs).

**Figure 3.6b Signs**



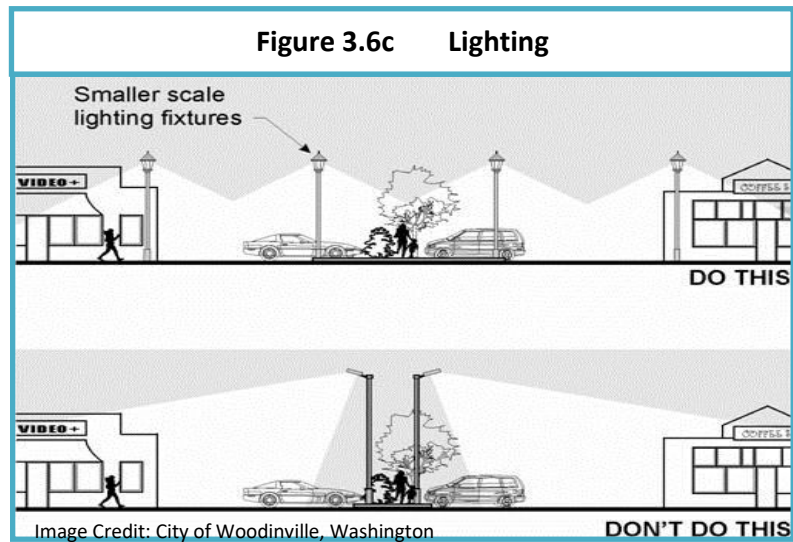
*The sign on the left has pedestrian orientation and is integrated into the architecture.*



- d. **Standard 1d.** Outdoor lighting shall illuminate public spaces, including streets, sidewalks, walkways, parks/plazas, and parking areas, as approved by the DRB 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, shall be of a smaller, pedestrian scale (See Figure 3.6c). 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.



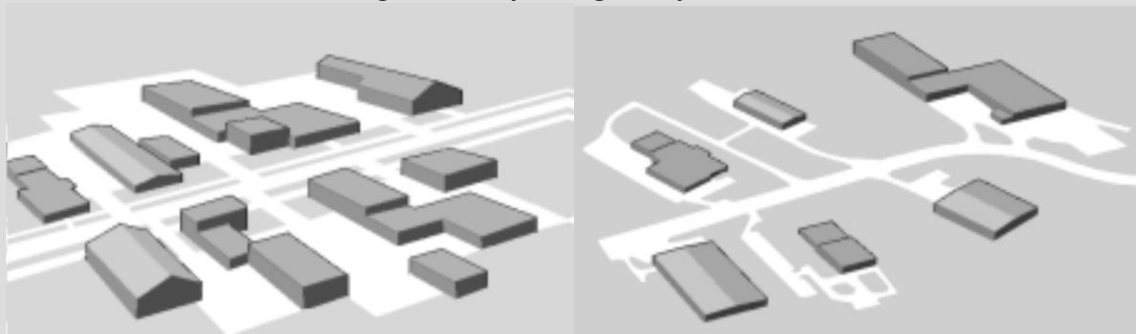
- iii. Lighting fixtures shall be architecturally integrated in the design of a building or sign. The same pole type and fixtures shall be used on a development site.

2. **Criterion #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 shall promote easy access among stores and services by pedestrians and minimize vehicle accesses to streets with a goal of having street accesses serve two or more properties.

- a. **Standard 2a.** The site layout clusters and integrates buildings with existing development to promote linked pedestrian trips (see Figure 3.6d).
- b. **Standard 2b.** Opportunities for shared parking are utilized in the proposal (See Section 5.6 C (Shared Parking) for shared parking approval requirements).

Figure 3.6d

*The development on the left is well integrated with clustered buildings, shared parking, and pedestrian connections.*



**THIS**

**NOT THIS**

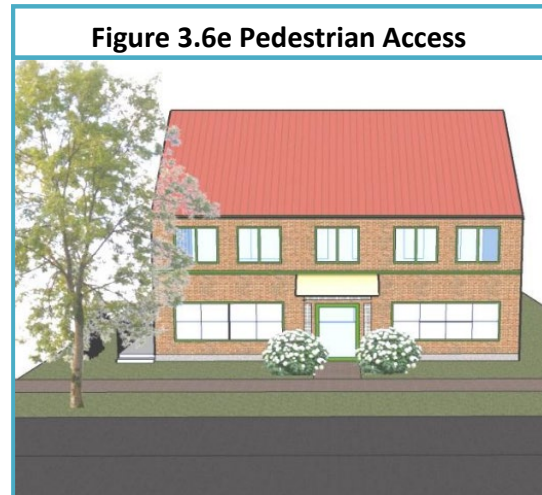
Image Credit: Growing Smarter: Best Site Planning in Residential Commercial and Industrial Development, Smart Growth Vermont

- c. **Standard 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. New residential uses are prohibited on the first story of all structures in the South Village Core District with the exception of large multi-household dwelling uses (5 Units or more), but through conditional use review, the DRB may waive this requirement and approve residential uses on the first floor if:
  - i. An equivalent square footage of commercial elsewhere in the building or in other buildings within the site plan, and
  - ii. In the judgment of the DRB the proposed mix of uses meets the purpose of the SV District as described in Article 2 of the regulations.
- d. **Standard 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. The DRB shall require shared access to adjoining properties to the maximum extent feasible and may limit access to the property to the lesser traveled street. Shared access shall be feasible when:
  - i. It can be implemented without removal of any existing buildings;
  - ii. Subsurface conditions can reasonably support it; and
  - iii. It will not have an undue adverse effect on one of the uses of the property in question.

- 3. Criterion #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 shall support a safe and attractive pedestrian environment based on the following standards.

- a. **Standard 3a.** Building(s) shall have at least one public entrance facing and oriented toward the street with a direct link to sidewalks and any other pedestrian walkways (Figure 3.6e). 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 DRB 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 Standard 1b) such as windows at eye level and first story cornices.

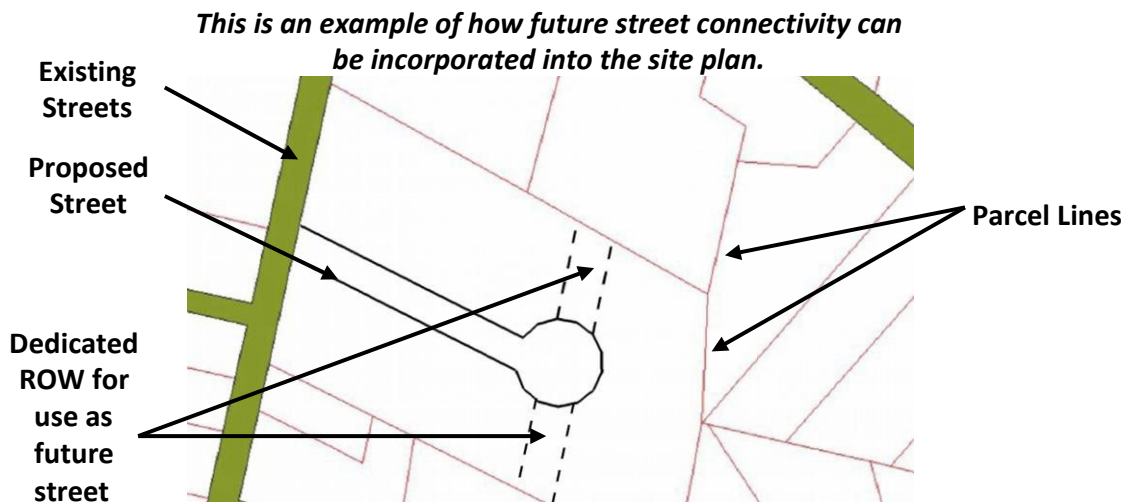


- b. **Standard 3b.** Windows or window displays are provided at a pedestrian scale (eye level) along facades that face and are oriented to streets.
- c. **Standard 3c.** Sidewalks are placed along every street having frontage on the development parcel and pedestrian walkways are integrated throughout the site plan, providing connection to adjacent land uses, parking areas, and building entrances. Sidewalks shall be located so a greenstrip or street-furnishing zone is provided as a buffer from the street and shall be 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. **Standard 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 street 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. **Standard 3e.** Parking lots and vehicle drives shall be not located between the primary building entrance and the street and shall be located behind or to the side of a building (See Figure 3.6a). Parking lots are not located on street corners.

- f. **Standard 3f.** Landscape buffering shall be provided between parking lots and all adjacent sidewalks and pedestrian walkways.
4. **Criterion #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. **Standard 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 shall comply 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 South Village Core Strategic 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 dedication of rights-of way to the Town (See Figure 3.6f). The applicant shall work with the DRB 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 and/or subdivision approval and recorded in an irrevocable offer of dedication to the Town.

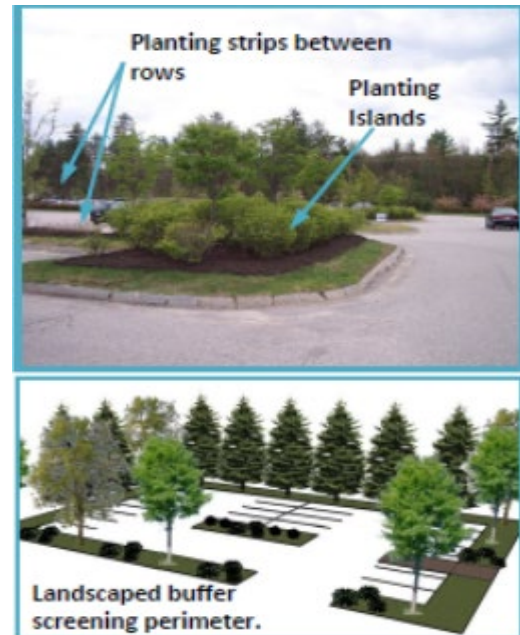
**Figure 3.6f Street Connectivity**



- b. **Standard 4b.** All proposed new roads shall be 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 ordinance requirements.
  - c. **Standard 4c.** When a traffic study is required (according to application requirements in Section 3.3 B(2) (Site Plan Review Application Submission)), the proposal shall 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 DRB may require mitigation measures for existing or proposed traffic conditions and congestion that are dangerous according to LOS and crash data from the Vermont Agency of Transportation.
5. **Criterion #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. **Standard 5a.** The project shall use shared parking where feasible and underground parking is encouraged. Shared parking means that multiple uses share one or more parking facilities See Section 5.6(C) (Shared Parking).
  - b. **Standard 5b.** Multi-Household dwellings of eighteen or more units shall have underground parking equal to a minimum of one space per unit. This underground parking shall be designated only to serve the residents of the multi-household dwelling and their guests, and these designated spaces may not be used to satisfy the requirement of mixed use (Standard2c).
  - c. **Standard 5c.** 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) shall be provided to any existing adjacent parking lots when it can be implemented without removal or relocation of any existing buildings, when it is feasible based on subsurface conditions, and when it will not have an undue adverse effect on one of the uses of the adjacent properties.

- d. **Standard 5d.** Parking areas are landscaped and screened from adjacent uses and from roadways in the vicinity via landscaped buffers around the perimeter and planting strips and islands integrated throughout the lot design (Figure 3.6g). Signage directing drivers to parking areas may be installed at the DRB's discretion in conformance with Section 5.9 (Signs).

**Figure 3.6g – Parking Lot Landscaping**



- 6. **Criterion #6 - 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. **Standard 6a.** Landscaping shall be 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. **Standard 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. **Standard 6c.** Landscaping plans use both deciduous and coniferous shade-giving trees in available yard areas, especially front and side yards and parking areas. 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 shall include a combination of the following:
    - I. Landscaping beds that enhance the general appearance of the site and define planting strips, lawn, and buffer areas;
    - II. 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
    - III. Lawns mixed with trees and other plants, especially in any front yard area.
    - IV. Large expanses of mulched areas are prohibited.
  - ii. Compliance with this standard shall be required, provided:
    - I. It can be implemented without removal or relocation of any existing building on the site; and
    - II. Subsurface conditions on the property are adequate to accommodate required landscaping.
- d. **Standard 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 DRB due to infrastructure or other practical limitations. In addition, greenstrips shall be no less than 6 feet wide where street trees are proposed and street tree wells within a surfaced street furnishing zone shall be 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 shall be accomplished according to an overall landscaping plan according to Text Box 3.3 (Requirements of a Landscaping and Screening Plan).
- 7. **Criterion #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 and to seek specific opportunities for public greenspace appropriate for a central village green.
  - a. **Standard 7a.** Development proposals shall 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, greens, or gardens with pedestrian access and seating. If it has a significant nexus with and is roughly proportionate to the

impacts of the development, the DRB may require land to be dedicated to the Town of Georgia for use as public parklands or a village green. This shall not prohibit the Town from otherwise acquiring such land for a park or greenspace through other methods.

8. **Criterion #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. **Standard 8a.** Development sites shall control erosion in accordance with the erosion control standards in Section 7.12 (Site Preservation and Erosion Control).
- b. **Standard 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, gravel wetlands 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 3.7 Waivers

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- A. **Setback Waiver.** In conjunction with a subdivision and/or site plan application, the DRB 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 are satisfied:
- 1. The property has circumstances or conditions which prevent the applicant from meeting the setback requirement. Such circumstances or conditions may include, but are not limited to, irregular lot size, poor soil conditions, existing vegetation or historic structures, and the location of pre-existing structures.
  - 2. Due to such circumstances or conditions, the property cannot reasonably be developed in conformance with the setback standard and the authorization of a waiver is necessary to enable the permitted use of the property. The applicant must show that other possible alternatives have been considered before the DRB 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.
  4. In the issuance of waivers, the DRB:
    - 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 shall include but not be limited to 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, not be located within the reduced setback area.
    - c. Shall provide only the minimum waiver that is necessary.
  5. Applications for waivers shall be considered by the DRB after a public hearing held in accordance with Section 8.4 (Public Hearing/Public Notice Requirements for Development Review Board Approvals).
- B. Lot Frontage Waiver.** In conjunction with a proposed subdivision and/or subdivision application, the DRB may waive the minimum lot frontage standard up to 50% in any district to allow for flexibility in subdivision design if all of the following conditions apply:
1. The property has unique physical circumstances or conditions that were not created by the applicant, which prevent the applicant from meeting the frontage requirement. Such unique physical circumstances or conditions may include, but are not limited to, irregular existing lot shape 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 frontage 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 DRB 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.
  4. In the issuance of waivers, the DRB:
    - a. Shall consider and may require design features, screening, or other features to mitigate anticipated impacts of any such waiver;
    - b. Shall provide only the minimum waiver that will afford relief while representing the least deviation from these Regulations.

5. Applications for waivers shall be considered by the DRB after a public hearing held concurrently with a subdivision and/or site plan application in accordance with Section 8.4 (Public Hearing/Public Notice Requirements for Development Review Board Approvals).

## Article 4      Subdivision Review

### Section 4.1 Purpose

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- A. **Policy.** The Town of Georgia shall review the subdivision of land and the subsequent development of the subdivided land to ensure conformance with the goals and policies of the Georgia Comprehensive Municipal Plan and the orderly, planned, efficient and economical development of the Town. 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.
- B. **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 consider 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 for 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, land, watercourses, wetlands, streams, rivers, ponds, and Lake Champlain; to assure the adequacy of drainage facilities.

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 24 V.S.A. §4302.

## Section 4.2 Applicability

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- A. This Article 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 has obtained final approval of the proposed subdivision from the DRB and the final approved subdivision plat is recorded in the Georgia Land Records.

## Section 4.3 Application Requirements

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- A. **Application Requirements.** All subdivision applications, including applications for a boundary line adjustment, shall include the information required in Table 4.1.
- B. **Waivers.** The DRB may waive or modify one or more application requirements and/or dimensional standards (see Section 2.3 and Section 3.7) if the DRB determines that the requirement or standard:
  1. Is not necessary in the interest of the public health, safety and general welfare; and
  2. Will not have the effect of nullifying the intent and purpose of applicable provisions of these Regulations, the Georgia Municipal Plan and/or other municipal regulations and ordinances in effect.

All waiver requests shall be submitted in writing by the subdivider. For minor subdivision applications, waiver requests shall be submitted with the sketch plan application. For major subdivision applications, waiver requests may be submitted with the sketch plan application or the preliminary plan application. It shall be the responsibility of the subdivider to provide sufficient information to allow the DRB to review the waiver request under all applicable review criteria. The DRB shall indicate whether it is inclined to approve or deny a waiver request during sketch plan for minor subdivisions. The approval or denial of a waiver request shall be addressed in the preliminary plan/plat decision for major subdivisions.

Table 4.1 - Subdivision and Boundary Line Adjustment Application Requirements

	Boundary Line Adjustment	All Subdivisions: Sketch Plan	Minor Subdivisions: Final Plan/Plat Review	Major Subdivisions: Preliminary Plan/Plat Review	Major Subdivisions: Final Plan/Plat Review
<b>Submission Requirements</b>					
<b>Application Form (8 copies) and Subdivision Plan Set</b>	1 full size copies (paper, surveyed), 2 11x17 copies, and a digital copy.	2 full size copies (paper), 8 11x17 copies, and a digital copy.	2 full size copies (paper, surveyed), 8 11x17 copies, and a digital copy.	2 full size copies (paper, surveyed), 8 11x17 copies, and a digital copy.	2 full size copies (paper, surveyed), 8 11x17 copies, and a digital copy.
<b>Application Fee</b> (see fee schedule)	✓	✓	✓	✓	✓
<b>Waiver Requests, in writing [optional]</b>		✓	✓	✓	✓
<b>Plan/Plat Mapping Requirements</b>					
<b>Title Block, including the following information:</b> <ul style="list-style-type: none"> <li>• Name of project, if any, and name of Town</li> <li>• Name, address of applicant [landowner and/or subdivider]</li> <li>• Preparer information, certifications</li> <li>• Date of Preparation/Revision(s)</li> </ul>	✓	✓	✓	✓	✓
<b>Graphic Scale (minimum 1 inch = 100 feet)</b>	✓	✓	✓	✓	✓
<b>North Arrow</b>	✓	✓	✓	✓	✓
<b>Legend</b>	✓	✓	✓	✓	✓
<b>Area of Land:</b> In square feet or acres for each tract, lot, structure, and large feature.	✓	✓ (Approximate)	✓	✓	✓
<b>Lot Identification:</b> Boundaries for the entire property, lot lines for each existing and proposed lot, and for any involved land (access roads, easements, rights-of-way, and any open space or mitigation land). Existing and proposed lots should be differentiated. Each lot should be given a number for reference.	✓	✓ (Approximate)	✓	✓	✓

	Boundary Line Adjustment	All Subdivisions: Sketch Plan	Minor Subdivisions: Final Plan/Plat Review	Major Subdivisions: Preliminary Plan/Plat Review	Major Subdivisions: Final Plan/Plat Review
<b>Property Boundary Survey Signed and Stamped by Licensed Land Surveyor:</b> Property boundary surveys are required for all new subdivided lots. Property boundary surveys are required for the entire parent parcel (original parcel from which lots are subdivided) when: <ul style="list-style-type: none"> <li>• it is 10 acres or less in size, and/or</li> <li>• greater than 50% is subdivided into lots.</li> </ul>	✓ Mylar, signature and stamp required for filing after approval		✓ Mylar, signature and stamp required for filing after approval	✓ Paper copy	✓ Mylar, signature and stamp required for filing after approval
<b>Contiguous Property Information:</b> Names and addresses of owners of record of contiguous properties. Tax map references and parcel identification numbers shall also be provided.	✓	✓	✓	✓	✓
<b>Contour Lines:</b> Two-foot contour lines of existing and proposed grades, unless waived or modified by the DRB.			✓	✓	✓
<b>Zoning Information:</b> Including zoning district, density analysis (how many lots/units allowed according to zoning standards), setbacks, parking standards, etc.	✓	✓ (Approximate)	✓	✓	✓
<b>Natural Features:</b> The location of natural features located on the site, including but not limited to watercourses, wetlands, springs, forest boundaries, fields, large trees, and rock outcroppings. The location of natural features or site elements to be preserved.		✓ (Approximate)	✓	✓	✓

	Boundary Line Adjustment	All Subdivisions: Sketch Plan	Minor Subdivisions: Final Plan/Plat Review	Major Subdivisions: Preliminary Plan/Plat Review	Major Subdivisions: Final Plan/Plat Review
<b>Roads, Circulation and Access Features:</b> Location and names of existing and proposed roads rights of way, trails, sidewalks and parking areas on site and on adjacent properties.	✓	✓ (Approximate)	✓	✓	✓
<b>Structures:</b> The location of existing and proposed structures and land uses located on the site.	✓	✓ (Approximate)	✓	✓	✓
<b>Utilities, Wastewater/Water Supply and Stormwater Management Infrastructure:</b> Existing and proposed location of utilities, water supply and wastewater infrastructure, culverts and stormwater management infrastructure, all associated rights-of-way, easements and proposed connections. The DRB may also require the submittal of percolation tests on each lot.	✓	✓ (Approximate)	✓	✓	✓
<b>Open Space/Common Land:</b> Proposed open space common land and/or recreation land within the proposed subdivision.		✓ (Approximate)	✓	✓	✓
<b>Transportation/Pedestrian Access Specifications:</b> Specifications and details of any required bridges or culverts. Typical cross section of the proposed grading of roadways and sidewalks, street intersection and parking area profile and geometry; and alleys.	✓	✓	✓	✓	✓

	Boundary Line Adjustment	All Subdivisions: Sketch Plan	Minor Subdivisions: Final Plan/Plat Review	Major Subdivisions: Preliminary Plan/Plat Review	Major Subdivisions: Final Plan/Plat Review
<b>Vicinity Map:</b> map drawn 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. Within such area, the vicinity map shall show all existing subdivisions and approximate tract lines of parcels, the location of existing and proposed streets, easements, building lines and alleys pertaining to the proposed subdivision and to the adjacent properties, and 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.			✓	✓	✓
<b>Land Restrictions:</b> The type and location of existing and proposed restrictions on land, such as easements and covenants.	✓	✓ (Approximate)	✓	✓	✓
<b>Supporting Information</b>					
<b>Legal Documents:</b> Existing deed of subject parcel(s) and a draft of all newly created or revised deeds, covenants, homeowner agreements, tenant association agreements, or other legal documents associated with the proposed subdivision.	✓		✓	✓	✓

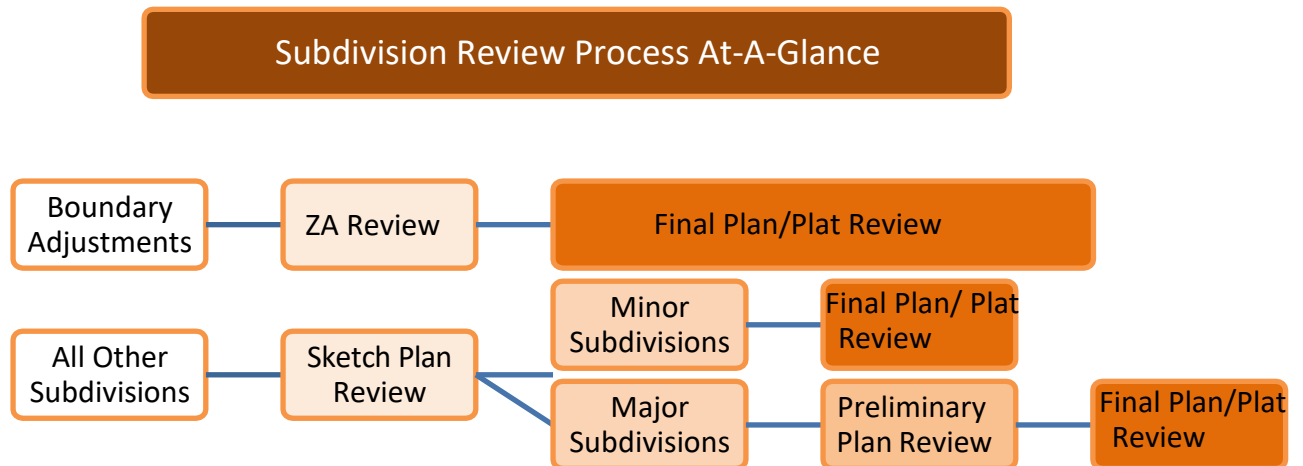
	Boundary Line Adjustment	All Subdivisions: Sketch Plan	Minor Subdivisions: Final Plan/Plat Review	Major Subdivisions: Preliminary Plan/Plat Review	Major Subdivisions: Final Plan/Plat Review
<b>Fire Protection:</b> A letter from the Georgia Fire Department explaining the Department's capacity to service the proposed subdivision. The letter may also contain recommendations to the DRB regarding fire protection and other improvements needed to comply with these Regulations.			✓	✓	✓
<b>Additional Supporting Information/Documentation for Subdivisions</b> (As may be required by the DRB after Sketch Plan Review for Minor or Major Subdivisions)					
<b>Master Plan:</b> An indication of proposed roads, driveways or streets, the future probable lot lines and building envelopes of the remaining portion of the tract, or adjacent properties, and a description of the probable uses (drawn in sketch plan format). A phasing schedule may be required. See Section 4.9 – Subdivision Review Standards.					
<b>Proposed Building Envelopes:</b> Buildable portion of the lot.					
<b>Traffic Generation:</b> Information about existing and proposed traffic generation rates and volumes.					
<b>Traffic Impact Analysis:</b> A study of current and proposed traffic volumes, capacities, levels of service and any proposed mitigation.					
<b>State Highway Access Permit.</b> Whenever a proposed subdivision involves access to a State highway, the application for subdivision approval shall include a letter of intent from the Agency of Transportation confirming that the Agency has reviewed the proposed subdivision and is prepared to issue an access permit under 19 V.S.A. § 1111, and setting out any conditions that the Agency proposes to attach to the Section 1111 permit					
<b>Erosion Control Plan:</b> Locations where sediment must be trapped before entering a watercourse and the devices used to impede erosion (i.e., silt fencing, hay-bale or stone dams around catch basins and at intervals in swales and ditches).					
<b>Landscaping and/or Screening Plan:</b> A landscaping plan shall illustrate to scale all landscaping and screening proposed for the site, including trees, planting beds, shrubs, bushes, grassed and mulched areas and other screening features, including but not limited to: fences, walls and berms. Plans shall include specifications for planting and a plan for maintenance care.					
<b>Lighting Plan:</b> Locations and illumination of exterior lights.					
<b>Fiscal Impact Analysis:</b> An analysis of fiscal costs and benefits to the Town.					
<b>Environmental Impact Assessment:</b> An analysis of potential environmental impacts and proposed mitigation measures.					
<b>Engineer's/Surveyor's Certificate</b> from a professional engineer and/or proposed performance bond or surety.					
<b>Temporary Field Markers:</b> The DRB may require the applicant to use temporary markers on the subject parcel to display the basic layout of the subdivision.					
<b>Other information</b> necessary to determine compliance with the requirements of these Regulations.					



## 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 4.1 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, shall be eligible for administrative review provided:

- The adjustment does not invalidate or result in noncompliance with any findings of fact or 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. **Administrative Review Standards.** Upon submission of a complete application for a boundary line adjustment between two or more properties, proper payment of fees, and submission of all required supporting documentation the following actions will take place:
  - a. The Zoning Administrator shall conduct an Administrative Review of the proposed boundary line adjustment. If finding that the proposal meets all the applicable requirements in Table 4.1, and all other applicable regulations, the Zoning Administrator shall submit a written recommendation and draft decision to the DRB for approval of the boundary line adjustment Survey Plat (see subsection (b) below). If the Zoning Administrator finds that the application does not meet the application requirements in Table 4.1, or otherwise does not clearly meet all applicable regulations, the Zoning Administrator may refer the application directly to the DRB for review. The review would be considered a minor subdivision Final Plan/Plat review and will be reviewed subject to Section 4.4 (D) – Minor Subdivision.

- b. If the Zoning Administrator recommends the boundary line adjustment application for approval, the DRB will hold a public hearing, warned in accordance with the Section 8.4, to consider the Zoning Administrator's recommendation and either approve and sign the written decision and boundary line adjustment Survey Plat, make amendments, or deny the boundary line adjustment application. When amendments are required, the written decision shall be issued within forty-five (45) days in accordance with Section 8.5. The applicant shall file the Survey Plat in accordance with Section 4.5.
  - c. Nothing herein prevents the ZA from referring a boundary line adjustment application to the DRB for review if the ZA finds the application has a substantial impact under any standard of these Regulations.
2. **Effect of Final Approval.** Final approval of a plat for a boundary line adjustment by the DRB 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 action of the Selectboard.

**C. Sketch Plan Review**

1. **Submission of Application & Scheduling with DRB.** For the purpose of classification and initial discussion, all subdivision applicants (excluding applicants for Boundary Line Adjustments), prior to submitting applicable Preliminary or Final Plan/Plat applications, shall submit Sketch Plan information as outlined in Section 4.3. Application materials shall be submitted at least fifteen (15) days prior to a regularly scheduled meeting of the DRB, and no meeting shall be scheduled until all 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 plan review shall not be publicly warned in the Town's newspaper of general circulation, as it does not constitute a Public Hearing.
2. **Requirements.** The subdivider, or duly authorized representatives, shall attend the meeting of the DRB on the sketch plan to discuss the requirements of these Regulations for lot arrangement, dimensional standards, 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 DRB 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 45 days of sketch plan review, such written recommendations shall be sent to the applicant. The DRB 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 Plan/Plat or Final Plan/Plat application.

**D. Minor Subdivision Application**

1. **Application.** Within six (6) months of classification by the DRB of the sketch plan as a minor subdivision, the subdivider shall submit a complete application for approval of a subdivision plat. The application shall contain those items in Section 4.3 (Final Plan/Plat for Major and Minor Subdivisions) of these Regulations and shall conform to the layout shown on the sketch plan and any recommendations made by the DRB. Failure to submit a Final Plan/Plat application for a minor subdivision within six (6) months of classification by the DRB as a minor subdivision shall require the applicant to resubmit a sketch plan application.
2. **Submission of Complete Application & Final Plan/Plat Public Hearing.** Subsequent to Sketch Plan Review, an application for Final Plan/Plat shall be submitted to the ZA. The application shall include all items outlined in Section 4.3. Applicants will be notified in writing if application materials are missing following submission. No public hearing for the Final Plan/Plat shall be scheduled until all application materials are received, and the ZA determines the application is complete. Notwithstanding the ZA's determination of application completeness, the DRB may require any additional information deemed necessary for final plan/plat review of minor subdivision applications. Final Plan/Plat hearings shall be warned in accordance with Section 8.4.
3. **Action.** Per Section 8.5, the DRB shall, within forty-five (45) days after the close of the hearing or any continuation thereof, approve, modify and approve, or disapprove such plat. Failure of the DRB to so act within the forty-five (45) days shall constitute deemed approval on the 46<sup>th</sup> day.

**E. Major Subdivision Application**

1. **Preliminary Plan/Plat Application.** Within six (6) months of classification by the DRB of the sketch plan as a major subdivision, the subdivider shall submit a complete application for approval of a Preliminary Plan/Plat. The application shall contain those items in Section 4.3 of these Regulations and shall conform to the layout shown on the sketch plan and any recommendations made by the DRB. Failure to submit a Preliminary Plan/Plat application within six (6) months of classification by the DRB as a minor subdivision shall require the applicant to resubmit a sketch plan application.
2. **Submission of Application & Preliminary Plan/Plat Public Hearing.** Subsequent to Sketch Plan Review, an application for Preliminary Plan/Plat shall be submitted to the ZA. The application shall include all items outlined in Section 4.3. Applicants will be notified in writing if application materials are missing following submission. No public hearing for the Preliminary Plan/Plat shall be scheduled until all application materials are received, and the ZA determines the application is complete. Notwithstanding the ZA's determination of

application completeness, the DRB may request any additional information deemed necessary for preliminary plan/plat review of major subdivision applications. Preliminary Plan/Plat hearings shall be warned in accordance with Section 8.4.

3. **Action on Preliminary Plan/Plat.** Per Section 8.5, the DRB shall act to approve or disapprove Preliminary Plan/Plat applications within forty-five (45) days after closure of the hearing. A written and signed decision, including background information, findings-of-fact, conclusions, and decision with applicable conditions shall constitute the Preliminary Plan/Plat action of the DRB. Failure to act within the 45-day period shall constitute deemed approval on the 46<sup>th</sup> day. Approval of a Preliminary Plan/Plat approval does not constitute Final Plan/Plat approval. Preliminary Plan/Plat decisions shall be distributed per requirements in Section 8.5.
4. **Sectionalizing and Phasing.** At the time the DRB grants Preliminary Plan/Plat approval, it may require the plat to be divided into two or more sections (phases) and may impose such conditions upon the filing of an application for Final Plan/Plat approval for each section as it deems necessary to assure the orderly development of the plat.

If sectionalizing is a requirement of Preliminary Plan/Plat approval, the written decision shall specifically indicate the distinct geographic sections of the project and shall specifically outline the timeline for when each section may proceed to Final Plan/Plan application. A separate Final Plan/Plat application shall be filed for each section within the time periods imposed in the Preliminary Plan/Plat approval.

5. **Effect of Preliminary Plan/Plat Approval.** Approval of a Preliminary Plan/Plat shall not constitute approval of the final subdivision plat. Prior to approval of the final subdivision plat, the DRB may require additional changes as a result of further study. The approval of a Preliminary Plan/Plat shall be effective for a period of one year, and if a Final Plan/Plat application is not submitted within a year of the Preliminary Plan/Plat approval, the application shall be denied by the ZA without a hearing as untimely. In the event of such a denial, the subdivider shall be required to resubmit a new plat for preliminary approval, which shall be subject to any zoning and subdivision regulations then in effect. Should the DRB impose sectionalizing as a condition of Preliminary Plan/Plat approval, it may extend the one (1) year effective period of Preliminary Plan/Plat approval.
6. **Final Plan/Plat Application.** Within one year of Preliminary Plan/Plat approval, the subdivider shall submit a complete application for approval of a final subdivision plat (unless sectionalizing/phasing is required and a specific timeline for submission is provided in the Preliminary Plan/Plat written decision). The application shall contain those items required in Section 4.3 of these Regulations and shall conform to the layout shown on the approved Preliminary Plan/Plat and incorporate all conditions in the Preliminary Plan/Plat approval. Failure to submit a Preliminary Plan/Plat application within six (6) months of classification by the DRB as a minor subdivision shall require the applicant to resubmit a sketch plan application.

7. **Submission of Application & Final Plan/Plat Public Hearing.** Subsequent to Preliminary Plan/Plat approval, an application for Final Plan/Plat shall be submitted to the ZA. The application shall include all items outlined in Section 4.3. Applicants will be notified in writing if the application is incomplete. No public hearing for the Final Plan/Plat shall be scheduled until all application materials are received. No public hearing for Final Plan/Plats shall be scheduled until the 30-day appeal period for Preliminary Plan/Plat approval has lapsed, and until the ZA determines the application is complete. Notwithstanding the ZA's determination of application completeness, the DRB may request any additional information deemed necessary for final plat review. Final Plan/Plat hearings shall be warned in accordance with Section 8.4.
8. **Action on Final Plan/Plat.** The DRB shall act to approve or deny Final Plan/Plat applications within forty-five (45) days after closure of the hearing. A written and signed decision per Section 8.5, including background information, findings-of-fact, conclusions, and decision with applicable conditions shall constitute final action of the DRB for purposes of potential appeals under Section 8.7 (Appeals) of these Regulations. Failure to act within the 45-day period shall constitute deemed approval on the 46<sup>th</sup> day. Final Plan/Plat decisions shall be distributed per the requirements of Section 8.5.
9. **Effect of Final Approval.** Final approval by the DRB 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 action of the Selectboard.

#### Section 4.5 Filing of Subdivision Plat

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- A. **Survey Plat Specifications.** Upon approval of the final plan/plat review by the DRB, the subdivider shall prepare a survey plat for recording in conformance with the requirements of 27 V.S.A. Chapter 17. A survey plat is a map drawn to scale on Mylar by a licensed land surveyor of one or more parcels, tracts or subdivisions of land, showing, but not limited to, boundaries, corners, markers, monuments, easements, building envelopes, and other rights-of-way. Survey plats shall be prepared according to the specifications listed below and are required to include all the information required on the final plan/plat approved by the DRB.
1. Survey plat Specifications:
    - 1) Mylar;
    - 2) Clear and legible data and information;
    - 3) 18.0 inches by 24.0 inches in size;
    - 4) Stamp and signature of licensed Land Surveyor;
    - 5) Margin of 2.0 inches outside of the borderlines on the left side for binding and a 1.0-inch margin outside the border along the remaining sides;
    - 6) Inset location map clearly indicating the location of the land depicted and a legend of symbols used;
    - 7) Plat scale ratios sufficient to allow all pertinent survey data to be shown, and graphic scale graduated in units of measure used in the body of the plat; and
    - 8) Town Clerk and DRB Chairperson signature blocks.

- B. **Endorsement and Filing.** The Chairperson (or acting Chairperson) of the DRB shall endorse the survey plat with the date of final plan/plat approval. Following endorsement by the chairperson of the DRB and within 180 days of the DRB's final approval, the subdivider shall submit the survey plat to the Town Clerk for filing. The Town Clerk shall endorse the survey plat before filing. The DRB's written decision, which includes all permit conditions set forth by the DRB, shall be filed in the land records of the Town and its location must be clearly referenced on the survey plat.
- C. **Monumentation.** A signed certification from the licensed land surveyor who prepared the survey plat indicating that monuments have been set is required to be filed with the Zoning Administrator before, or concurrent to, when the signed survey plat is submitted for recording.

#### Section 4.6 Expiration

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- A. Final Plan/Plat Approval shall expire if the subdivider does not receive endorsement and file the survey plat and related documents within the 180-day period. The Zoning Administrator, upon written request prior to the expiration date, shall extend the date for filing the survey plat by an additional 90 days if final local or state permits or approvals are still pending.

#### Section 4.7 Subdivision Amendments

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- A. No changes, erasures, modifications, or revisions shall be made on any subdivision plan/plat after final approval, unless said plan/plat is first resubmitted to the DRB for Final Plan/Plat Approval under Section 4.4, and the DRB approves the amendments/modifications. In the event that such changes are recorded without complying with this requirement, the plat shall be void and the applicant may be found to be in violation of the subdivision approval.

#### Section 4.8 Natural Subdivision

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- 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, 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 or natural feature, 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 Town highway or natural feature effectively separates the property so it cannot be used or developed as one parcel or lot.

## Section 4.9 Subdivision Review Standards

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- A. **Application of Standards.** The DRB shall evaluate all subdivisions, including boundary line adjustments, in accordance with the following standards, the applicable Planning and Design Standards in Article 7, and any other applicable standards in these Regulations. The DRB may require the subdivider to submit additional materials and data addressing impacts related to these standards. In light of findings made on these standards, the DRB may require modification and/or phasing of the proposed subdivision to minimize any undue adverse impacts.
- B. **General Standard of Review.** The DRB shall determine if any land proposed for subdivision is designed and laid out to achieve the desired settlement pattern and the purpose of the district in which it is located as defined in Article 2. All subdivisions shall:
1. Maintain and extend settlement patterns in conformance with the zoning district purpose statement, including dimensional standards (Article 2) and road layout standards (Section 7.11).
  2. Provide for the preservation and protection of existing features as identified in the Georgia Town Plan, including scenic views, streams, rock outcroppings, water bodies, other natural and historical resources.
  3. Connect to and extend existing roads, utility easements, open space, and existing critical wildlife habitat as delineated by the State of Vermont Agency of Natural Resources.
- C. **Lot Standards.** The subdivision of all lots shall meet the following standards:
1. **Lot Size and Density.**
    - a. **Minimum Dimensional Standards.** No lot shall be created that does not meet the minimum dimensional standards of the district in which it is located, unless approved as a PUD (See Section 3.5) or the lot has received a waiver per Section 3.7.
    - b. **Calculating the Maximum Number of Lots Allowed.** The maximum allowed number of lots for a particular subdivision is calculated by dividing the total land area by the minimum lot size for the district (See Section 2.3).
  2. **Lot Layout.**
    - a. **Corner Lots.** Corner lots shall have extra width to allow for a front yard setback along 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. **Access.** Lots shall be laid out so as to avoid direct access to the more heavily traveled street or highway.



- d. **Shape and Topography.** Lots with irregular shapes (curves, jogs, panhandles, doglegs, etc.) shall not be created unless warranted by conditions of topography, the location of natural features, and existing roads or new roads that meet the standards in Section 7.11.

**D. Community Services.**

1. **Traffic.** The proposed subdivision shall not cause unreasonable congestion or unsafe conditions on the affected public or private roads. The proposed subdivision shall provide adequate provision for pedestrian traffic in terms of safety, convenience, and access to points of destination. A Traffic Impact Analysis may be required by the DRB to ensure conformance with this standard.
2. **Municipal Facilities and Services.** The proposed subdivision shall not create an undue burden on municipal facilities or create an unreasonable demand for public services. Considerations shall include the capacity of facilities and services directly affected, and the lifespan and cost of public improvements relative to the anticipated tax revenue from the proposed development.
3. **Fire Protection Facilities and Emergency Access.** Subdivisions shall provide adequate water storage or distribution facilities for fire protection to the satisfaction of the DRB. The applicant shall submit documentation from the Georgia Fire Department as to the adequacy of emergency access and fire protection facilities. Where recommended by the Georgia Fire Department, the DRB shall require the applicant to install fire hydrants, dry hydrants, storage tanks, underground water storage, or ponds for fire protection.

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

**F. Utilities.** All utility systems, existing and proposed, throughout the subdivision shall be shown on the final plan and be located as follows:

1. The applicant shall coordinate subdivision design with the utility companies to ensure adequate and suitable areas for installation, both for the proposed subdivision and areas adjacent to the subdivision.
2. Utility corridors and easements shall be shared with other utility and/or transportation corridors, and located to minimize site disturbance, the fragmentation of natural, forest, agricultural, conservation, and shore lands.
3. Utility corridors and easements shall be of sufficient width to serve both the proposed subdivision and existing and anticipated development outside the subdivision.



- G. **Master Plan Review and Phasing.** In its sole discretion, the DRB may require a sketch and description of the potential layout of the entire parcel and adjacent parcels (Master Plan) during sketch plan review for the purpose of promoting orderly development of the Town. The DRB may require the subdivision to be divided into two or more phases to be developed at separate times and may impose such conditions as necessary to assure orderly development in compliance with these Regulations (see Section 4.4 (E)(4) - Sectionalizing and Phasing).
1. Any required Master Plan shall include an indication of proposed roads, driveways or streets, the future probable lot lines and building envelopes of the remaining portion of the parcel, and a description of the probable uses. The Master Plan may be drawn in a sketch plan format. The DRB may require that the Master Plan and any phasing schedule be submitted as part of an extended sketch plan review, or as a part of the final plan/plat review.
  2. Review and consideration of a Master Plan as part of any subdivision review does not constitute final approval of all phases of the full Master Plan.
- H. **Conformance with Other Regulations.** Subdivision plats shall conform to all applicable provisions of these Regulations, any Capital Budget and Program in effect, and all other bylaws, ordinances and regulations of the Town of Georgia currently in effect.
- I. **South Village Standards.** Subdivision applications in the South Village Core District must conform to the South Village Core Design Criteria and Standards in Section 3.6, which are intended to implement the purposes of the South Village Core District and the South Village Core Strategic Plan dated November, 2009, and the Georgia South Village Transportation Master Plan dated May 2019. If there is a conflict between the standards in Section 3.6 and the standards in Article 7 (Planning and Design Standards), the more stringent standard shall apply.

## Article 5      General Regulations and Review Standards

### Section 5.1 Removal of Structures After Damage

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- A. Allowing the ruins of any structure damaged by any cause, including but not limited to fire, explosion, acts of God, excavation, demolition, or deterioration to remain for more than one (1) year from the date of damage is prohibited. Within one (1) year after damage from any cause, all structural materials must be removed or backfilled, or the process shall have begun to have the structure rebuilt, repaired, or replaced in accordance with these Regulations. Any excavation remaining will be covered over with earth to the normal grade level. The rebuild or reconstruction will be completed within two years of the date of the damage, with the possibility of a two-year extension by the approval of the ZA upon finding that the rebuild or reconstruction has commenced within two years of the date of the damage.

### Section 5.2 Access and Driveways

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- A. **Access to Lots without Required Frontage.** Land development may be permitted on pre-existing lots that do not have frontage either on a public road or public waters only with the approval of a site plan review application by the DRB except for one- and two-household dwellings (Section 3.3). Access to such a lot shall be provided by a permanent easement or right-of-way at least thirty (30) feet wide or a Class IV road. In addition to other review criteria, the DRB, or the ZA in the case of a one- or two-household dwelling, may consider the intended use of the property, safety, traffic, and road and site conditions in granting, conditioning or denying the approval.
- B. **Driveways.** Driveways may serve up to two (2) lots. Driveways shall meet the following standards:
1. **Curb Cuts.** Access onto town highways is subject to the approval of the Georgia Selectboard with input from the Road Foreman; an Access Permit must be obtained. State highways are subject to the approval of the Vermont Agency of Transportation; an Access Permit must be obtained. As a condition to access permit approval, compliance with all local ordinances and regulations pertaining to roads and land development is required. Access permits must be obtained prior to the issuance of a zoning permit.
  2. **Driveway Construction Standards.** All residential driveways servicing single- or two-household dwellings shall be constructed in accordance with current Vermont Agency of Transportation B71 Standards and the Town of Georgia Private Road and Driveway Standards policy dated July 27, 2020, and as may be amended. In addition, the following standards shall apply:
    - a. Driveways to be a minimum 12' in width with 2' shoulders.

- b. Culverts required within the town right-of-way shall be of a type approved by the Town and be a minimum of 30' in length and 18" inches in diameter. A waiver of the required culvert diameter may be requested of, and granted by, the Selectboard if the applicant can demonstrate an unnecessary hardship due to unique physical circumstances or conditions. (Applicant shall attach a waiver request to the Access/Driveway Permit application.)
- c. Driveway sight distances shall meet requirements as listed within the Vermont B-71 Sight Distance Chart. Applicants may request a waiver of the sight distance standards from the Georgia Selectboard. All driveway waivers approved by the Selectboard require an advanced warning sign to be installed and maintained at the property owners' expense. Location of said sign shall be determined by the Georgia Road Foreman.
- d. All driveways shall have a hammerhead type turnaround to eliminate vehicles backing onto private or public roads. A waiver may be granted for driveways off private roads.
- e. A letter certifying compliance with the standards of this section by a licensed engineer, Vermont licensed Site Technician, or the excavating contractor responsible for the construction of the residential driveway shall be submitted to the ZA prior to the issuance of a Certificate of Occupancy. A form of surety, such as a bond, escrow or letter of credit, shall be attached to any certification letters by excavating contractors to assure warranty of work for a one-year period from the date of the letter.
- f. All construction shall meet current "Vermont Low Risk Site Handbook" requirements.
- g. No driveway shall be constructed with a grade greater than 10%. A waiver may be granted by the Selectboard to allow 11-12% grade if the applicant can demonstrate an unnecessary hardship due to unique physical circumstances or conditions. The DRB may request that any section of driveways approved by said waivers shall also be paved with a minimum of 2" of asphalt pavement.
- h. All common or shared driveways shall be created by an easement referenced or recorded in the deed of each lot involved or in a declaration of covenants that creates a homeowners' association. Language outlining the construction and maintenance of the shared portion of the driveway shall be included in the said deed or covenants.
- i. All driveways greater than 400' in length shall have a pull-off greater than 14' in additional driveway width and 60' in length for each 400' of driveway length. Said pull off shall meet the required Vermont Agency of Transportation B-71 driveway constructed materials standards.

- j. All culverts required for private roads and driveways, shall be installed and maintained solely at the property owner's expense. In the event a culvert located within the town right-of-way fails, the cost for replacement or repair of the culvert shall be the property owner's responsibility. Prior to the repair or replacement of said culvert, the property owner shall complete and submit an application for Town of Georgia Access Driveway Permit for approval by the Selectboard with input from the Road Foreman. All work within the town right-of-way shall meet the standards provided within the Georgia Road and Driveway Standards.

**3. Access Management.**

- a. No driveway shall be located within fifty (50) feet of a road intersection. This standard shall not apply to land development located in the South Village Core District.
- b. Where a lot occupies a corner of two (2) intersecting roads, the driveway access to the lot shall be located on the less traveled road.
- c. Land Development on Private Roads. The following are requirements for all land development on any private road:
  - i. Private roads that have been constructed to meet the private road standards in Section 7.11, as certified by a professional engineer, may serve as access for no more than ten (10) dwelling units or ten (10) lots used for non-residential purposes. Private roads that have not been constructed to meet the private road standards in Section 7.11 may only serve as access to three (3) dwelling units or three (3) lots used for non-residential purposes, except for lots solely in agricultural or forestry use, or a combination of dwelling units and non-residential lots greater than three, except in a PUD where a waiver is granted by the DRB.
  - ii. 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, declaration of covenants creating a homeowners' association or other easement deed, 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.

### **Section 5.3 Existing Small Lots**

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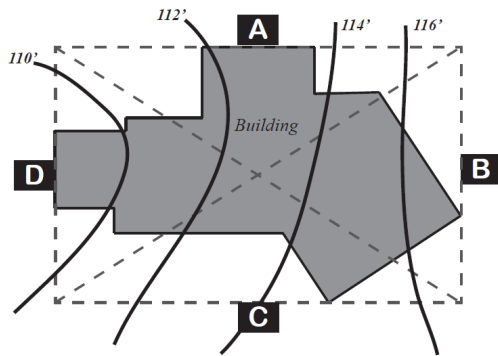
- A. Existing small lots may be developed for purposes allowed in the district in which they are located if the lots meet all of the following criteria:
1. Are legally subdivided;
  2. Are in individual, separate and non-affiliated ownership from surrounding properties;
  3. Are in existence at the time a bylaw or the Regulations made them non-conforming;
  4. Include a minimum 1/8 acre of land area and a minimum 40 feet width or depth dimension;
  5. Are 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. Otherwise comply with these Regulations.
- B. If an 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:
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; and
  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 5.4 Height Limits

All structures shall comply with the height restrictions in Article 2. 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 5' in length attached to structures shall not be considered in calculating the height of the underlying structure.

**Figure 5.3**

To calculate the average finished grade and the height of a new structure at the average finished grade, use the calculation method below:



□ First draw the smallest rectangle that can enclose the building.

□ Find the midpoint of each side of the rectangle.

□ Add the elevation at each midpoint, then divide the total by four to find the average finished grade:

$$\frac{A+B+C+D}{4} = \frac{112.75+116.5+114+109}{4} = \frac{452.25}{4} = 113.06$$

□ Find the height of the home at the average finished grade.

In all zoning districts, except where noted, the following uses or structures can exceed the height limitation, as stand-alone structures or as included in the height calculation for a structure to which they are attached, if the DRB grants a conditional use permit, as provided under Section 3.2 (Conditional Use Review):

1. Windmills and wind turbines with blades more than 5' in length.
2. Rooftop solar collectors extending 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).

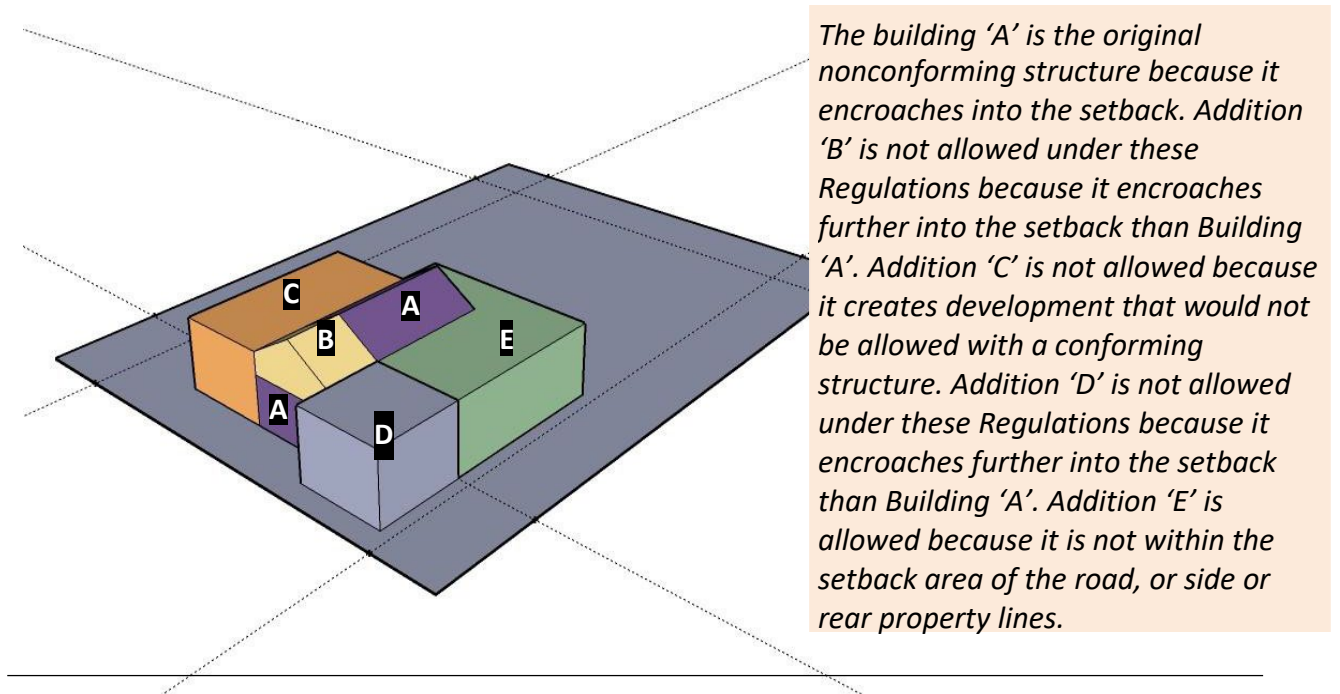
## Section 5.5 Nonconformities

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- 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 5.3 (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 or abandoned 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 during that twelve-month period 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 nonconformity or 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 the applicant demonstrates reasonable, good faith efforts to commence reconstruction of the structure before the expiration of the twelve-month period.
  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.** Mobile Home Parks, if nonconforming in lot size, use or structures, shall be treated as one nonconformity pursuant to 24 V.S.A. 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**





## Section 5.6 Parking Requirements

**Off-Street Parking Requirements.** The off-street parking specifications listed below are required to avoid parking vehicles on roads, streets, and highways:

**Table: 5.5(a) Off Street Parking Spaces**

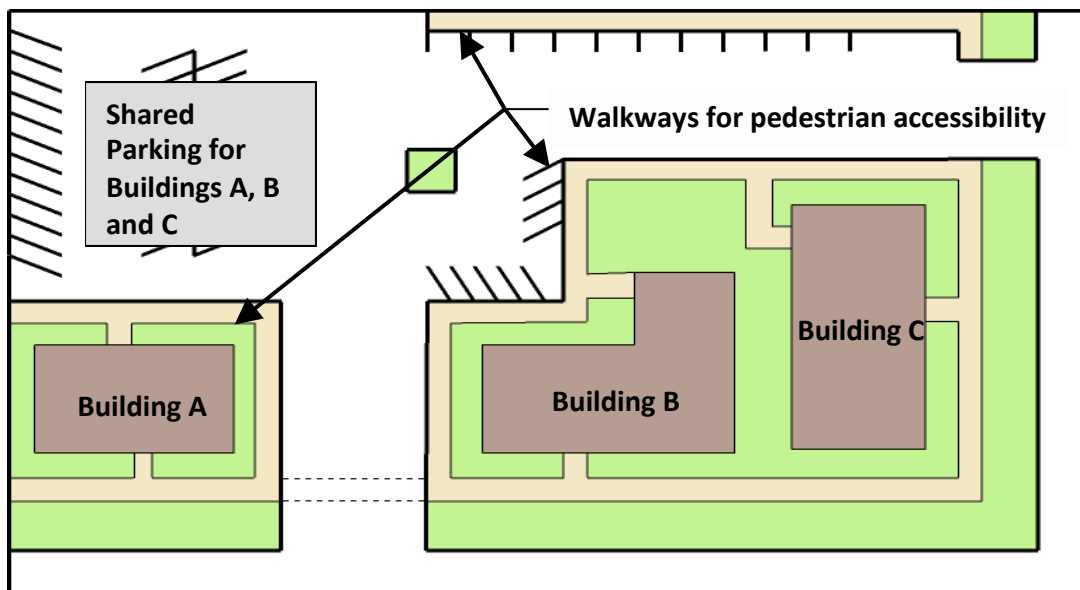
Use	Parking Spaces Required
<i>Dwelling</i>	2 per dwelling unit except 1 per Accessory Dwelling Unit
<i>Multi-Tenant Housing for Older Persons</i>	1 per dwelling unit
<i>Offices, Personal and Professional Services, Retail Store, Daycare Level 1, Daycare Level 2, Veterinary Clinics</i>	1 per 200 SF of gross floor area, plus 1 for each employee per largest working shift
<i>Convenience Stores</i>	1 per 100 SF of retail floor area, plus 1 for each employee per largest working shift.
<i>Lodging Establishment; 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 accessory uses such as restaurants and banquet rooms, if applicable.
<i>Other Commercial Uses Not Listed in This Table</i>	One space for each employee on the largest working shift, 1 for each motor vehicle used in the business, and 1 for every 200 SF of gross floor area.
<i>Restaurants and Banquet Rooms</i>	1 for every 150 SF of gross floor area.
<i>Light Industry, Heavy Industry</i>	1 for every motor vehicle used in the business and 1 for each employee on the largest working shift.
<i>Place of Worship</i>	1 per six seats in principal assembly room plus 1 for each 400 SF of office space or administrative space.
<i>School</i>	1 for each 20 students of design capacity plus 1 for each 400 SF of office space or design capacity.
<i>Marina</i>	1 space for each boat berth plus any additional required for accessory uses or structures located on the same lot.
<i>Hospitals, Nursing Homes</i>	1 per each bed of design capacity plus 1 per each employee 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 service area plus 1 per employee on the largest working shift.
<i>Campground</i>	1 per camp site, plus 1 per every 200 SF of gross floor area of office or administrative space.
<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 service area plus 1 per employee on the largest working shift.
<i>Public Outdoor Recreation, Private Outdoor Recreation, Public Indoor Recreation, Private Indoor Recreation</i>	1 per employee on the largest working shift plus 1 for every two patrons for the design capacity.
<i>Trucking Terminal</i>	A minimum of 1 per employee on the largest working shift plus 1 per truck or vehicle used in the business.
<i>Warehouse</i>	1 per employee on the largest working shift plus 1 per 2000 SF of gross floor area.

**Reduction or Increase in Required Parking Spaces.** The DRB may approve an increase or a decrease of the off-street parking space requirements in Table 5.5(a) (Off-Street Parking Spaces) based on a parking space analysis to be completed at the cost of the applicant by a qualified consultant approved by the DRB. Required parking spaces may also be reduced by the DRB in accordance with the shared parking provisions in Section 5.6(C) (Shared Parking) below. In no case shall the total number of off-street parking spaces be 110% of the required parking spaces in Section 5.6(A) (Off-Street Parking Requirements).

A. **Shared Parking.** Shared Parking arrangements, where one or more parking spaces is shared among a mix of adjacent land uses, is encouraged for the following reasons:

- To promote 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.

Figure 5.5 Shared Parking



The DRB may approve shared parking as follows:

1. The number of off-street parking spaces required for a use for which shared parking is proposed can be reduced pursuant to one, but not a combination of, the following scenarios:
  - a. The DRB shall approve the use of up to 90 percent of the required off-street parking for a daytime use (a use primarily operating between the hours of 8:00 a.m. and 6:00 p.m.) to count toward the required off-street parking provided for a nighttime use (a use primarily operating between the hours of 6:00 p.m. and 8:00 a.m.), or vice-versa, when the applicant demonstrates that the following requirements are met:
    - i. There shall be no substantial conflict in the principal operating hours of the uses for which the sharing of parking is proposed;
    - ii. All uses for which an application is being made for shared parking shall be located within 400 feet of the parking facility;
    - iii. A written legal agreement among the landowners for each use for which an application is made for shared parking shall be submitted to the DRB. The written agreement 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.
  - b. The DRB shall approve the use of up to 90 percent of the required off-street parking for a weekday use (a use only operating Monday through Friday) to count toward the required off-street parking provided for a weekend use (a use only operating Saturday and/or Sunday), or vice-versa, when the applicant demonstrates that the following requirements are met:
    - i. There shall be no substantial conflict in the principal operating hours of the uses for which the sharing of parking is proposed;
    - ii. All uses for which an application is being made for shared parking shall be located within 400 feet of the parking facility;
    - iii. A written legal agreement among the landowners for each use for which an application is made for shared parking shall be submitted to the DRB. The written agreement 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.
  - c. The DRB shall approve up to a 20 percent reduction in the total number of parking spaces required for four or more separate commercial uses whose hours of operation may overlap; up to 15 percent reduction in the total number of parking spaces required for three separate commercial uses whose hours of operation may overlap; or up to a 10 percent reduction in the total number of parking spaces required for two separate commercial uses

whose hours of operation may overlap when the applicant demonstrates that the following requirements are met:

- i. There shall be no substantial conflict in the principal operating hours of the uses for which the sharing of parking is proposed;
- ii. All uses for which an application is being made for shared parking shall be located within 400 feet of the parking facility;
- iii. A written legal agreement among the landowners for each use for which an application is made for shared parking shall be submitted to the DRB. The written agreement 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.

**B. 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>Disabled Accessible</i>	9 ft.-5 in.	18 ft.	20 ft.	25 ft.	20 ft.

C. **Loading Areas.**

1. **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 of gross floor area plus one additional space for every additional 20,000 square feet of gross floor area.
2. **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.
3. **Location.** Where feasible, loading zones and docks shall be located to the rear of properties.

Section 5.7 Performance Standards

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- A. 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 demonstrate 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 and DRB may determine whether the proposed use or present operation meets these standards. The use must not:
1. Emit noise in excess of 70 decibels at the property line or unreasonable noise. A noise shall be deemed to be unreasonable when it disturbs, injures, or endangers the peace, health or safety of two or more occupants on different properties, or when it endangers the health, safety, or welfare of the community.
  2. Emit any odor, dust, dirt, or smoke which is considered offensive.
  3. 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.
  4. Cause as a result of normal operations a vibration that creates a displacement of .002 inches within the ground at the property line.
  5. Have lighting or signs that create glare that could impair the vision of a driver of any motor vehicle.
  6. Cause a fire, explosion or safety hazard.
  7. Discharge harmful substances into a sewage disposal system or watercourse.
  8. Create an unsafe or unhealthy condition as determined by the Town of Georgia Health Officer.
  9. Interfere with a renewable energy resource or the ability to utilize a renewable energy resource.

**Section 5.8 Recreational/Camping Vehicles with Sleeping Quarters**

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- A. A legally registered recreational vehicle 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 hooked up to a water supply or to a septic system;
  - 4. There shall not be more than two such recreational vehicles on a lot; and
  - 5. Such use shall not conflict with any provision of these Regulations or any other applicable regulations.
- B. A legally registered recreational vehicle 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 shall be occupied seasonally (i.e., for less than 180 days between May 1 and November 30 and no more than 60 days between November 1 and May 31).
  - 3. It shall be 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.
  - 4. It shall meet applicable setback standards for the district in which it is located.
  - 5. There shall not be more than one such recreational vehicle on a lot; and
  - 6. Such use shall not conflict with any provision of these Regulations or any other applicable regulations.
- C. A legally registered recreational vehicle 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 land.
  - 2. It shall be occupied for recreational camping purposes only.
  - 3. It shall not be occupied for more than 45 days whether consecutively or in combination between May 1<sup>st</sup> and November 30<sup>th</sup>.

4. It shall not be hooked up to a water supply or septic system.
5. It shall have a self-contained storage tank for wastewater, or an approved self-contained porta-let. The collected contents of the storage tank or porta-let shall be emptied off site in an approved disposal facility by the owner or by an approved hauler.
6. It shall meet applicable setback standards for the district in which it is located.
7. There is not more than one recreation vehicle on a lot; and
8. Such use does not conflict with any provision of these Regulations or any other applicable regulations.

### Section 5.9 Signs

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- A. **Applicability.** All signs, except as indicated in Section 5.9(F) (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).
- B. All signs must be located on the same lot as the use to which they refer.
- C. **Number of Signs Permitted.** Up to two (2) signs may be permitted for any non-residential use. Only one of the two permitted signs may be freestanding.
- D. **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 DRB 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 DRB 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.
- E. **Standards for Specific Sign Types.** Signs may fall under one or more of the following types:
  1. **Freestanding Signs.** Freestanding signs shall not be placed within ten (10) feet from the edge of the 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 distance 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 in height. They shall not extend above the roof line or parapet of the building nearest the sign.

3. **Wall Signs.** Signs attached to buildings shall not extend above the nearest roof line or parapet of the building closest to the sign.
4. **Illuminated signs** shall be lighted only by a continuous non-flashing light. Such illumination shall not be provided by neon or similar sources. No string lighting, pennants, feather flags or other attention-gathering devices shall be displayed for more than four weeks per calendar year.

**F. Signs for Home Business, Home Occupation, Home Industry.**

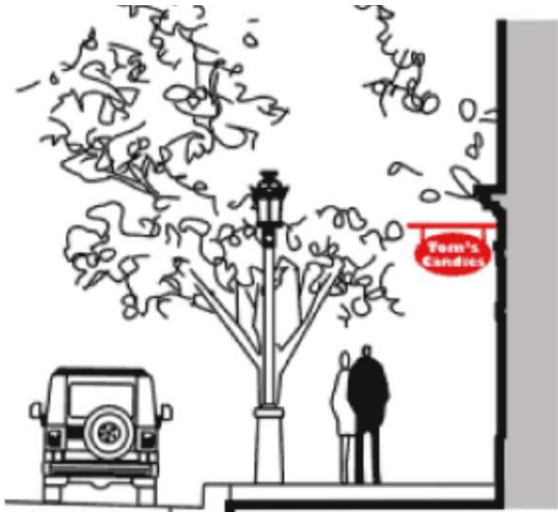
1. **Home Occupation.** A sign on a property where a home occupation is conducted shall not exceed six (6) square feet in area and, if freestanding, four (4) feet in height. The sign shall not be illuminated and shall be limited to the name, address, phone, profession, and name of the home occupation of the occupant of the premises on which said sign is located.
2. **Home Industry.** A sign on a property where a home industry is conducted shall not exceed twelve (12) square feet in area and, if freestanding, six (6) feet in height. The sign shall not be illuminated and shall be limited to the name, address, phone, profession, and name of the home industry of the occupant of the premises on which said sign is located.

**Figure 5.8 Examples of Sign Types**

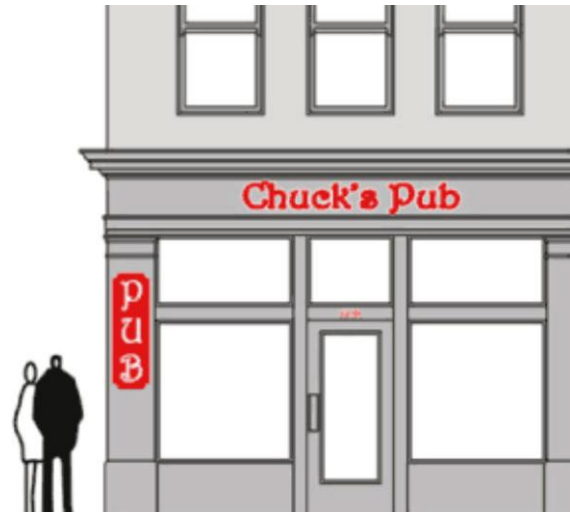




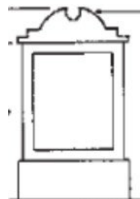
**Projecting Sign**



**Wall Signs**



**Free Standing Signs**



- G. **Exemptions.** The following signs do not require zoning permits, but such signs must comply with the standards above to the extent they provide additional restrictions not in conflict with the requirements below.
1. Signs associated with residential uses that do not exceed four (4) square feet in area.
  2. Farm signs.
  3. Historic markers not exceeding four (4) square feet in area and, if freestanding, six (6) feet in height.
  4. Signs displayed for community or special events that are not commercial retail sales and that do not exceed thirty-two (32) square feet in area, and that are displayed for not more than ten consecutive days and a total of no 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 that do not exceed twenty-four (24) square feet in area and, if freestanding, ten (10) feet in height.
  8. Real estate or construction signs displayed temporarily that do not exceed twenty-four (24) square feet in area and, if freestanding, eight (8) feet in height, and are removed promptly when the property has been sold, leased or developed.
  9. Signs for roadside stands that meet the requirements of Section 6.9 that do not exceed sixteen (16) square feet in area and, if freestanding, eight (8) feet in height. The sign may remain in place when the stand is not in business but shall be covered.
  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 two 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 or flag is advertising; and
    - c. Do not exceed fifteen (15) square feet in area for a flag and two (2) square feet in area for a sign.

## Section 5.10 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.

<b>Table 5.9 Special Provisions for Certain Zoning Districts</b>	<b>AR-1</b>	<b>AR-2</b>	<b>AR-3</b>	<b>R-1</b>	<b>N-1</b>	<b>L-1</b>	<b>L-2</b>
Areas with slopes of 25% or greater shall not be developed for roads, driveways or structures	✓	✓	✓	✓	✓	✓	✓
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 lot within the district unless recommended by a professional or County Forester as part of a certified forestry plan. The trees cut shall not be concentrated but must be dispersed. The area required for driveway access and for the structure or structures are not 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.						✓	✓
Within the strip paralleling the shoreline and extending fifty (50) feet inland from all points along the shoreline, 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. The trees cut shall not be concentrated but must be dispersed.						✓	
The remaining area of the lot 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 structure or structures are not subject to this restriction.						✓	
Shore cover removal restrictions will not apply to the removal of dead, diseased and dying trees.						✓	
Commercial, institutional, and governmental uses shall provide adequate pedestrian access and circulation.	✓	✓	✓	✓	✓	✓	✓

## Section 5.11 Wastewater and Potable Water Supply

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### 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 are 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.
  - a. Applicants for a Zoning Permit for land development of the type addressed in 10 V.S.A. Chapter 64 shall contact the District Permit Specialist at the DEC to obtain a determination 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 for the proposed land development, the applicant for a Zoning Permit shall provide written proof of such from the DEC to the ZA with the Zoning Permit application. 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 shall not issue a Certificate of Occupancy until any necessary Wastewater System and Potable Supply 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.

## Section 5.12 Wetlands and Vernal Pools

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- A. **Purpose.** The intent of this regulation is to minimize the net loss of wetlands in the Town of Georgia. Wetlands classified by the State of Vermont as Class I or Class II wetlands (which includes vernal pools) are valuable resources. Wetlands' functions (e.g., water and air purification, flood attenuation, speciation, and nutrient cycling) are critical to the support of human, animal and plant populations.
- B. **Applicability and Process.** The following standards shall apply to all land development in the Town of Georgia except land development in the South Village Core Zoning District. The Vermont Significant Wetlands Inventory (VSWI) maps published by the Vermont Agency of Natural Resources shall be used by the Applicant as a tool to determine whether or not a

wetland may exist on a property. However, such maps should not be relied upon to provide precise information regarding the location or configuration of significant wetlands. Where uncertainty exists as to the existence or location of a significant wetland, the Zoning Administrator and/or Development Review Board shall require that the applicant submit written documentation of a wetland's delineation based on consultation with a State Wetlands Ecologist or a private consultant with expertise in identifying wetlands prior to issuing a zoning permit or development review approval.

**C. Review Standards.**

1. No land development shall be permitted in a Class I or Class II wetland, except as exempted in (4) below.
2. No land development shall be permitted within the 100-foot buffer surrounding a Class I and within the 50-foot buffer of a Class II wetland, except as exempted in (4) below.
3. Applicant shall provide a copy of Project Review Sheet from the Vermont Agency of Natural Resources indicating whether or not the development proposal requires a state wetland permit.
4. Driveways, public roads, and private roads are exempt from this subsection if the following standards are met:
  - a. The applicant provides proof to the DRB that developable land on the property can be accessed by no other reasonable means and the applicant agrees to monument the location of the wetlands and associated buffer.
  - b. A State Wetlands Individual or General Permit for any wetland or buffer encroachment has been issued to the applicant by the Vermont Agency of Natural Resources.

**C. Conditions.** The DRB may impose the following conditions for all land development applications involving lands that contain wetlands:

1. The applicant may be required to monument the boundary line of all Class I or Class II wetlands as identified on the property.
2. Boulders at least three cubic feet in size, or other permanent marking materials as approved by the DRB, shall be placed along the boundary of the wetland buffer.
3. Building envelopes approved by the DRB must be a minimum of twenty (20) feet from the outer boundary of the wetland buffer.

## Article 6      Specific Use Standards

### Section 6.1 Accessory Dwelling Units

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- A. **Accessory Dwelling Unit Standards.** One accessory dwelling unit may be permitted within or appurtenant to a building that is a single-household dwelling unit on an owner-occupied lot provided the following standards are met:
1. The single-household dwelling is a detached, stand-alone structure. Accessory dwelling units are not permitted in buildings with multi-households or a mixed-use building.
  2. Either a single household dwelling unit or an accessory dwelling unit on the lot is occupied by the owner.
  3. The gross floor area of the accessory dwelling unit does not exceed 30% of the total habitable floor area of the single household dwelling or 900 square feet, whichever is greater.
  4. Written confirmation is received from the State of Vermont, Department of Environmental Conservation that suitable wastewater facilities exist to serve the accessory dwelling unit in addition to the single-household dwelling.
  5. A Certificate of Occupancy is obtained for occupancy of the accessory dwelling unit. The Certificate of Occupancy will verify conformance with applicable provisions.
  6. The ZA may require written certification at any time from the owner of the single household dwelling that the owner's primary residency is either the single household dwelling or an accessory dwelling unit on the same lot.
  7. The accessory dwelling unit shall share the driveway access point to the property with the single household dwelling unless physical circumstances and conditions prohibit a single driveway.
- B. **Agricultural Accessory Dwelling Unit.** One accessory dwelling unit that is an accessory structure may be permitted on an operating farm for the purpose of providing housing to people working on the farm provided the following standards are met:
1. The subject farm is in operation or is under permanent conservation easement for farming purposes.
  2. The accessory dwelling unit is only occupied by farm laborers of the subject farm.

3. The accessory dwelling unit must meet the dimensional and other requirements of these Regulations.
4. 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 unit subdivided from the property or have the accessory dwelling unit removed from the property. If the accessory dwelling unit is an accessory apartment, the property owner may apply for approval of an accessory dwelling unit under Section 6.1(A) (Accessory Dwelling Units).

## **Section 6.2 Service Station, Motor Vehicle Repair and Other Motor Vehicle Related Uses**

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- A. In all districts where they are allowed (see Table 2.2), service stations, motor vehicle repair, and motor vehicle sales shall comply with the following as applicable:

1. A service station or motor vehicle repair use's 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 on the side or the rear of the station building (see Figure 6.1).

**Figure 6.1**

**Pumps on side of building**



2. Service stations shall have no more than five gas pumps with two fueling positions each 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.
3. Light fixtures mounted in/on service station 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.
4. Service stations and motor vehicle repair uses shall meet parking requirements under Section 5.6 (Parking Requirements), however fueling stations at pump islands may be counted toward satisfaction of onsite parking requirements.
5. All motor vehicle parts and dismantled vehicles at a service station or motor vehicle repair use are to be stored within a building or be effectively screened from adjacent properties and roads. No major repair work shall be performed outside a building.

6. 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 review standards, the DRB may require a larger landscaped area.

### **Section 6.3 Earth Resource Extraction**

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Earth Resource Extraction shall be allowed by the DRB as a conditional use provided it meets the standards of Section 3.2 (Conditional Uses), complies with other applicable sections of these Regulations, and meets the following additional standards:

#### **A. Standards**

1. The removal shall not cause any hazard to health, property, or property values.
2. The depth of excavation shall not cause any hazard or injury to roads or adjacent properties.
3. The area excavated shall be regraded, reseeded, replanted, and mulched pursuant to a reclamation plan submitted and approved by the DRB which shows existing grades and finished grades for the areas where removal will occur. All regraded areas, except for exposed ledge rock, shall be covered with a minimum of four (4) inches of topsoil and a suitable cover crop. The proposed slope and soil conditions shall not result in erosion or excessive runoff.
4. Hours of operation shall begin no earlier than 7:00 a.m. and end no later than 6:00 p.m. No excavation can be conducted outside the hours of 8:00 a.m. and 6:00 p.m. except in local-, state- or federally declared states of emergency which require earth resources.
5. The removal meets the Performance Standards in Section 5.7 of these Regulations.
6. The removal shall not cause any traffic hazards, unsafe conditions or excessive congestion or physical damage to Town or State highways on the expected routes of truck traffic.
7. The removal shall not have an undue adverse impact on water resources, significant wildlife habitat and agricultural land.
8. Any 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, except in State- or federally declared states of emergency due to weather or flooding conditions.



- B. **Conditions.** In granting conditional use approval for Earth Resource Extraction, the DRB may consider and impose reasonable conditions, including, but not limited to, the following:
1. A performance bond or similar surety may be required to insure reclamation of the land upon completion of the excavation of materials and topsoil in accordance with the reclamation plan.
  2. Hours of operation may be restricted.
- 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

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- 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. The Home Business shall not employ anyone other than members of the household.
  2. The Home Business shall not be visible from outside the home.
  3. The Home Business shall not generate significant additional traffic.
  4. The Home Business shall not impact the character of the neighborhood.
  5. The Home Business shall have no signs.
  6. The Home Business shall have no external storage of materials or equipment.
  7. The Home Business shall produce 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 be construed to infringe upon the right of any resident to use no more than 50% of the residence or use an accessory structure for an occupation that is customary in residential areas and that does not have an undue adverse effect upon the character of the residential area in which the dwelling unit or the accessory structure is located. A Home Occupation shall meet the following standards in order to be customary in residential areas and not have an undue adverse effect upon the character of the residential area in which the dwelling unit or accessory structure is located:
1. The Home Occupation shall be carried on by members of the household living on the property plus no more than one non-household full-time equivalent employee.
  2. There shall be no exterior displays, except that one unlit sign not exceeding six (6) square feet per side is allowed. See Section 5.9(F).

3. No traffic shall be generated either in a volume greater than an estimated average of 10.0 trips per day or that alters the essential character of the neighborhood or substantially impairs the use of adjacent property.
  4. The Home Occupation shall not generate excessive noise, smoke, vibration, dust, glare, odors, electrical interference, or heat that is detectable at the boundaries of the property.
  5. Where new parking is proposed, it shall be provided off-street and shall be located in side or rear yards outside setback areas. However, pre-existing residential parking areas may be utilized.
  6. Exterior storage of materials used in the home occupation shall be limited to the smallest extent reasonably practicable, screened so as to not be visible from the street, road, or adjacent properties, and shall not be allowed in setback areas.
  7. There shall be no potential of risk to public health from the Home Occupation, including but not limited to toxic emissions or on-site disposal of hazardous wastes.
- C. **Home Industry.** Home Industries shall meet the following requirements in addition to any other applicable requirements in these Regulations. The DRB shall determine if the following requirements are met:
1. The Home Industry shall be carried on by members of the household living on the premises plus no more than three non-household full-time equivalent employees.
  2. Home Industries are allowed signs permitted according to Section 5.9(F) 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. A home industry shall meet the Performance Standards delineated at Section 5.7. Excessive noise, smoke, vibration, dust, glare, odors, electrical interference or heat that is detectable at the boundaries of the property shall be prohibited.
  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 of risk to public health from the Home Industry, including but not limited to toxic emissions or on-site disposal of hazardous wastes.

## Section 6.5 Limitation on Regulation of Public Facilities

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- A. In accordance with 24 V.S.A. Section 4413, these Regulations shall be construed to regulate the following, including in the context of any required 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 and screening requirements, and only to the extent that these Regulations do not have the effect of interfering with the intended functional use:
1. State or community owned and operated institutions and facilities.
  2. Public and private schools and other educational institutions certified by the 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

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- A. **Applicability.** A property may contain “mixed uses” (e.g., more than one principal use on a lot) provided that the standards in this section are met.
- B. **Review Process.** Mixed uses shall be considered permitted by right in the South Village Core (SV), Industrial (I-1), Commercial-Light Industrial (I-2), and Business (B) Districts. Mixed uses located in the Agricultural/Rural Residential District (AR-1), Residential-Medium Density District (AR-2), and Residential-High Density (AR-3) shall be subject to Conditional Use Review. See Table 2.2.
1. All properties with mixed uses shall be subject to site plan review (Section 3.3).
  2. If a use is proposed to be located on a property as a mixed use that requires Conditional Use Review, that review shall be coordinated in one written conditional use decision if the property is located in the Agricultural/Rural Residential District (AR-1), Residential-Medium Density District (AR-2), and Residential-High Density District (AR-3).
  3. 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.

**C. Standards.** All properties with mixed uses shall meet the following standards:

1. **First Floor Uses, SV District.** Principal residential uses are not allowed on the ground floor of buildings in the SV. Through conditional use review, the DRB may waive this requirement and approve residential uses on the first floor if:
  - a. an equivalent square footage of commercial development is included elsewhere in the single development proposal or building, and
  - b. in the judgement of the DRB the proposed mix of uses meets the purpose of the SV District as described in Article 2 of these Regulations.
2. There shall not be more than one principal structure on a lot unless approved as part of a PUD. This regulation shall not apply to the South Village Core District (SV), Industrial District (I-1), or the Commercial-Light Industrial District (I-2). The regulation shall also not apply to lots in the Business District (B) that contain only non-residential uses.
3. More than one principal use may occupy a single principal structure.
4. The DRB shall specify the maximum number of separate uses approved for a particular property.
5. A property with mixed uses may only contain land uses that are considered “permitted” or “conditional” per Section 2.2.
6. Mixed uses shall be arranged to be compatible, and to minimize visual and noise impact for the residents of the single development proposal and adjacent properties. To achieve this, the DRB shall require landscaping, screening, and/or setbacks as appropriate.

### Section 6.7 Renewable Energy

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- A. **Applicability.** The following section shall not apply to public utility power generating plants and transmission facilities that are regulated by the Vermont Public Utility Commission (under 30 V.S.A. §248), including net-metered wind generation facilities and solar panels.
- B. **Allowed Uses.** For purposes of these Regulations, “a 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. Except as otherwise allowed by 24 V.S.A. § 4413(g)(2), 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 the maximum district height requirements by more than 10 feet in all other districts. 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 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 DRB under Section 3.8 (Waivers); and shall not exceed a total height of 20 feet, as measured vertically from the average post-construction grade 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 their visibility has no undue adverse effect on adjoining properties.
  - e. A ground-mounted solar installation shall not cast glare onto adjoining properties or the public right-of-way.
  - 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.
- C. **Site Plan/Conditional Use Review.** All other renewable energy facilities regulated by the municipality including but not limited to facilities sized to generate power for more than one single dwelling, must receive site plan and conditional use review and approval from the DRB prior to the issuance of a Zoning Permit.

Site plan and conditional use review and approval by the DRB 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 Resources Conservation Service.
- Surface water, wetland and wetland buffers (Section 5.12 and Article 9).
- 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 DRB 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 5.12 and Article 9, unless waived by the DRB under Section 3.8 (Waivers). New hydro facilities, including micro-hydro generation, should maintain sufficient flow (run of river) so there are no 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 so there are no undue 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 farmland, 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 placement or encroachments on open farm fields and, to the extent feasible, to not be sited on primary agricultural soils.

- b. The facility must be accessed from an existing access serving the property, unless otherwise approved by the DRB 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 in the Comprehensive Plan or these Regulations.
- 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 or public rights-of-way.
  - 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 to the maximum extent feasible. 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 shall 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 to the maximum extent feasible.
- 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 5.9 (Signs) and be limited to required warning and safety signs.

## Section 6.8 Wireless Telecommunication Facility

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A. **Authority.** Pursuant to 24 V.S.A. §4414(12), the DRB 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 provision in this section is 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 Zoning Permit has been issued by the DRB.
- 2. However, in accordance with 24 V.S.A. § 4412(9), a Zoning Permit shall be issued without conditional use approval for a wireless telecommunication facility that, in the determination of the DRB, 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 DRB's determination regarding no impact or de minimis impact shall be in writing and shall be subject to appeal under 24 V.S.A. §4471.

### 3. Exemptions.

- a. No conditional use approval or Zoning Permit shall be required for a wireless telecommunication facility when 24 V.S.A. Section 4412(8) exempts wireless telecommunication facilities from municipal approval.



- b. No Zoning 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.
  - c. No Zoning Permit shall be required for a wireless telecommunication facility that has received a certificate of public good pursuant to 30 V.S.A. §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 fifteen square feet and if the antennae and the mast to which they are attached do not extend more than twelve 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 these Regulations, applicants shall include the supplemental information contained in Table 6.8.

<b>Table 6.8 Wireless Telecommunication Facilities Application Requirements</b>
Applicant's legal name, address, telephone number, and email address. 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 in Vermont
Name, title, address and telephone number of the person to whom correspondence concerning the application should be sent.
Name, address, telephone number, and email address 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, and identifying topography lines, slopes of 25% or greater, ridge tops, Special Flood Hazard Areas, primary agricultural and forestry soils, land under active forest management, public and private roads and driveways, towers, buildings and structures, utilities, wetlands, and other water bodies, historic sites, significant wildlife habitat, and scenic areas. 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"> <li>• Describes any tower's design elevation,</li> <li>• Documents the elevation above grade for all proposed mounting positions for antennas to be collocated on a tower and the minimum distances between antennas,</li> <li>• Describes a tower's capacity, including the number, elevation and types of antennas that the tower is proposed to accommodate.</li> <li>• 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.</li> <li>• Describes potential changes or additions to existing structures or towers that would enable them to provide adequate coverage.</li> <li>• 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.</li> <li>• Demonstrates the facility's compliance with the standards in these Regulations or other applicable standards.</li> <li>• 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).</li> <li>• Includes such other information as determined by the DRB to evaluate the application.</li> </ul>
<p>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.</p>
<p>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.</p>
<p>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.</p>

D. **Independent Consultants.** Upon submission of an application for conditional use approval for a wireless telecommunication facility, the DRB 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 DRB. The consultant(s) shall work at the DRB's direction and shall provide the DRB such reports and assistance, as the DRB deems necessary to review an application.

E. **Balloon Test.** The DRB 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 consult with the DRB on scheduling said test and inform it 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 or weather conditions are inadequate for observers to be able to clearly see the balloon test, further tests may be required by the DRB.

**F. Criteria for Approval and Conditions.** An application Conditional Use approval for a wireless telecommunication facility shall be approved after a hearing when the DRB finds all of the following criteria have been met in addition to the criteria for Conditional Use approval and all other applicable requirements in these Regulations.

1. The facility shall not be built on speculation. If the applicant is not a wireless telecommunication provider, the DRB 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 applicant demonstrates via a professional or consultant report that 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 110% 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 within 90 days of the facility being abandoned or ceasing to operate. The DRB may require the applicant to provide a bond or other form of financial surety acceptable to the DRB 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 DRB may condition a Conditional Use approval 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 DRB 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 on adjacent properties or significant public resources like parks, scenic byway corridors, historic districts, and scenic roads or views mapped by the Town in the Comprehensive Plan or these Regulations.
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 DRB 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 disruption of a view shed that provides context to scenic areas, as the areas are viewed from the public rights-of-way, from public vantage points, from adjoining properties, and particularly from historic sites and other scenic areas, including state or national designated scenic byways.
13. The facility will not destroy or significantly imperil significant wildlife habitat or that all reasonable means of preventing or minimizing the destruction or imperilment of such habitat 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 DRB, 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 DRB shall mean that the facility has been abandoned.
- H. **Removal of Abandoned or Unused Facilities.** Unless otherwise approved by the DRB, 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 DRB 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**

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

- A. The stand is used for the sale of agricultural products principally produced on the “farm,” as defined by 10 V.S.A. Section 6001(22), and products produced on the premises such as jams, pickled vegetables, baked goods and similar food products.
- B. The stand does not extend into or obstruct public rights-of-way or interfere with corner visibility or sight distances for vehicular traffic. Access to the stand shall be by a driveway with a driveway permit from the Town of Georgia or the State of Vermont or pre-existing driveways on roadways with a posted speed of 35 mph or over must have at least 300 feet of clear sight line.
- C. Parking spaces are provided off of the travelled portion of the roadway.
- D. Traffic to and from the stand shall have no undue adverse impact on roads and highways in the vicinity.
- E. Safety is the responsibility of the property owner.
- F. The property owner is responsible for obtaining all required state permits.

## **Section 6.10 Seasonal Conversion**

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

- A. The property conforms to all of the provisions of these Regulations applicable to single household dwellings and all applicable State regulations. Certificate of Occupancy requirements in Section 3.1 (Certificate of Occupancy) must be followed.
- B. The property has 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 zoning district.
- D. Two off-street parking spaces per dwelling unit are required on the lot, or with deeded parking easement on an adjacent lot.

### Section 6.11 Accessory on Farm Business

Farming and forestry activities are generally exempt from municipal zoning regulations as a matter of law. See Title 24 of the Vermont Statutes Annotated, Section 4413(d). These Regulations exempt farm and forestry activities from zoning. Farm structures may also be exempt from local zoning regulations; however, the farmer has the burden of demonstrating that the structure they are proposing to build will be used for farm purposes. The process to claim an exemption for a farm structure is delineated in Article 3, Section 3.1(J)(1), of these Regulations.

Many farms are now expanding their operations into business activities that fail to meet the legal definition of “farming” but are clearly related to the farm and farming. The legislature, recognizing the importance of these on-farm businesses to Vermont’s working landscape, created a compromise, requiring municipal bylaws to allow “accessory on-farm businesses”, but also allowing municipalities to regulate some activities of those businesses. See 24 Vermont Statutes Annotated, Section 4412(11) for a full text of the statute.

The Town of Georgia hereby allows qualifying “accessory on-farm-businesses” as permitted uses in all districts. Qualifying “accessory on-farm businesses” shall be subject to Site Plan Review pursuant to Article 3, Section 3.3, of these Regulations.

Applicants seeking to open an “accessory on-farm business” as defined in Article 10 – Definitions, shall file an application for Site Plan Review with the Zoning Administrator. The application shall contain the following information:

1. Information demonstrating that the proposed use meets the eligibility requirements for an “accessory on-farm business” listed below.
2. All information listed in the Site Plan Review Criteria contained in Section 3.3.

Upon acceptance of a complete application by the Zoning Administrator, the Zoning Administrator shall refer the application to the DRB for review. First, the DRB shall determine whether a proposed activity qualifies as an “accessory on-farm business” by complying with the following definitions and eligibility requirements:

1. Definitions, contained in Article 10 of these Regulations, that apply to “accessory on-farm businesses” include: “Accessory on-farm business”, “Farm”, “Farming”, “Qualifying Product”, and “RAP Rules”.
2. Eligibility. Qualifying “accessory on-farm businesses” shall comply with each of the following:
  - a. The business is operated by the farm owner, one or more persons residing on the farm parcel, or the lessee of a portion of the farm.
  - b. The farm meets the threshold criteria for the applicability of the RAP Rules as set forth in those rules.
  - c. An accessory on-farm business sells “qualifying products” which occur on the farm, outside or inside new or existing structures.

Once the DRB finds that the activity qualifies as an “accessory on-farm business”, the DRB shall review the application subject to its Site Plan Review process as set forth in Section 3.3 and the Performance Standards set forth in Section 5.7 of these Regulations.

The DRB’s review of the application only relates to the Town’s permitting process for the proposed accessory on-farm business; other permits, including but not limited to, a potable water and wastewater system permit under 10 V.S.A. Chapter 64, may be necessary from the State of Vermont.

## Section 6.12 Cannabis

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Unless otherwise indicated, the definitions for all cannabis establishments and related uses shall be as defined in 7 V.S.A. §§ 831 and 861

- A. Cultivation.** Cultivation licensees may grow cannabis plants, either indoors, outdoors, or in a mixed setting. This license type is tiered based on the size of the applicant’s proposed growing operation.
- 1. Outdoor Cultivation** - Only uses the light from the sun and not grown within a structure, with an exemption being fencing with approved zoning permit, if applicable. Outdoor cultivation applicants are required to specify if they will use plant count or square footage to calculate their tier at the time of application.

Table 6.12a Outdoor Cultivation	
Tier #	Brief Description
1	Up to 1,000 square feet of plant canopy or 125 plants
2	Up to 2,500 square feet of plant canopy or 312 plants
3	Up to 5,000 square feet of plant canopy or 625 plants
4	Up to 10,000 square feet of canopy or 1,250 plants
5	Up to 20,000 square feet of canopy or 2,500 plants
6	Up to 37,500 square feet of canopy or 4,687 plants



2. **Indoor Cultivation** - Indoor and/or light-supplemented allowing flowering plants to be harvested all year. Indoor cultivation applicants must apply using square footage of plant canopy to calculate their tier, as using plant counts are not permitted.

Table 6.12b Indoor Cultivation	
Tier #	Brief Description
1	Up to 1,000 square feet of plant canopy
2	Up to 2,500 square feet of plant canopy
3	Up to 5,000 square feet of plant canopy
4	Up to 10,000 square feet of canopy
5	Up to 20,000 square feet of canopy
6	Up to 37,500 square feet of canopy

3. **Mixed Cultivation** – Mixed cultivation is the combination of indoor and outdoor cultivation.

Table 6.12c Mixed Cultivation	
Tier #	Brief Description
1	Up to 1,000 square feet of indoor plant canopy& up to 125 outdoor plants
2	Up to 2,500 square feet of indoor plant canopy& up to 312 outdoor plants
3	Up to 1,000 square feet of indoor plant canopy& up to 625 outdoor plants
4	Up to 1,000 square feet of indoor plant canopy & up to 1,250 outdoor plants
5	Up to 1,000 square feet of indoor plant canopy & up to 2,500 outdoor plants

- B. **Cannabis Product Manufacturer.** Cannabis Product Manufacturer (or “Manufacturer” as used in this Section) licensees may produce cannabis products from cannabis plants, including edibles, oils, distillates, and other such products. This license type is tiered based on allowable extraction type and gross revenue per year.

Table 6.12d Manufacturer	
Tier #	Brief Description
1	\$10,000 cap on gross revenue per year. May manufacture products using water-based, food based (cooking fats, glycerin, propylene glycol, or alcohol), or heat/pressure-based extraction. Must be a home-occupancy business or in the AR-2 zoning district.
2	No cap on annual gross revenue. May manufacture products using the same extraction methods as a Tier 1 manufacturer
3	No cap on annual gross revenue. May manufacture products using the same extraction methods as a Tier 1 manufacturer, as well as solvent-based extraction (butane or hexane extraction is prohibited).

- C. **Cannabis Retailers.** If the Town votes to opt-in to allow retail cannabis sales, Cannabis Retailer (or “Retailer” as used in this section) licensees may sell cannabis and cannabis products to the general public. Only a licensed retail establishment, or an integrated licensee, may sell cannabis or cannabis products to the general public.

- D. Cannabis Wholesalers.** Cannabis Wholesaler (or “Wholesaler” as used in this section) licensees may purchase, process, transport and sell cannabis and cannabis products from other licensees to other licensees, however, Wholesalers are not permitted to sell cannabis or cannabis products to the public.
1. **Wholesale, Broker.** Operates in an office setting and does not store physical cannabis materials or inventory.
  2. **Wholesale, Warehouse.** Stores physical materials, products, or inventory for resale.
- E. Testing Laboratories.** Testing Laboratory licensees may test cannabis and cannabis products obtained from a licensed cannabis establishment, dispensary, or a member of the public.
- F. Integrated License.** Integrated licensees may engage in the activities of each of the license types listed above

## Article 7 Planning and Design Standards

The DRB 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 DRB 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

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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

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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

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- 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. Strip development along highways shall be avoided. Redevelopment of sites with existing strip development shall be designed to minimize the features of strip development.
- 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. Interconnecting adjoining properties by shared driveways, parking lots, or frontage roads is encouraged.

### Section 7.4 Exterior Storage of Materials or Equipment

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

### Section 7.5 Landscaping and Screening

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- 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. Invasive or nuisance plants as delineated by the Vermont Agency of Natural Resources shall be prohibited.
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 ensure 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 DRB.

3. In determining the amount and type of plantings to be required, the DRB 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 landform and overall landscaping plan for the development;
  - d. Other factors which, in the DRB'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 surety to guarantee the performance and completion of all planting required pursuant to this section, which surety will also guarantee plantings for a period of two years from the date of installation.

**B. Street Trees.**

1. Street trees or shrubs will be required along roads in the AR-2, AR-3, and B districts and along Route 7 in all districts unless waived by the DRB due to topographical or physical limitations.
2. **Subdivisions.** The DRB 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 deciduous street 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 not more than ten (10) feet from the edge of the road right-of-way.

**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 ten (10) 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 DRB 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.

## Section 7.6 Outdoor Lighting

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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 DRB may prohibit fixtures that cause excessive glare within the property or on adjoining properties. Outdoor lighting may be required by the DRB to illuminate areas such as streets, sidewalks, and parking areas.

## Section 7.7 Vehicular Circulation

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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 DRB 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 DRB 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 of C (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

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- A. **Applicability.** All applications for land development that require conditional use review, site plan review (including applications approved administratively), Planned Unit Development review, variance review, and/or subdivision review shall be required to comply with the following standards for pedestrian accessibility and sidewalk access.
- B. **Public Sidewalks.** The following standards shall apply to all sidewalks that are intended to serve the general public in Georgia:
  - 1. **Location.** Sidewalks shall be required in the following locations:
    - a. On both sides of all public roads in the South Village Core District.
    - b. On one side of all private roads in the South Village Core District.
    - c. On both sides of all public roads in the AR-3 Zoning Districts (with the exception of Sodom Road).
    - d. On one side of all private roads in the AR-3 Zoning District.
    - e. As required by the DRB within the PUD or subdivision in any zoning district. The DRB may require a sidewalk or sidewalk easement on at least one side of each road approved as a part of a PUD.
  - 2. **Connection.** All sidewalks shall form a link to any existing sidewalks on adjoining properties. This standard shall not apply to the existing People's Trust property (SPAN# 237-076-11372) in the South Village Core District due to the existing sidewalk on the property being located far outside of the State right-of-way.

3. **Location Within Right-of-Way.**

- a. **Town and Private Roads.** All sidewalks along town roads and private roads shall generally be built at the outer edge of the road right of way (within the right-of-way). The DRB shall also consider topographical constraints, existing structure locations, and existing easements (utility, access, etc.) when determining the location of the sidewalk.
- b. **State Roads:** The sidewalk should be built within the State right-of-way. However, if this is not possible due to State restrictions, sidewalks shall be built on private property located adjacent to the State right-of-way. If a sidewalk is located on private property, the property owner shall provide the Town of Georgia an easement over the land on which the sidewalk is located. The DRB shall also consider topographical constraints, existing structure locations, and existing easements (utility, access, etc.) when determining the location of the sidewalk and easement.

4. **Design Standards and Maintenance.** All sidewalks and pedestrian infrastructure shall be designed, constructed, and maintained according to the Town of Georgia, VT Sidewalk Ordinance and the following standards:

- a. **Materials.** Sidewalks shall be concrete and shall meet all applicable requirements of the Americans with Disabilities (ADA) standards. Base material, surface crowning, surface drainage, embankments, ditching, culverts, and erosion control shall conform to the Vermont Agency of Transportation's A-76 standard.
- b. **Width.** Sidewalks shall be at least 5 feet wide. However, on private roads located outside the South Village Core District, sidewalks shall only be required to be 4 feet wide.
- c. **Buffer or Curbing.** Sidewalks shall be separated from adjacent roads or parking areas by a landscaped buffer, curbing, change in elevation, change in surface material and/or crosswalk or surface markings.
- d. **Driveway Crossing.** Existing sidewalks, and sidewalks that will be installed as part of the proposed development, must meet the following standards:
  - i. The sidewalk shall continue across driveways and shall be constructed to a minimum depth of 8 inches across the driveway; OR
  - ii. The sidewalks shall be marked with proper crosswalk markings.
  - iii. If the installation of a driveway requires disrupting or damaging an existing sidewalk, the applicant shall be responsible for restoring or replacing the sidewalk in conformance with this standard.

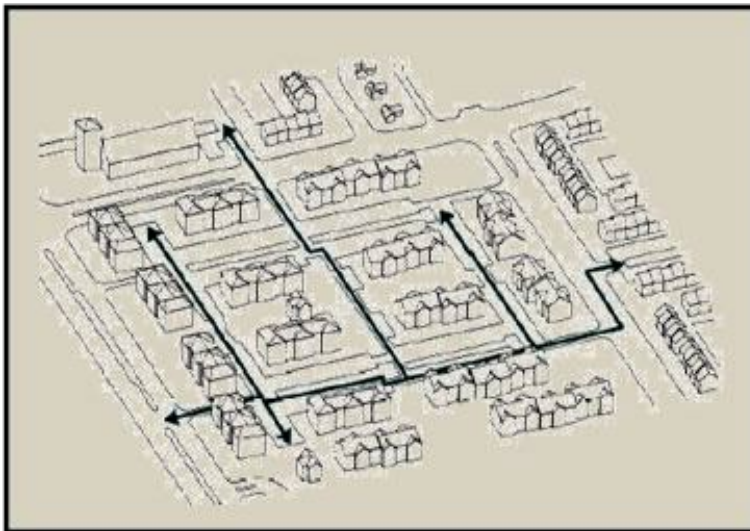
C. **Private Sidewalks and Pedestrian Circulation on Site.** The following standards shall apply to all sidewalks and pedestrian facilities located on private property and intended to serve a specific structure or property:

- 1. **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 DRB shall require a sidewalk to the entrance of the building from any existing public sidewalk to facilitate pedestrian access to the building.



2. **Pedestrian Access in Subdivisions and PUDs.**

- a. **Pedestrian Accesses.** The DRB 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.
- b. **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.
  - i. 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.



**Figure 7.8 Pedestrian Circulation**

*This image is an example of a project that contributes to a logical street and pedestrian network*

## Section 7.9 Parking, Traffic Access, and Circulation

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- 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 or 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 minimize stormwater runoff off-site. 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 DRB.
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 may be required.
2. In the B District, access control techniques are required. Sharing of driveways with adjoining properties may be required.

Section 7.10 Street Signs

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- A. 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 the E-911 Street Address Ordinance.

Section 7.11 Public and Private Road Standards

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- A. **Applicability of Road Standards.** The following standards shall apply to all public roads and to private roads. Acceptance of private roads by the Town is subject to the approval of the Georgia Selectboard. Construction of roads to these standards in no way ensures such acceptance.
- B. **Road Design and Construction Standards.** All roads in the Town of Georgia shall be designed and constructed to comply with the following standards:
1. **Public Roads.** All public roads shall be designed and constructed in accordance with the Town of Georgia Policy for Roads to Be Conveyed to And Maintained by The Town as Town Highways and To Upgrade Class IV Town Roads (as most recently amended). This policy includes specifications for right-of-way width, road construction specifications, and specifications for stormwater management (drainage and culverts).

2. **Private Roads.** Private roads shall be constructed to conform to the dimensional and geometric design standards for local roads and streets contained within the Vermont Agency of Transportation's Standard A-76, the Vermont Agency of Transportation's Better Back Roads Manual, the Vermont Agency of Transportation Complete Streets Guidance Document, as most recently amended, and the standards below. If there is conflict between these standards, the stricter standard shall apply:

- a. All accesses servicing three (3) or more single-family dwellings shall be considered "private roads" and shall be constructed using the current Vermont Agency of Transportation's Standard A-76.
- b. All private roads shall be designed by a licensed engineer.
- c. Private roads shall be approved by the DRB. The DRB may require private roads to be paved with a minimum of two inches (2") of asphalt pavement. Additional paving requirements may be required by the DRB.
- d. Prior to the issuance of a Certificate of Occupancy for any structure constructed on the private road, a letter by a licensed engineer shall be submitted to the Zoning Administrator certifying that the road was constructed to the required A-76 standards and meets the plans as approved by the DRB.
- e. All private road construction shall meet current "Vermont Low Risk Site Handbook" requirements.
- f. All private roads must be constructed within a 60' wide right-of-way easement.
- g. All cul-de-sacs shall be located within a right-of-way.
- h. Following approval by the Georgia Fire Chief, applicants may request a waiver by the DRB to construct a hammer-head type turn-around in lieu of the required cul-de-sac. Said waiver shall be submitted in writing to the Zoning Administrator. A letter by the Fire Chief approving the request shall be attached to the waiver request.
- i. No road or driveway construction shall take place within the town right-of-way without required DRB, Selectboard and/or Georgia Road Foreman approvals.
- j. Private road maintenance agreements shall meet the current Georgia Development Regulations.

- C. **Connectivity and Coordination.** All public and private roads and/or rights-of-way shall be designed to comply with the following standards:

- 1. **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.
- 2. Proposed streets and rights-of-way shall be extended to the boundary lines of the tract to be subdivided and/or developed, unless prevented by topography or other physical conditions or unless, in the opinion of the DRB, 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.

3. **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.
- D. **Access Permits.** In accordance with statute and Section 5.2, all road accesses shall be subject to the approval of the Vermont Agency of Transportation in the case of state highways and the Georgia Road Foreman in the case of Town roads.
- E. **Access Management.** In addition to access requirements under Section 5.2, to better manage traffic flow and safety, avoid congestion and frequent turning movements, preserve the carrying capacity of roads and to avoid strip development, the following access management standards shall apply:
  1. Jog intersections of public and/or private roads with centerline offsets of less than two hundred (200) feet shall not be allowed. All street intersections shall be as near to right angles as possible.
- F. **Upgrade of Existing Roads.**
  1. All new roads petitioned to be taken over by the Town of Georgia must meet the *Town of Georgia Policy for Roads to Be Conveyed to And Maintained by The Town as Town Highways and To Upgrade Class IV Town Roads* (as most recently amended) prior to being taken over. It is the responsibility of the developer to upgrade the private road to public road standards. Furthermore, the road proposed to be conveyed to the Town shall be maintained by the developer or a homeowner's association until the road is accepted by the Town of Georgia.
  2. The DRB, in coordination with 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.
  3. **Modifications of Road Standards.** In the case of unusual topographical or physical conditions or other circumstances which would make the strict adherence to these standards a substantial hardship, the DRB may modify the strict application of one or more of these standards provided the applicant can demonstrate that the proposed road is accessible by emergency response vehicles, does not pose any threat to the safety of motorists or pedestrians, will not result in unreasonable maintenance requirements for landowners, and is designed in a manner that is consistent with other applicable standards or these Regulations

## Section 7.12 Site Preservation and Erosion Control

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- 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

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- 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 DRB 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 DRB shall not approve the subdivision until provision has been made for the improvement of said facility. 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 DRB 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 DRB will require the applicant to maintain post-development peak storm flows at predevelopment levels for development creating  $\frac{1}{2}$  acre or more of impervious surface. For smaller projects, the DRB may require use of State Stormwater BMPs.

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 DRB.
4. Off-site easements and/or management facilities may also be required by the DRB as needed to accommodate stormwater runoff on adjoining properties or downstream from the proposed development.

#### Section 7.14 Utilities

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- A. **Utility Easements.** Easements of sufficient width shall be provided to serve both a proposed project and existing and anticipated development outside the project's boundaries.

## Article 8 Administration and Enforcement

### Section 8.1 Zoning Administrator, Development Review Board and Planning Commission

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#### A. Zoning Administrator (ZA)

1. These Regulations shall be administered and enforced by a Zoning Administrator ("ZA"), nominated for a three (3) year term by the Planning Commission and appointed by the Selectboard. The Zoning Administrator may be removed from office for cause by the Selectboard after consultation with the Planning Commission. The Zoning Administrator shall be compensated in an amount established by the Selectboard.
2. The Zoning Administrator shall administer these Regulations literally, and strictly, according to the plain meaning of its terms, and shall have no authority to permit land development that is not in conformance with these Regulations. In addition, the Zoning Administrator shall administer these Regulations uniformly. The Zoning Administrator shall make reasonable inspections as he or she deem necessary to determine compliance and shall maintain a full and accurate record, available to the public, of all applications and fees received; permits issued, denied and appealed; inspections made; and reported violations.
3. In the absence or disability of a Zoning Administrator, or in case of a conflict of interest, an acting Zoning Administrator shall be nominated by the Planning Commission and appointed by the Selectboard. The acting Zoning Administrator is empowered in the same manner as provided in (1) and (2) of this Section.

#### B. Development Review Board (DRB)

1. The DRB shall consist of not less than five (5) nor more than nine (9) members, the numbers and terms of appointment to be determined by the Selectboard. Members of the DRB shall be appointed by the Selectboard. The DRB may consist of members of the Planning Commission. Vacancies also shall be filled by appointment of the Selectboard for unexpired terms and upon expiration of terms. Any member of the DRB may be removed for cause by the Selectboard upon notice of written charges and after a public hearing.
2. The DRB shall have the following duties:
  - a. To hear and decide upon applications for appeals of decisions by the Zoning Administrator.
  - b. To hear and decide upon applications for requests for variances and waivers.
  - c. To hear and decide upon applications for conditional use review.
  - d. To review and decide upon applications for site plan review.
  - e. To review and decide upon applications for access by right-of-way for lots without frontage.
  - f. To review and decide upon applications for subdivision review.
  - g. Any other reviews as required in these Regulations.

3. The Board shall adopt Rules of Procedure and an Ethics Policy regarding conflicts of interest to guide its official conduct in accordance with the requirements of the Act (§ 4461) and Vermont's Open Meeting Law (1 V.S.A. §§ 310-314).

**C. Planning Commission**

1. The Planning Commission shall consist of not less than five (5) nor more than seven (7) elected members in accordance with the Act (Sections 4321-4323). The Planning Commission shall:
  - a. Prepare amendments to these Regulations and other regulations as permitted by the Act.
  - b. Prepare and update the Town Plan every eight (8) years and prepare amendments to the Plan as necessary.
  - c. Have party status to respond to projects reviewed under "Act 250," "Section 248" and "Section 248a."

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

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- A. Upon submission of an application for a Zoning Permit or DRB 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**

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- A. Where more than one approval is required from the DRB, project review, to the extent feasible, shall be conducted concurrently pursuant to 24 V.S.A. Section 4462.
- B. 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 Development Review Board Approvals**

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### **A. Public Hearings**

1. The following land development applications require public hearings before the DRB. Specific duties are indicated in Section 8.1(B) (Development Review Board) 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 shall be noticed, pursuant to 24 V.S.A. 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 the Georgia Municipal Building; posting in view from the public right-of-way most nearly adjacent to the property for which the application is made; 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.
  - d. Mailing notice (regular US mail) to all property owners on a shared private right-of-way whether or not they abut the subject parcel.
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. Applicants are responsible, after being provided the actual notice form by staff, for posting the notice in view from the public right-of-way most adjacent to the property for which the application is made, as required above. Where applicants fail to do so in a timely manner, the DRB reserves the right to cancel and reschedule public hearings.
5. Remaining provisions of 24 V.S.A. Section 4464, regarding public notice for hearings shall apply.

## Section 8.5 Decisions

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- A. Any action or decision of the DRB shall be taken by the concurrence of a majority of the members of that Board. In accordance with 24 V.S.A. Section 4464(b), the DRB 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 46<sup>th</sup> day. Copies of any DRB decision shall be sent, within the forty-five (45) day period, to:
1. The appellant (by certified mail).
  2. Every person or party who appeared and was heard at the hearing.
  3. The Zoning Administrator; and
  4. The Town Clerk for filing as part of the public records of the Town.
- B. **Bonding or Other Surety.** The DRB may require a performance bond or other form of surety to ensure the completion and maintenance of required improvements related to an approved project. This may include adequate stabilization and/or protection of public facilities that may be affected by a project. The amount and form of such surety shall be subject to the approval of the Selectboard based upon the subdivider's estimate, bids or other information deemed necessary by the DRB and/or Selectboard. In no case shall the surety exceed 150% of the projected improvement and maintenance costs. The surety shall be released only when the conditions have been satisfied in the judgment of the Selectboard.

## Section 8.6 Reconsideration

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- A. At the request of the applicant or interested parties, or on its own motion, the DRB may reopen a public hearing for reconsideration of findings, conclusions, or conditions of the decision. A request by the applicant or interested parties must be submitted to the ZA Office within the 30-day appeal period in accordance with Section 8.7(B).
- B. To reopen a hearing on its own motion, the DRB must approve such a motion within the 30-day appeal period.
1. In order to reopen a public hearing, the DRB must find that new evidence can be presented that could not have previously been presented which indicates a substantial change of conditions or circumstances, or that the prior decision was induced by fraud, surprise, error or oversight, or that an unintended negative consequence will result.
  2. The reopened hearing will be warned in accordance with Section 8.4(A).
  3. The submission of a request for reconsideration will terminate the running of the 30-day appeal period. A new 30-day appeal period will start after the DRB either 1) decides to not reopen the hearing, or 2) votes to reopen and issues a reconsidered decision on the application.

## Section 8.7 Appeals

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- A. **Interested Person Status Required.** Only interested persons, as defined in Article 10 of these Regulations, may appeal decisions of the ZA or DRB. 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 DRB, or Town Clerk if no Secretary has been elected, pursuant to 24 V.S.A. 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 24 V.S.A. 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 DRB shall be conducted pursuant to 24 V.S.A. Section 4468.
  3. **Rejection of Appeals.** The DRB may reject appeals and requests for reconsideration without hearing if the conditions of 24 V.S.A. Section 4470(a) are met. Rejected appeals or rejected requests for reconsideration may be appealed to the Environmental Division of Vermont Superior Court pursuant to 24 V.S.A. Section 4471.
- C. **Appeals – DRB Decisions.** Interested persons who have participated in the application process may appeal written decisions of the DRB to the Environmental Division of Vermont Superior Court. Such appeals shall be filed pursuant to 24 V.S.A. Section 4471 and shall be made within 30 days of the DRB'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 five (5) working days.

## Section 8.8 Violations and Enforcement

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- A. Pursuant to 24 V.S.A. Section 4470(b), the Town shall enforce all provisions of the 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 \$200 per day for each offense unless a higher fine is permitted under 24 V.S.A. 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.

## Section 8.9 Technical Review and Financial Surety

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- A. **Technical Review.** The DRB may require the applicant to pay for reasonable costs of an independent technical and/or legal review of any application as provided for in 24 V.S.A. Section 4461(c).
- B. **Financial Surety.** Pursuant to 24 V.S.A. Section 4464, the DRB may condition the approval of an application requiring development review upon the submission of a bond, escrow account, or other surety in a form acceptable to the legislative body of the municipality to assure one or more of the following: the completion of the project, adequate stabilization, or protection of existing or future public facilities that may be affected by a project.

## Article 9 Flood Hazard Area & River Corridor Buffer Regulations

### Section 9.1 Statutory Authorization and Effect

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

### Section 9.2 Purpose

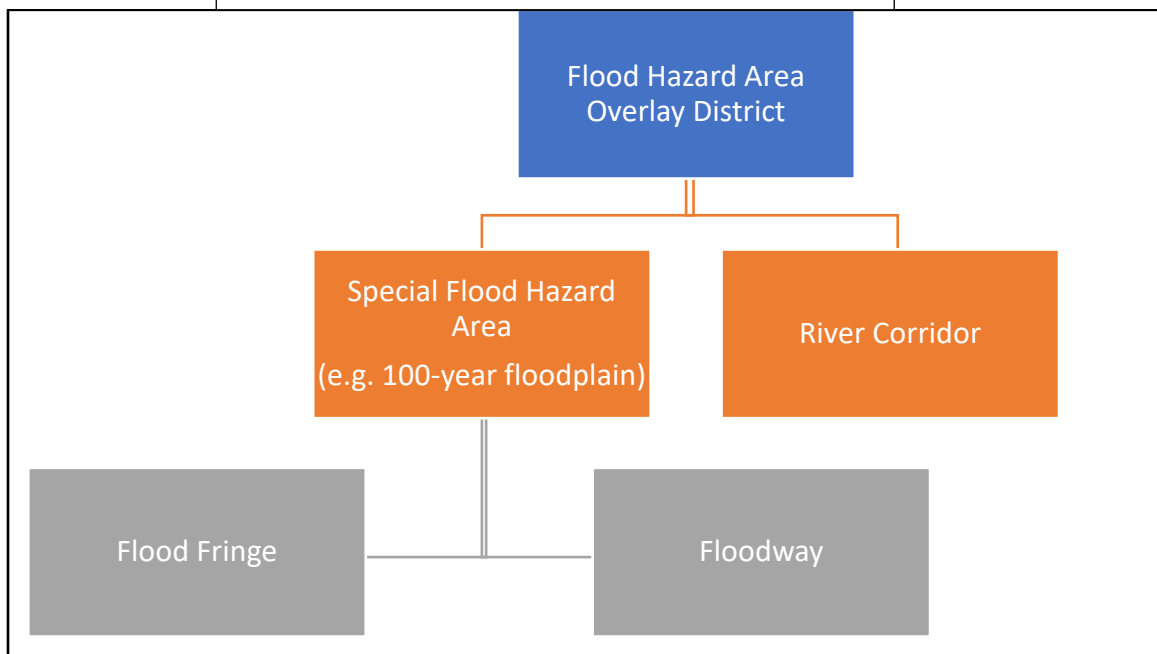
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- A. **Purpose.** It is the purpose of this article to:
1. Minimize and prevent the loss of life and property, the disruption of commerce, the impairment of the tax base, and the extraordinary public expenditures and demands on public services that result from flooding-related inundation and erosion hazards.
  2. Ensure that the selection, design, creation, and use of development in the Flood Hazard Area Overlay District (Special Flood Hazard Area and River Corridors) is reasonably safe, accomplished in a manner that minimizes or eliminates the potential for loss and damage to life and property due to flooding-related inundation and erosion hazards, and does not impair stream equilibrium, floodplain services, or the river corridor.
  3. Manage all flood hazard areas designated pursuant to 10 V.S.A. §§ 751 and 753.
  4. 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.
  5. Make the Town of Georgia, its citizens, and businesses eligible for federal flood insurance, federal disaster recovery funds, and hazard mitigation funds, as may be available.

### Section 9.3 Administration

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- A. The standards in this article shall apply to all development in the Town of Georgia located within the Flood Hazard Area Overlay District. The Flood Hazard Area Overlay District overlays other existing zoning districts and the regulations herein are the minimum standards that must be met before meeting the additional standards applicable in the underlying zoning district. The Flood Hazard Area Overlay District is composed of two areas:
1. **River Corridor.** The River Corridors in Georgia are composed of the following geographic areas:
    - a. All River Corridors as delineated by the Vermont Agency of Natural Resources (including the Statewide River Corridors and refinements to that data based on field-based assessments which are hereby adopted by reference); and

- b. A fifty (50) foot setback from the top of stream bank, or slope, from all rivers and streams in Georgia with a drainage area between 0.25 square miles and 2 square miles in size as included in the Vermont Hydrography Dataset (VHD).<sup>17</sup> If the fifty (50) foot setback area is greater in size than the mapped River Corridor area, the fifty (50) foot setback area shall take precedence. Data regarding the size of drainage areas for all rivers and streams in Georgia is available from the Vermont Agency of Natural Resources and available from the Georgia Zoning Administrator; and
    - c. A two hundred (200) foot setback from the top of stream bank, or slope, along the entire length of Deer Brook or the designated river corridor, whichever is greater, except for the section from VT-104A and running northerly 764 feet where the setback is 100 feet on the west side of Deer Brook.<sup>1819</sup>
2. **Special Flood Hazard Area.** The Special Flood Hazard Area identified in and on the most current flood insurance studies and maps published by the Department of Homeland Security (DHS), Federal Emergency Management (FEMA), and National Flood Insurance Program (NFIP), as provided by the Secretary of the Agency of Natural Resources pursuant to 10 V.S.A. § 753, which are hereby incorporated by reference and declared to be part of these Regulations.

**Figure 9.1 – Flood Hazard Area Overlay District**



<sup>17</sup> Measuring a setback from the top of stream bank or slope is highly variable and is based on physical conditions of a particular site. Therefore, this area is not shown on the Georgia Zoning Map and must be physically measured by the applicant in the field.

<sup>18</sup> Please note that this area is a part of the locally adopted River Corridor. This area is not a part of the Agency of Natural Resources-defined River Corridor used in State regulatory proceedings.

<sup>19</sup> Measuring a setback from the top of stream bank or slope is highly variable and is based on physical conditions of a particular site. Therefore, this area is not shown on the Georgia Zoning Map and must be physically measured by the applicant in the field.

B. **Interpretation.** The information presented on any maps, or contained in any studies, adopted by reference, is presumed accurate. However, if uncertainty exists regarding the River Corridor or Special Flood Hazard Area boundary the following procedure shall be followed:

1. **River Corridor.** If uncertainty exists with respect to the boundaries of the River Corridor, the location of the boundary shall be determined by the Zoning Administrator. If the applicant disagrees with the determination made by the Zoning Administrator, a letter of determination from the Vermont Agency of Natural Resources shall constitute proof of location. When the Agency of Natural Resources receives a request for a letter of determination, the Agency of Natural Resources evaluates the site and existing data to see if a change to the river corridor delineation is justified, necessitating a river corridor map update. An Agency of Natural Resources letter of determination will either confirm the existing river corridor delineation or will result in an update to the river corridor delineation for the area in question. If a map update is justified, an updated map will be provided with the letter of determination.<sup>20</sup>
2. **Special Flood Hazard Area.** If uncertainty exists with respect to the boundaries of the Special Flood Hazard Area or the Floodway, the location of the boundary shall be determined by the Zoning Administrator. If the applicant disagrees with the determination made by the Zoning Administrator, a Letter of Map Amendment from FEMA shall be required and shall constitute proof that the property is not located within the Special Flood Hazard Area.

C. **Special Flood Hazard Areas - Base Flood Elevations and Floodway Limits.**

1. Where available (i.e., zones A1-A30, AE, & AH), the base flood elevations and Floodway limits (or data from which a community can designate regulatory Floodway limits) provided by the National Flood Insurance Program in the Flood Insurance Study and accompanying maps shall be used to administer the provisions of these Regulations.
2. In Special Flood Hazard Areas where base flood elevations and Floodway limits have not been provided by the National Flood Insurance Program (i.e., Zone A) in the Flood Insurance Study and accompanying maps, it shall be the responsibility of the applicant to develop the base flood elevation at the site using data available from state or federal agencies or other sources.

D. **Precedence.** The provisions of this article shall not in any way impair or remove the necessity of compliance with any other local, state, or federal laws or regulations. Where this article imposes a greater restriction the provisions here shall take precedence.

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<sup>20</sup> River Corridor map updates are further explained in the Flood Hazard Area & River Corridor Protection Procedure: [http://dec.vermont.gov/sites/dec/files/documents/DEC\\_FHARCP\\_Procedure.pdf](http://dec.vermont.gov/sites/dec/files/documents/DEC_FHARCP_Procedure.pdf)

- E. **Warning of Disclaimer of Liability.** This article does not imply that land outside of the areas covered by this article will be free from flood or erosion damages. This article shall not create liability on the part of the Town of Georgia, or any municipal official or employee thereof, for any flood or erosion damages that result from reliance on these Regulations, or any administrative decision lawfully made hereunder.
- F. **Exempted Development.** The following types of development are exempt from review under the standards of this Article within the Flood Hazard Area Overlay District subject to a determination by the Zoning Administrator:
1. The removal of a building or other improvement in whole or in part, so long as the ground elevations under and adjacent to the removed structure remain unchanged. Please be aware that for damaged structures where FEMA mitigation funds may be used, the damaged structure may be required to remain in place until funds are granted.
  2. Routine maintenance of existing buildings in the usual course of business required or undertaken to conserve the original condition, while compensating for normal wear and tear. Routine maintenance includes actions necessary for retaining or restoring a piece of equipment, machine, or system to the specified operable condition to achieve its maximum useful life and does not include expansions or improvements to development. This exemption does not include any maintenance that requires intrusion into a vegetated buffer, watercourse, or wetland subject to regulation under Section 5.12.
  3. Interior improvements to existing buildings that cost less than five hundred (500) dollars.
  4. Maintenance of existing sidewalks, roads, parking areas, or stormwater drainage; this does not include expansions and improvements.
  5. Maintenance of existing bridges, culverts, and channel stabilization activities; this does not include expansions and improvements.
  6. The following activities are exempt from municipal regulation, but may require a permit under the State's "Vermont Flood Hazard Area and River Corridor Rule" (Environmental Protection Rule, Chapter 29):
    - a. State-owned and operated institutions and facilities.
    - b. Forestry operations and silvicultural (forestry) activities conducted in accordance with the Vermont Department of Forests and Parks Acceptable Management Practices for Maintaining Water Quality on Logging Jobs in Vermont or other accepted silvicultural practices, as defined by the Commissioner of Forests, Parks and Recreation.
    - c. Agricultural activities conducted in accordance with the Vermont Agency of Agriculture Food and Market's Required Agricultural Practices (RAPs).
    - d. Public utility power generating plants and transmission facilities regulated under 30 V.S.A. § 248.
    - e. Telecommunications facilities regulated under 30 V.S.A. § 248a.



7. Planting projects which do not include any construction or grading activities in accordance with 24 V.S.A. § 4424(c). This includes removal of individual trees which are clearly in danger of falling and causing damage to persons or property (but does not include stumping). This exemption also includes the physical but not chemical removal of invasive, non-native species.

#### **Section 9.4 Application Requirements in Flood Hazard Area Overlay District**

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**A. Application Submission Requirements** All applications for development in the Flood Hazard Area Overlay District shall include:

1. **Site Plan.** A site plan that depicts the proposed development, all water bodies, all boundaries (Flood Hazard Area Overlay District boundaries – both River Corridor and Special Flood Hazard Area), the shortest horizontal distance from the proposed development to the top of bank of any river, any existing and proposed drainage, any proposed fill, pre- and post-development grades, and the elevation of the proposed lowest floor as referenced to the same vertical datum as the elevation on the current Flood Insurance Rate Maps. The site plan shall also meet all site plan application requirements in Article 3.
2. **Project Review Sheet.** A completed Vermont Agency of Natural Resources Project Review Sheet.

**B. Supplemental Application Requirements.** Some applications may require additional information based on the location and type of the development. The following information shall be developed and provided with an application, as required below:

1. **Base Flood Elevation (BFE).** Applications for the following types of development located within the Special Flood Hazard Area shall include information about the BFE on-site:
  - a. Replacement, substantially improved, or substantially damaged structures located within any Flood Hazard Overlay District, including Zone A, where no BFEs have been provided.
  - b. Projects requiring elevation or dry-floodproofing above BFE.
  - c. Additions to existing historic structures; and
  - d. Any accessory structure proposed to be built in accordance with Section 9.6 and having building utility systems that will need to be protected from flood waters through elevation above the BFE.
2. **Floodway Data.** The following information is required for development proposed to be located in the Floodway (see definition of “Floodway” – Section 9.11). All Floodway data shall be certified by a registered professional engineer. All submitted proposals shall include electronic input/output files mapping showing cross-section locations and the following information:
  - a. Hydraulic calculations demonstrating no rise in BFE or velocity for proposed new or expanded encroachments within the Floodway.

- b. In accordance with 44 C.F.R. § 60.3(c)(10), where BFE data has been provided by FEMA, but no Floodway areas have been designated, the applicant shall provide a Floodway delineation that demonstrates that the proposed development, when combined with all existing and anticipated future development, will not increase the water surface elevation of the base flood by more than one foot at any point within the community.
- 3. **Compensatory Flood Storage.** The following information is required for applications that require and/or include compensatory flood storage pursuant to Section 9.6:
  - a. Designs shall provide equivalent storage volumes during peak flows up to and including the base flood discharge. This No Adverse Impact (NAI) volumetric analysis and supporting data shall be certified by a registered professional engineer.
  - b. If the Development Review Board makes a determination that the design may create an undue adverse impact to adjacent properties or structures, a hydraulic analysis may be required to verify that a proposed development will not increase flood elevations or velocities of floodwaters. Hydraulic analyses and supporting data shall be provided by the applicant and certified by a registered professional engineer.
- 4. **River Corridor Assessment.** The following information is required for applications proposing development within the River Corridor:
  - a. Evidence of an approved major or minor map update issued by ANR in accordance with the process outlined in the DEC Flood Hazard Area & River Corridor Protection Procedure, finding the proposed development is not located within the River Corridor. Please note that ANR may require the applicant to provide technical data from a qualified consultant to justify a map update.
  - b. 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 Development Review Board may require an erosion control plan and downstream water quality monitoring to ensure that water quality is not unduly impaired.
- 5. **Waivers.** Upon written request from the applicant, the Development Review Board may waive specific application requirements when the data or information is not needed to comply with these Regulations.

## **Section 9.5 Development Review Process in Flood Hazard Area Overlay District**

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### **A. Referral.**

- 1. Upon receipt of a complete application for development, the Zoning Administrator shall submit a copy of the application and supporting information to the State National Flood Insurance Program (NFIP) Coordinator at the Vermont Agency of Natural Resources, in accordance with 24 V.S.A. § 4424. A zoning permit may be issued only following receipt of comments from the Agency, or the expiration of 30 days from the date the application was

mailed to the Agency, whichever is sooner. The Zoning Administrator and Development Review Board shall consider all comments from ANR. Any application requiring conditional use, site plan, subdivision, planned unit development, or variance review shall be referred to the DRB in accordance with 24 V.S.A. § 4460.

2. If the applicant is seeking a permit for the alteration or relocation of a watercourse, copies of the application shall also be submitted to the adjacent communities, the River Management Engineer at the Vermont Agency of Natural Resources, and the Army Corps of Engineers. Copies of such notice shall be provided to the State National Flood Insurance Program (NFIP) Coordinator at the Vermont Agency of Natural Resources, Department of Environmental Conservation.

**B. Review Process.**

1. **Administrative Review.** The following types of development within the Flood Hazard Area Overlay District may be reviewed and approved administratively by the Zoning Administrator:
  - a. Changes from a permitted land use to another permitted land use provided that any other changes to the site may also be administratively reviewed.
  - b. Above grade development which has not been elevated by the placement of fill, that is one foot above base flood elevation and documented with field-surveyed topographic information certified by a registered professional engineer or licensed land surveyor.
  - c. Open fencing and signs elevated on poles or posts that create minimal resistance to the movement of floodwater (does not include chain link fencing).
  - d. Municipal transportation infrastructure improvements designed and constructed by the Vermont Agency of Transportation that have written confirmation from the ANR Regional Floodplain Manager that the project is designed to meet or exceed the applicable standards in this bylaw.
  - e. River and floodplain restoration projects, including dam removal, that restore natural and beneficial floodplain functions and include written confirmation from the ANR Regional Floodplain Manager that the project is designed to meet or exceed the applicable standards in this bylaw.
  - f. Improvements or repairs of damage to structures that do not expand the existing footprint and do not meet the definition of “substantial improvement” or “substantial damage.”
  - g. Accessory structures less than 500 square feet in size (located outside of the Floodway).
  - h. Building utilities that have been granted conditional use and have obtained necessary state permits.

2. **Development Review.** All other development in the Flood Hazard Overlay District shall require site plan review (Section 3.3) by the Development Review Board.

**C. Public Notice and Hearings.**

1. Prior to the issuance of a zoning permit, proposals requiring DRB approval shall meet the public hearing requirements in Section 8.4 and Section 8.5.

**D. Decisions.**

1. The Zoning Administrator and Development Review Board shall consider comments from the ANR when making a decision on an application.
2. Decisions on applications that require Development Review Board review shall be made in accordance with Section 8.5.

**E. Zoning Permit.** A zoning permit for development in the Flood Hazard Overlay District shall be issued by the Zoning Administrator only in accordance with the requirements of Article 2, Section 3.1, and the following provisions:

1. Within 30 days of receipt of an application, including all application materials and fees, the Zoning Administrator shall act to either issue or deny a permit in writing, or to refer the application to the Development Review Board, and shall also refer the application to ANR for consideration as required by Section 9.5(A). An application shall not be considered "complete," as referenced in 24 V.S.A. § 4448, until comments from ANR have been received or the expiration of 30 days from the date the application was mailed to ANR, whichever is sooner.
2. If the Zoning Administrator fails to act regarding a complete application for a zoning permit within the 30-day period, a zoning permit shall be deemed issued on the 31st day.
3. No zoning permit shall be issued by the Zoning Administrator for any development which requires the approval of the Development Review Board until such approval has been obtained. For permit applications that must be referred to a state agency for review, no permit shall be issued until a response has been received from the State, or the expiration of 30 days following the submission of the application to the State, whichever is sooner.

## Section 9.6 Development Standards in Flood Hazard Area Overlay District

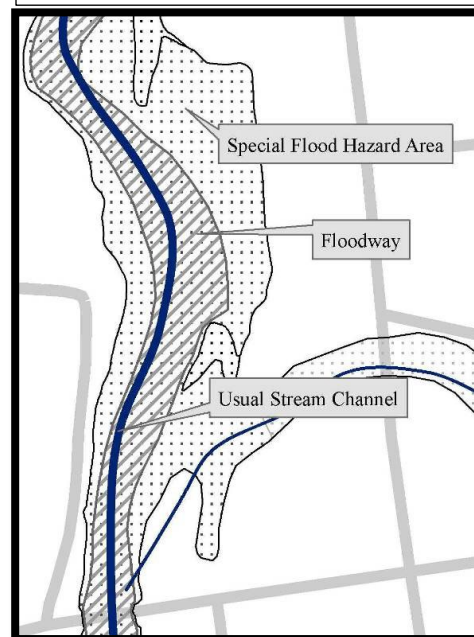
A. **Development Standards in Special Flood Hazard Area (SFHA).** The criteria below are the minimum standards for development in the Special Flood Hazard Area. If the Floodway or flood fringe (see Section 9.11 – Definitions) is not specified, the standard shall apply to the entire Special Flood Hazard Area. Where more than one district is involved, the most restrictive standard shall take precedence.

1. **Development in the Floodway.** Within the Floodway, the following standards apply:

- a. New encroachments, including structures, are prohibited within the Floodway, except for the following, which also shall comply with subsection (b) below:
  - i. Changes to existing structures where the footprint is proposed to expand horizontally into the Floodway less than 500 square feet.
  - ii. New encroachments relating to bridges, culverts, roads, stabilization projects, public utilities, functionally dependent uses, and river or floodplain restoration projects; and
  - iii. New encroachments relating to health and safety measures, such as replacement of pre-existing on-site septic and water supply systems, if no other practical alternative is available.
- b. **Hydraulic Analysis.** For all proposed new encroachments and above-grade development, a hydraulic analysis is required to be provided for review. The analysis shall be performed in accordance with standard engineering practice, by a registered professional engineer, certifying that the proposed development will:
  - i. Not result in any increase in flood levels during the occurrence of the base flood.
  - ii. Not increase base flood velocities; and
  - iii. Not increase any risk to surrounding properties, facilities, or structures from erosion or flooding.

For development that is either below grade or will not result in any change in grade, the hydrologic & hydraulic analyses may be waived, where the applicant will provide pre- and post-development elevations demonstrating that there will be no change in grade, and that the development will be adequately protected from scour.

**Figure 9.2 – Special Flood Hazard Area including Floodway**



- c. **Waiver.** For any new encroachment that is proposed within the Floodway where a hydraulic analysis is required, the applicant may provide a FEMA Conditional Letter of Map Revision (CLOMR) in lieu of a hydraulic analysis, to demonstrate that the proposed activity will not have an adverse impact on flood carrying capacity.
- 2. **Special Flood Hazard Area.** Within the entire Special Flood Hazard Area, the following standards apply:
  - a. **All Development.** All development, in accordance with 44 C.F.R. §60.3, shall be:
    - i. Reasonably safe from flooding.
    - ii. Designed (or modified) and adequately anchored to prevent flotation, collapse, release, or movement of the structure.
    - iii. Constructed with materials resistant to flood damage.
    - iv. Constructed by methods and practices that minimize flood damage.
    - v. Constructed with electrical, heating, ventilation, plumbing and air conditioning equipment and other service facilities that are designed and/or located to prevent water from entering or accumulating within the components during conditions of flooding.
    - vi. Adequately drained to reduce exposure to flood hazards; and
    - vii. Required to elevate or floodproof any fuel storage tanks to at least two feet above the base flood elevation. This can be achieved by:
      - I. Elevating the fuel storage tank, a minimum of two feet above the BFE and securely anchoring the tank to prevent flotation. The tank shall be located on the landward or downstream side of the building and all inlets, fill openings, line connections, and vents shall be elevated to two feet above the BFE. Any structure or platform used to elevate the tank shall be designed to withstand anticipated flood loads and forces.
      - II. In places where elevation of the fuel storage tank is not possible due to the location of existing fuel hookup/fuel lines into an existing building:
        - A. The tank shall be securely anchored to prevent flotation while protecting it from flood forces and debris. Any structure or platform used to anchor and protect the tank shall be designed to withstand anticipated flood forces and debris. The tank vent pipe/valve shall be located at a minimum two feet above the BFE; or
        - B. Storage tanks may be placed underground, if securely anchored and certified by a qualified professional and are protected from flood forces such as scour, erosion, velocity flow, and buoyancy (uplift) force.
  - b. **Development Location.** For any new structure, replacement structure, substantially improved structure, or structure that has experienced substantial damage, outdoor utilities (electrical, heating, ventilation, plumbing, and air conditioning equipment) and other service facilities (such as sewer, gas, and water systems), shall be located on the landward or downstream side of the building and/or behind structural elements, and located and constructed to minimize or eliminate flood damage.

- c. **Base Flood Elevation.** In Zones AE and A1 – A30 where Floodway limits have not been determined, development shall not be permitted unless it is demonstrated that the cumulative effect of the proposed development, when combined with all other existing and anticipated encroachment, will not increase the base flood elevation more than one foot at any point within the community. The demonstration shall be supported by technical data that conforms to standard hydraulic engineering principles and certified by a registered professional engineer.
- d. **Flood Carrying Capacity and Stability.** The flood carrying capacity within any altered or relocated portion of any watercourse shall be maintained. Any alteration or relocation shall not result in any decrease of stream stability.
- e. **Standards for Structures.** All structures in the Special Flood Hazard Area shall meet the following standards:
  - i. **Freeboard.** New structures, existing structures to be substantially improved or replaced, or that have incurred substantial damage shall be located such that the lowest floor is at least one foot above base flood elevation (e.g., freeboard). This shall be documented in the proposed and as-built condition with a FEMA Elevation Certificate. New structures, or existing structures to be substantially improved or replaced, or that have incurred substantial damage, in Zone AO shall have the lowest floor, including basement, elevated above the highest adjacent grade at least two feet above the depth number specified on the community's Flood Insurance Rate Map (FIRM), or at least three feet if no depth number is specified.
  - ii. **Areas Below Grade.** For new, replacement or substantially improved structures, or for structures that have incurred substantial damage, fully enclosed areas below grade on all sides (including below grade crawlspaces and basements) are prohibited.
  - iii. **Areas Above Grade and Below BFE.** Fully enclosed areas that are above grade, below the lowest floor, below BFE, and subject to flooding, shall:
    - I. Be solely used for parking of vehicles, storage, or building access, and such a condition shall clearly be stated on any permits; and
    - II. Be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Such designs shall be certified by a registered professional engineer or architect or meet or exceed the following minimum criteria: A minimum of two openings on two walls having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided. The bottom of all openings shall be no higher than one foot above adjacent grade. Openings may be equipped with screens, louvers, valves, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters; and



- III. Include a signed non-conversion agreement from the owner of the structure with the permit application stating that the enclosed area below the BFE will not be converted to another use (besides parking, storage, or access) and that the community has the ability to inspect the exterior and interior of the enclosed area in compliance with the standards laid out in the non-conversion agreement. The non-conversion agreement shall be recorded in the land records and included in any deed of conveyance.
- iv. **Accessory Structures.** An accessory structure of 500 square feet or less need not be elevated to the base flood elevation, provided the structure is placed on the building site so as to offer the minimum resistance to the flow of floodwaters and shall meet all other applicable standards for structures.
- v. **Non-Residential Structures.** New non-residential structures, and non-residential structures to be substantially improved, replaced, or that have incurred substantial damage, shall:
  - I. Meet the standards of subsection (A)(2)(e)(ii) and (iii) above; or have the lowest floor, including basement, together with attendant utility and sanitary facilities, designed so that two feet above the base flood elevation the structure is dry floodproofed, meaning watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy.
  - II. A permit for dry floodproofing shall not be issued until a registered professional engineer or architect has reviewed the structural design, specifications, and plans, and has certified that the design and proposed methods of construction are in accordance with accepted standards of practice for meeting the provisions of this subsection.
  - III. Dry floodproofing measures used to meet the above floodproofing standard shall work without the use of human intervention at the time of flooding. Exceptions to this standard are when the facility is adequately staffed at all hours with people trained and able to deploy the facility's floodproofing measures, or if the structure is located in a floodplain that has a National Weather Service flood forecast stream gauge that provides adequate advanced warning of potential flooding for the deployment of the floodproofing system.
- vi. **Critical Facilities.** Critical facilities that are to be replaced, substantially improved, or meet the definition of substantial damage shall be constructed so that the lowest floor, including basement, shall be elevated or dry-floodproofed at least one foot above the elevation of the 0.2% annual flood height (500-year floodplain), or three feet above base flood elevation, whichever is higher. A critical facility shall have at least one access road connected to land outside the 0.2% annual chance floodplain that is capable of accommodating emergency services vehicles. The top of the access road shall be no lower than six inches below the elevation of the 0.2% annual chance flood event.



- vii. **Historic Structures.** For historic structures that would meet the definition of substantial improvement or substantial damage if not for their historic structure designation, the improved or repaired structure shall meet the following mitigation performance standards for areas below the base flood elevation:
  - I. Any future damage to enclosures below the lowest floor shall not result in damage to the foundation, utility connections, or elevated portions of the structure or nearby structures.
  - II. Utility connections (e.g., electricity, water, sewer, natural gas) shall be protected from inundation and scour or be easily repaired.
  - III. The building foundation shall be structurally sound and reinforced to withstand a base flood event.
  - IV. The structure's historic designation shall not be precluded.
  - V. The likelihood of flood waters entering the structure during the base flood is reduced; and
  - VI. There shall be no expansion of uses below base flood elevation except for parking, storage, building access, or, in the case of non-residential buildings, where the space is dry floodproofed.
- f. **Water Supply and Wastewater Disposal.** Water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system. Sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters. On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.
- g. **Bridges and Culverts.** Bridges, culverts and channel management activities, which by their nature shall be placed in or over the watercourse, shall have a Stream Alteration Permit from the Agency of Natural Resources, if required.
- h. **Subdivisions.** Subdivisions and Planned Unit Developments shall be accessible by dry land access outside of the Flood Hazard Area Overlay District (e.g., a road located outside of the Special Flood Hazard Area).
- i. **Recreational Vehicles, Trailers, and Portable Toilets.** Recreational vehicles, equipment and boat trailers, portable toilets, construction trailers, and other travel trailers shall:
  - i. Be currently registered, licensed and ready for highway use; or
  - ii. Be on site for fewer than 180 consecutive days; or
  - iii. Meet all other requirements applicable to structures.

3. **No Adverse Impact (NAI) Standard within the Flood Fringe.** The flood fringe is the portion of the Special Flood Hazard Area that is outside of the Floodway but still inundated by the base flood (100-year floodplain). Within the flood fringe, the following standards apply:
- a. **Compensatory Flood Storage.** New development or redevelopment shall not decrease flood storage capacity. Therefore, except as noted in subsection (b) (Compensatory Flood Storage Requirement Exceptions) below, development that displaces floodwater storage in the flood fringe shall provide compensatory storage to offset the impacts of the proposal. This is required when the development will cause an increase, or will contribute incrementally, to an increase in the horizontal extent and level of flood waters during peak flows up to and including the base flood discharge.
    - i. Volumetric analyses<sup>21</sup> and supporting data, demonstrating compensatory storage to offset the impacts of the proposal, shall be provided by the applicant and certified by a registered professional engineer.
    - ii. An applicant may submit a hydraulic analysis that demonstrates that a project will not increase flood elevations and velocities on floodwaters in lieu of a NAI volumetric analysis.
    - iii. Compensatory flood storage designs shall not materially impact adjacent landowners or structures.
    - iv. If the design may create an undue adverse impact to adjacent landowners or structures, a hydraulic analysis shall be required to verify that a proposed development will not increase base flood elevations and velocities. Hydraulic analyses and supporting data shall be provided by the applicant and certified by a registered professional engineer.
  - b. **Compensatory Flood Storage Requirement Exceptions.**
    - i. The NAI compensatory storage requirement may be waived for proposed designs that have no more than a minimal effect on floodwater storage and will not result in diverting floodwaters onto an adjacent property or structure. Examples of designs that have a minimal effect on floodwater storage include an open foundation design; utility work that is largely or completely located below grade; minor above ground improvements such as open fences or poles that minimally displace or divert floodwaters; and development that will not result in any change to the predevelopment ground elevations. A determination to waive the NAI compensatory storage requirement shall include written concurrence from the ANR regional floodplain manager, that the project will have only a minimal effect on floodwater storage.
    - ii. For remediation of properties with contaminated soils, such as Brownfields sites, the NAI compensatory storage requirement may be waived, if hydraulic analysis demonstrates that the remediation will not increase flood elevations and velocities. Hydraulic analyses and supporting data shall be provided by the applicant and certified by a registered professional engineer.

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<sup>21</sup> For more information on volumetric analysis, please refer to ANR's Compensatory Flood Storage guide at <http://dec.vermont.gov/watershed/rivers/river-corridor-and-floodplain-protection/state-permits>.

- iii. The NAI compensatory storage requirement may be waived for a replacement structure if:
  - I. There is no increase in the structure's footprint, or
  - II. An open foundation design is used. Examples include using compliant flood vents or openings, or elevating the structure on post, piers, or pilings with no structural foundation walls below the design flood elevation.
  - III. The NAI compensatory storage requirement may be waived for associated transportation and utility networks and replacement on-site septic system proposals, if the applicant demonstrates that the placement of fill cannot be mitigated.

**B. Development Standards in the River Corridor.** The criteria below are the minimum standards for development in the River Corridor:

- 1. All development in the River Corridor shall not cause undue adverse impact upon erosion or create unstable soil conditions.
- 2. Development shall meet the following criteria:
  - a. **New Development.** New development shall not be allowed within the River Corridor. All new structures and additions to structures to be located outside of the River Corridor shall be required to be set back an additional 10 feet from the edge of the River Corridor.
  - b. **Replacement.** Existing structures in the River Corridor that have been damaged in a flood event may be replaced within the same footprint or replaced in another part of the River Corridor if deemed to be a safer location by the Development Review Board provided the size of the building footprint is not enlarged and all other standards have been met. The existing structure must be removed.
  - c. **Undisturbed Buffer and Natural Vegetation.** All other lands within the River Corridor shall be undisturbed and covered with natural vegetation, except for uses expressly permitted and conditionally permitted:
    - i. **Permitted Uses.** The following uses shall be permitted in the River Corridor, without obtaining a Zoning Permit:
      - I. Land development as existed on the date of enactment of these Regulations.
      - II. Un-paved recreational trails, provided appropriate erosion control features are incorporated.
      - III. Removal of individual trees within the buffer which are in clearly in danger of falling and causing damage to persons or property.
      - IV. Agriculture and silvicultural activities conducted in accordance with Accepted Agricultural Practices as defined in Article 9 (see Agriculture definition) of these Regulations.

- V. Stream bank vegetative development and/or restoration, including the removal of invasive, non-native species.
  - VI. Wildlife and fisheries management activities, under applicable guidelines of the Vermont Department of Fish & Wildlife.
  - VII. 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.
- ii. **Conditional Uses.** The following uses may be allowed in the River Corridor following issuance of a Conditional Use Permit by the DRB, 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.
- I. The cutting of trees if recommended by a Professional and or County Forester as part of a certified forestry plan.
  - II. 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).
  - III. Microhydro and Geothermal Renewable Energy Facilities.
- d. **Marking the River Corridor.** The Development Review Board may require that this part of the River Corridor be monumented to ensure its perpetual protection.
- e. **Existing Landscaping.** This standard does not apply to lawns and landscaped areas in existence as of the effective date of these Regulations.

**C. Development in Both the Special Flood Hazard Area (SFHA) and River Corridor.** Development located in both the Special Flood Hazard Area and the River Corridor shall meet the standards of both areas; the most restrictive development standard shall take precedence.

**1. Prohibited Development.** Except as exempted in this article, the following development is prohibited:

**a. Special Flood Hazard District.**

- i. Fully enclosed areas below grade on all sides, including below grade crawlspaces and basements.
- ii. New critical facilities.
- iii. New encroachments in the Floodway, including accessory structures, except for minor improvements<sup>22</sup> to existing structures or relating to bridges, culverts, roads, stabilization projects, public utilities, river and/or floodplain restoration projects, or health and safety measures.
- iv. Storage of any materials and salvage yards.

**b. River Corridor.**

- i. Any development besides replacement structures falling under Development Standards in the River Corridor (B 2 b above).
- ii. New critical facilities.
- iii. Storage of any materials and salvage yards.

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<sup>22</sup> Minor improvements are those that would not affect base flood elevations, consistent with the provisions of FEMA P-480; Desk Reference for Local Officials: [https://www.fema.gov/pdf/floodplain/nfip\\_sg\\_unit\\_5.pdf](https://www.fema.gov/pdf/floodplain/nfip_sg_unit_5.pdf)

### **Section 9.7 Standards for Review of Nonconforming Structures and Uses**

- A. A nonconforming structure in the Flood Hazard Area Overlay District that has been substantially damaged or destroyed may be reconstructed in its original location only if it is rebuilt to comply with all requirements of the National Flood Insurance Program (if located in the Special Flood Hazard Area) and these Regulations.
- B. Nonconforming structures and uses shall be considered abandoned where the structures or uses are discontinued for more than 1 year (see Section 5.5) regardless of intent to resume the use. An abandoned structure shall not be permitted for re-occupancy unless brought into compliance with these Regulations. An abandoned use or a nonconforming use or structure discontinued for more than 1 year shall not be resumed except in compliance with these Regulations.

### **Section 9.8 Variances in the Flood Hazard Area Overlay District**

- A. Variances may be granted in writing by the Development Review Board only in accordance with all the criteria in Section 3.4 after a public hearing noticed in accordance Section 8.4. If the proposed development is located within any Flood Hazard Overlay District, the proposal shall comply with 44 C.F.R. § 60.6.
  - 1. Any variance issued in the SFHA shall not increase flood heights and the Town of Georgia shall inform the applicant in writing over the signature of a community official that the issuance of a variance to construct a structure below the BFE increases risk to life and property and will result in increased flood insurance premiums up to amounts as high as \$25 for every \$100 of coverage. Such notification shall be maintained with a record of all variance actions.

### **Section 9.9 Certificate of Occupancy**

- A. All development subject to review under this article shall also be subject to the requirements in Section 3.1.
- B. Upon receipt of the application for a certificate of occupancy, the Zoning Administrator shall review the permit conditions and inspect the premises to ensure that:
  - 1. Any required state and federal permits have been received.
  - 2. All work has been completed in conformance with the zoning permit and associated approvals; and
  - 3. All required as-built documentation has been submitted to the Zoning Administrator (e.g., updated FEMA Elevation Certificate, dry floodproofing certificate, as-built volumetric analysis, or as-built Floodway encroachment analysis).

### Section 9.10 Violations

- A. This article shall be enforced under the requirements of Section 8.8. If a notice of violation is issued for a violation in the SFHA then a copy of the notice of violation shall be sent to the State NFIP Coordinator.
- B. If all appeals have been resolved, but a violation remains, the Zoning Administrator shall submit a declaration to the Administrator of the NFIP requesting a denial of flood insurance. See Section 1316 of the National Flood Insurance Act of 1968, as amended.

### Section 9.11 Definitions

- A. **Construction of Language.** Except where specifically defined herein, all words used in these Regulations shall have their common meanings. The word "shall" mean the action is mandatory; and "occupied" and "used," in the context of structures and vehicles, shall be considered as though followed by "or intended, arranged, or designed to be occupied or used."
- B. **Definitions.** Definitions in this section apply only to the land development subject to the standards in this article. All other definition shall be found in Article 10.

**Area of Special Flood Hazard:** is synonymous in meaning with the term "Special Flood Hazard Area" for the purposes of these Regulations.

**Associated Transportation and Utility Networks:** means those transportation and utility networks connected to a bridge, culvert, or utility for the purpose of crossing a river or stream and do not include transportation or utility networks within the river corridor that merely run parallel to a river or stream.

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

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

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

**BFE:** see "Base Flood Elevation."

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

**Compensatory Storage:** means a volume not previously used for flood storage and which shall be incrementally equal to the theoretical volume of flood water at each elevation, up to and including the base flood elevation, which would be displaced by the proposed project. Such compensatory volume shall have an unrestricted hydraulic connection to the same waterway or water body. Further, with respect to waterways, such compensatory volume shall be provided within the same reach of the river, stream, or creek. These do not include state transportation networks or power generation and transmission utility networks subject to the Public Utility Commission jurisdiction, as those are exempt from municipal regulation and are regulated under the State Flood Hazard Area & River Corridor Rule; <http://dec.vermont.gov/sites/dec/files/documents/wsmd-fha-and-rc-rule-adopted-2014-10-24.pdf>

**Common Plan of Development:** means where a structure will be refurbished or constructed under one approved plan or permit, but in separate stages, phases, or in combination with other construction activities. Such work may be planned unit by unit and may take place at different times, on different schedules.

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

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

**Designated Center:** means a downtown, village center, new town center, growth center, or neighborhood development area designated pursuant to 24 V.S.A. Chapter 76A.

**Development:** means any human-made change to improved or unimproved real estate, including buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations, or storage of equipment or materials.

**Dry Floodproofing:** A combination of measures that results in a structure, including attendant utilities and equipment, being watertight with all elements substantially impermeable to the entrance of floodwater and with structural components having the capacity to resist flood loads.

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

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

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



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

**Flood Fringe:** means the portion of the Special Flood Hazard Area that is outside of the Floodway but still inundated by the base flood (the flood having a one percent chance of being equaled or exceeded in any given year – 100-year floodplain).

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

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

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

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

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

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

**Floodway:** shall have the same meaning as “Regulatory Floodway” and means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot at any point. Please note that flood hazard areas and Floodways may be shown on separate map panels.

**Fluvial Erosion:** means the erosion or scouring of riverbeds and banks during high flow conditions of a river. Fluvial erosion is most likely to occur within the river corridor.

**Freeboard:** A factor of safety usually expressed in feet above a flood level for purposes of floodplain management.

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

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

**Historic Structure:** means 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: (i) 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.

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

**Landward:** Being in the direction of the land and away from the coast.

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

**Lowest Floor:** means the lowest floor of the lowest enclosed area, including basement. An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access, or storage in an area other than a basement area is not considered a building's lowest floor provided that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of 44 C.F.R. § 60.3.

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

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

**New Construction:** means structures or filling for which the “start of construction” commenced on or after the effective date of these Regulations and includes any subsequent improvements to such structures.

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

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

**Non-residential:** including, but not limited to: businesses, churches, schools, pool houses, nursing homes, clubhouses, recreational buildings, government buildings, mercantile structures, industrial structures, and warehouses.

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

**Public Water Access:** means a public access to a water of the State and, except for toilet facilities, shall not include structures as defined in these Regulations.

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

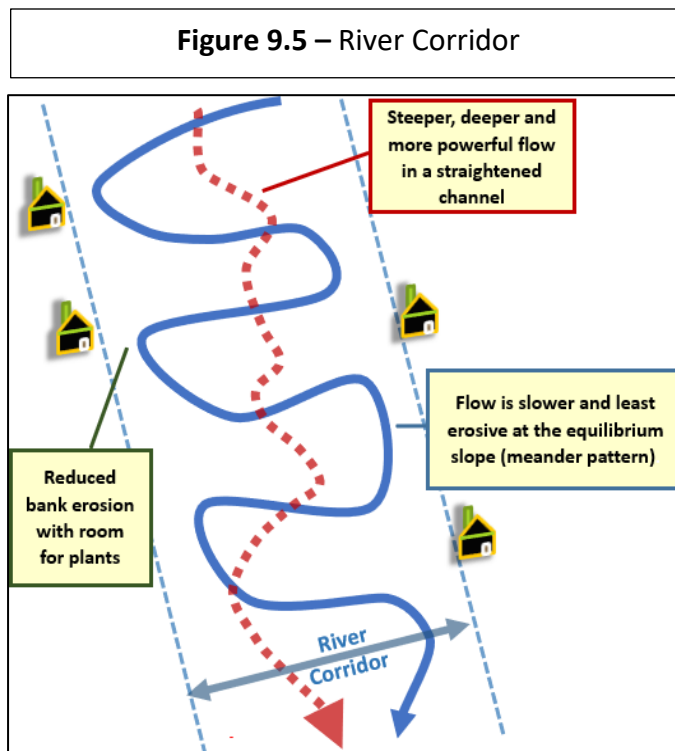
**Redevelopment:** means construction, installation, modification, renovation, or rehabilitation of land, interests in land, buildings, structures, facilities, or other development in a previously developed area. The term includes substantial improvements and repairs to substantially damaged buildings.

**Regulatory Floodway:** see “Floodway.”

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

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

**River Corridor:** means the land area adjacent to a river that is required to accommodate the dimensions, slope, planform, and buffer of the naturally stable channel and that is necessary for the natural maintenance or natural restoration of a dynamic equilibrium condition and for minimization of fluvial erosion hazards, as delineated by the Vermont Agency of Natural Resources in accordance with river corridor protection procedures. (10 V.S.A. § 1422).



**Special Flood Hazard Area:** is the land in the floodplain within a community subject to a one percent or greater chance of flooding in any given year. For purposes of 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 FEMA. Maps of this area are available for viewing in the municipal office or online from the FEMA Map Service Center: [msc.fema.gov](https://msc.fema.gov). Base flood elevations have not been determined in Zone A where the flood risk has been mapped by approximate methods. Base flood elevations are shown at selected intervals on maps of Special Flood Hazard Areas that are determined by detailed methods. Please note, where Floodways have been determined they may be shown on separate map panels from the Flood Insurance Rate Maps.

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

For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

**Storage:** means the aggregation of materials, items, or objects, whether natural or human-made, that is kept as a stockpile, collection, or inventory; where individual materials from the stockpile, collection or inventory may change, but where the general footprint of the stored materials continues to be used for the same purpose; whether set upon the land or within a container, structure, or facility; and that would not otherwise be in compliance with these development standards.

**Structure:** means a walled and roofed building, including gas or liquid storage tanks, that is principally above ground, as well as a manufactured home.

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

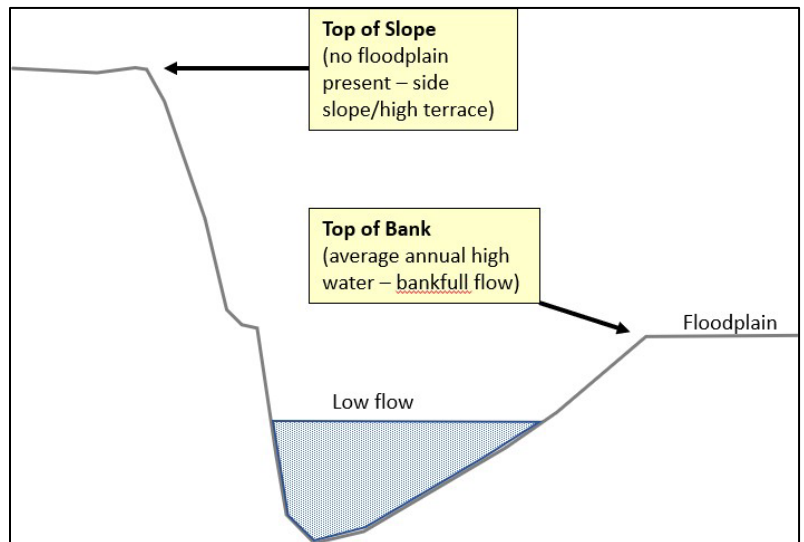
**Substantial Improvement:** means any repair, reconstruction, rehabilitation, addition, or other improvement of a structure after the date of adoption of these Regulations, the cost of which, over three years, or over the period of a common plan of development, cumulatively equals or exceeds 50 percent of the market value of the structure before the “start of construction” of the improvement. This term includes structures which have incurred “substantial damage,” regardless of the actual repair work performed. The term does not, however, include either: (a) any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been previously identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions or (b) any alteration of an “historic structure,” provided that the alteration will not preclude the structure’s continued designation as an “historic structure.” For further guidance, see FEMA P-758, Substantial Improvement/Substantial Damage Desk Reference: <https://www.fema.gov/media-library/assets/documents/18562>

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

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

**Violation:** means the failure of a structure or other development to be fully compliant with these Regulations. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in 44 C.F.R. § 60.3 is presumed to be in violation until such time as that documentation is provided.

**Figure 9.6 – Top of Bank and Top of Slope**



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

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

## Article 10 Definitions

### A. General Definitions

Definitions contained in Title 24 V.S.A. Chapter 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*.

*Accessory On Farm Business.* Means activity that is accessory to a farm and comprises one or both of the following:

1. The storage, preparation, processing and sale of qualifying products, provided that more than 50 percent of the total annual sales are from qualifying products that are principally produced on the farm at which the business is located.
2. Educational, recreational, or social events that feature agricultural practices or qualifying products, or both. Such events may include tours of the farm, farm stays, tastings and meals featuring qualifying products, and classes or exhibits in the preparation, processing, or harvesting of qualifying products. As used in this definition, “farm stay” means a paid, overnight guest accommodation on a farm for the purpose of participating in educational, recreational, or social activities on the farm that feature agricultural practices or qualifying products, or both. A farm stay includes the option for guests to participate in such activities.
3. See also definitions of “farm”, “qualifying product”, and “RAP Rules.”

*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 *Zoning Administrator* are one and the same and can be used interchangeably. (See 24 V.S.A. 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 or *Accessory on Farm Business*.

*Agriculture.* Includes those activities identified as “farming” in 10 V.S.A. § 6001(22) as may be amended, and as defined 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 Planning Commission performing development review; a Zoning Board of Adjustment performing development review; a Development Review Board performing development review; or a Legislative Body performing development review.

*Basement.* The part of a building that is wholly or partly below ground level.

*Bed and Breakfast.* An owner-occupied residential structure designed to provide room and board to travelers 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.

*Best Management Practice (BMP).* means a schedule of activities, prohibitions or practices, maintenance procedures, green infrastructure, and other management practices to prevent or reduce water pollution from Stormwater.

*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 with a roof supported by walls or columns, which is 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 height of a building or structure as measured vertically from the highest point on top of the building or structure to the average of the highest and lowest finished grade at the foundation or base. See Section 5.4 and Figure 5.3.

*Building Lot.* Land occupied or to be occupied by principal building(s) and accessory structures.



*Building, Multi-story.* A building with at least one habitable floor above the ground floor that is not less than 60% of the gross floor area of the ground floor.

*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 seasonally 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 or educational purposes and retains an open air or natural character.

*Cannabis Control Board (CCB).* Created to safely, equitably, and effectively implement and administer the adult use and medical use of cannabis in the state of Vermont. It has the authority to grant and revoke state licenses and ensure compliance with state rules.

*Cannabis Establishment.* Means a cannabis cultivator, wholesaler, product manufacturer, retailer, or testing laboratory licensed by the CCB to engage in commercial cannabis activity in accordance with 7 V.S.A. Chapter 33.

*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. See 24 V.S.A. § 4430.

*Car Wash.* A building containing equipment for washing, waxing, polishing and general cleaning of motor vehicles.

*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.* The Vermont Planning and Development Act, also known as 24 V.S.A. Chapter 117.

*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 ZA.

*Contractor Yards.* A facility for the storage and maintenance of contractor's supplies, vehicles and operational equipment in construction-related trades screened from off-site. May include a shop for maintaining or repairing contractor's vehicles and operational equipment or the contractor's office.

*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 and convenience items normally associated with a quick stop facility for off-site consumption. It may offer prepared foods or drinks for immediate consumption on- or off-site as an accessory use. This does not include a full-scale retail store.

*Cultivation, cannabis.* The process of growing cannabis for harvesting.

*Cultivation, Indoor.* Growing cannabis within a structure and/or light-supplemented cultivation of cannabis that allows flowering plants to be harvested year-round.

*Cultivation, Outdoor.* Growing cannabis in an expanse of open or cleared ground with no structure, other than a permitted perimeter wall or fence, and without the use of artificial light.

#### *Day Care*

*Day Care Level 1.* A state registered or licensed household childcare home serving no more than six full-time and four part-time children, as defined in Title 33 V.S.A.

*Day Care Level 2.* A state registered or licensed household childcare facility serving more than six full-time and four part-time children, as defined in Title 33 V.S.A.

*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 Review Board.* The duly appointed body for the Town of Georgia to execute functions authorized by 24 V.S.A.

*Driveway.* A private vehicular way providing access from one (1) or two (2) residential dwelling unit(s) or non-residential structures to a roadway or street. A road is required to provide access to three (3) or more residential dwelling unit(s) or non-residential structures.

*Drug-Free School Zone Law.* Vermont law prohibits cannabis sales within 500 feet of a school. For more details see 18 V.S.A. § 4237. This applies to retail cannabis only.

### *Dwelling*

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

*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 consecutively or cumulatively in a calendar year.

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

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

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

*Dwelling Unit, Accessory (ADU).* An efficiency one-bedroom, or two-bedroom dwelling unit that complies with Section 6.1 of these Regulations, is clearly incidental and subordinate to a single-household dwelling and has independent living facilities and permanent provisions for living, sleeping, eating, cooking and sanitation.

*Earth Resource Extraction.* The extraction of materials from the ground, including solids such as minerals, rock, 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 extraction, mining or quarrying activity.

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

*Facility and Service, Municipal.* A facility or service 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.

*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.

*Farm.* Means a parcel or parcels of land owned, leased, or managed by a person, devoted primarily to farming, and subject to the RAP Rules. For leased lands to be part of a farm, the lessee must exercise control over the lands to the extent they would be considered as part of the lessee's own farm. Indicators of such control include whether the lessee makes day-to-day decisions concerning the cultivation or other farming-related use of the leased lands and whether the lessee manages the land for farming during the lease period. "*Farming*" shall also have the same meaning as in 10 V.S.A. Section 6001.

*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.

*Franchise Architecture.* A standardized design that is a distinct architectural building style and/or elements, commonly employed by a fast food or other retail franchise, that serves to enhance or promote brand identity through visual recognition.

*Frontage.* The dimension between the two (2) sidelines of any lot, measured along the property line that borders the legal access to the lot.

*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 *Service Station and Motor Vehicle Repair*.

*Gas Station.* The use of any building, land area, or premises for the sale of motor vehicle fuel, lubricants, and related products and accessories, and for the servicing of automobiles and light trucks. The sale of motor vehicles is prohibited. See *Service Station 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*.

*Gross Floor Area.* The sum of the total horizontal area of all enclosed floors of a building as measured from the exterior face of the exterior walls or the centerline of a common wall between attached buildings including any heated space in a basement, attic or mezzanine with a floor-to-ceiling height of seven (7) feet or more.

*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 persons who have a disability as defined in 9 V.S.A. Section 4501. Also known as a Residential Care Home.

*Heavy Equipment Sales.* The use of any building, land area, or 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 motor vehicle fuels is prohibited.

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

*Historic Site.* Any historic structure and any historic district, site, or object 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) preliminarily determined by the Secretary to qualify as a registered historic district; (d) 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 (e) individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either: (i) 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.* Use of an accessory building or up to 50% of a dwelling by a resident for a business which exhibits no outward 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 6.4(A). [See also *Home Occupation*, *Home Industry* and Section 6.4(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- resident full time equivalent employees, and which could normally be expected to be customarily located in the area and which will not change or have an adverse impact on 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 6.4(C). [See also *Home Business*, *Home Occupation* and Section 6.4(C)].

*Home Occupation.* Use of an accessory structure or up to 50% of the gross floor area of a dwelling by a resident for an occupational business with not more than one non-resident full time equivalent employee, and which could normally be expected to be customarily located in the area and which will not change or have an adverse impact on 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 6.4(B). [See also *Home Business*, *Home Industry* and Sections 6.4(A) and 6.4(C)].

*Homes.* See *Dwelling Unit*.

*Household.* One or more persons living together as a single housekeeping unit related by blood, marriage or adoption, or not more than six unrelated adults living together, as distinguished from a group occupying a boarding house, lodging house, club, fraternity or lodging establishment.

*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.

*Interested Person.* Person as defined in 24 V.S.A. 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 old or scrap copper, brass, iron, steel, and other old or scrap or nonferrous material, including rope, rags, batteries, glass, rubber, debris, waste, trash, or any discarded, dismantled, wrecked, scrapped, or ruined motor vehicles or parts thereof.

*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. An area in excess of 200 square feet shall be deemed a "junk yard" if so used.

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

*Land Development.* The subdivision of land; the construction, reconstruction, conversion, structural alteration, relocation or enlargement of any building or other structure; or of any mining, excavation or landfill; and any change in the use of any building or other structure, or land, or extension of use of land.

*Landowner.* The record owner of fee title to a 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, manufacturing 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, and which is apparent outside the boundaries of a lot. 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, banquet facilities and recreational facilities.

*Lot.* A lot is a parcel of land owned by a lot owner that can be lawfully owned and conveyed separately from other land, 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 DRB pursuant to subdivision regulations.

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

*Lot, Existing Small.* A lot that does not meet the minimum lot size requirements in these Regulations.

*Lot Frontage.* Those side(s) of a lot abutting on a road or the legal access to the lot.

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

*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 DRB. This includes land over which easements have been granted but excluding any land within a road right-of-way.

*Manufactured Home.* A residential structure, transportable in one or more sections, which is built on a permanent chassis, is designed for use with or without a permanent foundation when attached to the required utilities and meets the Federal Manufactured Home Construction and Safety Standards Act (42 USC Section 5401) [1976], commonly known as the HUD code. The term Manufactured Home does not include a Recreational Vehicle.

*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.

1. Access to public waters for docking or mooring of five (5) or more boats with or without other services; or
2. A small-craft harbor complex providing access to public waters characterized by activities such 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, fuel, marine supplies, or other *services* clearly incidental to the operation of the marine-based activities.

*Mean Sea Level.* This definition applies to Article 9 – Flood Hazard Regulations 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.* Synonymous with Manufactured Home.

*Mobile/Manufactured Home Park.* Any parcel of land under single or common ownership or control which contains, or is designed, laid out, or adapted to accommodate, more than two mobile homes. “Mobile Home Park” does not mean premises used solely for the storage or display of mobile homes. “Mobile Home Park” does not mean any parcel of land under the ownership of an agricultural employer who may provide up to four mobile homes used by full-time workers or employees of the agricultural employer as a benefit or condition of employment or any parcel of land use solely on a seasonal basis for vacation or recreational mobile homes. The site may include services and facilities for the residents of the “Mobile Home Park.”



*Motor Vehicle.* Any vehicle used to transport people, goods, animals or materials that is propelled or drawn by power other than muscular power, including trailers.

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

*Multi-Tenant Housing for Older Persons.* Multiple *dwelling units* with no more than two bedrooms per unit designed specifically to meet the physical and living requirements of older persons or people who are disabled. In addition to serving people who are disabled, housing for older persons includes housing:

1. Intended for, and solely occupied by, persons 62 years of age or older; or
2. Intended and operated for occupancy by persons 55 years of age or older, where at least 80% of units have at least one principal occupant who is 55 years of age or older. May include food preparation and service, medical care and/or convenience services primarily to residents as an accessory use.

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

1. 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.
2. 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.
3. 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.
4. An amendment of any of the documents listed in (a) through (c) of this section.

*Museum.* A building or room used for storage, preservation and the public display of objects, sites and natural wonders with historic, cultural, 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.

*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 other dimensional 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 dimensional requirements other than setbacks, lot coverage and building height that are applicable to such use (including but not limited to 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, trees, and plants for sale. May include retail sale of products grown on-site as an accessory use.

*Nursing Home.* A facility licensed by the State of Vermont which provides long-term health care to patients in a residential setting. This use includes assisted living, skilled care and hospice facilities.

*Office.* A place where a particular kind of business organizational or professional services are performed, such as legal, accounting, medical, real estate, government or insurance services.

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

*Parent Parcel.* All of the property from which a subdivision is, or was, created. For example, if a subdivision divides one original lot into two new lots, the original lot is the parent parcel for that subdivision, and if a subdivision merges and re-subdivides two original lots into five new lots, the combined area of the two original lots is the parent parcel.

*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.

*Pesticide.* Shall have the same meaning as “Economic Poison” as defined in 6 V.S.A. § 911(5).

*Physical Site of Operations, cannabis.* Means any of the following locations: a cultivator’s grow site, a wholesaler’s product storage facility, a manufacturer’s site of manufacturing, a retailer’s store location, or a testing laboratory’s testing facility.

*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).* One or more lots, tracts, or parcels of land to be developed as a single entity, the plan for which may propose any authorized combination of density or intensity transfers or increases, as well as the mixing of land uses. This plan, as authorized, may deviate from these Regulations’ requirements that are otherwise applicable to the area in which the PUD is located with respect to lot size, bulk or type of dwelling or building, use, density, intensity, lot coverage, parking, required common open space, or other standards pursuant to Section 3.5 of the Regulations.

*Planning Commission (PC).* The duly elected body for the Town of Georgia to execute functions authorized under 24 V.S.A. Subchapter 2.

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

*Provisional License, Cannabis.* As it relates to cannabis, (also known as pre-qualified) means the applicant has submitted an initial application and is provisionally approved for a license. It does not allow the applicant to begin operations, nor does it guarantee the applicant will receive a final license to operate.

*Public Notice.* The form of notice prescribed by 24 V.S.A. Sections 4444, 4449, or 4464 as the context requires.

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

*Qualifying Product.* Means a product that is wholly:

1. An agricultural, horticultural, viticultural, or dairy commodity, or maple syrup;
2. Livestock or cultured fish or product thereof;
3. A product of poultry, bees, an orchard, or fiber crops;
4. A commodity otherwise grown or raised on a farm; or
5. A product manufactured on one or more farms from commodities wholly grown or raised on one or more farms.

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

*RAP Rules.* Means the rules on required agricultural practices adopted pursuant to 6 V.S.A., Chapter 215, Subchapter 2.

*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 are publicly owned and operated. 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 Trail.* A corridor that may or may not be paved and that is used for recreational activity, including hiking, walking, bicycling, cross-country skiing, etc. The trail may also be used by motorized vehicles, such as all-terrain vehicles and snowmobiles, at the discretion of the DRB. *Recreational trails* to be dedicated to the Town shall be conveyed by an Irrevocable Offer of Dedication and Easement Deed.

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

*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, but not be limited to, the following: solar photovoltaic and solar thermal energy; wind energy; geothermal heat pumps; hydro and micro hydro; 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 or property but do not include those which are regulated by the VT Public Utility Commission. 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 Utility Commission 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 (with alcoholic beverage sales being a minor percentage of gross sales) primarily for immediate consumption. Meals may be ordered for take-out and off-premises consumption. A deli in a grocery store, convenience store or supermarket serving food and sandwiches primarily for off-premises consumption shall not be considered a *restaurant*. Further, a restaurant shall be considered to be in one of the following categories.:

*Restaurant, Sit-down.* A restaurant where meals are ordered via table service or counter service and consumed on-site.

*Restaurant, Take-out.* A restaurant will be classified as take-out/delivery if it has drive-through service. A restaurant without drive-through service that has both eat-in and take-out service will be classified as a sit-down restaurant provided that the dining area (exclusive of outdoor seating) comprises at least 40% of the total floor area of the 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, stationery, hardware, household furnishings or appliances, jewelry, sporting goods, luggage, wearing apparel, photographic supplies, hobby, toy and game shops, art supplies, newspapers and magazines, tobacco products, and drug stores, and excluding motor vehicle sales, recreational vehicle sales, 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, river 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 to land area edges bordering streams and rivers.

*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, 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 scenic resources identified in the goals and policies of the Comprehensive Municipal Plan as well as state or national designated scenic byways. *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, pre-schools, colleges, universities, and accessory uses; but specifically excluding commercially operated schools, such as, beauty culture, business, dancing, driving, marital arts, athletic pursuits, music and other similar establishments.

*Seasonal Conversion.* Conversion of a seasonal dwelling to a single household dwelling.

*Self-Storage Facility.* A structure or group of structures containing self-service, separate, individual and private spaces of varying sizes that are leased or rented on individual leases for varying periods of time and 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 fire-suppression facilities, 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 assistance and counseling for income, employment, family, health, psychological, learning disability, or physical disability issues.

*Service Station.* The use of any building, land area, or other premise for the sale of motor vehicle fuel, lubricants, convenience store items, and related products and accessories, and for servicing of automobiles and light trucks. The site may also contain electric vehicle charging stations. The sale of motor vehicles is prohibited.

### *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 side property line.

*Shopping Complex.* (1) A large retail complex containing stores and restaurants in adjacent buildings or in a single large building; and (2) A street lined with retail shops and restaurants and closed off to motor vehicles.



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

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

*Shrub.* A small to medium sized perennial woody plant. Unlike herbaceous plants, shrubs have persistent woody stems above the ground. Shrubs can be deciduous or evergreen. They are distinguished from trees by their multiple stems and shorter height.

*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.

*Awning.* A sign that is located on an awning which is attached to the building front.

*Freestanding.* A sign anchored directly to the ground or supported by one or more posts, columns or other vertical structures or supports, and not attached to or dependent for support from any building.

*Illuminated.* A sign that provides artificial light directly, or through any transparent or translucent material, from a source of light connected with such sign, or a sign illuminated by a light focused, upon or chiefly directed at the surface of the sign. This includes freestanding and building mounted signs.

*Projecting.* A double-sided sign that protrudes off a building which means it's viewable from two directions.

*Wall.* A sign attached to and/or integral with an exterior wall surface of a building, the face of which is parallel to the surface.

*Window.* A sign which is permanently painted on or attached to the window-glass of a building.

*Significant Geological Area.* Those areas containing bedrock, surficial, aquatic and marine geological features that are defined by the local or regional plan, Vermont statute or state agency rule as a significant, limited and/or fragile resource.

*Significant Wildlife Habitat.* Those natural features that contribute to the survival and/or reproduction of the native wildlife of the Town of Georgia. This shall include, but not be limited to: (1) deer wintering areas (i.e., deeryards); (2) habitat for state or federally listed rare, threatened, or endangered species; (3) concentrated black bear feeding habitat (e.g., mast stands); (4) riparian areas and surface waters; (5) wetlands and vernal pools; (6) wildlife corridors, habitat connectors and migratory routes; (7) high elevation bird habitat; (8) ledge, talus, and cliff habitat; and (9) habitat identified by the Vermont Department of Fish and Wildlife.

*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.

*Street.* Synonymous with 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, sidewalks, 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 public highway that includes three or more of the following characteristics: broad road frontage, predominance of single-story buildings, limited reliance on shared highway access, lack of connection to any existing settlement except by highway, lack of connection to surrounding land uses, and limited accessibility for pedestrians.

*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, tennis courts, walls greater than 3' in height, and retaining walls. Commercial satellite dishes and telecommunication facilities are also structures.

*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, enclosure or fence for housing livestock, raising horticultural or agronomic plants, or carrying out other practices associated with acceptable or required agricultural or farming practices, including a silo, as defined by the Vermont Department of Agriculture.

*Structure, Attached.* Any structure that is attached to another structure by a common wall, by a roof, or by structural connections that allow pedestrian access to both structures, including but not limited to a roofed breezeway. For example, decks or stairways are attached structures when they are connected to another structure

*Structure, Detached.* Any structure that is not attached or does not touch any other structure and where all sides of the structure are surrounded by yard or open areas within the parcel.

*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 developed, that 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 or development. The term includes proposals to amend a subdivision and to re-subdivide a subdivision (i.e., change the location of the boundaries dividing each lot, parcel, site, unit, or plot). The term also shall include the development of a parcel of land as a shopping complex, and planned unit developments requiring a subdivision.

*Subdivision, Major.* Any residential subdivision containing four or more new building lots or any non-residential subdivision. Major subdivisions also include all shopping complexes, and planned unit developments regardless of the number of lots or units created. A subdivision amendment of a major subdivision is a major subdivision. In addition, the following may also be classified as a major subdivision:

- Minor Subdivisions classified by the DRB as major subdivisions by the applicant cumulatively creating four or more new building lots within a five-year period from the same parent parcel.

*Subdivision, Minor.* Any subdivision that is not a major subdivision as defined above. A subdivision amendment of a minor subdivision is a minor subdivision.

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

*Subdivision, Preliminary Plan/Plat.* The preliminary drawings for a major subdivision, indicating the proposed layout of the subdivision, to be submitted to the DRB 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.

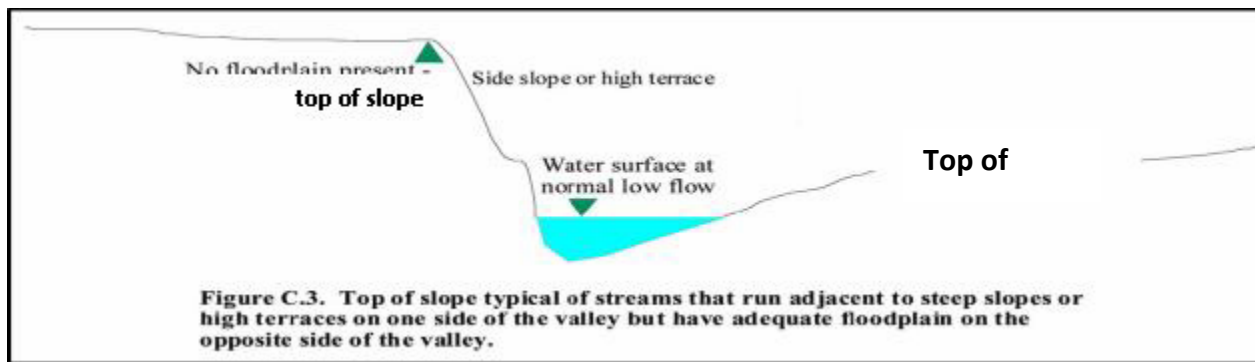
*Subdivision, Sketch Plan.* Any informal sketch of the proposed subdivision, the purpose of which is to enable the applicant to save time and expense in reaching general agreement with the DRB regarding the form of the subdivision and objectives and requirements of these Regulations.

*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 broadcasting, communicating or 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 slope 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.



**Trail.** A public right-of-way which is not a town highway and which:

1. Previously was a designated town highway having the same width as the designated town highway, or a lesser width if so designated; or
2. A new public right-of-way laid out as a trail by the Selectboard for the purpose of providing access to abutting properties or for recreational use. Nothing in this section shall be deemed to independently authorize the condemnation of land for recreational purposes or to affect the authority of the Selectboard to reasonably regulate the uses of recreational trails.

**Trip Ends.** The total number of motor vehicle 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. Trucking terminals shall not be used for storage, transfer or transport of toxic or hazardous materials.

*Undisturbed.* No construction, excavation, land development or earth moving activities, and no storage of materials, no tree, shrub, or ground cover removal, and no mowing, except as enabled under Article 9.

*Use*

*Use.* The purpose or activity for which land, lots, structures 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 in area, extent, intensity and purpose to, the principal use and that is not separately owned or operated from the principal use unless approved as such by the DRB.

*Use By Right.* Uses which, by State statute, are allowed within a single household dwelling in all zoning districts which allow single household dwellings. Accessory Dwelling Units (Section 6.1), Daycare Level 1, Group Homes, and Home Businesses are examples of uses by right within single household dwellings. Zoning Permits and special conditions may be required for uses by right (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, but not limited to, 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 DRB after a warned public hearing, and for which general and specific standards of conformance apply. See 24 V.S.A. Section 4414(3).

*Use, Mixed.* Any combination of permitted and/or conditional uses, with the exclusion of Accessory Structures approved as Accessory Dwelling Units (ADUs) in the South Village (SV), allowed under the designated zoning district which are contained in either:

- a single structure, on a single lot, or
- as part of a single development proposal, meaning presented as part of a common plan or scheme for a development.

*Use, Permitted.* Any use allowed in a zoning district that only requires administrative approval of a zoning permit and subject to the restrictions applicable to that district.

*Use, Principal.* The primary or predominant use of any lot or building.

*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 DRB 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 boarding 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, fountains, benches, open shelters, public bathrooms, and other similar structures and infrastructure that supports community interaction and passive recreation.

*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 or aquatic life that depend on such conditions for growth or reproduction 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 Travel Corridor/Habitat Connector.* Land or water, or both, that links patches of wildlife habitat within a landscape, allowing the movement, migration, and dispersal of animals and plants and the functioning of ecological processes. A wildlife corridor/habitat connector may include recreational trails and uses exempt from regulation under 24 V.S.A. Section 4413(d).

*Wildlife Preserve.* A natural area preserving the habitat of native wildlife species, not including 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.