

Town of Shoreham
UNIFIED DEVELOPMENT REGULATIONS
Zoning • Subdivision • Special Flood Hazard Areas

First Regulations

March 6, 1968

Revised/Amended

March 6, 1974

March 3, 1987

September 20, 1999

March 2, 2004

April 27, 2011—*Interim Regulations*, Expired April 28, 2013

August 26, 2014

November 29, 2017—*Interim Regulations*, Expired May 22, 2019

May 22, 2019

January 31, 2024

*(Supported in part by a FY 2022 Bylaw Modernization Grant
from the Department of Housing and Community Development)*

TABLE OF CONTENTS

ARTICLE I. AUTHORITIES & LEGAL FRAMEWORK	1
§1.01 AUTHORITY & ENACTMENT	1
§1.02 PURPOSE	1
§1.03 APPLICABILITY & INTERPRETATION	1
§1.04 STATE LIMITATIONS ON REGULATIONS	1
§1.05 EXEMPTIONS and EXCEPTIONS	2
§1.06 USES NOT PERMITTED IN THE TOWN OF SHOREHAM	2
§1.07 EFFECTIVE DATE	2
§1.08 REPEAL OF FORMER ZONING REGULATIONS	2
§1.09 AMENDMENTS	2
§1.10 SEVERABILITY	2
§1.11 USE OF ACRONYMS, ABBREVIATIONS	2
ARTICLE II. ZONING DISTRICTS & DISTRICT STANDARDS	3
§2.01 ESTABLISHMENT OF ZONING DISTRICTS	3
§2.02 INTERPRETATION OF ZONING DISTRICT BOUNDARIES	3
§2.03 APPLICATION OF DISTRICT STANDARDS	3
§2.04 SUMMARY TABLE of Permitted and Conditional-Uses	5
§2.100 DISTRICTS	6
§2.101 Agricultural District (<i>AG</i>)	6
§2.102 Low Density Residential District (<i>LDR</i>).....	7
§2.103 Medium Density Residential District (<i>MDR</i>)	8
§2.104 Village Commercial District (<i>VCD</i>)	9
§2.105 Village Residential District (<i>VRD</i>).....	10
§2.106 Village Park District (<i>VPD</i>)	11
§2.107 Special Flood Hazard Areas District (<i>FHAO</i>)	12
ARTICLE III ADMINISTRATION & ENFORCEMENT	13
§3.00 APPLICATION OF <i>UNIFIED DEVELOPMENT REGULATIONS</i>	13
§3.100 ZONING ADMINISTRATOR	13
Table of Municipal Permits	14
§3.101 Administrative Review	14
§3.102 Boundary Line Adjustment (<i>BLA</i>), Minor Subdivisions.....	15
§3.103 Sketch Plan Review	16
§3.104 Site Plan Review	17
§3.200 ZONING/LAND-USE PERMITS	17
§3.201 Permit Issuance	17

§3.202 Effects of Issuance	19
§3.203 Exemptions	19
§3.204 Public Use Exceptions	21
§3.300 ZONING PERMIT APPLICATION	22
§3.301 After-the-Fact Permit	23
§3.302 Permit Amendment.....	23
§3.303 Abandonment of a Permit, Use, or Structure	24
§3.304 Certificate of Compliance	24
§3.305 Certificate of Occupancy	24
§3.400 PLANNING COMMISSION (PC).....	25
§3.500 DEVELOPMENT REVIEW BOARD (DRB)	25
§3.501 Hearings	26
§3.502 Application	27
§3.503 Public Notice	27
§3.504 Hearing Procedures	28
A. Process	28
B. Combined Review	29
C. Hearing Decisions	29
§3.600 RECORDING Requirements	30
§3.601 Recording of Permits, Violations, Certificates	30
§3.602 Final Plats for BLAs, Minor Subdivisions	30
§3.603 Final Plats for Major Subdivisions.....	31
§3.604 Final Plat Requirements for Recording.....	31
§3.605 Plan and Plat Amendments.....	31
§3.700 VARIANCES	31
§3.800 WAIVERS	33
§3.900 APPEALING DECISIONS	34
§3.901 ZA Appeals	34
§3.902 DRB Appeals	35
§3.903 Motion to Reconsider	35
§3.1000 VIOLATIONS & ENFORCEMENT	36
§3.1001 Violations	36
§3.1002 Statute of Limitations vs Grandfathering	36
§3.1003 Process	36
§3.1004 Penalties	36

ARTICLE IV. STANDARDS (General, Performance, Specific-Use)	37
--	-----------

§4.00 PURPOSE & APPLICABILITY	37
§4.100 GENERAL Standards	37

§4.101	Abandonment	37
§4.102	Access, Frontage	37
§4.103	Commercial Standards	38
§4.104	Conversions, Changes of Use	39
§4.105	Equal Treatment of Housing	40
§4.106	Existing Small Lots	40
§4.107	Height Requirements	41
§4.108	Lots, Yards, Setbacks	41
§4.109	Non-conforming Structures, Lots, Uses	42
§4.110	Open Storage of Trash, Junk, Vehicles	43
§4.111	Exterior Lighting	44
§4.112	Parking, Loading, Service Areas	44
§4.113	Signs	46
§4.114	Flammable Liquids	47
§4.115	Surface Water Protection	47
§4.116	Temporary Uses & Structures	48
§4.117	Wastewater Disposal	48
§4.200	PERFORMANCE Standards	48
§4.201	Vibration	48
§4.202	Noise	48
§4.203	Smoke, Noxious Gases, Other Air Pollution	48
§4.204	Uncontrolled Drainage	48
§4.205	Electromagnetic Disturbances	49
§4.206	Refuse or Wastes	49
§4.207	Impediments to Traffic, Pedestrian Circulation	49
§4.208	Stormwater & Erosion.....	49
§4.209	Outdoor Storage & Display	49
§4.210	Water/Wastewater Capacity	49
§4.211	Detrimental Glare, Lighting	49
§4.212	Adverse Impacts on Natural, Cultural Resources	49
§4.213	Endangerment of Municipal Services & Public Safety	49
§4.300	SPECIFIC-USE Standards	49
§4.301	Accessory Structures	49
A.	ADUs & Secondary Housing	50
B.	Accessory Structures	51
§4.302	Accessory On-Farm Business (<i>A OFB</i>).....	51
A.	A By-Right Use	51
B.	Four Types	51

C. Requirements	51
D. Standards & Criteria	52
E. Application	52
§4.303 Adaptive Reuse	53
§4.304 Aircraft Landing Strips	54
§4.305 Campers, Recreational Vehicles, RVs	54
§4.306 Campgrounds, RV Sites	55
§4.307 Child Day Care Facilities	56
§4.308 Contractor's Yard	57
§4.309 Emergency Housing Shelter	57
§4.310 Extraction & Quarrying Operations	57
§4.311 Farm Labor Housing	58
§4.312 Farm Structures	58
§4.313 Gasoline Stations	59
§4.314 Group Homes	59
§4.315 Home Occupation, Home Business	60
A. Home Occupation	60
B. Home Business	60
§4.316 Kennel	61
§4.317 Light Industry, Manufacturing	61
§4.318 Marinas	62
§4.319 Mixed-Use	62
§4.320 Mobile/Manufactured & Modular Homes	62
§4.321 Mobile Home Parks	63
§4.322 Mobile Vendors	63
§4.323 Motor Vehicle Service & Repair Facility	64
§4.324 Rentals	64
A. Fire Marshal Regulations	64
B. Health Department Regulations	64
C. Types	65
D. General Standards & Criteria	65
E. Contracts & Agreements	66
F. SFHA Requirements	66
G. Rental Registration Certificate	66
§4.325 Residential Care	68
§4.326 Restaurants	68
§4.327 Retail	68
§4.328 Senior Living Facilities	68
§4.329 Solar & Wind Energy Facilities	68

§4.330 Telecommunications Facilities	69
ARTICLE V. DEVELOPMENT REVIEW (Conditional-Use, PUD, Site Plan, Variance, Waiver).....	71
§5.00 PURPOSE	71
§5.01 Jurisdiction	71
§5.02 General Overview	71
§5.03 Applicability	72
§5.04 Applying	72
§5.100 CONDITIONAL USE REVIEW	73
§5.101 Overview	73
§5.102 Hearing Process	74
§5.103 Table of Conditional Use & Site Plan Application Requirements	74
§5.104 Conditional Use Application	75
§5.105 General Criteria	76
§5.200 SITE PLAN REVIEW.....	76
§5.201 Specific Review Standards & Criteria	76
§5.202 Application, Notice, Hearing	78
§5.300 MIXED-USE, PUDs, VARIANCES, & WAIVERS	79
ARTICLE VI. SUBDIVISION REVIEW (Boundary Adjustment, Minor & Major Subdivisions).....	80
§6.00 PURPOSE	80
§6.01 Jurisdiction	80
§6.02 General Overview	80
A. Natural Subdivision	80
B. Boundary Line Adjustments (<i>BLAs</i>).....	80
C. Minor Subdivisions	81
D. Major Subdivisions	81
E. Planned Unit Developments (<i>PUDs</i>)	81
§6.03 DRB Authority to Waive or Vary	81
§6.100 SUBDIVISION HEARING & REVIEW PROCEDURES	82
§6.101 Process	82
§6.102 Recording Final Plats	83
§6.103 Plat Void if Revised.....	83
§6.104 Public Acceptance of Streets	83
§6.200 APPLICATION REQUIREMENTS	83
§6.300 ADMINISTRATIVE REVIEWS	85
§6.301 Sketch Plan Review	85
§6.302 Boundary Line Adjustment—Application & Review	86
§6.303 Minor Subdivisions—Application & Review	86

§6.304 Recording BLA & Minor Subdivision Plats	86
§6.400 DRB REVIEWS	87
§6.401 Preliminary Plat Application & Review	87
§6.402 Final Plan & Plat—Application & Review	88
Table of Subdivision Application Requirements	90
§6.500 SUBDIVISION GENERAL STANDARDS & CRITERIA	92
§6.501 Base Standards for Simple Parcel Divisions & Subdivision/PUD Developments	92
§6.502 Simple Land Divisions	92
§6.503 Complex Subdivision & PUD Developments	92
A. Applying	93
B. Design & Layout	93
C. Character of the Area	94
D. Resource Protection	94
E. Farm Land, Open Space, Common Land	95
F. Infrastructure	96
G. Energy Conservation	99
H. Housing	99
I. Landscaping	100
J. Water, Wastewater, Stormwater, Erosion	100
§6.600 PLANNED UNIT DEVELOPMENTS (PUDs)	101
§6.601 Purpose	102
§6.602 General Standards	103
§6.603 Application & Review	104
§6.604 Board Conditions	104

ARTICLE VII. SPECIAL FLOOD HAZARD AREA REGULATIONS	106
---	------------

§7.00 AUTHORITY.....	106
§7.10 PURPOSE.....	106
§7.20 SUMMARY TABLE OF DEVELOPMENT REVIEW	106
§7.100 SPECIFIC RIVER CORRIDOR PROTECTION	106
§7.101 River Corridor Boundaries	107
§7.102 Development Review in River Corridors	107
§7.103 Development Standards within River Corridors	108
§7.200 SPECIFIC FLOOD HAZARD AREA PROTECTION	109
§7.201 Lands to which these <i>Regulations</i> apply	109
§7.202 Jurisdictional Determination	109
§7.203 Development Review in the Flood Hazard Areas	109
§7.204 Development Standards within the Flood Hazard Areas	111
§7.205 Structural Standards	112

§7.300 DEVELOPMENT STANDARDS WITHIN THE FLOODWAY	112
§7.400 OTHER PROVISIONS	113
§7.401 Precedence if these SFHA & River Corridor Regulations	113
§7.402 Validity & Severability	113
§7.403 Disclaimer of Liability	113
§7.500 ADMINISTRATION	113
§7.501 Zoning Administrator	113
§7.502 Development Review Board	113
§7.503 Applications	113
§7.504 Action & Referrals	113
§7.505 Public Notice	114
§7.506 Decisions	114
§7.507 Permits	114
§7.508 Variances	114
§7.509 Administrative Responsibilities	114
A. Records	114
B. Substantial Improvement or Damage Determination	114
C. Certificate of Occupancy	115
§7.510 Enforcement	115
§7.500 DEFINITIONS	115
RIVER CORRIDOR MAP	116
RESOURCE AREAS & WILDLIFE HABITATS MAP	117
FLOOD HAZARD AREAS MAP	118
ARTICLE VIII. DEFINITIONS	119
§8.00 TERMS & USAGE	119
§8.100 DEFINITIONS	119
MAPS	147
VILLAGE ZONING MAP	147
VILLAGE LAND AREA MAP	148
ZONING DISTRICTS MAP	149

ARTICLE I. AUTHORITY, PURPOSE & APPLICABILITY

§1.01 AUTHORITY & ENACTMENT

In accordance with the Vermont *Municipal and Regional Planning and Development Act* [24 VSA Chapter 117], hereinafter referred to as the *Act*, the Town of Shoreham establishes these zoning regulations which are comprised of the following text and associated maps. These regulations shall be known and cited as the *Town of Shoreham Unified Development Regulations*.

§1.02 PURPOSE

It is the purpose of these regulations to provide for orderly community growth, to further the goals and purposes established in the *Act* [24VSA §4302], and to implement the *Shoreham Town Plan*, specifically, by furthering the following goals identified therein:

1. Safeguard the general health, safety, and welfare of Shoreham's residents.
2. Encourage Shoreham's rural, agricultural character and quality of life.
3. Manage change in such a way that the ability of the Town to provide services to its residents will not be compromised; and that allows the town to finance and meet the expenses of new infrastructural needs.
4. Develop an environment for new job opportunities, such as agriculturally related businesses or cottage industries, which are compatible with the other goals of the Plan.
5. Support the availability of low- and moderate-cost housing in Shoreham.
6. Allow for changing energy and utility needs.

§1.03 APPLICABILITY & INTERPRETATION

- A. In their interpretation and application, the provisions of these *Regulations* shall be the minimum requirements adopted for the promotion of the public health, safety, comfort, convenience, and general welfare.
- B. The application of these *Regulations* is subject to the provisions of all subchapters of the Act as most recently amended. In accordance with the Act [24 VSA §4449(a)(1)], no land development shall commence within the Town of Shoreham except in compliance with the provisions of these *Regulations*. Land development, as defined herein, shall not include customary maintenance activities.
- C. Except where specifically provided to the contrary, these *Regulations* are not intended to repeal, annul, or in any way impair any regulation or permit previously adopted or issued. In accordance with the Act [24 VSA §4413(c)], where these *Regulations* impose a greater restriction upon the use, structure, or land than is imposed by any Statute regulating them, the provisions of these *Regulations* shall control unless prohibited by Statute. If Statute regulates a required use, or has provisions not subject to municipal alteration, which have yet to be incorporated into these bylaws, then pursuant to 24 VSA 4481 the Town shall comply with the Statute's provisions despite the absence of those provisions in its bylaws.

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

§1.04 STATE LIMITATIONS ON REGULATIONS

- A. **Protected Public Facilities.** State statute limits a town's authority to regulate certain uses and structures. See §3.204
- B. **Agriculture.** These *Regulations* do not apply to accepted agricultural and silvicultural/forestry practices, including the construction of farm structures, as defined by the Secretary of Agriculture, Food and Markets or the Commissioner of Forest, Parks and Recreation. See §3.203
- C. **Energy Utilities.** These *Regulations* do not apply to public utility generation and transmission facilities as regulated under 30 VSA §248. Additionally, these *Regulations* do not cover net-metered solar systems.

D. These *Regulations* comply with all other limitations on municipal bylaws specified in the *Act*.

§1.05 EXEMPTIONS and EXCEPTIONS

- A. No zoning permit shall be required for uses listed in §3.203 unless such activities occur within the Special Flood Hazard Area. However, an application is required (without fees) for many in order to ascertain whether or not they meet district standards and to ensure no permit is necessary. Check with the ZA before beginning.
- B. A permit is required for uses specified in §3.204; however, they are exempted from review by any provisions except the Site Plan Review provisions, dimensional standards, and applicable General or Performance Standards.

§1.06 USES NOT PERMITTED IN THE TOWN OF SHOREHAM

The following uses are not allowed, unless otherwise provided for in these *Regulations*:

1. Junk yards and machinery wrecking yards;
2. Smelters, blast furnaces, rendering plants, hide tanning or curing plants;
3. Manufacture or processing of fertilizer, bone, rubber, asphalt, ammonia, chlorine;
4. Manufacture or refining of petroleum, gas, explosives;
5. Dumps, except waste management facilities certified by the state; and
6. Prohibited signs §4.113(D).

§1.07 EFFECTIVE DATE

These *Regulations* shall be adopted, and may be amended, in accordance with the requirements and procedures outlined in the Act [24 VSA §4442(a)]. The provisions of these *Regulations* shall become effective 21 days after adoption,

§1.08 REPEAL OF FORMER ZONING REGULATIONS

The zoning regulations and zoning maps for the Town of Shoreham, in effect before the adoption of these *Regulations* and maps, are repealed as of the effective date of these *Regulations* and maps.

§1.09 AMENDMENTS

These *Regulations* may be amended according to the requirements and procedures established in the Act [24 VSA §4441 and §4442].

§1.10 SEVERABILITY

The provisions of these *Regulations* are severable. If any provision of these *Regulations* or the application of them is held invalid, the invalidity does not affect other provisions or applications of these *Regulations* that can be given effect without the invalid provision or application.

§1.11 USE OF ACRONYMS, ABBREVIATIONS

The following acronyms are used throughout this document:

- Act—*Title 24 of the Vermont Statutes Annotated*, specifically Chapter 117
- CFR—*Code of Federal Regulations*
- DRB—Development Review Board
- FEMA—Federal Emergency Management Agency
- FIRM—*Flood Insurance Rate Maps*
- PC—Planning Commission
- Plan—Most recent update of the *Shoreham Town Plan*
- PUC—Vermont Public Utility Commission
- PUD—Planned Unit Development
- SB—Selectboard
- VSA—*Vermont Statutes Annotated*
- ZA—Zoning Administrator

ARTICLE II. ZONING DISTRICTS & DISTRICT STANDARDS

§2.01 ESTABLISHMENT OF ZONING DISTRICTS

- A. For the purposes of these *Unified Development Regulations*, the Town of Shoreham is divided into the following zoning districts:
1. Agricultural District (AG)
 2. Low Density Residential District (LDR)
 3. Medium Density Residential District (MDR)
 4. Village Commercial District (VCD)
 5. Village Park District (VPD)
 6. Village Residential District (VRD)
 7. Special Flood Hazard Area District (SFHA)
- B. **Official Zoning Map.** The location and boundaries of these zoning districts are established as shown on the Town of Shoreham's *Official Zoning Map* and the associated Special Flood Hazard Areas, as defined by FEMA, which are incorporated by reference into these *Regulations*. The *Official Zoning Map* shall be signed by the Selectboard, attested to by the Town Clerk, and shall be located in the Town Office. The location and boundaries of zoning districts may be altered only by adoption or amendment in accordance with the *Act* [24 VSA §4441 and §442]. A non-official reproduction is included herein for convenience only. Anyone with questions regarding specific zoning boundaries should refer to the *Official Zoning Map* located in the Town Office.
- C. **Official Tax Map.** The size and configuration of all parcels in existence as of the effective date of these *Regulations* shall be as established on the *Official Tax Map*, which shall be signed by the Selectboard, attested to by the Town Clerk, and shall be located in the Town Office.

§2.02 INTERPRETATION OF ZONING DISTRICT BOUNDARIES

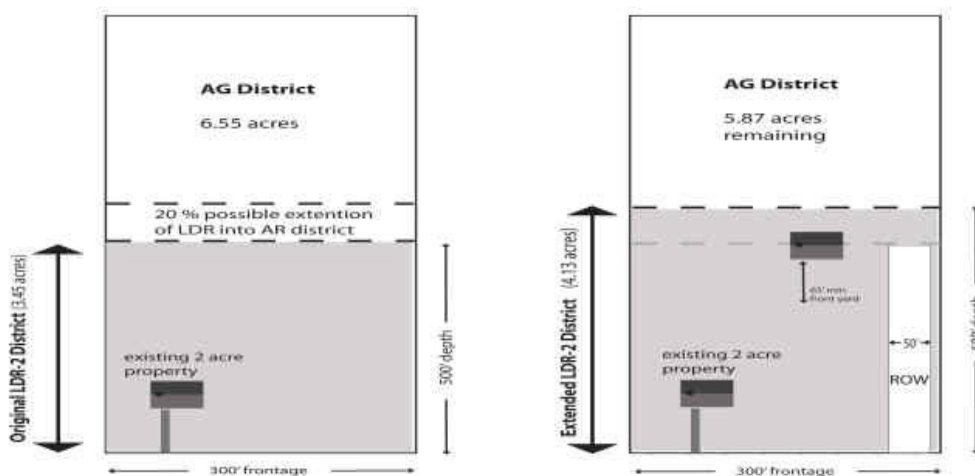
- A. If uncertainty exists with respect to the boundary of any zoning district on the *Official Zoning Map*, the Planning Commission shall determine the location of such boundary. SFHA boundaries shall be determined by the ZA.
- B. **Special Flood Hazard Area—Boundary determinations:**
1. FIRMs (*Flood Insurance Rate Maps*) for Shoreham have not been revised since 1980. They are based on a 1979 Flood Insurance Study produced by the US Department of Housing and Urban Development and the Federal Insurance Administration. The maps indicate Shoreham has the following Flood Hazard areas:
 - a. **Zone A**—NE quarter of Town; primarily along the Lemon Fair south to Perry Brook; 100-year flood levels, no base elevations shown; focus of *Article VII River Corridor* provisions.
 - b. **Zone A2**—Lakeshore Bridport to Orwell; 100-year flood level, base elevation 103'; primary focus of *Article VII SFHA* regulations [§442].
 - c. **Zone B**—Cedar Swamp; shallow flooding, depths less than 1'; no base elevations shown
 - d. **Zone C**—Main portion of Town lands, anything not included in A, A2, or B; minimal flooding.
 2. Where available (i.e. Zone A2) the base flood elevations and floodway limits provided by the National Flood Insurance Program in the most recent *Flood Insurance Study*, and accompanying maps, shall be used to administer and enforce the *Article VII* provisions of these *Regulations*.
 3. In areas where base flood elevations and floodway limits have not been provided by the National Flood Insurance Program (i.e. Zone A), base flood elevation and floodway limit information available from State or Federal agencies or other sources, shall be obtained and utilized to reasonably administer and enforce these *Regulations*.

§2.03 APPLICATION OF DISTRICT STANDARDS

- A. The standards for each district shall apply uniformly to each type of use, unless otherwise specified in these *Regulations*.
- B. Special Flood Hazard Area Standards shall be applied concurrently, as applicable, with the standards for underlying districts. Where the SFHA imposes more restrictive standards, the standards of the SFHA shall apply. See *Article VII SFHA Regulations*.

II. ZONING DISTRICTS & DISTRICT STANDARDS

- C. Where a district boundary divides a lot of record in existence as of the effective date of these *Regulations*, the provisions for the less restricted part of such lot shall extend into the more restricted part by an area equal to up to twenty percent (20%) of the less restricted part.



- As an example: a 10 acre lot split by the LDR and AG Districts with 300 feet of frontage in the LDR and 500 feet of depth in the LDR for a total square footage of 150,000 square feet in the LDR (3.45 acres) and the remaining acreage (6.55 in the interior AG District) may use this waiver provision to extend the LDR regulations into 30,000 square feet of contiguous land that would otherwise be in the AG District. In many cases this may allow landowners with land in both the LDR and AG Districts to create an additional lot within the LDR district where the DRB will allow access to a back parcel via a right-of-way.
- D. Any lot meeting the minimum area and setback requirements for one district may extend into other districts, so long as all requirements of the district in which the principle structure is located or may be located are met.
- E. Where a town boundary divides a lot in existence as of the effective date of these *Regulations*, district standards shall be applied to that portion of the lot that lies within the Town of Shoreham in the same manner as if the entire lot were located in the Town. The adjoining town shall be notified when the parcel is under a zoning issue review.
- F. Allowed uses for each district are classified as either “Permitted Uses” (by-right), which may be approved by the Zoning Administrator; or “Conditional Uses,” which first require approval by the Development Review Board (DRB). “Site Plan Review” uses reviewed by either the ZA or the DRB. Conditional Use Review includes Site Plan Review Criteria and/or additional standards under *Articles IV–VII* as applicable unless waived by the DRB.
- G. Any use not listed within a zoning district, is prohibited unless specifically exempted from regulation under §1.04 & §3.203 and §1.05 & §3.204. However, if the DRB shall find, after a *Sketch Plan Review* that the proposed use is essentially similar in nature, scope, and impact to a listed use (permitted or conditional) and is compatible with the goals of the current *Town Plan*, the proposed use shall be reviewed under Site Plan Review provisions [§5.200], applying the standards that would apply to the similar listed use. A hearing shall be warned pursuant to §3.501.

§2.04 SUMMARY TABLE OF PERMITTED & CONDITIONAL USES

Note: “P” = By-Right, Permitted; Application required “SP” = only Site Plan Review; “C” = Conditional Use

Conditional Use includes Site Plan Criteria unless waived by DRB SFHA has State mandates, see *Article VII*

	AG	LDR	MDR	VCD	VRD	SFHA
Accessory Dwelling Units (ADU) Secondary Housing Units / Structure	P	P	P	P	P	
Accessory On-Farm Business (AOFB)	SP	SP		SP		
Adaptive Reuse (AR)	C	C		C	C	
Agricultural Processing	C	C		C		
Aircraft Landing Strip	C	C				
Antenna & Support Structure (<i>personal, municipal</i>)	P	P	P	P	P	
Bio-mass Processing	C	C		C		
Campground / RV Park	C	C		C		
Cemetery	C	C				
Clinic (Medical)		C		C	C	
Club	C	C	C	C	C	
Co-generation Plant	C			C		
Commercial (<i>financial, gen'l business, hardware, retail, etc</i>)	C	C		C	C	
Community Facility [<i>protected use</i>] eg: school		SP		SP	SP	
Contractor's Yard (e.g. construction, excavation, landscape [large], etc	C	C		SP		
Day Care (<i>6 full-time, 4 part-time, or fewer children</i>)	P	P	P	P	P	
Day Care (<i>8 or more children</i>)	C	C		C	C	
Dwelling / Single-Family (<i>mobile/modular/tiny homes</i>)	P	P	P	P	P	C
Dwelling / Two-Family [<i>"Duplexes"</i>]	P	P	P	P	P	
Dwelling / Multi-Family A (<i>3–4 units</i>)	C	C		P	P	
/ Multi-Family B (<i>5 or more units</i>)	C	C		C	C	C
Farm Labor Housing	C	C		C	C	C
Gasoline Station				C		
Government Facility [<i>protected use</i>] ie: State agency, town office,	SP	SP	SP	SP	SP	
Group Home (<i>up to 8 residents</i>)	P	P		P	P	C
Group Home (<i>more than 8</i>)	C	C		C	C	C
Home Business	C	C	C	C	C	C
Home Occupation / Home Office	P	P	P	P	P	C
Kennel	C	C				C
Laundromat / Dry Cleaner				C		
Light Manufacturing / Industry (<i>under Adaptive Reuse in AG, LDR</i>)	C	C		C		
Marina		C		C		
Mini-Storage / Self Storage	C	C		C	C	C
Mixed Use	C	C		C	C	C
Mobile/Manufactured Home Park		C		C	C	
Mobile Vendor	C	C		C	C	
Motor Vehicle Service or Repair		C		C		
Post Office [<i>protected use</i>]	SP	SP		SP	SP	C
Office	C	SP	C	SP	SP	C
Public Facility [<i>protected use</i>] eg: Electric, gas, water, other utility	SP	SP		SP	SP	
Quarrying / Extraction	C	C		C		
Recreation / Indoor (<i>commercial</i>)		C		C	C	
Recreation / Outdoor (<i>commercial</i>)	C	C	C	C	C	C
Religious Facility [<i>protected use</i>]	SP	SP	SP	SP	SP	C
Rentals—Long-Term (≥ 30 consecutive days/year; eg: Boarding House)	SP	P		SP	SP	
Residential Housing (full-time dwelling for local resident)	P	P	P	P	P	
Short-term (≤ 30 consecutive days or ≥ 14 days/calendar yr)		C	C	C	C	
Lodging—A (<i>Inn / Guest House / B&B</i>)	SP	SP	SP	SP	SP	
Lodging—B (<i>hotel/motel</i>)		C		C		
Residential Care Facility (eg: nursing home)		C		C	C	
Restaurant	C	C		C	C	
Sawmill—A (<i>cut-to-order, little storage</i>) $\leq 60,000$ brd ft/yr	C	C		C		
—B (<i>lumber yard, retail operation, storage barns</i>) $\geq 60,000$ brd ft/yr				C		
Senior Living (e.g. Assisted, Retirement)	SP	SP	C	SP	SP	
Telecommunications Facility—New (tower, building, etc)	C	C		C		
Telecommunications—Existing Structure (<i>silos, steeples, etc</i>)	SP	SP	SP	SP	SP	
Training Facility / Education (<i>non-accredited</i>)	C	C		C		
Veterinary Clinic	C	C		C	C	
Warehouse/Storage Facility (<i>enclosed</i>)	C	C		C		C
Waste Mgmt Facility, Solid / Hazardous [<i>protected use</i>]	SP					
Wholesale	C	C		C		
Wind Energy (<i>non-commercial</i>)	C	C		C	C	
Wood Processing	C	C		C		

§2.100 ZONING DISTRICTS

§2.101 Agricultural District (AG)

See *Zoning Districts Map*, p. 155

A. Description & Purpose. This district encompasses most of Shoreham's interior land, with little public road frontage. For the purposes of these *Regulations*, frontage shall be measured on the parcel boundary most parallel to the public road from which access is gained. Land in this district is typically devoted to agricultural, forestry, and rural residential uses, and is vital to the Town's agricultural economy. This district provides the open space that gives Shoreham its rural character and scenic beauty. The Agricultural District (AG) should allow some rural small-scale development. However, its primary purpose is to maintain a land base for working farms, forests, and open space. Therefore, the rehabilitation of existing agricultural structures, especially for uses that support the continued productivity of the working landscape, including value-added agriculture or silviculture processing or uses, is encouraged (see Adaptive Reuse, §4.303; Accessory On-Farm Business §4.302). Use of PUDs [§6.600] is also encouraged for farm labor housing, and for residential communities or Mixed-Use complexes having fewer than 25 units. Construction of new non-farm structures, other than dwellings, is limited. Asterisks (*) mark uses not available for new construction. Special Flood Hazard provisions may apply.

B. ZA Approvals (By-Right & Permitted, all require an application; see BLAs, Minor Subdivisions under <i>Article VI</i>). Definitions Article VIII		
Accessory Apartment/Structure Antenna & Support Structure (personal, municipal) Day Care (6 or fewer children)	Dwelling/Single-Family Dwelling / Two-Family Group Home (up to 8 residents) Home Occupation	Home Office Rentals—Residential Housing
C. DRB Approvals (all Conditional Use Reviews include Site-Plan Review Standards unless DRB waives. Major Subdivisions, Variances, Waivers,, PUDs see <i>Articles V & VI</i>) Definitions Article VIII		
Adaptive Reuse (AR) Agricultural Processing Aircraft Landing Strip Bio-mass Processing Campground/RV Park Cemetery Club Co-generation Plant Commercial Contractor's Yard Day Care (more than 6)	Dwelling/Multi-Family A Multi-Family B Farm Labor Housing Group Home (more than 8) Home Business Kennel Light Manufacturing/Industrial * Mini/Self Storage * Mixed Use Mobile/Manufactured Home Park Mobile Vendor Office *	Quarrying/Extraction Recreation/Outdoor Restaurant * Sawmill—A Telecommunications Facility—New Training Facility/Education (non-accredited) Veterinary Clinic Warehouse/Storage Facility (enclosed) * Wholesale * Wind Energy (non-commercial) Wood Processing
D. Site Plan Review by ZA or DRB (with Performance Standards unless waived). Definitions Article VIII		
Accessory On-Farm Business Senior Living/Retirement	Rentals—Long-term (Boarding House) Lodging A (B&B) Telecommunication—Existing Structure	Government Facility (protected use) Post Office (protected use) Religious Facility (protected use) Waste Mgmt. Facility (protected use)

E. Dimensional Standards (unless otherwise specified by use type):

Lot Area, <i>minimum</i>	25 interior acres (if consideration for land-use program is wanted, add 2 acres for homestead; 27 acres total)
Frontage, <i>minimum</i> :	200 ft. (along boundary parallel to public road from which parcel is accessed)
Setbacks, <i>minimum</i> :	
Front:	65 ft (as measured from the center of the access road or LDR boundary)
Sides:	25 ft.
Rear:	25 ft.
Building Height, <i>maximum</i> :	35 ft. (non-agricultural)

§2.102 Low Density Residential District (LDR)See *Zoning Districts Map*, p. 155

- A. Description & Purpose.** This district encompasses most of Shoreham's road and lake frontage, to a depth of 500' from road centers, on both sides of all roads. Along the lakeshore the LDR reaches 500' inland from the mean high-water mark. The district's two-acre lot minimum is intended to allow flexibility for on-site sewage disposal and the utilization of existing town road service. In order to keep development at a level compatible with Shoreham's rural character a 200 foot lot frontage minimum is required along road or lakeshore. The use of PUDs [§6.600], and Adaptive Reuse [§4.303] of old barns or other structures which have out-lived their original function (with the possibility of additional uses not normally available in this district) are encouraged.

B. ZA Approval (By-Right & Permitted, all require an application; see BLAs, Minor Subdivisions under <i>Article VI</i>). Definitions Article VIII		
Accessory Apartment/Structure Antenna & Support Structure (<i>personal, muni</i>) Day Care (6 or fewer children) Dwelling / Single-Family (<i>Mobile, "Tiny Home," Modular, Manufactured homes</i>)	Dwelling / Two-Family Group Home (<i>up to 8 residents</i>) Home Occupation Home Office	Rentals—Residential Housing Long-term (<i>Boarding House</i>)
C. DRB Approvals (all Conditional Use Reviews include Site-Plan Review Standards unless DRB waives, Variances, Waivers, Major Subdivisions, PUDs see <i>Articles V and VI</i>). Definitions Article VIII		
Adaptive Reuse (AR) Agricultural Processing Aircraft Landing Strip Bio-mass Processing Campground/RV Park Cemetery Clinic (<i>Medical</i>) Club Commercial (<i>retail, hard-ware, financial, general business, etc</i>) Contractor's Yard Day Care (<i>more than 6</i>) Dwelling / Multi-Family A	Dwelling / Multi B Farm Labor Housing Group Home (<i>more than 8</i>) Home Business Kennel Light Industry / Manufacturing (<i>Adapt Reuse</i>) Marina Mini-Self-Storage Mixed Use Mobile/Manufactured Home Park Mobile Vendor Motor Vehicle Service, Repair Quarrying/Extraction	Recreation / Outdoor / Indoor Rentals—Short-term Lodging—B (<i>hotel/motel</i>) Residential Care Facility (<i>nursing home</i>) Restaurant Sawmill—A Telecommunications Facility— <i>New</i> Training Facility/Education (<i>non-accredited</i>) Veterinary Clinic Warehouse/Storage Facility (<i>enclosed</i>) Wholesale Wind Energy (<i>non-commercial</i>) Wood Processing
D. Site Plan Review by ZA or DRB (with Performance Standards unless waived). Definitions Article VIII		
Accessory On-Farm Business Senior Living / Retirement Office	Rental—Lodging—A (<i>B&B, Inn</i>) Telecommunication— <i>Existing Structure</i> Community Facility (<i>protected use</i>) Government Facility (<i>protected use</i>)	Post Office (<i>protected use</i>) Public Facility (<i>protected use</i>) Religious Facility (<i>protected use</i>)

E. Dimensional Standards (unless otherwise specified by use type):

Lot Area, <i>minimum</i> :	2 acres		
Density	1 dwelling unit/acre (<i>max</i> : 2 units/2-acre lot)		
Frontage, <i>minimum</i> : (road, lakeshore)	200 feet		
Depth, <i>minimum</i> :	200 feet		
Lot Coverage, <i>maximum</i> :	20%		
Setbacks, <i>minimums</i> :	<i>Residential</i>	<i>Non-Residential</i>	
Front:	50 feet	65 feet	(as measured from road center line)
Rear:	25 feet	75 feet	
Sides:	25 feet	75 feet	
Lakeshore:	50 feet	50 feet	(from the mean high-water mark)
Building Height, <i>maximum</i>	35 feet	35 feet	

II. ZONING DISTRICTS & DISTRICT STANDARDS

§2.103 Medium Density Residential District (MDR)

See *Zoning Districts Map* p. 155

A. Description & Purpose. This district is comprised primarily of the Torrey Island region and the area by the Lapham Bay State Fishing Access. The MDR reaches inland from the Lake's mean high-water mark for distances ranging from about 1000' at the Bridport line, to roughly 200' along Fifield Lane. Lands within this district generally have limitations for on-site sewage disposal and are served mainly by private access roads. Torrey Island is composed of leased lots, all of which are owned by the Torrey Estate, and leased out on a multi-year basis. The dwellings and other structures are owned by the renters. Lots are typically far less than the 1-acre requirement and fail to meet the majority of dimensional requirements for the LDR. They are handled as nonconformities for zoning purposes. New development should be limited by soil suitability for onsite sewage disposal. Secondary Housing Units are not allowed. Provisions of the Special Flood Hazard Area may apply.

B. ZA Approvals (By-Right & Permitted, all require applications; see BLAs, Minor Subdivisions under *Article VI*). **Definitions Article VIII**

Accessory Apartment/Structure Antenna & Support Structure (personal, municipal) Day Care (6 or fewer children)	Dwelling/Single-Family (<i>Modular "Tiny Homes", Manufactured homes</i>) Dwelling / Two-Family Home Occupation	Home Office Rentals—Residential Housing Telecommunication— <i>Existing Structure</i>
---	--	--

C. DRB Approvals (all Conditional Use Reviews include Site-Plan Review Standards unless DRB waives, Variances, Waivers, Major Subdivisions, PUDs see *Articles V and VI*). **Definitions Article VIII**

Club Home Business Office	Recreation/Outdoor Rentals—Short-term Senior/Retirement
---------------------------------	---

D. Site Plan Review by ZA or DRB (with Performance Standards unless waived). **Definitions Article VIII**

Government Facility (protected use) Religious Facility (protected use)	Rentals—Lodging A	
---	-------------------	--

E. Dimensional Standards (unless otherwise specified by use type):

Lot Area, <i>minimum</i> :	1 acre	
Density	1/acre	(dwelling units per acre)
Frontage, <i>minimum</i> : Road	200 ft.	
Lakeshore	200 ft	
Lot Coverage, <i>maximum</i> :	10%	
Setbacks, <i>minimums</i> :		
Front:	65 ft	(as measured from the center of the access road)
Sides:	15 ft.	
Rear:	25 ft.	
Lakeshore:	50 ft.	(from the mean high-water mark)
Building Height, <i>maximum</i> :	35 ft.	

All dimensional standards apply equally to both leased lots and lots owned outright. The boundary parallel to the road from which access comes shall be considered the front boundary for "lot frontage."

§2.104 Village Commercial District (VCD)

See *Village Map*, p.151, *Village Zoning Map*, p. 153, *Zoning Districts Map* p. 155

- A. Description & Purpose.** This district includes land lying predominantly along Rte. 22A, near the historic village settlement, which has access to the municipal wastewater system, Tri-Town water, high-speed Internet, and three-phase power. Shoreham has been given the “Village Center” designation by the State of Vermont. This district is adjacent to the Village Residential District and is intended to accommodate higher density Mixed-Use development, in which commercial uses predominate, while maintaining or extending historic patterns of development. Commercial strip development is specifically discouraged. Subdivision applications are limited to PUDs [§6.600] which are encouraged.

B. ZA Approvals (By-Right & Permitted, all require permit; may require Site-Plan Review by ZA (or be referred to DRB); see BLAs, Minor Subdivisions under Article VI). Definitions Article VIII		
Accessory Apartment/Structure Antenna & Support Structure (personal, municipal) Day Care (6 or fewer children)	Dwelling/Single-Family (Mobile, “Tiny Homes,” Modular, Manufactured homes) Dwelling / Two-Family Dwelling/Multi-Family A	Group Home (up to 8 residents) Home Occupation Home Office Rentals—Residential Housing
C. DRB Approvals (all Conditional Use Reviews include Site-Plan Review unless DRB waives; Variances, Waivers, Major Subdivisions, PUDs see Articles V and VI) . Definitions Article VIII		
Adaptive Reuse (AR) Agricultural Processing Bio-mass Processing Campground/RV Park Clinic (Medical) Club Co-generation Plant Commercial (retail, hardware, financial, general business, etc) Day Care (more than 6) Dwelling/Multi-Family B Farm Labor Housing Gasoline Station	Group Home (more than 8) Home Business Laundromat/Dry Cleaner Light Industry / Manufacturing Marina Mini-Self-Storage Mixed Use Mobile/Manufactured Home Park Mobile Vendor Motor Vehicle Service, Repair Quarrying/Extraction Recreation/Outdoor /Indoor	Rentals—Short-term Lodging—B Residential Care Facility (nursing home) Restaurant Sawmill—A (≤ 60,000brd ft annually). Sawmill—B (≥ 60,000brd ft annually lumber yard, retail) Telecommunications—New Training Facility/Education (non-accred'd) Veterinary Clinic Warehouse/Storage Facility (enclosed) Wholesale Wind Energy (non-commercial) Wood Processing
D. Site Plan Review by ZA or DRB (with Performance Standards unless waived) . Definitions Article VIII		
Accessory On-Farm Business Contractor's Yard Office Senior Living/Retirement Rental Lodging—A (Guest House/ B&B) Long-Term (Boarding House)	Telecommunications—Existing structure Community Facility (protected use) Government Facility (protected use) Post Office (protected use) Public Facility (protected use) Religious Facility (protected use) -	

E. Dimensional Standards (unless otherwise specified by use type):

	Commercial	Residential
Lot Area, <i>minimum</i> :	1 acre	0.2 acre
Density	2/acre (businesses per acre)	5/acre (dwelling units per acre)
Frontage, <i>minimum</i> :	80 feet	80 feet
Depth, <i>minimum</i> :	100 feet	100 feet
Lot Coverage, <i>maximum</i> :	60%	60%
Setbacks, <i>minimums</i> :		
Front:	65 ft	35 ft (as measured from road centerline)
Sides:	25 ft.	10 ft
Rear:	25 ft	15 ft
Building Height, <i>maximum</i>	35 ft	35 ft

II. ZONING DISTRICTS & DISTRICT STANDARDS

§2.105 Village Residential District (VRD)

See *Village Map*, p.151, *Village Zoning Map*, p. 153, *Zoning Districts Map* p. 155

A. Description & Purpose. This zoning district includes land which is served by municipal water and wastewater systems, and represents Shoreham's historic village settlement. Shoreham has been given the "Village Center" designation by the State of Vermont. This district is intended to accommodate higher density mixed-use development in which residential uses predominate. The object is to maintain the existing village center, village character, and historic patterns of development. Subdivision applications are limited to PUDs [§6.600] which are encouraged.

B. ZA Approvals (By-Right & Permitted, all require application; see BLAs, Minor Subdivisions under <i>Article VI</i>) Definitions Article VIII		
Accessory Apartment/Structure Antenna & Support Structure (personal, municipal) Day Care (6 or fewer children) Dwelling / Single-Family (Mobile, Modular, Tiny Homes, Manufactured homes)	Dwelling / Two-Family Dwelling / Multi-Family A Group Home (up to 8 residents) Home Occupation Home Office	Rentals—Residential Housing Long-term (Boarding House)
C. DRB Approvals (all Conditional Use Reviews include Site-Plan Review Standards unless DRB waives, Variances, Waivers, Major Subdivisions, PUDs see <i>Articles V and VI</i>). Definitions Article VIII		
Adaptive Reuse (AR) Clinic (Medical) Club Commercial (retail, hard-ware, financial, general business, etc) Day Care (more than 6) Dwelling / Multi-Family B Farm Labor Housing	Group Home (more than 8) Home Business Mini/Self Storage Mixed Use Mobile/Manufactured Home Park Mobile Vendor Recreation / Outdoor Indoor	Rentals—Short-term Residential Care Facility (nursing home) Restaurant Training Facility/Education (non-accredited) Veterinary Clinic Wind Power
D. Site Plan Review by ZA or DRB (with Performance Standards unless waived). Definitions Article VIII		
Senior Living/Retirement Office Rental—Lodging—A (B&B)	Telecomm—Existing Community Facility (protected use) Government Facility (protected use) Post Office (protected use) Public Facility (protected use) Religious Facility (protected use)	

E. Dimensional Standards (unless otherwise specified by use type):

Lot Area, <i>minimum</i> :	0.20 acre (8,000sf)
Density	5/acre (dwelling units per acre)
Frontage, <i>minimum</i> :	80 ft.
Depth, <i>minimum</i> :	100 ft.
Lot Coverage, <i>maximum</i> :	60%
Setbacks, <i>minimums</i> :	
Front:	35 ft. from the centerline of the road.
Sides:	10 ft.
Rear:	15 ft.
Building Height, <i>maximum</i> :	35 ft. (see §4.105(G))

§2.106 Village Park District (VPD)

See *Village Map*, p.151, *Zoning Map*, p. 153

A. Description & Purpose. The Village Park District (“VPD”) constitutes an unimproved parcel of land that the Town of Shoreham has reserved for the use and enjoyment of residents and guests of the Town of Shoreham for recreational purposes. The VPD lies adjacent to, and within easy walking distance of, most of the Village. This district consists of municipally-owned land with severe physical limitations for development. It is located parallel to the west side of VT Rte. 22A, between the Rte. 22A/Rte. 74W and slightly north of the Rte. 22A/Rte. 74E junctions. This narrow strip of wooded ledge is bound by the Wastewater plant to the north, Rte. 74W to the south, the Farnham Property’s Village Residential area to the west, and Rte. 22A and small existing portions of the Village Commercial District to the parcel’s east. The VPD is specifically depicted on the Town of Shoreham Zoning Map. The purposes of this District include:

1. Enhancing the attractiveness of Shoreham Village by adding additional public space for the community to gather and recreate.
2. Defining the limits of Commercial Development along Rte. 22A within Shoreham Village.
3. Providing town residents and their dogs—particularly those in the Village—with paths for enjoyment of the outdoors, exercise, and a place for quiet contemplation and relaxation.
4. To provide wooded area for study of local wildlife and plants by the town school’s classes or other groups.
5. To serve as a buffer between Rte. 22A traffic noise and the interior residential portions of the Farnham Property.

B. Permitted Uses

Recreation/Outdoor:

1. Natural Resources Educational uses
2. Non-motorized Outdoor Recreation with the exception of an existing VAST trail at the north end that provides access across Rte. 22A to the Service Center.
3. Walking trails

C. Conditional Uses—None

Please note that the Selectboard requires groups using the VPD for specific events to secure a permit prior to the event. Specific rules for the use of the VPD are available at the Town Clerk’s office.

§2.107 Special Flood Hazard Area District (SFHA) See §2.02B and Article VII

See *River Corridor Map*, p. 115, *Resources & Wildlife Habitat Areas*, p.117, *Flood Hazard Areas Map*, p.119

A. Description & Purpose. This district includes all lands in the Town of Shoreham identified as areas of Special Flood Hazard on the Federal Emergency Management Agency (FEMA) *Flood Insurance Rate Maps* (FIRMs) as most recently revised (FIRMs are at the Town Office). More specific and detailed standards are found in *Article VII*. It is the purpose of this district to:

1. Prevent increases in flooding caused by uncontrolled development of lands in areas of special flood hazard;
2. Minimize losses due to floods by restricting or prohibiting uses that are dangerous to health, safety, or property in times of flood or cause measurable increases in flood heights or velocities;
3. Require that uses which are vulnerable to floods, including the public facilities that serve such uses, are protected against flood damage at the time of initial construction; and
4. Enable property owners to obtain flood insurance through the National Flood Insurance Program (NFIP).

B. Permitted Uses. Per FEMA; Agricultural, Recreational, and certain Residential Accessory Uses are permitted, with several restrictions. See §7.102(A) & (C) and §7.203(B) & (D) for details.

C. Conditional Uses. Any Permitted Use failing to meet the criteria in §7.102(A) & (C) or §7.203(B) & (D) and the Uses listed in §7.102(G)(ii) & (iii) are subject to Conditional Use Review [§5.100].

D. Dimensional Standards (unless otherwise specified). As specified in the underlying district.

E. District Standards. Mandatory State [24 VSA §4424] and Federal [44 CFR §60.3 and §60.6] requirements apply to all development within this district, including—but not limited to—structural standards, administrative requirements, and variance requirements [§7.205, §7.500, §7.508] and the Flood Hazard Definitions in *Article VIII*. Accordingly:

1. Applications for development within the Special Flood Hazard Areas are subject to State requirements per *Act 16*, and FEMA.
2. Permitted uses within the underlying district shall be subject to the Conditional Use provisions pertaining to Flood Hazard Area Review under §7.102(D) and §7.203(E).
3. Where the Flood Hazard Areas impose more restrictive standards on development than found elsewhere in these *Unified Development Regulations*, the Flood Hazard Area standards shall apply.
4. Requests for variances for development within the SFHA shall be subject to review under §7.506 and §3.700.

ARTICLE III. ADMINISTRATION & ENFORCEMENT

§3.01 APPLICATION OF THESE *UNIFIED DEVELOPMENT REGULATIONS*

The application of these *Unified Development Regulations* is subject to 24 VSA §§4411, 4412, and 4413 of the Act. Except as hereinafter provided, no land development shall occur unless it is in conformity with these *Regulations*, as specified for the district in which the proposed development is located, or the proposed development is exempt per the Act or §3.203 of these *Regulations*.

Any use not allowed by these *Regulations* shall be deemed prohibited. See §2.03(G) for exceptions

§3.100 ZONING ADMINISTRATOR .

- A. The Zoning Administrator (ZA) shall be nominated by the Planning Commission and appointed by the Selectboard for a 3-year term, or sooner if a vacancy exists, to administer these *Regulations*.
- B. The Selectboard may appoint an Acting Zoning Administrator who shall have the same duties and responsibilities of the ZA in his/her absence. All references to the ZA in these *Regulations* apply equally to the Acting ZA.
- C. The ZA is subject to any personnel policies legally adopted by the Town. After consultation with the Planning Commission, the Selectboard may remove the ZA at any time for cause. The ZA may hold any other office in the Town of Shoreham, except membership on the Development Review Board (DRB).
- D. The ZA must enforce the provisions of these *Regulations* literally, as provided for in 24 VSA §4448, and in so doing will maintain records, and perform all other necessary tasks to carry out its provisions.
- E. The ZA will coordinate a unified effort for the Town of Shoreham in administering its development review programs in conformance with these *Regulations*.
 - 1. The ZA shall maintain records, and perform all other tasks necessary to carry out the provisions of these *Regulations*, including providing the public with forms and the information necessary to obtain municipal permits.
 - 2. The ZA will provide applicants proposing construction projects with a copy of residential [30 VSA §51] or commercial [30 VSA §53] building energy standards [24 VSA §4449], and will advise about the possible need of any/all forms necessary to obtain permits or approvals under these *Regulations*.
 - 3. The ZA should assist applicant in navigating the Town's regulatory processes, and will inform applicants applying for Town permits or approvals to contact the State's Community Assistance Specialist in order to assure timely action on any related State permits.
However, ***it remains the Applicant's responsibility*** to identify, apply for, and obtain the necessary State permits.
- F. **National Flood Insurance Program**—To meet compliance with the requirements of the National Flood Insurance Program, the ZA shall properly file and maintain records pursuant to §7.500.

MUNICIPAL PERMITS & APPROVALS			
Permit/Approval	Required for	Issued by	Refer to
ZONING Regulations			
Zoning/Land-Use Permit	All land development, as defined by Statute. Includes all permits issued subsequent to DRB approvals, as well as projects approved by the ZA	ZA	§3.200, §3.300
Access Easement Approval	Lot without frontage on a maintained public road or public waters	DRB	§4.101(A)
Sketch Plan Review	All applications for subdivision approval. Generally reviewed by ZA as part of application review for completeness. DRB may request a more in-depth review.	ZA / DRB	§3.101(F) §6.101(C) §6.301
Site Plan Approval	Accessory On-Farm Business, Protected Uses, many Permitted Uses, many Conditional Uses. Not for single and two family dwellings.	ZA/DRB	§5.200
Conditional Use Approval	All uses classified as “conditional uses” by district, or as otherwise specified in these <i>Regulations</i> . Review includes CU General, Performance, & Site Plan Standards.	DRB	§5.100
Variance Approval	Requests to vary provisions of these <i>Regulations</i>	DRB	§3.700 SFHA §7.508
Waiver Approval	Requests for a waiver from the dimensional provisions of district as stated in these <i>Regulations</i>	DRB	§3.800
Certificate of Compliance	Generally used for re-financing, sales, loans; Certifies that there are no on-going or pending land-use actions against the property by the Town.	ZA	§3.302
SUBDIVISION Regulations			
Boundary Line Adjustments	Alteration to a boundary between 2 lots or parcels owned by 1 or 2 owners. No new lots to be created, dimensional standards to be complied with.	ZA	§6.302
Planned Unit Development Approval	PUDs as described in <i>Article VI</i> .	DRB	§6.600
Minor Subdivision Approval	Division of a parcel into 4 or fewer lots for residential use, not in need of access easements, variances, or waivers. May be referred to DRB per ZA discretion.	ZA/DRB	§6.303
Preliminary Plan Approval	All applications for major subdivisions [creating five or more lots]	DRB	§6.401
Final Plan & Plat Approval	All applications for the subdivision of land (Major & Minor)	ZA/DRB	§6.402
Plat Recording	All approved subdivisions of land, including boundary line adjustments.	DRB	§3.600
Other Municipal Approvals, Permits			
Driveway & Access Road Approval	All development requiring access onto municipal highways	SB	Road & Bridge Standards
Wastewater Connections	Connections to the municipal wastewater treatment system	Wastewater Commission	Wastewater Ordinance

§3.101 Administrative Review (also see *Article VIII: Administrative Review*)

A. In addition to issuing “by right” permits pursuant to §3.200 below, these *Unified Development Regulations* also grant the ZA the authority to conduct an Administrative Review, pursuant to 24 VSA §4464(c), to authorize:

1. new development (for example: certain Minor Subdivisions, Boundary Line Adjustments, Sketch Plan Reviews, projects in compliance with the Special Flood Hazard Area criteria [§7.102, §7.204];
2. permit amendment applications [§3.202(B)];

3. Site Plan approvals for uses as specified in the districts (*Article II*), subject to the ZA's discretion to refer if deemed appropriate;
4. non-substantive changes to previously approved development otherwise requiring a DRB hearing and approval;
5. exemption from permit requirements of a use determined to have de minimis impact on its neighborhood;
6. other land-use reviews as noted elsewhere in these *Regulations*.

However, regardless of the authority granted to the ZA for specified actions, it is up to the discretion of the ZA to pass certain applications on to the DRB if the issue is complex, or requires possible action not within the ZA's authority, or represents a possible conflict of interest. Primary examples would be applications for Conditional Use and those for Major Subdivisions.

- B. Applicants for an Administrative Review decision shall provide the ZA with a complete land-use zoning permit application and supporting documents [§3.300], as applicable, containing information necessary for the ZA to make a decision.
 1. The ZA may require an accurate drawing of the property showing existing features, such as structure locations, driveways, easements, traffic circulation, parking and loading spaces and pedestrian walks, and landscaping plans and other information pertinent to the issue.
 2. If the applicant seeks a permit amendment [§3.202(B)] or a non-substantive change to a previously DRB-approved development application, the application shall include a Narrative describing the proposed amendment or non-substantive change which is sought, why it is necessary, how it meets the *Town Plan* goals and the applicable provisions of these *Regulations*.
- C. The ZA may, subject to Administrative Review, issue a permit for non-substantive changes to previously approved development, or for a new development project (one which constitutes a by-right use) if the applicant can comply with the following:
 1. the permit requested is for a temporary structure or for a use permitted within the district in question as a by-right use as opposed to a Conditional Use;
 2. the permit requested is in conformance with the *Town Plan* and the goals set forth in §4302 of the Act;
 3. the permit requested is designed to conform to the character of the district in which it lies;
 4. the permit requested incorporates design techniques (restricted height, lack of windows), screening (fencing or plantings), or other remedies to reasonably limit impact or the potential for impact upon one's neighbors.
 5. the permit requested does not result in substantial impacts under any provisions of these *Regulations*;
 6. the permit requested accommodates structures providing for disability accessibility, fire safety, and other requirements of land or energy conservation or renewable energy structures;
 7. an amendment, as proposed, will not substantively alter any of the Findings of Fact or Conditions imposed upon the applicant by the most recent DRB approval.
- D. Other Administrative Review authorities are granted as noted elsewhere in these *Regulations*. Administrative Review, when applicable, is appropriate for smaller, less complex projects.

§3.102 Boundary Line Adjustments, Minor Subdivisions

- A. *BLAs* are simple subdivisions made by adjusting the boundary line between 2 parcels owned by one or two owners. These can be done under Administrative Review by the ZA subject to the restrictions in §6.302. (also *Article VIII Definitions: Boundary Line Adjustment*).
- B. *Minor Subdivisions* under Administrative Review will not have public hearings. However, abutters shall be notified and written testimony shall be accepted prior to the date of decision. See §6.303 *Minor Subdivisions*,
- C. The ZA decision may be appealed to the DRB by anyone having Interested Person status. See §3.901 *ZA Appeals*; §8.100 *Interested Person* definition.

§3.103 Administrative Sketch Plan Review See *Article VIII: Sketch Plan Review*

A. Though normally the first step in the hearing process, the ZA will conduct the Sketch Plan Review as part of the application's review to determine if the application is complete. The ZA may refer a complex Sketch Plan to the DRB for more thorough review. A Sketch Plan Review, whether conducted by the ZA or the DRB, is not a warned hearing. It is an informal discussion between the applicant and reviewer to ensure that preliminary questions are addressed and any additional documentation requirements are noted for submission to the DRB prior to the first hearing. If the application is for a subdivision, a decision will be made, and the applicant advised, as to the Major/Minor status of the project and the subsequent steps to be taken. PDF copies (*) are required, unless waived, by the ZA, for non-residential commercial, mixed-use, major subdivision, PUD, etc. applications.

1. Application

- a. The application shall include a complete land-use permit application [§3.300]; a complete hearing application [§3.502]; a Sketch Plan not necessarily drawn to scale, depicting as applicable:
 - a North point;
 - existing and proposed roads, parking/loading areas;
 - existing and proposed structures, septic sites, and wells;
 - utility easements and any other rights-of-way or easements;
 - any significant natural features (wetlands, rock outcroppings, trees); and
 - a list of abutting property owners, their addresses, and the uses of adjacent parcels.
- b. The application shall be submitted, pursuant to §3.300, as
 - one paper copy of all documents, drawings to be no larger than 24" x 36" with 1.5" margins;
 - * one PDF copy with all documents letter-sized for printing on 8.5" x 11" paper (see §3.300 or contact the ZA if there is a problem producing a PDF file).

2. The Sketch Plan meeting is not a warned hearing whether done by the ZA or the Development Review Board.

3. Sketch Plan Process

- a. The ZA shall study the Sketch Plan to determine whether or not it conforms to, or would be in conflict with, these *Unified Development Regulations*; the Town Plan; developments proposed by any public agency; existing private and public development, facilities, and services; and for any identified problems.
- b. The ZA may seek to schedule an in-person, video, or phone conference with the applicant to discuss the project and ask any questions each may have for the other. If a DRB review, it will generally be an in-person meeting. The applicant, or duly authorized representative, shall attend the conference.
- c. If the ZA determines the application will be referred, he/she will not make any formal decision (i.e. approval or denial) on the substance of the application, but may offer suggestions or highlight issues that she/he believes the DRB will want to investigate further in the formal hearing process.
- d. If the application is for a Subdivision, the ZA shall pre-classify the applicant's project as either Major or Minor. The definitions of both Major and Minor Subdivisions are contained in §6.02(C) and (D) and §8.100 of these *Regulations*. The ZA shall:
 - i. determine whether the applicant intends to submit the project concurrently for both subdivision and review under the PUD or Conditional Use provisions [§6.600, §5.100] as a Combined Review [§6.504(B)]. and if any variances or waivers will be requested pursuant to §§3.700 or 3.800.
 - ii. confirm with the DRB Chair any detailed information that the Development Review Board will require the applicant to submit for its review of the application at the public hearing, or hearings, on the project, send a written summary of his/her determinations to the applicant, and send a copy to the DRB with the application documents.

- B. Once the application is deemed to be complete the ZA will either subject the application to Administrative Review or refer it to the DRB for review. If referring to the DRB, the ZA shall submit the application, with all supporting documentation (to include a recommendation as to the Major/Minor status if a subdivision application), to the Development Review Board which will proceed to schedule the hearing pursuant to §3.501(C). If it deems necessary according to the complexity of the proposed project, the DRB may either set a short Sketch Plan Review or it may make requests for additional material to be submitted for its review prior to the first hearing. After an initial review and prior to warning the hearing the DRB may re-classify the Major/Minor status assigned by the ZA if it feels such action is warranted. The applicant will be notified and requested to submit any material that the DRB feels is lacking.

§3.104 Administrative Site Plan Review (See §5.200, §5.202, Article VIII: Site Plan Review)

- A. The following types of land development subject to Site Plan Review may be reviewed administratively.
1. A change of use from one permitted use to another whether either or both require a Site Plan Review, provided that there are no proposed changes to the exterior dimensions of the principal structure or the features of the property (access, parking, landscaping, etc.);
 2. A new use requiring a Site Plan Review, provided no other regulatory reviews are needed (e.g. a Combined Review, or Conditional Use Review).
 3. Structural alterations required to comply with the Americans with Disabilities Act and/or the Vermont Fire and Building Safety Code.
 4. Changes in the location of structures if there is no previously defined building envelope on the property that the new location would extend beyond.

B. Site Plan Application—§5.202

C. Site Plan Review Process—§5.200

§3.200 ZONING/LAND-USE PERMITS

Zoning permits are issued only by the Zoning Administrator and only subsequent to an application approval by either the ZA or DRB. A permit shall be required for any action that:

1. **Constructs, places, or relocates a structure** whether primary or accessory;
2. **Substantially changes the type of use or substantially improves or expands the operations** of a parcel or structure (changes hours of operation, number of employees, category of business, new business, mixed-use, garage to dwelling, permitted to conditional use, residential to commercial, etc);
3. **Substantially improves an existing residential, commercial, or industrial structure**, or
 - **Expands an existing structure** by more than 120 square feet of usable space.
 - Small additions/expansions. Improvements of less than 120 sf require no permit but the property owner must notify the ZA of the intent to build. Written notification may be by mail, email or submission of an application (with no fee included);
 - Successive small improvements or expansions shall require a permit once the cumulative total of said improvements or expansions exceeds 120 square feet.
4. **Commences new, or expands existing**, mineral exploration or drilling, sanitary landfill, earth resource extraction or processing operations;
5. **Proposes development within the Special Flood Hazard Area** pursuant to §§7.102, 7.203, 7.204.

§3.201 Permit Issuance

Except as noted in §3.203 (*Exemptions*) and §3.204 (*Exceptions*) of these *Regulations* or as specifically exempted in the Act, no land development, building construction, or change of use may commence without a zoning permit issued by the ZA, as provided for in 24 VSA §4449, and the 15-day period for appeal under §3.202(A)(1) has passed (see #9 below). In the event that a notice of appeal is properly filed, no development will commence until the appeal has been decided.

- A. The ZA will approve or deny permits in writing, in accordance with the Act. Denials will include a statement of the time in which appeals may be made under §3.900.
- B. No zoning permit will be issued by the ZA for any development that requires the approval of the Development Review Board, or other municipal body, until such approval has been obtained.
- C. No permit will be issued for a “deemed approved” project until the applicant receives approval from the DRB or approval of the Deemed Approval Remedy from the Environmental Court. (see *Article VIII: Deemed Approval*)
- D. No construction or use permit will be issued by the ZA for a newly created lot or parcel until it has been legally created and the plat or deed description has been properly recorded.
- E. No zoning permit shall be issued until an access permit from the Selectboard, or the VT Department of Transportation as applicable, has been obtained for the construction or modification of a driveway intersecting with a Town or State public road.
- F. No zoning or subdivision permit shall be issued until the State has:
 - issued or amended a Water/Wastewater Permit, *or*
 - substantiated that a Water/Wastewater Permit is not needed.
- G. No permit for development within the Special Flood Hazard Area will be issued by the ZA until the 30-day comment period required by State law has elapsed [24 VSA §4424(a)(2)(D)].
- H. The ZA will deliver a copy of a permit to the Listers and will post a copy of the permit at the Town Office within 3 days after issuing it.
- I. ***The notice of a zoning permit approval must be posted*** on the property within view of the nearest public right-of-way for a period of 15 days from the date of issuance. Applies to “after the fact” permit approvals and, if work is in progress, a halt is required through the 15-day period. Does not apply to amendments to existing permits (see §3.202(B)(6), §3.301). The ZA will provide the applicant with a form for posting as prescribed by the Town. The applicant is responsible for posting the notice and ensuring that it remains posted throughout the appeal period. Construction may not begin until the 15-day period, and any subsequent appeal period, ends.
 - ***Failure to properly post may cause the validity of the permit to be questioned.***
- J. ***Oversight by the ZA***—The applicant shall notify the ZA when a structure’s foundation, footings, or other type of foundation is laid out and marked so it can be seen where the structure will be located. The ZA will set a time to visit the site, usually within 7 days of receiving the notification. The visit may be made with or without the applicant being there, at the applicant’s choice.
- K. ***Expiration of Permits.*** See also §3.202(A)(4)–(6).
 - 1. Zoning ***construction permits***, and any associated approvals, will remain in effect for 1 year from the date of issuance, unless the permit specifies otherwise. All development authorized by a zoning permit must be substantially completed within this period. Before the expiration of a permit, the applicant may file—without permit fee, but with recording fee—an application for a single 1-year extension of the zoning permit in order to complete authorized activities. Projects that are not substantially completed prior to the expiration date of the permit or extended permit, if granted, require submission of a new permit application, with applicable fee(s). The expiration of a zoning permit under this subsection shall include the expiration of all associated approvals. Once the project work has been substantially completed, the zoning permit for a structure runs with the land or until the structure is demolished or relocated. See §3.202(5)
 - 2. Zoning ***use permits*** (residential uses, non-conditional uses) expire in 1 year unless the use is substantially ready to begin operation prior to the date the permit expires. One-year extensions are available, and must be requested by mail, email, or a submitted application before the permit expires. Only a recording fee is required, no permit fee. Uses run with the land unless the permit states otherwise. See §3.202(4).
 - 3. ***Site Plan and Conditional Use permits*** have a 2-year expiration date for substantial completion of the work, to be ready for the intended use, and may be granted a 1-year extension if requested prior

to the expiration date. Once completed, the use runs with the land unless otherwise stated on the permit, or unless abandoned (§4.101). If a new owner wishes to continue the established use an amended permit with the name change is required (only the recording fee is due).

4. ***Variances and Waivers*** typically run with the land unless an expiration date or period is indicated on the permit or is established in these *Regulations*.
5. ***Permits for subdivisions and PUDs*** do not expire once the final plat is recorded, per Statute. See §3.202(A)(6).

§3.202 Effects Of Issuance

Issuance

1. No Permit issued by the ZA shall take effect until the 15-day time for appeal authorized in 24 VSA §4465 has passed.
2. In the event that a Notice of Appeal is properly filed with the DRB, no such Permit shall take effect until adjudication of that appeal by the DRB is complete and the appeal period for the Environmental Court has passed without further appeal being taken.
3. ***Stays***. When an appeal is taken to the Environmental Court from a DRB decision regarding the issuance of a permit pursuant to 24 VSA §4449, the permit shall not take effect until either 14 days from the date of filing the Notice of Appeal with the Court or the date of a ruling by the Court on whether to issue a stay, whichever comes first (*Envir. Crt. Rule 5*).
4. ***Permits for uses***, other than structures, shall continue for the term specified on the permit. If no term is specified, the use permit will remain in effect for as long as the use is continued by the original or subsequent owners of the property, or until a change of use permit is approved. Use permits will automatically expire 2 years after the cessation of the use by any property owner subject to the permit. Resumption of the use, after cessation, requires a new permit.
5. ***Permits for structures***, other than temporary structures, shall run with the land or until the structure is demolished or removed. Relocation to another part of the property requires a new permit approval.
6. A permit for a subdivision, BLA, or PUD shall become null and void if the approved Final Plat has not been recorded in the Town Land Records within 180 days of the approval decision date. Once recorded, the permit does not expire.
 - A subdivision or PUD lot ownership transfer is not completed until a deed and copy of the Property Transfer Tax form for the ownership transfer of the lot is recorded by the Town Clerk.
 - It is the Applicant's responsibility to follow up after submitting the Final Plat to ensure it is recorded by the end of the 180-day period or the plat's approval will expire. The Applicant should check with the Town Clerk as to when the recording will be done and ensure the plat is received at the Town Office in time to make the 180-day recording deadline.

§3.203 Permit Exemptions (Also see §7.102(A) and §7.203(B) for Flood Hazard Area exemptions)

Certain uses are excluded from the permit requirements of these *Regulations*, either by design of the Town of Shoreham Planning Commission (PC) or by State statute. However, an application shall be submitted, without fees, so the ZA can confirm compliance with applicable District and Performance Standards. No zoning permit is required for the following, unless such activities occur within the Special Flood Hazard Areas:

1. Pursuant to 24 VSA §4413(b), ***public utility power generating plants or transmission facilities*** regulated under 30 VSA §248.
2. ***Solar Panels***. Net-Metered solar arrays are exempt as they are regulated by the State. Non-net-metered fixed panels on roofs adding less than 10 feet in height to the structure and non-net-metered ground mounted solar arrays are exempt from permit requirements. However, an application (with no fees) shall be submitted. See §4.329(A) for provisions governing ground-mounted solar facilities not exempt.

3. **Telecommunications Facilities Regulated by the State** of Vermont Public Utility Commission under 30 VSA §248(a), are exempt from local regulations. See §4.330 of these *Regulations* for restrictions governing telecommunications facilities not exempt under 30 VSA §248(a).
4. **Agricultural/Silvicultural/Forestry Activities.** Pursuant to 24 VSA §4413(d) farm structures (excluding dwellings) that are subject to Required Agricultural Practices (RAPs), and accepted silvicultural practices are exempt from local permitting requirements. However,
 - a. farmers intending to erect a farm structure must complete a zoning application notifying the municipality of their intent to build a farm structure. Additionally, setbacks contained within these *Regulations* must be complied with, unless the farmer provides a letter approving lesser setbacks from the Secretary of the Agency of Agriculture, Food and Markets.
 - The application/notification to the municipality must contain a letter from the Secretary of Agriculture explaining the setback exemption or a sketch of the proposed structure including the setback distances from adjoining property owners and the street right-of-way;
 - other information (e.g. the intended use of the structure, the specific type of activity, externally imposed restrictions such as topographical issues, etc) should be included that applicant feels will assist the Zoning Administrator in determining, in a timely manner, whether the activity or structure constitutes an exempt activity or structure;
 - if the activity or structure is exempt, no permit or fee shall be due.
 - b. Farm labor housing requires a municipal permit [§4.311].
 - c. Additionally, all farm structures within the Flood Hazard Area must comply with the National Flood Insurance Program.
5. Pursuant to 24 VSA §4413(e), but subject to 24 VSA §2295, these *Regulations* shall not restrict hunting, fishing, trapping, and other activities under §2295 of the Act.
6. **Fences, Hedges, or Walls** that do not interfere with corner visibility and which are no more than eight feet in height may be located within yard setback areas, but may not be located within a public road right-of-way.
7. **Doghouses, Sheds, Tree Houses, other enclosed storage spaces or structures** having 120 square feet or less in floor area, and a maximum roofline peak of 9 feet if a stand alone structure. Setback requirements must be met and the ZA must be notified by submission of an application with a sketch and all requested information, but no fees. Residential or commercial additions having 120 square feet or less in floor area are included, but must submit an application and include just the recording fee. The form may be obtained via email from the ZA or Town website, and may be emailed to the ZA or dropped off at the Town Office along with any recording fee due.
8. **Telecommunication Dishes or Antennae.** See also §4.330 *Telecommunications*.
 - Attached to an existing structure, or on the premises, for personal, non-commercial, use by a single individual or family if the area of the largest face of the antenna is no more than 15 square feet and if the antennae or any mast support do not extend more than 12 feet above the roof of that portion of the building to which the mast is attached.
 - A single **ground- or building-mounted radio or television antenna, or satellite dish** not exceeding 36 inches in diameter, which is intended solely for residential use, is exempt from these *Regulations* so long as it does not, as mounted, exceed thirty-five (35) feet in height above the lowest grade at ground level [see §4.330(A)].
9. **Any sign erected by the Town or State for directional information or traffic control** purposes, or exempt per §4.112(C) of these *Regulations*. Temporary signs for an agricultural event are exempt but must be in place for a maximum of 2 weeks prior to the event, removed within the week following the event, and be no larger than 4' x 8'.
10. **Yard or garage sales** (maximum of 3 consecutive days at a time, 18 total days annually). Additional days (more than 3 consecutive, or more than 18 annually) require a Temporary Use permit.

11. **Temporary Roadside Seasonal Stands** for the sale of home garden vegetables, foods, or small craft products produced by the residential home owner.
12. **Normal Maintenance** and repair of an existing structure that does not result in any change to the exterior dimensions or height of the structure, or a change in use.
13. **Decks, Terraces, Steps or Handicap Access Ramps**, which are not covered overhead. However, adding a roof will require a permit. Setback requirements must be met or a Waiver obtained [§3.800].
14. **Infrastructure Integral to a Permitted** building or structure and located primarily underground, such as drainage, wells, and water systems.
15. **Telecommuting/Home Office**. Includes studios, work areas used by writers, artists, licensed professionals, or similar, that are located entirely within a principal dwelling or accessory structure, and used only by a resident of the dwelling, and which involve no employees, signs, public access, or outdoor storage or displays. A Home Office may be included with a Home Occupation or Home Business.
16. **A use determined to have de minimis impact** on its neighborhood may be exempted from permit requirements by the ZA under Administrative Review, with no fees.

§3.204 Special Public Use Exceptions

- A. Pursuant to 24 VSA §4413, the following uses are excepted from review as to their acceptability in the district where they are designated as being allowed. They require a permit and are subject to the Site Plan [§5.200], Conditional Use, General/Performance/Specific Use Standards (*Article IV*). The 7 Special Public Use Exceptions shall be regulated by the applicable standards mentioned only with respect to these 14 items: being in a designated location; building size, height; yards, courts; setbacks; density of buildings, off-street parking, loading facilities; traffic; noise; lighting; landscaping, or screening; and only to the extent that these *Regulations* do not have the effect of interfering with the intended functional use:
 1. State or community owned and operated institutions and facilities;
 2. Public and private schools and other educational institutions certified by the Vermont Department of Education;
 3. Churches, and other places of worship, convents, and parish houses;
 4. Hospitals, public and private;
 5. Regional Solid Waste Management Facilities certified under 10 VSA Chapter 159;
 6. Hazardous Waste Management Facilities for which a notice of intent to construct has been received under 10 VSA §6606(a);
 7. Emergency shelters. See *Emergency Housing Shelter* §4.309, §8.100
- B. Except for State-(not community-)owned and operated institutions and facilities, each of the land uses listed above, including those proposed for development in the Special Flood Hazard Areas, shall comply with the National Flood Insurance Program and shall comply with the applicable provisions governing development in the SFHA or River Corridor areas (*Article VII*) consistent with 24VSA 2291 and 24 VSA 4424.
- C. It is the intent of these *Regulations* to regulate these facilities to the maximum extent allowable under law. The uses noted above shall be subject to review by the DRB pursuant to the applicable procedure and criteria governing Site Plan Review [§5.200] and any other provisions, such as the General and the Performance Standards [§4.102, §4.200], as well as the applicable provisions of *Article VII* that pertain to those aspects of the project that may be regulated.
- D. The burden of demonstrating that a condition imposed on one of the above developments interferes with its intended functional use rests with the applicant.
- E. Regulating the daily or seasonal hours of operation of an emergency shelter shall constitute interfering with the intended functional use.

§3.300 ZONING PERMIT APPLICATION

- A. Any person desiring to undertake any activity requiring a Zoning Permit for a use not exempt pursuant to §3.203 or §3.204 of these *Regulations*, shall complete an application for a Zoning Permit and submit it with all required information to the ZA. The ZA shall not issue a Zoning Permit unless a complete application is submitted. The application shall include the following (*note*: non-residential application requirements [subdivisions, commercial, mixed-use, PUDs, etc] are indicated with an *):
1. **Permit fee(s) and a recording fee.**
 2. **A completed zoning application** shall be on one or more forms provided by the ZA, to include:
 - a. the applicant and the owner(s), addresses, contact information, signatures of each person shall be included at the bottom;
 - b. the 911 address of the parcel to be improved;
 - c. the parcel identification number and the district within which it is located;
 - d. a description of the improvements and uses proposed;
 - e. a Sketch of the property showing the locations of structures, drives, parking and giving the footprint measurements of each, plus measurements of the frontage along the road, the setback distances from road centerline to structure(s), distances to side and rear boundaries;
 - f. State DEC water / wastewater permit number, application copy if pending, or DEC statement that it is not needed; plus
 - g. State or Town access permit(s) or application copies for pending permits.
 3. **The application shall consist of** (*for non-residential applications):
 - a. one hard-copy (paper) of the permit application form, plus all supporting documents (see below);
 - b. * an electronic (PDF) version (the PDF is *optional* for an individual's residential application, but *required* for Commercial, Mixed-Use, Major Subdivision /PUD, etc. applications) of all forms and supporting documents, emailed to the Town Office or directly to the ZA. The PDF shall be sized so it is printable and legible on 8.5" x 11" paper. If the PDF is a problem contact the ZA about having it waived. If waived, the PDF shall be replaced by 3 full hard-copies of all documents (4 full paper copies total, *a* plus *b*)
 - c. larger more complex applications may have drawings, to scale, on sheets with a maximum size of not more than 24" x 36", with the scale clearly identified, and no smaller than 1":200', and margins of 1.5";
 - d. proof of compliance with *Residential Building Energy Standards* (RBES) or *Commercial Building Energy Standards* (CBES) as applicable, unless waived by the ZA or DRB;
 4. items in (2) *a–g* above;
 5. other documents or Town or State permits necessary prior to development of any proposed project, including, but not limited to Stormwater Permits, Act 250 permits.
 - B. **Action By The ZA On A Permit Application**—Upon receipt, the ZA shall determine if the application is complete. If not complete the ZA shall notify the applicant of the deficiencies.
 1. **Within 30 days** after receipt of a complete application, the ZA shall act with regard to the application and either pass it to the DRB or, if applicable, conduct an Administrative Review of the application.
 2. **Decisions.** After conducting an Administrative Review of an application and making a decision, the ZA shall mail the decision to the owner prior to the expiration of the 30-day review period. The applicant, if different from the owner, shall be mailed the decision by regular mail.
 - a. If the application is approved, the ZA shall issue a permit with appropriate conditions, if any. Each permit issued by the ZA under the provisions of this section shall state that appeals must be made to the DRB within 15 days of the decision date. If the permit is to be mailed out of town, it shall be sent certified. The Notice Poster may be mailed to the owner or the owner's designated representative.

- b. If the application is denied, the ZA shall state such denial and the reasons for it in writing and shall immediately mail notice of such denial to the applicant at the address indicated on the application. Denials may be appealed to the DRB within 15 days of the date the denial is issued.
- c. Failure of the ZA to act on a complete permit application within a period of 30 days shall result in a permit's deemed approval on the 31st day. However, because no permit was issued the applicant shall not begin any project activities until an appeal of the ZA's failure to act is taken to the DRB, its approval of the project is received, and the ZA subsequently issues the permit. If the DRB decision is appealed to the Environmental Court, no work may begin on the project until the Court grants the applicant's right to the deemed approval remedy and a permit is issued by the ZA.

C. Posting Of A Zoning Permit Notice—The applicant shall post a Notice of Permit on a form provided by the municipality within view from the public right-of-way most nearly adjacent to the subject property until the time for appeal (15 days from date of permit issuance) has passed. Failure to keep the Notice in place for the duration of the appeal period may cause the validity of the permit to be in question.

§3.301 After-The-Fact Permit

Property lacking appropriate permits may be brought into compliance, at the discretion of the ZA, if the following criteria are met:

1. the development or use is allowed in that district (a hearing is required for Conditional Uses);
2. the property or use is not dimensionally nonconforming, or proof of legal nonconformance is supplied by the owner;
3. all fees, including recording fee, have been paid:
 - if the non-compliance was caused by a change in the *Zoning Regulations* only the recording fee will be charged;
 - if a project is begun prior to the application for, or issuance of, a permit a 25% late filing fee is charged.
4. If the permit is being issued due to a *Zoning Regulation* change, no notification poster shall be issued.
5. If work on the project is underway or has been completed, or the use established, there will be a permit notification poster issued and project work shall cease for the 15-day appeal period.

§3.302 Permit Amendment

Applicant for an amendment shall submit a permit application pursuant to §3.300, referring to the permit number that is to be amended, including a Sketch Plan, a Narrative explaining what modification is sought and why, how it meets the applicable goal(s) in the *Town Plan*, and applicable provisions of these *Regulations*.

1. The application shall include the recording fee and the appropriate fees as follows:
 - a. If the error/over-sight was caused by the ZA, no fees are due.
 - b. If the amendment is for a modification of the permit due to unforeseeable issues related to the project (such as new ownership, illness, work stoppages not under owner control, supply issues, etc.), there shall be no additional permit fee.
 - c. If the error/over-sight was due to applicant non-substantive error the permit fee is 50% the normal fee.
 - d. If the amendment is required for the correction of substantive misinformation or issues the applicant should have foreseen, the fee is doubled.
2. In approving a permit amendment, the ZA shall act to ensure that the amendment, if authorized, will represent the minimum adjustment that will afford relief and will represent the most non-substantive deviation possible from the previously approved permit. The ZA may impose Conditions that the applicant is required to comply with.

3. The nature of any permit amendment, and any Conditions attached to it, shall be entered on the face of the amended Permit, incorporated therein, and shall be enforceable in the same manner as all other applicable requirements of these *Regulations*.
4. Permit amendments shall conform to these *Regulations* and the goals of the *Town Plan*. No noncompliances, nor similar negative regulatory deviations shall be allowed.
5. The ZA shall decide on the request for a permit amendment by applying the facts presented in the application to the criteria related to the project, and incorporating all into a decision.
6. Amendments to existing permits will not be issued a zoning permit notification poster as that will have been done when originally approved and the original permit issued.

§3.303 Abandonment of A Permit, Use, or Structure Also see §4.101 *Abandonment*

- A. If an approved use is not substantially established within 12 months of permit or extension expiration date, or as stated on the permit, the use will be considered to have been abandoned.
- B. If an approved structure remains substantially uncompleted for 12 months after the permit or extension expires, the structure will be considered abandoned. The structure and all debris shall be removed and the site returned to its prior, or a natural green state by the owner. Failure to do so constitutes a violation of these *Regulations* and is subject to prosecution pursuant to §3.1000.
- C. Any site having an abandoned permit for a use or construction, shall be subject to reclamation by the owner. The site shall have all evidence of the abandoned intent removed and the disturbed land returned to a natural green state. (See in *Article VIII Definitions: Reclamation*)

§3.304 Certificate Of Compliance

- A. A Certificate of Compliance may be applied for on a form for this purpose, submitted with fees, to the ZA via the Town Office. The ZA will return the completed Certificate to both applicant and property owner if they are different. The Certificate will be emailed, or USPS mailed if so requested.
- B. A Certificate shall certify that, as of the date the ZA signs it, there are no ongoing or pending land-use violation legal actions by the Town against the property owner.

§3.305 Certificate Of Occupancy

- A. A Certificate of Occupancy shall be issued if required by FEMA for a use or structure in the SFHA [§7.509(C)], a financial lending institution, required in conjunction with a State permit or license, or other similar non-municipal requirement or regulation. The Town of Shoreham does not require Certificates of Occupancy as of the effective date of these *Regulations*. The ZA shall determine that the project has been fully completed in conformance with all issued permits, approvals, and conditions.
 1. An application for a Certificate of Occupancy shall be provided with the zoning permit issued by the ZA.
 2. The applicant shall submit a completed application to the ZA prior to the use or occupancy of the land or structure.
 3. A Certificate of Occupancy shall not be issued until all necessary approvals and permits required have been obtained for the project:
 - Certification of RBES/CBES conformance
 - Certification of compliance with applicable FEMA SFHA requirements
 - DEC Wastewater permit or confirmation of exemption
 - Curb-cut permit
 - Access easement approval by the DRB, as applicable
 4. Within 15 days of receipt of the Certificate of Occupancy application, the ZA shall inspect the premises, at a day and time agreed to by the owner or owner's representative, to ensure that all work has been completed in conformance with the zoning permit and associated approvals, including permit conditions.
 5. If the use or structure is in the SFHA the ZA shall submit the CO to the ANR for approval/comment.
- B. If the ZA fails to either grant or deny the CO within the 15-day submission period, the Certificate shall be deemed issued on the 16th day and the Applicant shall appeal to the DRB for approval in order to commence with the use or occupancy.

- C. If a CO cannot be issued, notice shall be sent to the owner and copied to the lender (or ANR if in the SFHA zone)

§3.400 PLANNING COMMISSION

- A. **The Shoreham Planning Commission (PC)** consists of 7 members elected by the voters of the Town and is responsible for interpreting the regulations it has created.

B. The PC has the following functions:

1. to prepare and update the *Shoreham Town Plan* every 8 years and amend it, as necessary;
2. as needed, to prepare, or receive, proposed amendments to these *Regulations* and other regulations as authorized *24 VSA §4442*;
3. to resolve any uncertainties regarding zoning district boundaries on the Zoning Map;
4. to nominate the ZA who will, on appointment by the Selectboard, administer these *Regulations*, as provided for in *24 VSA §4448(a)*. and *Article III* of these *Regulations*.
5. to propose non-regulatory implementation of the *Town Plan*
6. to supplement its planning work by pursuing studies, grants, or other projects that will enhance the *Plan* and strengthen the *Regulations*.

§3.500 DEVELOPMENT REVIEW BOARD

- A. **The Shoreham Development Review Board (DRB)** consists of 7 members and may have up to 2 alternates, appointed by the Selectboard, a majority of whom shall be legal residents of the Town of Shoreham and who shall be appointed for 3-year terms in a manner so that not more than $\frac{1}{3}$ of the total 3-year terms run out in any one year. The DRB conducts quasi-judicial reviews of specific types of applications as listed below. Rules of Procedure, Rules of Ethics, public notice requirements, requirements regarding decisions, appeals, and all other matters before the DRB shall be established and followed pursuant to the Open Meeting Law, the Act and these *Regulations*. Any member of the DRB may be removed for just cause by the Selectboard upon written charges and after a public hearing.

B. The Development Review Board has the following functions, to:

1. hear and grant or deny appeals of actions of the ZA, *§3.901*;
2. hear and grant or deny requests for Variances, *§3.700*;
3. hear and grant or deny requests for Waivers, *§3.800*;
4. hear and grant or deny requests for Conditional Use approval, *§5.100*;
5. hear and grant or deny approval for expansions of nonconforming uses and structures *§4.109*;
6. hear and grant or deny approval for activities in the Flood Hazard Area, *Article VII*;
7. hear and deny, or grant approval of Site Plan Review applications, *§5.202*;
8. review requests for rights-of-way, or changes requested to plats of record.
9. hear and approve or deny applications for
 - a. the subdivision of land, including hearing, granting or denying approval to modify dimensional requirements and a number of other provisions for PUDs and certain specified provisions for regular subdivisions as indicated in *§6.100 Subdivisions*, *§6.600 PUDs*;
 - b. subdivision/PUD developments for housing, commercial, or mixed-use or other development complexes;
10. hear other forms of land use request as authorized by these *Regulations* and *24 VSA §4460*.

- C. **DRB Authorities.** In addition to the functions listed in *§3.500(B)*, the DRB has authority to:

1. **Impose Conditions on any approval** it gives, in order to implement the objectives of the *Town Plan*, the Act, and these *Unified Development Regulations*.
2. **Escrow Fees.** The DRB, with Selectboard approval, may require an applicant for approval of any proposed development to bear the costs incurred by the Town for any professional reviews and/or inspections which are reasonably required by the Town in connection with such application. The DRB will advise the applicant of the anticipated costs at the Sketch Plan review or prior to the first hearing. The applicant shall deliver the fee amount to the Town Treasurer who will hold it in an

escrow until needed. Any unused funds will be returned to the Applicant. Such costs may include: fees and disbursements charged to the Town for engineering, legal, hydrological, or other professional services rendered on behalf of the Town in connection with the review or development.

3. **Bonding.** The DRB may also, under authority granted by *24 VSA §4440(d)* and with the approval of the Selectboard and the Town Attorney, set a bond amount on the project in connection with the ongoing development pursuant to *§3.504(C)(3)(b) Bonding*
4. If more than one review is required for a project, the reviews, to the extent feasible, shall be conducted concurrently, and each review will have its own separate Findings of Fact and Conditions. The DRB will consolidate all into a decision which resolves any conflicts among the reviews. *§3.504(B) Combined Review.*
5. Where the DRB finds that extraordinary, unnecessary hardships may result from strict compliance with these *Regulations*, or where there are special circumstances of a particular plat, it may vary these *Regulations* so that substantial justice may be done and the public interest secured.
6. Where the DRB finds that, due to the special circumstances of a particular plat, the provision of certain required documentation or improvements is not requisite in the interest of public health, safety, and general welfare, or is inappropriate because of inadequacy or lack of connecting facilities adjacent or in proximity to a proposed subdivision, it may waive such requirements subject to appropriate Conditions.
7. In granting variances, waivers, and other provision modifications, the DRB shall require such Conditions as will, in its judgment, secure substantially the objectives of the requirements so waived or varied.
8. No waiver or variance may be granted if it would have the effect of nullifying the intent and purpose of the *Town Plan*, these *Regulations*, or the Official Map.

§3.501 Hearings

- A. Hearings are for those uses requiring approval of the project or proposal by the Development Review Board prior to the issuance of a permit by the ZA. See the following for requirements specific to each type of review:
 - Conditional Use Review: *§5.100*
 - Flood Hazard Areas: See *Article VII*
 - PUDs: *§6.600*
 - Sketch Plan Review: *§§3.103, 6.101(C)*
 - Site Plan Review: *§5.200*
 - Subdivision Review: *Article VI*
 - Variances: *§3.700*
 - Waivers: *§3.800*
 - ZA Decision, Appeal: *§3.901*
- B. The process typically includes one or more hearings. The number of hearings and length of time from opening to closing of the hearings varies according to the complexity of the project. Applications require a number of documents and typically begin with a Sketch Plan Review done by the ZA as part of the process to determine if an application is complete, prior to passing it along to the DRB. If a project is sufficiently complex or if recommended by the ZA, or if it deems a review is necessary, the DRB may hold its own Sketch Plan Review as well. Sketch Plan reviews will not be a warned hearing and there is no hearing fee. It is simply a short part of a regular meeting during which the Board (or ZA) and applicant can informally discuss the proposed project. The Board may request additional materials from the applicant to be submitted prior to the initial hearing. If the proposal is for a Subdivision, a decision as to the Major/Minor status will be made after the Sketch Plan review.
- C. The DRB shall set the hearing date within a reasonable time, but no longer than 60 days, after receiving a complete application.

§3.502 Hearing Application

- A. Applying for A Hearing**—The Applicant shall submit a complete Zoning Permit application [§3.300] and a Hearing application to the Town Office at least 28 days prior to the regularly scheduled DRB meeting at which the Applicant hopes to be heard. Note that there is no guarantee that the application will be reviewed at that hearing. Pursuant to the requirements of 24 VSA §4461 for development review and §4468 for appeals, the hearing will be scheduled for no later than 60 days after the DRB receives the application or notice of appeal. All hearings shall be open to the public and the rules of evidence applicable at these hearings shall be the same as the rules of evidence applicable in contested cases in hearings before administrative agencies as set forth in 3 VSA §810.
- B. Applications shall be submitted in the following formats:** one paper copy and one PDF copy pursuant to §3.300 (may be optional for an individual's residential use hearing). They shall be complete and contain:
1. owner name and contact info; applicant name and contact if different from owner;
 2. parcel size, parcel ID number, district in which it lies;
 3. maps & drawings done to a scale of at least 1":200';
 4. existing and proposed structures, parking and driveway areas, total footprints for all;
 5. Town/ State access permits; DEC Water/ Wastewater permits;
 6. names and addresses of abutters;
 7. additional required supporting documents may be found under the provisions of these *Regulations* that address the specific topics/subjects of review. Find the references to the specifics of the most common hearing applications in §3.501(A), above.

§3.503 Public Notice of Hearings (steps in the process)

- A.** In accordance with the Act [4464(a)], a warned public hearing shall be required for *Conditional Use Review* [§5.100], *ZA appeals* [§3.901], *Variances* [§3.700], *PUDs* [§6.600], *Site Plan Review* [§5.200], *Waivers* [§3.800], *Preliminary Subdivision Reviews* [§6.101(E)] and *Final Subdivision Review* [§6.101(F)]. Any public notice for a warned public hearing shall be given not less than 15 days prior to the date of the public hearing by all of the following:
1. **publication** of the date, place and purpose of the hearing in a newspaper of general circulation in the town;
 2. **posting** of the same information in three (3) or more public places within the municipality, including posting of a notice within view from the public right-of-way nearest to the property for which the application is being made;
 3. **written notification**, at least 15 days prior to the hearing, to the applicant and to owners of all properties adjoining the property subject to development, without regard to public rights-of-way, which includes a description of the proposed project, information that clearly informs the recipient where additional information may be obtained, and that participation in the local proceeding is a prerequisite to the right to take any subsequent appeal;
 4. **for subdivision plats located within 500'** of a municipal boundary, written notification of the hearing to the clerk of the adjoining municipality; and
 5. **Combined Review**—If a hearing is for 2 (or more) reviews, *example*: a variance and a Conditional Use approval, the warning shall notice that the hearing will consider both not just one of them [§3.504(B) *Combined Review*].

B.

Hearing Notice Requirements as Governed by 24 V.S.A. § 4464(a)								
Posting Requirements	Conditional Use Review ¹	Appeals of ZA Decision ¹	Variance ¹	Final Plat for Subdivision ¹	Site Plan ²	Design Review ²	Sketch/Preliminary Subdivision Review ²	Local Act 250 ²
Publication of the date, place, and purpose of the hearing in a newspaper.	×	×	×	×				
Posting the date, time, place and purpose of the hearing in three or more public places within the municipality in accordance with 1 V.S.A. § 312 (c) (2).	×	×	×	×	×	×	×	×
Posting the date, time, place and purpose of the hearing within view from the public right of way most nearly adjacent to the subject property.	×	×	×	×				
Written notification to the applicant and to owners of all properties adjoining the property subject to development, including the owners of properties across public rights of way.	×	×	×	×	×	×	×	×
Notification includes a description of the proposed project, where the recipient may obtain additional information, and that participation in the local proceeding is a prerequisite to the right to take any subsequent appeal.	×	×	×	×	×	×	×	×
¹ Any public notice for a warned public hearing shall be given not less than 15 days prior to the date of the public hearing. ² Public notice for hearings on all other types of development review, including site plan review, shall be given not less than seven days prior to the date of the public hearing. ³ When a variance is sought regarding setbacks from a state highway, written notification to the secretary of transportation is required.								

from VLCT

- C. The applicant or appellant is required to bear the costs of the public warning. The applicant/appellant shall also bear the costs and responsibility for notification of adjoining landowners, determined from the most recent municipal grand list, as required under §3.503(A) (3) above. The applicant shall demonstrate proof of delivery to adjoining landowners either by certified mail with return receipts or by written notice hand-delivered or mailed to the last known address supported by a sworn certificate of service.
- D. No defect in the form or substance of any required public notice under this section shall invalidate the action of the DRB where reasonable efforts have been made to provide adequate posting and notice. However, the action shall be invalid when the defective posting or notice was materially misleading in content. If an action is ruled to be invalid by the Environmental Court, the action shall be remanded to the DRB to provide new posting and notice, hold a new hearing, and take a new action.

§3.504 Hearing Procedures

- A. **Process**—If more than one review is required for a project, the reviews, to the extent feasible, shall be conducted concurrently [§3.504(B) *Combined Review*]. See *Article VII* for hearings for permits in the Special Flood Hazard Area. A Hearing shall be conducted as follows:
1. The applicant or her/his agent shall attend the hearings.
 - a. Site Plan Review (may be optional, or done by the ZA as an Administrative Review)
 - b. Hearings for Development Reviews—One or more hearings depending on complexity of project.
 - c. Hearings for Subdivisions:
 - i. Preliminary Plan & Plat Review (Major Subdivisions and PUDs)—One or more followed by the Final Plan & Plat hearing(s). See §6.401
 - ii. Final Plan and Plat (all subdivisions)—Boundary Line Adjustments and Minors Subdivisions typically are done under Administrative Review so have no hearings. For Majors and PUDs, one or more Final Hearings will be scheduled following the Preliminary Hearings. See §6.402.

2. **Official Submission Date**—The Official Submission Date is the basis for hearing dates and their subsequent timings. The official date shall be the date of the first regular meeting, as set annually pursuant to the Rules of Procedure and the Open Meeting Law, of the DRB after receipt of an application and acknowledgment of the receipt. The DRB will set a date and place for a public hearing within 60 days of the Official Submission Date of an application.
3. **Interested Persons.** Any person or body empowered by 24 VSA §4465 to participate as an interested party or to take an appeal with respect to the property at issue may appear and be heard in person or be represented by an agent or attorney at the hearing. See the definition of Interested Person in *Article VIII*.
 - a. Because Shoreham does not, generally, determine the Interested Party status of hearing attendees, except for hearings on a ZA appeal, all attendees are allowed to present testimony. The DRB may establish an allotted time for attendee testimonies.
 - b. If a Development Review Board decision is appealed to the Environmental Court, the Court will determine the status of appellants.
4. **Recessing.** The DRB may adjourn the hearing from time to time if it deems it necessary to gather further information provided, however, that the date, time, and place of the resumed hearing shall be announced prior to closing the current hearing.
5. **All hearings shall be open to the public** and the rules of evidence applicable at these hearings shall be the same as the rules of evidence applicable in contested cases in hearings before administrative agencies pursuant to 3 VSA §810.
6. The DRB shall review the information submitted for conformity to these *Regulations*.
7. The DRB may conduct a site visit if deemed to be appropriate.
8. **Town acquisition of improvements.** Where an applicant proposes to construct improvements that the Town will acquire ownership over, or where the applicant proposes to connect to Town-owned infrastructure, the DRB may require that the applicant submit its plans to an engineer representing the Town for an independent review of the improvement to be acquired or the impact of the connection on Town infrastructure. The cost of the review shall be in addition to the application fee and shall be borne by the Applicant. Before the Town engages the services of a person or firm to conduct a specific independent technical review, the ZA shall provide the Applicant with notice of the pending review and the opportunity to be heard on any such proposed review.
9. **Deliberations.** After submission of all evidence and testimony, the DRB shall close the hearing, immediately entering its deliberative phase which is not open to the public.

B. Combined Review

1. In cases where a proposed project will require more than one type of development review (ie: land division plus specific uses, or all specific uses, or residential plus commercial, etc.), the DRB may warn and hold a single hearing for the purpose of reviewing and acting on the proposal. The ZA will identify proposed projects appropriate for combined review and assist applicants in preparing and submitting coordinated applications to facilitate the review process.
2. Notice for a combined review hearing shall be made in accordance with §3.503 of these *Regulations*. The hearing notice shall include a statement that the hearing will be a combined review of the proposed project and list each review process that will be conducted at the hearing.
3. All hearing and decision requirements, and all deadlines applicable to each review process shall apply [see §3.504(C) below].

C. Hearing Decisions

1. The DRB shall enter its deliberative phase immediately following the close of the hearing. Deliberations are not open to the public and may be held in-person, electronically, or by telephone.
 - a. The decision shall consist of Findings of Fact based on the testimony and exhibits presented at the hearing(s), Conclusions of Law based on the Findings, and shall include provisions for appeal.
 - b. The decision must be issued within 45 days of the hearing's close. Within that period the applicant or appellant, shall be sent, by certified mail, a copy of the decision. Copies of the decision shall also be mailed by regular mail service to every attendee who participated orally or by written testimony

at the hearing. A copy of the decision shall be filed with the ZA and the Town Clerk who shall record the decision as a public record.

- c. *If the Development Review Board fails to decide within 45 days*, the application will be deemed approved on day 46. The Applicant must appeal to the Environmental Court for approval of the Deemed Approved Remedy status, and be issued a permit by the ZA, prior to commencing use or development of the project. No permits will be issued prior to receipt by the ZA of the Court's Deemed Approval acknowledgment.
2. **Combined Review Decisions**—If concurrent reviews are held in conjunction with a given project, the DRB will make separate Findings, Conclusions, Decisions, and Conditions for each review, then incorporate all into a unified decision that resolves any potential conflicts in the separate Decisions and Conditions of each use under review.
3. **Conditions & Bonding**
 - a. **Conditions**—The DRB may impose Conditions, relative to and supported by the applicable standards in these *Regulations*, to ensure that the project complies with the *Town Plan*, the *Regulations*, and the Act.
 - b. **Bonding**—The DRB may impose a Condition requiring bonding. Where a performance bond is required by the DRB, the applicant shall file with the Town a bond in an amount sufficient to provide for, and secure to the public the full cost of completion of project improvements, to include all streets, other required improvements, and their maintenance for a period of two years. The bond must be submitted to and approved by the DRB, the Selectboard, and Town Attorney as to form, sufficiency, manner of execution and surety, for completion of the required improvements. The DRB shall specify the time period within which the required improvements must be completed, but in no case for a longer term than 3 years, unless agreed to by the applicant. The time period shall be expressed in the bond. Upon completion of the work secured by the bond, prior to the bond's release, the Town's selected Engineer must file a certificate stating that all required improvements constructed by the applicant have been designed and inspected and meet the applicable standards in these *Regulations*, and are as required by law. If any required improvements have not been installed or maintained as provided within the term of such bond, the Town may deem the bond forfeited and use the proceeds to install or maintain such improvements.

§3.600 RECORDING OF FINAL PLATS & OTHER DOCUMENTS

§3.601 Recording of Permits, Certificates, Violations

Pursuant to the Act [24 VSA §4449(c)], within 30 days after a municipal land use permit (zoning permit, subdivision permit, Certificate of Compliance, Variance/Waiver, or an appeal) has become final, or within 30 days of the issuance of a Notice of Alleged Violation, the ZA shall deliver the Notice, or memorandum of permit issuance, to the Town Clerk for recording. The applicant may be charged for the cost of recording fees. See also Final Plat requirements below [§3.604].

§3.602 Final Plats Pursuant to Boundary Line Adjustments & Minor Subdivisions

Within 180 days of approval of the Final Plan and Plat by the ZA, the applicant shall file at the Town Office 1 paper copies of the Final Plat plus a Mylar of the Final Plat for execution by the ZA. The Zoning Administrator shall review the Final Plat of a BLA or Minor Subdivision when submitted to the Town Office, to ensure it complies with the Conditions of the permit and the requirements for recording [see §3.604]. Upon finding that the Plat meets all Conditions and requirements, the Zoning Administrator shall sign the Plat and notify the DRB that the Plat is at the Town Office, with a memorandum noting it has been administratively approved and offered for recording. Delivery of the Mylar to the Office does not relieve the applicant of the duty *to ensure that the Mylar is executed and recorded* in the land records within the 180-day period. After recording by the Town Clerk, the Plat shall become part of the official town records.

§3.603 Final Plat Recording for Major Subdivisions, PUDs, or Referrals

Within 180 days of approval of the Final Plan and Plat by the DRB, the applicant shall file at the Town Office 1 paper and 1 digital copy of the Final Plat plus a Mylar of the Final Plat for execution by the DRB and recording by the Clerk pursuant to §3.604 below and §6.402(B). The Final Plat shall be signed by the DRB and endorsed with the necessary agreements in connection with required easements or releases after the DRB has had the opportunity to coordinate with the Selectboard as needed. Delivery of the Mylar to the Office does not relieve the applicant of the duty *to ensure that the Mylar is executed and recorded* in the land records within the 180-day period. After recording by the Town Clerk, the Plat shall become part of the official town records.

§3.604 Final Plat Recording Requirements—The Final Plats for BLAs, Minor and Major Subdivisions, and PUDs, shall:

- A. conform to the approved Preliminary Plat**, plus any recommendations or additional information required by the Development Review Board;
- B. include a deed description and a map** or survey of tract boundary made and certified by a licensed land surveyor, tied into established boundary monuments;
- C. include sufficient data to determine readily** the location, bearing and length of all street, lot and boundary lines, referenced to established monuments;
- D. identify and include** the location, dimensions, and names of all sites for residential, commercial, industrial, public, non-public, dedicated and reserved uses;
- E. include the location, material, and size of monuments;**
- F. carry the following two endorsements:**
 - 1. APPROVED BY RESOLUTION OF THE TOWN OF SHOREHAM DEVELOPMENT REVIEW BOARD, VERMONT, ON THE _____ DAY OF _____ 20__, SUBJECT TO ALL REQUIREMENTS AND CONDITIONS OF SAID RESOLUTION.
SIGNED THIS _____ DAY OF _____ 20__
BY _____ CHAIRPERSON
 - 2. APPROVED BY THE ZONING ADMINISTRATOR, TOWN OF SHOREHAM, VERMONT, ON THE _____ DAY OF _____ 20__, SUBJECT TO ALL REQUIREMENTS AND CONDITIONS OF APPROVAL.
SIGNED THIS _____ DAY OF _____ 20__
BY _____, ZONING ADMINISTRATOR
- G. the Plat shall comply with 27 VSA §1403;**
- H. the Plat shall be void** if changes are made to it after the DRB has endorsed it. Any changes to the Plat may be made only after applying to the DRB to effect the changes. [§3.605 *Plat Amendments*].

§3.605 Plan & Plat Amendments

- A. An approved Final Plan may be amended** with alterations to lot dimensions, overall design, and layout under Administrative Review by the Zoning Administrator, providing such amendments do not substantially alter the items originally approved by the DRB. Any amendment that would result in an increase in the density of a PUD; an increase in the nonconformity of parcel dimensions, structures, or uses; or that would require additional Conditional Use approvals will be treated as a new application and as such must go through the hearing /permitting process with the DRB again.
- B. An approved Final Plat shall not be changed, modified, or revised** after it has been executed and filed by the DRB unless the Plat is first resubmitted to the DRB, and the Board, or ZA under Administrative Review as applicable, approves any modifications.

§3.700 VARIANCES see also Flood Hazard Area Variance §7.508

- A. Applying.** A Variance may be requested by someone who is proposing a project pertaining to land use and development. that would require deviating from, or modifying, the established provisions of these *Regulations*.

1. **Application**—The applicant shall submit complete zoning permit [[§3.300](#)] and hearing [[§3.502](#)] applications. In addition to the requirements listed for a zoning permit and for a hearing application, when seeking a Variance for a project that requires deviating from these *Regulations*, the applicant shall also include:
 - a. a Narrative summarizing the requested Variance and addressing each of the criteria in (B)(1)–(5) below, as applicable; and all other information necessary to illustrate compliance with these *Regulations*;
 - b. as applicable, a copy of a Preliminary Plat [see [§6.401](#)] that accurately depicts the existing lot dimensions and setbacks and the proposed variance, with all distances in feet, frontage measured from the centerline of the road to the nearest part of the structure;
 - c. in addition to the information noted above, the following may be required (the ZA can advise): An accurate map of the property showing existing features, including contours, structures, large trees, streets, utility easements, rights of way; copies of any land use and deed restrictions;
 - d. any other documentation pertinent to the issue before the DRB.
 2. **Public Notice & Review**—The DRB, after setting a date for the hearing, will post the warnings and public notices pursuant to [§3.503 Public Notice](#). Review will proceed according to the provisions in [§3.504 Hearing Review](#) and pursuant to any rules of procedure the DRB has adopted.
- B. Review Criteria**—The DRB shall only grant a Variance if *all* of the following criteria are met
1. There are ***unique physical circumstances or conditions***, including irregularity, narrowness, or shallowness of lot size or shape, or exceptional topographical or other physical conditions peculiar to the particular property. These conditions, and not the circumstances or conditions generally created by the provisions of these *Regulations* in the neighborhood or district in which the property is located, have created an unnecessary hardship for the applicant.
 2. Because of these conditions or circumstances, ***there is no possibility that the property can be developed in strict conformity with the bylaws*** and that therefore a Variance is necessary to enable the reasonable use of the property.
 3. Unnecessary ***hardship has not been created by the applicant*** (note: the Vermont Supreme Court has ruled that a purchased nonconformity is a self-created hardship, and a Variance thus unapproveable).
 4. The variance, if authorized, ***will not***:
 - a. alter the essential character of the neighborhood or district in which the property is located;
 - b. substantially or permanently impair the appropriate use or development of adjacent property;
 - c. reduce access to renewable energy resources; or
 - d. be detrimental to the public welfare.
 5. The Variance ***will represent the minimum variance that will afford relief*** and will represent the least deviation possible from the *Town Plan* and these *Regulations*.
- C. Renewable Energy Structure Criteria**—Where a variance is requested for a structure that is primarily a renewable energy resource structure, in accordance with the Act [[§4469\(b\)](#)], the Board may grant such variance only if all of the following facts are found in the affirmative and specified in its written decision:
1. It is unusually difficult or unduly expensive for the appellant to build a suitable renewable energy resource structure in conformance with these *Regulations*;
 2. The hardship was not created by the appellant;
 3. 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, nor be detrimental to the public welfare; and
 4. The variance, if authorized, will represent the minimum that will afford relief and will represent the least deviation possible from these *Regulations* and from the *Town Plan*.

D. Special Flood Hazard Area Criteria—In addition to the requirements in §7.103, §7.204, and §7.308, the DRB shall only grant a Variance within the Special Flood Hazard Areas if all of the following criteria are met, in accordance with the Act and with *CFR §60.6* of the *National Flood Insurance Program*:

1. No increase in flood levels during the base flood discharge would result.
2. The structure or other development is protected by methods that minimize flood damages.
3. The Variance, if granted, would not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, or cause fraud on or victimization of the public.

E. Decision and Conditions—The DRB shall make its decision on the request for a Variance and shall issue its decision pursuant to the procedure outlined in §3.504(C).

1. The DRB shall make its decision on the request for Variance by applying the facts presented in the application and at its hearing to the criteria listed in *B 1–5* above (plus *D 1–3* SFHA variance criteria, if applicable). All criteria must be met in order for the DRB to grant a Variance. The DRB shall respond to each criterion in its written Findings of Fact.
2. In granting a Variance, the DRB may impose the Conditions it deems necessary and appropriate under the circumstances to implement the purposes of the municipal *Plan* currently in effect, and with the least deviation possible from these *Regulations*, pursuant to §3.700(B)(5).
3. The nature of any Variance and any Conditions attached to it shall be entered on the face of the Zoning Permit, incorporated therein and shall be enforceable in the same manner as all other applicable requirements of these *Regulations*.

§3.800 WAIVERS

A. The Town recognizes 3 types of Waivers:

1. **Regulatory Waivers**—The DRB has authority to vary specific provisions or application requirements for PUDs, or waive completely, where it determines there is good cause to do so, and only if the waiver does not have the effect of nullifying the overall purpose and intent of these *Regulations* or the *Town Plan*. When deciding whether to grant a Regulatory Waiver, the DRB shall take into consideration the nature and degree of the exception requested, and the extent to which suitable/necessary mitigation is proposed. This option includes the waiver of such things as specific requirements for applications, documents normally expected to be received for hearings, specific provisions regarding subdivisions. The DRB shall note any waived provisions in the decision issued after the hearing during which the determination to waive was made.

2. **Parking Waivers**—See §4.112.

3. **Dimensional Waiver**

As an alternative to the Variance procedures noted in §3.700 above, applicants may apply for waivers of dimensional setbacks for land use applications, subject to the provisions of §4.108(H) and pursuant to the criteria below. Dimensional waivers may be incorporated in an appeal process, a Conditional Use application, or in other development review procedures. The Development Review Board may grant waivers to reduce dimensional requirements if the applicant can satisfy the following, as applicable:

- a. the Waiver requested is for a use permitted within the district in question as a by right use (as opposed to a Conditional Use);
- b. the Waiver requested is in conformance with the Town Plan and the goals set forth in §4302 of the Act;
- c. the Waiver requested is designed to conform to the character of the land use area in which it lies, as defined in the Plan and further designed to reasonably limit impact or the potential for impact upon one's neighbors;
- e. the design used incorporates design techniques (restricted height, window limits), screening (fencing or plantings), or other remedies to reasonably limit impact or the potential for impact upon one's neighbors;
- f. the Waiver requested accommodates structures providing for disability accessibility, fire safety, and other requirements of land or energy conservation or renewable energy structures.

B. Application—The applicant shall submit complete zoning permit [§3.300] and hearing [§3.502] applications, a Narrative summarizing the requested waiver and addressing each of the criteria in (A)(3)(a)–(f) above. Additionally, the DRB may require:

1. all other information necessary to illustrate compliance with these *Regulations*, to include the property's identification numbers taken from the latest tax records; name and address of the owner of record and those of adjoining lands; name and address of person or firm preparing the map;
2. a copy of a survey with a Scale, North point, and date and which accurately depicts the existing lot dimensions and setbacks and the proposed new dimensions, with all distances in feet, front setback measured from the centerline of the road to the nearest part of the structure;
3. in addition to the information noted above, the following may be required (the ZA can advise): a survey of the property showing existing features, including contours, structures, large trees, streets, utility easements, rights of way; copies of any land use and deed restrictions;
4. a scaled plan, showing proposed structure locations and land use areas; streets, driveways, traffic circulation, parking and loading spaces and pedestrian walks; landscaping plans, including site grading, landscape design and screening;
5. construction sequence and time schedule for completion of each phase for buildings, parking spaces and landscaped areas of the entire development;
6. a description of energy utilization and conservation measures for each heated structure;
7. any other documentation pertinent to the issue before the DRB, and to aid the DRB in making its decision.

C. Public Notice & Review—The DRB, after setting a date for the hearing, will post the warnings and public notices pursuant to §3.503. Review will proceed according to the provisions in §3.504 and pursuant to any rules of procedure the DRB has adopted.

D. Decision & Conditions—The DRB shall make its decision on the request for Waiver and shall issue its decision pursuant to the procedure outlined in §3.504(C).

1. The DRB shall make its decision on the request for Waiver by applying the facts presented in the application and at its hearing to the criteria listed above. The DRB shall respond to each criterium in its written Findings of Fact.
2. In granting a Waiver, the DRB shall act to ensure that the waiver will represent the minimum waiver that will afford relief, and may impose the Conditions it deems necessary and appropriate to implement the purposes of the current municipal *Plan* with the least deviation possible from these *Regulations*.
3. The nature of any Waiver and any Conditions attached to it shall be entered on the face of the Zoning Permit, incorporated therein and shall be enforceable in the same manner as all other applicable requirements of these *Regulations*.

§3.900 APPEALING DECISIONS—A notice of appeal of an action or decision by the ZA or a decision by the DRB, filed under this section, shall be in writing and shall include the following information, pursuant to Act [§4466]:

1. the name and address of the appellant,
2. a brief description of the property with respect to which the appeal is taken,
3. a reference to applicable provisions of these *Regulations*,
4. the relief requested by the appellant, including any request for a variance from one or more provisions of these *Regulations*, and
5. the alleged grounds why such relief is believed proper under the circumstances.

§3.901 Appealing ZA Decisions [24 VSA §4465]

Appeals of any decision, action, or inaction of the ZA shall be made to the Development Review Board. The DRB shall conduct hearings on appeals pursuant to the authority derived from and the procedures contained in 24 VSA §§4465, 4466, 4468, 4469, and 4470.

1. **Deadline For Appeal**—An appeal taken with respect to an act or decision of the ZA must be filed within 15 days of such act or decision.

2. **Interested Persons**—Only an “Interested Person” as defined in *Article VIII* of these *Regulations* and by 24 VSA §4465(b) may appeal the decision or action of the ZA under these *Regulations*. The DRB will determine the appellant’s Interested Person status on receipt of the application.
3. **Applying**—The appellant shall file an electronic version (PDF, *optional*) or one hard-copy notice of appeal with the Secretary or Chair of the Development Review Board or with the Town Clerk if no such Secretary or Chair has been elected. The ZA shall receive a copy as well. The notice of appeal shall contain the information noted above. If the appellant has a problem producing the PDF, three hard copies (for the DRB, the Town Clerk, and the ZA) may be filed instead.
4. **Public Notice and Review Procedure**
 - a. Public notice of hearing shall be given as required by §3.503
 - b. The DRB shall review all appeals pursuant to the procedure established in §3.504.
5. **Decisions**—Upon the close of the hearing, the Development Review Board shall issue its decision pursuant to the procedure outlined in §3.504(C).

§3.902 Appealing DRB Decisions [24 VSA §4471] The notice of appeal shall contain the information above.

1. Only an “Interested Person” who has participated in a proceeding before the Development Review Board may, within 30 days of the DRB decision date, appeal a decision rendered in that proceeding to the Environmental Court. The Court will determine the Interested Person status of the appellant. See definition of *Interested Person*, *Article VIII*.
2. Participation in a local regulatory proceeding shall consist of offering, through oral or written testimony, evidence or a statement of concern related to the subject of the proceeding.
3. An appeal from a decision of the Development Review Board shall be taken in such manner as the Supreme Court may, by rule, provide for appeals from State agencies governed by 3 VSA §§801–816.
4. Notice of the appeal shall be filed by certified mailing, with fees, to the Environmental Court and by mailing a copy to the Town Clerk or the ZA, who shall supply a list of attendees to the appellant within 5 working days. [24 VSA §4471(c)]
5. Upon receipt of the list of attendees, the appellant shall, by certified mail, provide a copy of the notice to each attendee.

§3.903 Motion to Reconsider *Vermont Rules of Civil Procedure (V.R.C.P. 59(e))*

1. An Interested Person may submit a request to the DRB for a *Motion to Reconsider* its decision, and the DRB may make such *Motion* on its own behalf. The *Motion* must clearly establish either a manifest error of law or fact in the decision, or must present previously unavailable evidence. A motion may be filed anytime before the appeal period expires (30 days).
2. The Board must add the *Motion* to its next regular agenda and vote on whether or not to reopen the hearing to hear evidence in regard to the matters raised in the *Motion*.
 - a. If the Board votes to not reopen, the appeal period starts over from the date of such denial
 - b. If Board votes to reopen, the Board must
 - warn a hearing for the *Motion to Reconsider*,
 - issue decision,
 - a new 30-day appeal begins on issue date.
3. Once the hearing is reopened the Board may hear evidence related to the *Motion* or any other evidence related to the application. The reopened hearing process continues as if there had never been a prior decision. The new decision may be as previously issued, without change, or with revisions.
4. A party is entitled to only one *Motion to Reconsider* in order to prevent sequential motions.

§3.1000 VIOLATIONS & ENFORCEMENT

§3.1001 Violations.

The commencement or continuation of any land development or use which is not in conformance with provisions of these *Regulations*, shall constitute a violation. All violations shall be pursued in

accordance with the Act [24 VSA §4451 and §4452]. The ZA shall initiate appropriate action (§3.1003) on behalf of the municipality to enforce the provisions of these *Regulations*.

- All fines imposed and collected for the violation of these *Regulations* shall be paid to the municipality.
- Each day a violation persists is considered a new violation and is subject to fees as assigned by the Court.

§3.1002 Statute of Limitations vs Grandfathering

In response to the VT Supreme Court's Bianchi decision (*Bianchi v Lorenz*, 1997) the Legislature instituted a 15-year Statute of Limitation on municipal zoning violations.

1. **Legally existing nonconformities**—Violations that were at one point in time in legal existence and not violations at that time, but which became violations because of changes adopted in the zoning bylaws, are considered grandfathered and are not subject to violation proceedings. These legally preexisting nonconformities may be altered in accordance with Permitted or Conditional Uses allowed in their district [see §4.109] and may receive Certificates of Compliance.
2. **Nonconforming Violations**—Properties which were never in compliance with bylaws were and remain in violation, are not grandfathered, and are subject to municipal action for 15 years after the violation was begun. Proof of when the violation began, or when the status of a legally existing property became nonconforming, lies with the property owner. Once the 15-year Statute of Limitation expires, the property:
 - is no longer subject to violation proceedings;
 - remains a violation;
 - is not eligible for a Certificate of Compliance until either the *Regulations* change to include the transgression(s) as legal options *or* the property is brought into compliance with the existing *Regulations*;
 - is not eligible for any development changes as noted in the nonconformity provisions [§4.109], being in a state of violation.

§3.1003 Process

- A. **Notice of Alleged Violation.** Pursuant to the Act [24 VSA §4451], no action may be brought under this section unless the alleged offender has had at least 7 days notice by certified mail that an alleged violation exists. The *Notice of Violation* shall state that a violation exists, that the alleged offender has an opportunity to cure the violation within the 7 days, and that the alleged offender will not be entitled to an additional warning notice for a violation occurring after the 7 days. Action may be brought without notice if the alleged offender repeats the violation of the bylaw after the 7-day notice period and within the next succeeding 12 months.
- B. **Limitations on Enforcement.** The Town shall observe any limitations on enforcement proceedings relating to municipal permits and approvals as set forth in the Act [24 VSA §4454].

§3.1004 Penalties

Violations of these *Regulations* shall be regulated as prescribed in 24 VSA §4451 and §4452 of the Act, as they may be amended from time to time. Penalties may include fines up to the amount listed in the Statute at the time of the offense (as of 2023 up to \$100 per day, per offense, doubled in the event of default), injunctive action, or any other remedy the Town may lawfully seek under the Statute.

ARTICLE IV. STANDARDS

GENERAL • PERFORMANCE • SPECIFIC-USE

§4.01 PURPOSE AND APPLICABILITY

The Standards provide a measurement against which to evaluate the project's regulatory compliance for determination of its approval or denial. An applicant must specify how the project meets the criteria for the applicable standard(s). The following Standards apply to all uses and structures allowed in the Town's zoning districts.

§4.100 GENERAL Standards

§4.101 Abandonment *See also §3.303 Permit Abandonment*

- A. Abandonment shall be determined by the ZA,** established by overt act(s) of the owner conclusively and unequivocally manifesting either a present intent to relinquish the use, or a purpose inconsistent with its future existence.
1. A residential building is defined as abandoned if it is no longer being maintained as a habitable structure for a period of at least three years, regardless of evidence of intent to re-establish such use, unless there were legal circumstances that prevented it from being renovated and made habitable. A habitable structure is structurally sound, weather-tight, with functional power, drinking water, wastewater, and heating systems.
 2. Other buildings meant for use will be deemed abandoned if lacking any major structural element customary to that building type, such as a roof, windows, water supply, etc. for more than two years, unless there were legal circumstances that prevented it from being renovated and made usable.
 3. An involuntary interruption of use, such as by fire or natural catastrophe, does not establish the intent to abandon, nor does merely a cessation of the use.
 4. If a use is halted for a period of 24 months, and any one of the following apply, the owner of the use, or the structure housing it, will be presumed to have abandoned it:
 - a. the owner's intent to discontinue is clear and apparent;
 - b. the characteristic equipment and furnishings of the use have been removed from the premises and not been replaced by similar equipment/furnishings within 12 months;
 - c. if nonconforming, the use has been replaced by a conforming use, regardless of the intent to re-establish the prior use.
- B. Discontinuance or abandonment of construction**—A project under construction shall be considered to have been discontinued or abandoned if the project has had no significant work done on it, it remains substantially incomplete, and the permit has expired. Where the Zoning Administrator has determined that discontinuance or abandonment has taken place, the ZA shall either issue a Notice of Violation [§3.10003(A)] to the property owner or refer the issue to the Selectboard which may require all materials to be removed if it determines that the structure is a nuisance or poses a public health/safety hazard. The burden of proof to establish that discontinuance or abandonment has not occurred lies with the property owner. Within the time frame specified in the notice the owner/responsible party shall:
1. appeal the Notice of Violation, *or*
 2. attempt to develop a plan with the ZA to remedy the violation, *or*
 3. obtain a zoning permit [§3.300] to resume use, construction, or repair of the structure, *or*
 4. remove all construction equipment, structural materials, and debris from the site, restore the site to the natural grade, and establish a ground cover sufficient to prevent erosion.

§4.102 Access & Frontage *[24 VSA §4412(3)]*

- A. Interior Lots.** In accordance with the Act, land development may be permitted on lots that do not have frontage on either a public road, a duly approved and constructed private road, or public waters, provided that—with the approval of the DRB—access to a public road has been secured by means of a permanent access easement or right-of-way at least 50' wide. No dead-end roads lacking a turn-around sufficient for emergency vehicles shall be allowed. Alternatively, access by means of a class 4 road, provided the Selectboard:

1. has agreed to upgrade the status of the road to a class 3 road; or
 2. has approved a maintenance plan to be carried out by the easement holder for the easement over the class 4 road.
- B. For access easements subject to DRB approval**, the Board may consider the intended use of the property, safety, traffic, road and site conditions in granting or denying approval, and may impose Conditions as appropriate. Access roads are subject to approval by the Fire Department. An application shall be made to the DRB via the Zoning Administrator. A hearing shall be held in accordance with §3.504(A), Decisions shall be issued in writing, and recorded as required under §3.504(C).
- C. Frontage requirements** and setbacks for lots served by private rights-of-way shall be the same as the requirements for lots served by public rights-of-way (i.e. measured on the boundary parallel to the road, public or private, from which access is gained), or as provided for in the district's standards. See §4.108(E).
- D. Shared access roads are encouraged** and may be required for development subject to DRB review. Access roads serving 2 or 3 lots must meet *State B-71* driveway standards; access roads serving 4 or more lots (development roads) must meet road standards for applicable sized roads contained in the "*Vermont State Standards for the Design of Transportation Construction Reconstruction and Rehabilitation on Freeways, Roadways and Streets*" published by the Agency of Transportation, July 1, 1997, and any subsequent amendments or revisions.
- E. All access to town public roads must meet municipal or State specifications** for grade, culverts, and ditching. Access widths (curb cuts) shall be limited to a width approved by the SB or its designee, and shall not extend along the length of road frontage.
- F. Access roads shall not, in any 100' section, exceed an average grade of 15%.** Driveways or access roads exceeding 500' in length must include, at minimum, one 10' x 50' pull-off area within every 250'.
- G. Access to town roads** is subject to the approval of the Shoreham Selectboard or its designee, and for state highways, the approval of the Vermont Agency of Transportation. As a condition for access approval, compliance with all local ordinances and regulations pertaining to roads and land use is required. Any activity for which a zoning permit is required and which involves the construction or modification of a driveway intersecting with a public right-of-way shall obtain an access permit from the Selectboard prior to the issuance of a zoning permit. The Selectboard may attach Conditions to the access permit with respect to the design, construction, landscaping, or location of such driveways in order to ensure safety, provide access by emergency vehicles, and minimize traffic difficulties. Specific standards may be set by the Selectboard.

§4.103 Commercial Standards & Criteria

- A.** Where a proposed commercial project abuts a residential property, the applicant is advised to seek input from the abutting landowner and make reasonable accommodations in the fencing and/or planting plans that serve to mitigate any adverse visual or aural impacts imposed on the residential property owner.
- B. Orientation & Siting**
1. New buildings should be oriented to take advantage of the best siting of attached solar collection panels and /or passive solar heat collection. Secondly, orientation, both functionally and visually, to public streets.
 2. New structures should be located to take advantage of a site's physical layout offering the most advantageous spot for solar energy collection.
 3. Where choices must be made, preference will be given to solar siting and orientation. The DRB may allow adjustment in situations where, for example, a building is proposed to be set at an angle to the street in order to take advantage of solar collection or similar site conditions.
- C. Building Design**
1. **Scale:** The scale and massing of new commercial buildings shall be compatible and harmonious with other town structures. Buildings shall reflect the vernacular design of Vermont's historic, rural architecture such as seen in Addison County farm houses and barns, including such features as gable roofs, dormers, porches, ells, barns and sheds.



Building design that does not include details to scale down entrance, roof, or wall size, does not reflect Vermont's historic rural architecture.



Building design that reduces the scale of a building and mimics Vermont historic, rural building characteristics can complement a scenic, rural landscape.



2. **Proportion:** The relationship between the width and height of the windows, doors, and facade of a new building should be commensurate with the overall architectural style of the building.
3. **Architectural Features:** Architectural features including cornices, railings, windows, shutters, fanlights, door and window frames, porches, railings, and other architectural details prevailing during the architectural period of the style chosen should be used to break up any long expanse of wall. Barn-style building may incorporate cupolas of a size, proportion, and style commensurate with the size and style of the barn. The intent is that they appear to be a useful and operational addition rather than an ornament tacked on to the ridge line.
4. **Materials:** Materials should be selected to enhance street-scape and pedestrian view. Materials that are durable and stay attractive over time shall have preference.
 - a. **Cladding** should be natural materials or mimic traditional Vermont materials such as wood, stone, or brick. Cladding should be shingle, clapboard, vertical board or board-&-batten, or field stone, according to the architectural style and type of building. Metal siding shall not be permitted.
 - b. **Roofing** should be asphalt shingles, wood shakes or shingles, metal, slate, imitation slate or other material that gives the feel of traditional Vermont architectural vernacular. Roofing made to collect solar energy is highly encouraged. White, silvery aluminum, or other light colored or reflective material should not be used.
5. **Lighting:** To be installed pursuant to §4.111(C) *Exterior Lighting*.
6. **Buffers:**
 - a. Landscaping, screening and vegetated buffers are required and will be proportional to the size, scale, and use of the associated structure(s) and used to mitigate visual impacts.
 - b. A minimum of a 50-foot-wide landscaped area must be maintained immediately from edge of any public right-of-way, and a 30-foot wide landscaped area from the property line of any abutting residential property.
 - c. Landscaped areas may include lawns, grass berms, grassy swales, trees, and/or clusters of herbaceous plantings.

D. Outdoor Display of Merchandise Also see §4.209

1. **Display of Retail Merchandise.** Merchandise that is produced to be used outdoors may be displayed outdoors subject to approval by the DRB of the display contents and area used.
2. **Storage of Materials.** Materials, such as those used in construction and not generally held for retail sale, may be stored on the premises if so approved by the DRB, conditioned on screening as determined by the DRB in its review.

E. Signage See §4.113.

§4.104 Conversions & Changes of Use

- A. Changes or conversions in the use of land, existing buildings, or other structures are subject to the following provisions, and may require Conditional Use or Site Plan Review. See *Adaptive Reuse*, §4.303.
 1. The proposed use shall be subject to all requirements of these *Unified Development Regulations* pertaining to such use.
 2. An accessory structure such as a garage or barn may be converted to a principal permitted use allowed within the district in which it is located only if its lot conforms to the dimensional requirements of its district, and other requirements applicable to the proposed use. A permit issued by the ZA is required for conversion to a new use. See #5, below.

3. A conversion or change of use from one permitted use to another permitted use (accessory or principal) requires Zoning Administrator approval and permitting. If the change involves the creation of new floor space, an increase in sewage or water use, or a change in minimum lot size and/or dimensional requirements, DRB approval plus approval by the Department of Environmental Conservation (DEC) if water and/or septic is involved, will be needed, plus a zoning permit from the ZA.
4. A conversion or change of use from a Permitted to a Conditional Use, or from one Conditional Use to another Conditional Use, requires Conditional Use approval by the DRB and a zoning permit.
5. Changes or conversions involving legally existing nonconforming allowed uses, and/or structures, to another use allowed within the district where it is located may be subject to Conditional Use approval. See §4.109 (B)(2) and (B)(3).

B. Conversion of a Seasonal Dwelling to Year-Round Use—Review of an application for the conversion of seasonal dwellings to year-round dwellings shall apply District, General, and/or Performance Standards, as applicable, plus the following:

1. wastewater and potable water supply systems shall be permitted for year-round use by the Wastewater Division of the DEC;
2. emergency access shall be approved by the Fire Chief;
3. off-street parking shall be provided;
4. permits for year-round use may be approved by the ZA under Administrative Review or by the DRB under Conditional Use depending on the location, conformance of the lot, or determination by the ZA when reviewing the application for completeness.

§4.105 Equal Treatment of Housing [24 VSA §4412(1)]

In accordance with the Act, **no provisions of these Regulations shall:**

- A. have the effect of excluding mobile homes, modular housing, or other forms of prefabricated housing from the municipality except upon the same terms and conditions as conventional housing is excluded;
 - Mobile, manufactured, and modular homes shall be considered single-family dwellings, and must meet the zoning requirements for such dwellings in the districts where located. Mobile homes, when located in an approved mobile home park, are exempt [§4.321(B)], but must meet the zoning regulations set for the park;
- B. be interpreted to prevent the establishment of a mobile home park which meets all applicable requirements for such use within designated zoning districts; or
- C. have the effect of excluding for review as a By-right Use one accessory dwelling unit within or attached to the primary, single-family residence, or an accessory building, in all districts [see §4.301(A)];
- D. exclude small (≤ 4 units) multi-family dwellings, where permitted, based on an undue adverse effect on the character of the area;
- E. exclude the inclusion of affordable housing in PUDs or other residential developments or subdivisions [§6.503(H)];
- F. prevent at least 5 dwelling units, including multi-unit dwellings, per acre in areas served by municipal water and wastewater infrastructure;
- G. disallow affordable housing or mixed-use development to exceed density limitations by an additional 40% or to exceed the height limitation for the area by 1 additional floor, with Fire Department approval, in areas served by municipal water and wastewater infrastructure.

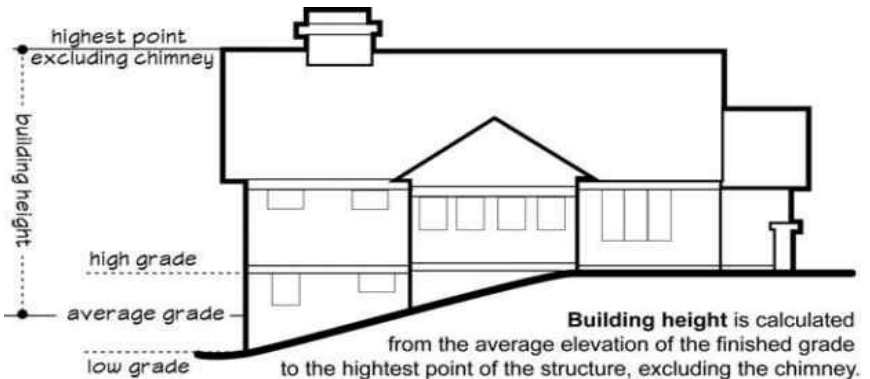
§4.106 Existing Small Lots (i.e. Nonconforming Lots) [24 VSA §4412(2)]

Pursuant to the Act, any lot that is legally established, is in individual and separate non-affiliated ownership from surrounding properties, and is in existence on the date of enactment of any bylaw, including an interim bylaw, may be developed for the purposes permitted in the district in which it is located, even though the small lot no longer conforms to minimum lot size requirements of the new bylaw or interim bylaw.

- A. Development of an existing small lot shall be subject to all other applicable requirements of State and municipal regulations.
- B. If an existing small lot subsequently comes under common ownership with one or more contiguous lots, the lot shall not be deemed to be automatically merged with the contiguous lot, although the owner may merge them if he or she wishes to do so. Uniting both parcels under one Parcel ID for tax purposes does not cause them to be legally merged into 1 parcel.
- C. If the existing small lots are not merged they may be conveyed together or separately in their existing, nonconforming configurations even though the small lots do not conform to the minimum lot size requirement of the district in which they are located.

§4.107 Height Requirements *see also §4.105 (G)*

- A. The DRB may permit certain structures in excess of 35 feet in height as a Conditional Use in all districts, subject to Conditional Use Review, and if the structure or extension is a steeple, fire tower, antenna, monument, flag pole, or bell tower, and meets all other applicable requirements of these *Regulations*.



B. Exempt:

1. farm structures, including barns and silos, in accordance with the Act [4413(D)] are exempt from height restrictions;
2. also exempt are attached structures associated with residential use that are less than 50 feet in height from the average grade at ground level to the highest point of the structure, including chimneys, ornamental cupolas, and weather vanes. An application with drawings and scale measurements is required. No permit or permit fees are required. *See also Solar/Wind Energy Facilities [§4.329]. Structural additions containing rooms are not included in this exemption;*
3. *also exempt are multi-unit affordable housing structures served by municipal water and wastewater which may have an additional floor in excess of what is allowed in the district.*

C. Temporary towers or monopoles *[see also §4.329(B)]:*

1. such as support for wind testing equipment, in excess of 35 feet and to be in place for a period not less than one week nor longer than two years may be permitted, subject to the setbacks and other requirements of the district in which located. *See §4.116;*
2. temporary towers or monopoles to be in place for a period not to exceed 1 week do not require a permit, but must comply with a minimum fall-radius equal to the height of the structure, and the Zoning Administrator must be informed. *See §4.116 and §4.329(B)(4).*

§4.108 Lots, Yards, & Setbacks

- A. There shall be only one primary structure or use per lot, unless otherwise specifically approved as part of a PUD [§6.600], or as a Mixed-Use under §4.319. No parcel shall have more than one primary and one Accessory Dwelling Unit (ADU) and one Secondary Housing Unit. *See §4.301.*
- B. An accessory use or structure must conform to all lot setbacks, coverage, and other dimensional requirements for the district in which it is located.
- C. No lot shall be so reduced in area that it cannot conform to area, yard, setback, frontage, coverage, and other dimensional requirements as prescribed in these *Regulations*, except as permitted for PUDs [§6.600]. The provisions of this section shall not apply when part of a lot is taken or created for a public purpose.
- D. Space required under these *Regulations* to satisfy area, yard, or other open space requirements in relation to one building shall not be counted as part of a required open space for any other building.

- E. Any interior lot that does not have frontage on a public road, a private road, or public waters shall have minimum setback requirements for all yards equal to the front yard setback distance for lots in that district.
- F. Any yard adjoining a street shall be considered a front yard. A corner lot shall be considered to have only front and side yards.
- G. On a corner lot, within the triangular area formed by the intersection of two roads and a line joining them at points 25' away from their intersections, there shall be no obstruction to vision between the height of 3' and 10' above the average grade of each street.
- H. **Dimensional Setback Waivers**—Notwithstanding the minimum front, side, and rear setback requirements for various zoning districts set forth in *Article II*, the Development Review Board may grant waivers to reduce building setbacks, subject to the following provisions:
 1. **the Board may allow for a reduction of the front, side, or rear setback** of up to 30% of the setback distance set forth in *Article II* (e.g. a 65' setback may be reduced by up to 19.5'), providing the reduction meets all Conditional Use standards set forth in §5.105 of these *Regulations*;
 2. **any reduction of setback standards beyond 30%** may only be granted in accordance with Variance standards under §3.700 of these *Regulations*, unless being reviewed for consideration under a subdivision application [see §6.03].
 3. **this provision does not apply to setbacks from surface waters.**

§4.109 Nonconforming Structures, Lots, & Uses

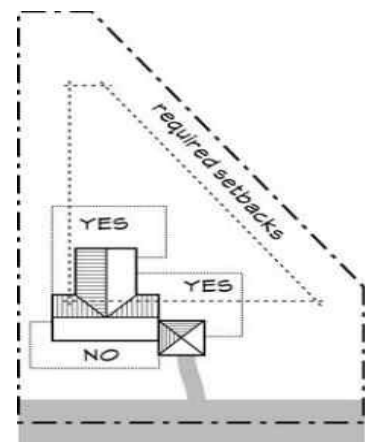
- A. Structures, lots, and uses which once were in compliance with existing *Regulations*, or were created prior to adoption of zoning regulations in Shoreham, but were subsequently made non-compliant by changes in the *Regulations'* provisions, are grandfathered as “legally existing nonconformities” and may be altered according to the provisions below. This applies to structures, lots, or uses improperly authorized by error of the ZA.

1. **As legal nonconformities**, they are eligible for Certificates of Compliance, and are not subject to enforcement actions for the specific noncompliance(s). Subsequent nonconformities are subject to enforcement actions.
2. **Structures, parcels, or uses that were in violation** of the regulations in effect at the time of their creation, and remain so, remain violations and are not nonconformities, are not grandfathered, are subject to enforcement actions up to the Statute of Limitations (15 years), are not eligible for Certificates of Compliance, and are not eligible for development changes offered by these provisions.
3. **The burden of proof** that the use, parcel, or structure was once in compliance and is therefore legally existing lies with the owner. The proof that the condition has been continuous back to the point wherein the condition was legal must be submitted with any applicable applications.

B. Nonconforming, Legally Existing Structures—[24 VSA §4412(7)].

Any preexisting structure or part thereof which was legally in existence at one time as described above and has been grandfathered, with the exception of those located within the Special Flood Hazard Areas, including a structure improperly authorized by error of the Zoning Administrator, may be allowed to continue indefinitely, but shall be subject to the following provisions. A nonconforming structure:

1. **may undergo normal repair, maintenance**, and restoration or reconstruction after damage from any cause without a permit provided that such action does not increase the degree of nonconformance;
2. **may be structurally enlarged, expanded, or moved**, if under authority of and with the approval of



A nonconforming structure partially located in the front yard setback may be expanded to the rear or side, but may not be allowed to encroach further into the required setbacks than the existing structure does.

the Zoning Administrator, provided the enlargement, expansion, or relocation does not increase the degree of nonconformance;

3. **may be moved, expanded or enlarged**, subject to Conditional Use Review under *Article V*, only if the DRB finds that such movement, expansion or enlargement:
 - a. does not create a greater nuisance or detriment;
 - b. is consistent with the objectives and intent of the *Shoreham Town Plan*; and
 - c. does not increase the degree of nonconformity with the dimensional standards of the applicable district;
4. **may, however, be structurally altered or expanded** in a manner that would increase the degree of nonconformity—subject to Conditional Use Review under *Article V*—for the sole purpose of meeting mandated State or Federal environmental, health, accessibility, safety, or energy regulations that would allow for the continued use of the structure.

C. Nonconforming, Legally Existing Lots—[24 VSA §4412(7)] See *A* above and §4.104 *Existing Small (i.e. nonconforming) Lots*. Lots that were improperly authorized by error of the Zoning Administrator which do not meet and have never met the required dimensional standards of the district in which they lie may be developed pursuant to §4.104.

- D. Nonconforming, Legally Existing Uses**—See *A* above. Any use of land or a structure, which was legally in existence as described in *A*, including a use improperly authorized by error of the Zoning Administrator and which has been grandfathered, may be continued indefinitely. However, in accordance with the Act [24 VSA §4412(7)], a nonconforming use:
1. shall not be re-established after being abandoned or discontinued pursuant to §4.101 above;
 2. shall not be re-established or continued—following abandonment or discontinuance resulting from structural damage from any cause—unless such nonconforming use is carried on uninterrupted in the undamaged part of the structure, *or* the nonconforming use is reinstated by the restoration of the structure commencing within 24 calendar months from date damages were incurred, with completion within 3 years from date damages were incurred. Otherwise the nonconforming use shall be deemed to have been discontinued;
 3. shall not be changed to another nonconforming use without approval by the DRB, and then only to a use which, in the opinion of the Board, is of the same or a more conforming nature with regard to impacts on the neighborhood;
 4. may be expanded or enlarged, subject to Conditional Use Review under *Article V* only if the DRB also finds that such movement, expansion, or enlargement:
 - a. is consistent with the objectives and intent of the *Shoreham Town Plan*; and
 - b. does not increase the degree of nonconformity with the dimensional standards of the district.

§4.110 Open Storage of Trash, Junk, & Vehicles

The following shall apply in all districts:

1. **For commercial or industrial entities, outdoor storage of trash or recyclable materials** shall be screened or hidden from public view and located to the rear of buildings.
2. **Junk, salvaged materials: 3 or more motor vehicles** (or portions thereof) which are non-operable and not registered with the State, with the exception of vehicles or materials used in farming or forestry operations, shall have all hazardous materials and fluids removed and disposed of in compliance with EPA and or Vermont ANR standards, and shall be stored in an enclosed area or in an area concealed from public roads and neighboring residential properties.
3. **Commercial junkyards and salvage yards** are specifically prohibited in all districts.
4. **Construction debris includes** remnants of construction materials (lumber, siding, roofing, pipes, bricks, plumbing, electrical, barrels/drums/ bags, strapping, containers, and similar debris left over from the construction work) and creates a public hazard. Such debris shall be removed from the property within 3 months of the cessation of work on the structure being newly constructed, replaced, or repaired. This includes defunct mobile homes, trailers of all types, as well as all broken,

irreparable equipment and vehicles. The ZA has authority, granted by these *Regulations*, to determine at his or her discretion what constitutes debris, within the intent of this provision [§4.110].

§4.111 Exterior Lighting Standards

- A. General Standards**—To ensure appropriate lighting while minimizing its undesirable effects, the following general standards apply to outdoor lighting in all districts (with the exception of temporary holiday lighting, which is exempt):
1. ***Permanent outdoor lighting shall not direct light*** upward or onto adjacent properties, roads, or public waters; shall be designed to minimize glare.
 2. ***No glare, lights, or reflection shall be permitted*** that could impair the vision of motor vehicle operators or that are detrimental to public health, safety, and welfare.
- B. Conditional Use Lighting Standards**—For lighting installations associated with uses subject to Conditional Use Review under §5.100, the DRB also may require the following:
1. ***A lighting plan regarding exterior lighting***, including type, mounting location and height, illumination levels and distribution, shall be submitted as part of the Conditional Use application. A lighting plan, prepared by a qualified engineer or lighting expert, may be required as appropriate for larger projects.
 2. ***The burial of electrical service*** to outdoor lighting fixtures.
 3. ***The use of street or security lighting may be required*** if there are unusual or hazardous conditions. Security lighting, where deemed necessary by the DRB, shall be shielded and aimed so that illumination is directed only onto the designated area and not cast onto other areas.
- C. Commercial Lighting Standards:** In addition to conforming with other relevant lighting standards in this section, commercial projects' lighting fixture design should be compatible with and sensitive to the architectural style and period of the related buildings, when possible. All exterior lighting fixtures, including those in parking areas and driveways, shall utilize cutoff shields or other measures to conceal the light source from adjoining properties and rights-of-way.
1. ***Exterior building lighting*** shall be compatible with the architecture of the project and shall not detract from the visibility of surrounding buildings;
 2. ***Landscape and architectural lighting*** used to illuminate building facades, building entrances, and feature or courtyard spaces shall be directed and sized to only illuminate the intended feature;
 3. ***Brightness of night lighting*** must provide for pedestrian safety at all walkways, and where stairs, curbs, ramps, and crosswalks occur.
 4. ***All project plans*** shall include adequate lighting that allows for safe access and egress at the public road curb cut(s) pursuant to the CBES requirements.

§4.112 Parking

- A. General Standards & Criteria**—To ensure the safe and continuous flow of traffic and emergency vehicles, all structures and land uses shall be provided with sufficient off-street vehicular parking spaces to meet the reasonable parking needs of the residents, employees, customers, visitors or other persons making use of the premises.
- 1. Parking**—For every structure or use, associated off-street parking spaces shall be provided as follows:
- a. all required parking spaces shall have a minimum width of 9 feet, a minimum length of 20 feet, unobstructed access and maneuvering room, and gravel or paved surface sufficient to permit year-round use;
 - b. a minimum number of parking spaces as determined by the proposed use shall be provided in accordance with the requirements listed in (B), below;
 - c. with the exception of parking associated with single- and two-family dwellings, parking areas shall not be located in the front yard area as defined by the district setback distance. The parking of motor vehicles is allowed in side or rear setback areas with the approval of the DRB and is subject to any conditions imposed.
 - d. All nonresidential parking areas are to be located to the side or rear of buildings unless

otherwise approved by the DRB, and shall be landscaped and screened, or otherwise visually hidden as viewed from existing neighboring residential properties.

- e. In addition to the requirements listed in (B), below, all multi-family, public, commercial, and industrial developments must provide adequate, clearly marked handicapped parking spaces in accordance with Federal (ADA) requirements.

2. **Parking Lots**

- a. Parking lots with more than 10 spaces shall include vegetated islands or edges to minimize the impacts of storm water run-off.
- b. Parking lots shall include designated walk ways connecting directly to the main entrance of the building.
- c. Impervious surfaces shall be minimized and total amount of parking shall be limited to the minimum necessary to accommodate the planned use of the associated building. Lot surfaces and other hardscaping materials should be chosen for their longevity and their compatibility with the structure and adjacent properties, with an appropriate mix of materials preferred. All such, whether paved or gravel, are considered “impervious” and are included in the lot coverage percentage

3. **Loading and Service Areas**—Where a proposed development will require the frequent or regular loading or unloading of goods, sufficient on-site service areas shall be provided. Service areas may also be required for emergency vehicles, waste disposal and collection, bus, taxi, or van service, and other purposes as may be necessitated by the proposed use. All loading and service areas shall be clearly marked and located in such a manner so that parked vehicles will not block or obstruct visibility at intersections or the ingress/egress of any internal road or access.

4. **Parking Waivers**—The DRB, subject to Conditional Use Review (*Article V*), or on appeal under §3.900, may waive or adjust on-site parking, loading, and/or service area requirements based on the Board's determination that, due to circumstances unique to the development, the strict application of these standards is unnecessary or inappropriate.

B. **Minimum Off-Street Parking Requirements**

Residential & ADU w/municipal water & wastewater	1 per dwelling unit
Duplexes, Multi-units w/out muni www	1.5 per dwelling unit
Home Occupation/Home Business/Home Office	1 per dwelling unit; 1 per employee as applicable
Home Day Care	1 per dwelling unit, 1 per additional employee
School, Child or Day Care (6 or more children)	1 per on-site staff person, 2 visitor spaces
Medical Clinics/Offices	6 per professional
Lodging (B&B, hotel, motel, inn, lodge)	1 per bedroom, 1 per employee for the largest shift
Residential Care Facilities (6 or more residents)	1 per 4 beds, 1 per employee for the largest shift
Clubs	1 per 4 members
Public assembly (churches, auditoriums, etc.)	The greater of 1 per 4 seats or 200 sf. of floor area
Professional, Government, Business Offices	1 per 250 sf of gross floor area
Personal Services	1 per employee, 1 per customer service station
Commercial/Retail Establishments	1 per 250 sf. of publicly accessible floor area
Restaurants/Eating Establishments	1 per 4 seats, 1 per employee for the largest shift
Industry, storage, warehouse, other non-public uses	1.25 per employee, for the largest shift
Mixed/Multiple Use	Total required minimums per each individual use
Gas or Motor Vehicle Service Station	2-per service bay
Other	As determined by the DRB under Conditional Use Review, or per Rental Unit provisions

§4.113 **Signs**

- A. **General Standards & Criteria**—All signs, other than those specified under 3 and 4 below, shall require a zoning permit issued by the Zoning Administrator in accordance with the following requirements pertaining to all signs:

1. No outdoor advertising signs shall be permitted in any district except for the purposes of identifying an existing, on-premise recreational, commercial, business, public or industrial use in those districts where such uses are permitted.
 2. Signs that are illuminated (where permitted) shall not produce undue glare, hazards, or distractions. A constant, shielded light source may be used, if the lighting is directed such that it does not adversely affect neighboring properties or vehicular traffic. No sign shall be illuminated when the business is closed or the premises unoccupied.
 3. Freestanding signs, as measured from the average grade of the ground to the top of the supporting structure, shall not exceed 10 feet in height.
 4. Notwithstanding district setback requirements for structures, freestanding signs may be placed no nearer a public road than 35 feet from its center line. Such signs shall not obstruct sight distances or travel lanes or otherwise create a safety hazard, nor be located within 20 feet of an adjacent private property as measured from the property line, unless combined on the same stand with the sign of an adjacent business.
 5. Signs projecting from walls shall not exceed 6 square feet in area or extend over public rights-of-way.
- B. Measurement**—When computing the total number of signs or permissible sign area, the following shall apply:
1. All existing signs shall be included in the calculation of the total number and area;
 2. Freestanding and projecting signs printed back-to-back (having two visible sides) shall be counted as one sign, and the area shall be computed for one side only;
 3. Signs consisting of freestanding letters or numerals shall include any intervening spaces (the entire message area), in the calculation of total sign area;
 4. Sign area measured shall be the area included within the extreme limits of the sign surface, excluding supporting structure.
- C. Exempt Signs**—No zoning permit shall be required for the following types of signs, which are exempt from these *Regulations*:
1. Signs erected by the State or town within public road rights-of-way.
 2. Non-advertising signs placed for directional, safety or public service purposes that do not exceed 4 square feet in area.
 3. One residential sign per dwelling unit identifying the occupant, not to exceed 2 square feet in area; and residential flags or banners intended solely for ornamental or non-advertising purposes.
 4. Signs relating to trespassing and hunting, each not to exceed 2 square feet in area.
 5. Temporary auction, lawn, or garage sale or real estate for sale signs, not to exceed 2 in number or 6 square feet in total area, which shall be removed within 1 week following the event or sale.
 6. Temporary election signs to be posted and removed in accordance with State law.
 7. Temporary signs or banners advertising public or community events, to be displayed in designated locations on town property with the prior permission of the Selectboard, which shall be removed following the event.
 8. Signs or bulletin boards incidental to places of worship, schools, libraries or public facilities, not to exceed 1 per establishment, 24 square feet in total area, or 10 feet in height above ground level.
 9. Unlit signs associated with agricultural events not to exceed 4' x 8' in size and to be removed within 1 week after the event. May be installed up to 3 weeks prior to event.
 10. Unlit wall-mounted or freestanding signs advertising a home occupation, home business or home day care facility, not to exceed 1 per residential dwelling or 8 square feet in area; may be 2-sided if free-standing.
 11. On-premise historic or landmark signs, not to exceed 1 in number or 8 square feet in area.
 12. Wall murals intended solely for artistic, non-advertising purposes.
 13. Unlit farm-site signs not exceeding 24 square feet in size and no closer than 15' to the road edge.

D. Permitted Signs—The following sign provisions apply to specific uses as follow and require permits:

1. **Individual business** (excluding Home Occupations, Home Businesses, qv), Mixed-Use, or commercial structures are allowed:
 - a. a maximum of 2 fixed signs (freestanding and/or wall mounted). No one sign shall exceed 24 square feet in area.
 - b. One movable “sandwich board” sign advertising specials or events, not exceeding 12 square feet in area, per side, or 4 feet in height, and set back 30 feet from road centerlines may be approved and permitted not to exceed 45 days per calendar year. Such signs shall be located on the property, or on adjacent property with adjacent owner’s written permission.
2. **Gasoline stations**, in addition to the signs allowed for business under (D)(1), above, are allowed to have one pricing sign that does not exceed 24 square feet in area.

E. Prohibited Signs—The following signs are prohibited in all districts, unless otherwise specified:

1. signs that impair highway safety;
2. signs that are internally illuminated; except, subject to Conditional Use Review, within the VCD.
3. signs that are animated, flashing, oscillating, revolving or made of reflective material, unless necessary for public safety or welfare;
4. signs painted on or attached to rock outcrops, trees, or similar natural features.
5. advertising signs or banners attached to freestanding flagpoles, utility poles, or town sign posts.
6. roof and wall signs that extend above the eave.
7. permanent signs that project over public rights-of-way or property lines.
8. signs identifying businesses or uses that are no longer in existence.
9. signs located on motor vehicles used primarily as a support or foundation for same.
10. off-premise road-side small plastic, fabric signs (like campaign signs), except for those that comply with Town or State laws.

F. Exceptions—Proposed signs that may not otherwise meet the requirements of this section may be approved by the DRB subject to Conditional Use Review under *Article V* and a finding that the sign has distinctive artistic and/or cultural merit that will contribute significantly to the character of the neighborhood and community.

§4.114 Storage of Flammable Liquids

In all districts, the storage of highly flammable liquid in above-ground tanks with a unit capacity of greater than 1,000 gallons shall be subject to Conditional Use Review by the DRB under *Article V* which also may include consultation with appropriate local and/or State officials. All such tanks shall be properly retained with dikes having a capacity of not less than 1.5 times the capacity of the surrounded tanks.

§4.115 Surface Water Protection

To prevent soil erosion, protect wildlife habitat, and maintain water quality:

1. All structures, excluding roads, bridges, or culverts, docks, stairs, boat-lifts, boathouses, and shoreline stabilization structures, shall be set back at least 100' from the Lake, per the *Shoreland Protection Act* lakeside zone. Setbacks and other water protections for rivers, year-round streams, lakes and ponds, and mapped or delineated wetlands shall be regulated by the provisions in *Article VII Special Flood Hazard Areas*.

Generally, the setback shall be measured from the mean high water mark or delineated wetland boundary. The setback from Lake Champlain shall be at least 100' measured from the mean water level (95.5 feet above sea level) as established by the VT ANR. Additionally, the setback may be amended to increase or decrease after specific review and approval by the DRB in accordance with a wetlands permit (a State-issued *Conditional Use Determination*).

2. The creation and/or maintenance of a vegetated buffer strip within the 100' setback area is encouraged, and may be required for development subject to Conditional Use Review. For development subject to Conditional Use Review, minimum required setback and/or buffer distances should be appropriate to site, slope, and soil conditions, and the nature of the proposed use. A long-term management plan also may be required.

3. *Article VII* and the *Shoreland Protection Act* provisions supersede any other local bylaws or regulations concerning water protections.

§4.116 Temporary Uses & Structures

Temporary structures generally refers to structures not on a permanent foundation or poles/pilings and built/sold/delivered as being portable. This includes metal storage trailers and mobile/portable storage units, “hoop” structures, tents, tipis, and similar structures. These structures are for personal use as storage, recreational, or greenhouse purposes. No permits are required unless the unit exceeds a footprint of 250 square feet, in which case a permit is required for an accessory structure. Construction site offices are exempt, but notice to the ZA is needed.

§4.117 Wastewater Disposal

- A. The Town of Shoreham has a community wastewater system serving most of the VC and VR districts. Property owners in these districts are required to hook into the system and are governed by the Town's Wastewater Ordinance. Contact the Wastewater Commissioners to determine if the proposed project is subject to this regulation and for an application form.
- B. Property owners outside the Wastewater System service area must comply with State wastewater regulations. Copies of Shoreham's Wastewater Ordinance are available at the Town Office. Those parcels not connected to the municipal system shall acquire a State Wastewater permit prior to sale, subdivision, or development.

§4.200 PERFORMANCE Standards [24 VSA §4414(5)]

As an alternative to the requirements for uses listed as allowed in the districts, *any* proposed use application shall be reviewed for compliance with the following Performance Standards which specify acceptable standards of operation or performance and may be applied to *any* proposed use, as may the General Standards above [§4.100] and the Specific Use Standards in §4.300. Performance Standards are typically used in conjunction with District Standards, Site Plan Reviews, and Conditional Use Reviews. Criteria are the measure by which compliance with standards is determined to have been met, or not. The burden of proof that the project has met the Standards shall be on the applicant. The DRB (or ZA, when applicable) may require Conditions or modifications, in all districts, to ensure that, under normal conditions, no use shall result in:

§4.201 Clearly apparent, constant, vibration which, when transmitted through the ground, is discernible at property lines without aid of instruments for more than 3 minutes in a 30 minute period. The only exception is for blasting in a quarry or for approved development, with approved waiver or variance by the DRB, or for road repair work.

§4.202 Irritating or harmful noise—Noise levels are not to exceed 70 decibels at the property line at any time (Required Agricultural Practices excepted). The burden of proof that the noise level is compliant with these *Regulations* lies with the property owner.

§4.203 Smoke, dust, noxious gases, dirt, or other forms of air pollution which constitute a nuisance or threat to neighboring landowners, businesses, and residents, or vegetation which endangers or adversely affects public health, safety, or welfare. Any of these which cause damage to property or vegetation; or which are offensive, uncharacteristic of the affected area, and readily detectable without instruments are undesirable and shall be mitigated or removed. Noxious odors or emissions shall not be present beyond property lines (Required Agricultural Practices excepted).

§4.204 Uncontrolled drainage—Drainage shall be managed so as not to cause a nuisance or damage to other properties, and shall conform to all Vermont Storm Water permit regulations. Changes in grading shall be done so that drainage is controlled to not cause ponding, flooding, or siltation of other properties. Changes to natural drainage patterns shall not be allowed to alter wetlands or stream flows.

§4.205 Electromagnetic disturbance—Any electromagnetic disturbances or electronic transmissions or signals which will repeatedly and substantially interfere with the reception of radio, television, or

other electronic signals or which are otherwise detrimental to public health, safety and welfare. FCC licensed and regulated transmissions are exempted as they are governed by FCC rules.

§4.206 Refuse or wastes—Liquid or solid waste or refuse discharged into sewer systems, streams, or other bodies of water violating State and/or local standards; or are in excess of available capacities for proper disposal and which cannot be disposed of by available existing methods without undue burden to municipal or public disposal facilities; which pollute surface or ground waters; or which is otherwise detrimental to public health, safety and welfare.

§4.207 Impediments to traffic and pedestrian circulation—Conditions may be imposed as appropriate with regard to intersections, pedestrian paths and crossings, and the number and size of curb cuts, including the reduction, consolidation or elimination of non-complying curb cuts [see §3.2(E), (G)].

§4.208 Damaging stormwater and erosion—For PUDs, commercial, and industrial development, stormwater management and erosion control plans are required and will be incorporated as conditions of the permit. See attached *Stormwater Ordinance of 2009*.

§4.209 Outdoor storage and display—The outside storage or display of materials, goods, supplies, vehicles, machinery or other materials requires DRB approval, and may be subject to Conditions placed by the DRB on the area and location of such storage or display, as well as any appropriate screening.

§4.210 Inadequate water and wastewater capacity—The proposed development shall have adequate water and sewage disposal capacity for its needs and shall not adversely affect public health, existing ground and surface water quality or place an unreasonable burden on the municipality's present or planned water or sewer systems. The applicant is responsible for obtaining all applicable permits.

§4.211 Detrimental glare and lighting—Exterior lighting shall be designed and installed such that there is no glare or reflection which is a nuisance or detrimental to public health, safety, and welfare. However, reflections from solar energy collectors which are part of an operating solar energy system shall not be considered a nuisance. The DRB may restrict the maximum level of illumination on all or part of the property.

§4.212 Adverse impacts on natural and cultural resources—The development shall not result in undue adverse impact to any scenic area, historic resources or natural resources identified in the *Shoreham Town Plan* or through site investigation.

§4.213 Endanger municipal services and public safety—Nor shall any use, under normal conditions, create any dangerous, injurious, noxious, fire, explosive, or other hazard that significantly endangers the public, public facilities, or neighboring properties, or which results in a significantly increased burden on municipal facilities.

§4.300 SPECIFIC-USE Standards

As with the standards in other provisions of these *Regulations*, a project's compliance with applicable Specific-Use Standards is evaluated by using criteria to determine the degree of compliance. The criteria are applied in conjunction with applicable District, General, and Performance Standards.

§4.301 Accessory Structures

A. Accessory Dwellings—Shoreham recognizes 2 types of accessory dwellings: the "By-right Accessory Dwelling Unit (ADU)" and the "Secondary Housing Unit" structure. Both must be on a property where the landowner lives, either in the primary dwelling or in one of the accessory units. Both may provide housing for members of the owner's family or be let out for rentals. An ADU is a by-right use wherever single-family homes are allowed, and may only be associated with the primary dwelling unit. Secondary Housing Units may be attached or be separate stand-alone structures. They are not by-right uses. A Change of Use permit may be needed for either. Each accessory unit has different purposes and criteria, but they have common criteria as well.

1. The *standard criteria common to both housing types*:

- a. the unit is an accessory use and must provide accommodations for independent living, to include sleeping, cooking, and hygiene facilities;
- b. parking shall be off-street with the number of parking spaces provided being per owner discretion;
- c. both types must have a DEC Water/Wastewater permit for the unit or an amended permit covering all dwellings;
- d. a copy of the State *Potable Water and Wastewater Permit*, or amended wastewater permit to include the accessory units, must accompany the application for a zoning permit.
- e. addition of more than two accessory dwellings is not allowed; compliance with the General and Performance Standards, as applicable, is required. Secondary Units should be built with consideration for the possible future desire to subdivide, in which case both units (Primary and Secondary) will be required to be compliant with district lot and dimensional standards.
- f. Rental Registration Certificate [§4.324(G)] is required for both types *if not* for family use.

2. *By-right ADUs* must meet the standards in §A(1) above, plus the following:

- a. the area of the ADU shall be up to 30% of the total habitable floor area of the primary dwelling (before addition of the ADU), or 900 square feet, whichever is larger.
- b. rental of By-right ADUs may be for full-time residential housing or for overnight lodging. Overnight lodging rental units are considered to be public buildings and fall under State Fire Marshal and the Department of Health rules and regulations, as well as rooms & meals tax regulations;
 - i. the property owner may choose to live in the ADU and rent out the primary dwelling for full-time residential housing, subject to local rental registration certificate rules [§4.324(G)] and State landlord tenant regulations and permitting;
 - ii. if the ADU is to be rented for overnight lodging, a local registration certificate is required [§4.324(G)], State rooms & meals account number shall be submitted with the registration certificate application;
- c. the unit must be within the principal dwelling, be appurtenant to it, or be (or in) an accessory structure on the parcel.
 - Only one ADU is permitted per parcel.
 - To be appurtenant to the primary dwelling, the unit must be attached or within 30' and if in an accessory structure, the structure must be within 200' of the primary dwelling.
- d. ADUs are not an option for 2-family or multi-family dwellings, or for nonconforming structures if the nonconformity will be increased.
- e. If an ADU is subdivided from the Primary lot, it will no longer be an ADU but will become a Primary dwelling requiring a Change of Use permit to do so.

3. *Secondary Housing Units* must meet the criteria in §A(1) above and the criteria below. Note that adding a second dwelling to the primary dwelling structure will cause the structure to become a duplex unit, and thus become ineligible to have a Secondary Housing Unit or an ADU (see *Duplex, Dwelling—Two-Family*). If the primary unit has an existing ADU, it can not add on another dwelling unit.

- a. the area of the Secondary Housing Unit shall not exceed 75% of the total habitable floor area of the primary dwelling or 2,200 sf, unless a variance is approved; total habitable primary floor space does not include an existing ADU;
- b. the unit may be an efficiency unit or be larger (see [a] above) and have up to 2 bedrooms; it shall be a 1-family unit, not a duplex; only one Secondary Housing Unit is allowed per parcel.
- c. if an accessory stand-alone structure, it must be located on the property, ideally appurtenant to, or within 200' of the primary dwelling unless there is reasonable cause for it to be further away, and it must meet all the applicable standards for the district in which it is located;

- d. Secondary Housing Units are not an option for the owner or owners of duplex or multi-family units or for nonconforming structures if the nonconformity will be increased.
- e. rental of Secondary Housing units shall be for full-time residential housing, or short-term rentals having a minimum period of 7 consecutive days per session. If rented, a local rental registration certificate is required [§4.324(G)]. Rental units are considered to be public buildings and fall under State Fire Marshal and the Department of Health rules and regulations, as well as rooms & meals tax regulation if Short-term.

B. Accessory Structures are non-dwellings erected for use as garages, sheds, non-farm barns, or other secondary uses to the principal use of the property. Additions to existing buildings fall under this Accessory Structure heading regardless of the type of building being added to.

1. Accessory Structure Standards & Criteria

- a. Additions to existing buildings should be of a style similar to that of the building to which it is added.
- b. Accessory structures, as separate buildings, shall not have an undue adverse effect on the character of the neighborhood.
- c. Dimensional district standards shall be complied with.
- d. A permit from the ZA is required, except for additions measuring under 120 sf with a maximum wall height of 9' (in which case the permit application and its recording fee must be submitted as notification to the ZA, but no permit or permit fee is involved). Successive additions with a cumulative square-footage exceeding 120sf shall require a permit.

§4.302 Accessory On-Farm Businesses (AOFB)

A. “Accessory On-Farm Business” is a by-right use in all districts providing the business meets the requirements set out in the *Required Agricultural Practices Rule* and is determined to be a “farm” by the Vermont Agency of Agriculture, Food & Markets. Seasonal home-grown vegetable stands are exempted (see §3.203 *Permit Exemptions (11) Roadside Stands*). If both farm and proposed business activity are deemed to fall under RAP regulation, no municipal permit is needed. However, if the proposed business does not fall under applicable RAP regulations it falls under municipal regulations and may require a permit.

As with all proposed structures on a farm, the farm planning a shop or stand to sell agricultural products shall submit an application form to the ZA (an AOFB application). The ZA will review the proposal and decide whether the proposal meets the eligibility requirements for an AOFB, then advise the applicant of the steps needed to obtain the permit. Accessory On-Farm Businesses requiring a zoning permit must submit zoning permit and Site Plan applications to the ZA who will determine whether the applications will either be reviewed under Administrative Review by the ZA or be submitted to the DRB for review. See also *Farm, Farming, Farm—Accessory On-Farm Business, Qualifying Products, RAP Rules*,

B. Four specific types of business enterprises may be carried on under an AOFB permit (see the definitions under *Farm—Accessory On-Farm Business*):

- 1. *Farm shops/stores/markets*
- 2. *Educational, recreational, or social farm events*
- 3. *Farm-stays*
- 4. *Farm tasting rooms, cafes*

C. Statutory Requirements: An Accessory On-Farm Business shall comply with the criteria for each of the following standards/requirements:

- 1. **Location.** An Accessory On-Farm Business (AOFB) must be at the same location as the farm. “Farm” is an enterprise devoted primarily to farming [as defined in 10 VSA §6001(22)].
- 2. **Operators.** 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.
- 3. **RAPs.** The farm meets the threshold criteria for the applicability of the RAP regulations as set forth in those rules and adheres to those regulatory provisions.

4. **Use of structures or land.** An accessory on-farm business may take place inside new or existing structures or on the land. *Note:* any building used for the AOFB no longer falls under the ag exclusion afforded to most farm buildings, even if it did so before conversion to the AOFB use. Municipal permits may be necessary for the building as well as the AOFB.
 5. **Act 250.** Act 250 review and permit(s) may apply as well.
 6. **The business is restricted to** 1 or more of the 4 types allowed.
 7. **Qualifying Products**—Qualifying products are those meeting the five criteria below. Note that all qualifying products need not come from the farm where the AOFB is located. Of the qualifying products, however, over 50% of the AOFB annual sales must be qualifying products produced (ie: grown, raised, or produced from ingredients grown or raised) wholly on the farm where the AOFB is located. Qualifying products consist of the following that are wholly:
 - a. an agricultural, horticultural, viticultural, or dairy commodity, or maple syrup;
 - b. livestock, cultured fish, poultry, bees, or a product thereof;
 - c. a product of poultry, bees, an orchard, or fiber crops;
 - d. a commodity otherwise grown or raised on a farm;
 - e. a product manufactured on one or more farms from commodities wholly grown or raised on one or more farms.
- D. Standards & Criteria**—approval of an AOFB permit application requires that the enterprise meet the following:
1. **Standards**
 - a. The criteria in this section [§4.302];
 - b. District Standards;
 - c. Site Plan Review Standards [§5.200];
 - d. General and Performance Standards, as applicable [§4.100, §4.200];
 2. **Permits.** All necessary State and local permits have been obtained for structures and land and are included with the applications (e.g. potable water, wastewater, Fire Marshall safety permits, etc);
 3. **RAPs.** The farm meets RAP requirements, but the AOFB does not fall under RAP regulations.
- E. Application Procedure**—Applicants desiring to acquire an “Accessory On-Farm Business” permit shall file applications with the Zoning Administrator as indicated below.
1. **Zoning Permit Application.** The ZA will review the submitted AOFB permit application and make a determination as to the eligibility of the proposed AOFB. If the project is eligible, the ZA will advise the applicant of the next steps. In addition to the permit application itself [§3.300], the applicant shall
 - a. request, as applicable, a Change of Use, Mixed-Use, proposed use(s) permits sought;
 - b. submit confirmation of the farm’s qualification as a farm under RAP regulations, and the status of the proposed AOFB as being regulated by the RAPs. This can be satisfied with a letter from the Vermont Agency of Agriculture Food and Markets finding that the farm on which the activity is proposed meets the eligibility criteria for being classified as a farm, and indicating whether or not the proposed accessory business falls under RAP regulations.
 2. **Site Plan Review Application.** The applicant shall also submit an application for a Site Plan Review (see §5.200), to include the following:
 - a. an accurate map of the property encompassing the area where the AOFB will be located, showing any proposed structures, drives, and parking areas, existing structures, and existing features including contours, utility easements, streets, rights of way, land use and deed restrictions;
 - b. a Narrative describing how the proposed project conforms with each of the requirements below, as applicable:
 - vehicular and pedestrian circulation, parking and loading facilities with attention to safety, access and egress of delivery vehicles, provision for refuse storage and disposal, snow removal, emergency access;

- plans for landscaping, screening, exterior lighting, signage;
 - c. copies of any State permits or application if permit is pending (water/wastewater/septic, land, structures [e.g. Act 250]);
 - copies of any access permits for Town or State roads.
3. Upon acceptance of a complete application the ZA shall determine whether a proposed activity qualifies as an “Accessory On-Farm Business” by applying the following:
 - a. Definitions, contained in *Article VIII* of these *Regulations* that apply to Accessory On-Farm Businesses include: “Farm,” “Farm—Accessory On-Farm Business,” “Farming,” “Qualifying Product,” and “RAP Rules”.
 - b. Eligibility. Proposed “Accessory On-Farm Businesses” shall comply with each of the criteria in §4.302(B) and (C)(1–4) above.
 4. If the proposal qualifies as an AOFB, the ZA will either address it under Administrative Site Plan Review or pass the application to the Development Review Board for its review.
 - If the application undergoes Administrative Site Plan Review there shall be no hearing fee. However, the hearing application and its documentation are required.
 - In either case, the applications shall be reviewed pursuant to Site Plan criteria [§5.203], applicable Performance Standards [§4.200], §4.302(C) & (D) above, and the applicable definitions in *Article VIII*.
 5. If passed to the DRB, a hearing date shall be scheduled within 60 days of receipt and acknowledgment thereof by the DRB. The hearing shall be warned and posted pursuant to §3.503.

§4.303 Adaptive Reuse

- A. **Purpose.** The purpose of this provision is to encourage the reuse, restoration, rehabilitation, and continued viability of old barns or other agricultural structures in the AG and LDR Districts, that have outlived their original function. Regardless of whether or not such buildings are noncomplying structures certain uses, including uses not otherwise allowed in the district in which they are located, may be allowed within the current dimensions of such structures.
- B. **Applicability.** Adaptive reuse of eligible structures is intended for application in all districts.
- C. **Allowed Uses.** The following uses may be allowed:
 1. Permitted and Conditional Uses allowed in the district in which the structure is located.
 2. Also, if not otherwise allowed in the district:
 - a. Community Center;
 - b. Cultural Facility (e.g. museum, music, dance);
 - c. Commercial, wholesale, light industry/manufacturing uses;
 - d. Guest house /Boarding house (*note*: each bedroom occupied by same resident for more than 6 months is considered a “dwelling”) inn; residential housing apartments/condominiums;
 - e. Uses associated with local arts and crafts (e.g., artists’ studios, galleries);
 - f. A combination of the above, in addition to §4.319 *Mixed-Uses*;
 - g. Retail sales—as a minor component of the operation, may include retail sales of products associated with and clearly subordinate to the primary use;
 - h. Other uses as determined by the DRB to meet the intent of this section and Conditional Use criteria, *Article V*.
- D. **Standards & Criteria.**
 1. **Eligible structures:**
 - a. A structure considered appropriate for adaptive reuse includes any barn or other ag structure 50 or more years old.
 - b. The proposed adaptive reuse shall not significantly alter the façade, footprint, character, or immediate context (e.g. barn yard, if a barn) of the structure. In reviewing proposals for an adaptive reuse the DRB shall determine that the character of the structure will be retained to the extent practical.

2. Site Standards:

- a. Adequate water supply, septic system, and off-street parking capacity exist to accommodate proposed use;
 - b. The adaptive reuse shall in no way increase any existing degree of noncompliance of the structure, except in accordance with the requirements of §4.109(B)
- E. Review.** The application will be reviewed subject to applicable Conditional Use Review (*Article V*), District, General, Performance, Specific Use (e.g. Change of Use, Mixed-Use, plus the separate uses, as applicable), and Site Plan Standards. If approved, permits for the Change of Use, and/or Mixed-Use, and approved separate uses shall be issued for the project.
- F. Permit Restriction.** A zoning permit issued for an adaptive reuse shall clearly state that the use(s) is allowed only as a permitted use of the existing structure, and shall not be reestablished if the structure is substantially modified (other than to meet interior requirements of the new use), destroyed, or demolished after the permit is issued, except in accordance with the requirements of these *Regulations*. All applicable municipal permits and approvals shall be required prior to the re-establishment of such use.

§4.304 Aircraft Landing Strips

- A.** A private aircraft landing strip may be permitted in designated zoning districts subject to Conditional Use Review (*Article V*), Performance Standards, and the following landing strip criteria:
- 1. Construction and operation of the landing strip shall comply with all FAA and State regulations.
 - 2. Landing strips shall be located a minimum of 100 feet from adjoining properties and 125 feet from the centerline of any public road, measured to the edge of the strip.
- B.** The application for Conditional Use Review, in addition to the requirements of §5.100, shall include the following:
- 1. A sketch indicating runway orientation and dimensions, adjoining property owners, landing surface material, and relevant terrain features; and
 - 2. copies of the applicable Federal and State requirements;
 - 3. copies of all documentation filed with the Federal Aviation Administration (FAA) and the Vermont Agency of Transportation.
 - 4. copies of all Federal and State permits, certifications, acknowledgments of receipt, or similar documents received
- C.** A zoning permit must be issued before any letter or other written correspondence indicating municipal approval is sent to the State.

§4.305 Campers/Recreational Vehicles/RVs (see *Article VIII: Campers, Recreational Vehicles, RVs*)

- A.** A property-owner, or invited guest, may park an RV/camper on his/her own property provided it is:
- 1. used only as a temporary, seasonal shelter for not more than 60 consecutive days between May 1 and November 30, and is not used as a permanent, accessory dwelling or living quarters. A temporary use permit may be applied for if the desire or need to use the camper differs from this provision
 - 2. residential properties shall not rent out parking spaces for RVs/campers; spaces on commercial properties may be rented out under a campground permit and applicable regulations [§4.306].
- B.** An RV, a camper, or any other temporary shelter shall not be converted to a full-time dwelling, or be hooked up to a the public power grid, or a residential or municipal water or sewer line. Sewage shall be disposed of in accordance with all applicable local, State and Federal regulations.

§4.306 Campgrounds/RV Sites

- A.** Any parcel containing three or more vacation/temporary-use campers of any type or description shall require a campground permit and be subject to applicable State regulations regarding campground water /wastewater permits and this provision (§4.306) regarding campgrounds. RV sites and campgrounds include rented sites for tents/cabins/yurts/other basic seasonal shelters, also any property

where camper vehicles/RVs/camper trailers/vehicles with camper inserts, etc. are rented parking spaces for varying lengths of time primarily during the warmer vacation months. The sites may be very basic and rustic or set up with “glamping” accommodations, they may be simple campground establishments or set up much as AirBnB, VRBO, Hipcamp, or other similarly organized ‘member’ organized campgrounds providing various advertising/insurance/oversight/management/or any similar types of set ups.

- B. Standards & Criteria.** A new or expanded campground may be permitted in designated zoning districts subject to Conditional Use Review, Performance Standards, any applicable State regulations, and the following campground/RV site criteria:
1. a campground shall have not fewer than 5 acres;
 2. a campground shall provide access roads and parking for all campers’ vehicles;
 3. campground density shall not exceed 15 campsites per acre;
 4. all two-way access roads within a campground must be at least 30 feet in over-all width and have a compacted gravel surface (or other type of all weather road);
 5. a campground shall have a potable water supply approved by the Vermont Department of Environmental Conservation or other appropriate agency;
 6. a campground shall provide public toilets and sewage disposal in compliance with regulations of the Vermont Department of Environmental Conservation or its successor agency. Copy of State Water/Wastewater Permit, or amended permit, shall accompany application;
 7. a strip of land at least 50 feet in width shall be maintained as a landscaped area within the setbacks abutting all public roads and property lines. Setbacks shall be 65 feet from all public roads and property boundary lines regardless of regular front, side, or rear setbacks set by the district's standards;
 8. campsites shall be set back a minimum of 100 feet from the shoreline of Lake Champlain; parking areas and other facilities shall be set back a minimum of 150 feet from the shoreline. Shoreline setback areas shall be managed to minimize erosion and runoff into the Lake. In any difference between these provisions and State Shoreland regulations, State prevails. No camper or tent shall be located closer than 75 feet to a property line;
 9. the RV/campground area shall be closed to the public for a period of at least 90 consecutive days each year;
- C.** Campgrounds, RV sites, tenting areas, and similar shall be considered a commercial enterprise and shall require proof of the commercial status (by means of any applicable State registrations, licenses, or permits required) submitted along with a Conditional Use application;
- D.** No space on a residential lot shall be rented as a camper, RV, tenting, “glamping,” or similar over-night stay for the transient or vacationing public.
- E.** Applications for campground approval shall undergo Conditional Use Reviews, are subject to General and Performance standards, the criteria in §4.306(B) above, and shall include a site plan and drawings prepared by a professional engineer and/or surveyor showing the property lines and area of the campground, a contour map showing the proposed grading of the area, a layout of the proposed roads, walkways, campsites, parking areas, garbage collection stations, electrical distribution, water lines, septic facilities, and storm drainage facilities. Any required State permits shall be included with the application. Copies of rental agreements and campground rules shall also be submitted with the application.
- F.** The DRB may require a performance bond as a condition of approval to ensure that all proposed site improvements are developed in conformance with the application materials and subsequent Board approval.

§4.307 Child Day Care Facilities—Vermont’s Department of Children and Families, Child Development Division licenses 2 types of child care programs and 2 classes of Family Child Care Homes. See also §8.100. Pursuant to 33 V.S.A. § 3502(c), a person who has a license to operate a child care facility shall not operate a family child care home. A person who operates a registered family child care home shall not operate a child care facility.

A. A **Family Child Care Home** may be either:

- **Registered**—licensed to serve children as specified in the rules of the *VT Licensed and Registered Family Child Care Homes*, §6.2.1; or
- **Licensed**—to serve children as specified in §6.2.2 of the Family Child Care Homes regulations. Such a facility, that meets all of the following standards, will be permitted as a by-right accessory use in all districts where single-family dwellings are a permitted use.
 1. A resident of the dwelling in which the use is occurring operates the childcare home.
 2. The child care home will be operated under State license or registration.
 3. The child care home serves 6 or fewer full-time children and 4 or fewer part-time children for a maximum of 10 children.
 4. One unlit exterior sign is permitted in accordance with §4.113(C)(10).

B. A **Child Care Facility** licensed by the State that serves more children than allowed under §4.307(A)(3), above, or which is not operated out of an owner-occupied dwelling, is subject to Conditional Use Review [§5.100]. The State licenses the following 2 programs for a specific number of children and to operate under caregiver/child ratios and group sizes [see §8.100]. Both provide developmentally appropriate care, education, protection, and supervision designed to ensure wholesome growth and educational experiences for children outside of their own homes for periods of less than 24 hours. Both programs are operated as a business or service on a regular or continuous basis whether for compensation or not, with care services provided by someone not the child's own parent, guardian, or relative.

1. **Center Based Child Care and Preschool Program**—a program licensed by the Division, providing the services as designated above. Programs providing child care services to non-recurring clientele and prekindergarten programs operated by public and private schools are all considered Center Based Child Care and Preschool Programs. The license is specific to a physical location where services are provided.

Children's Ages	Maximum Group Size	Staff:Child Ratio
6 Weeks – 23 Months	8	1:4
24 - 35 Months	10	1:5
3 Years - Kindergarten	20	1:10
1st Grade - 15 Years	No Maximum	1:13

2. **Afterschool Child Care Program**—a program licensed by the Division to provide services before and/or after school, and during school vacations snow days, or other school closures.

Children's Ages	Maximum Group Size	Staff: Child Ratio
Kindergarten	20	1:10
1st Grade - 15 Years	No Maximum	1:13

§4.308 Contractor's Yard See definition in *Article VIII*

Contractors' Yards may be located in designated districts subject to Conditional Use Review and the following criteria:

1. lot size shall be at least 2 acres, or a size sufficient to accommodate all proposed equipment and supplies to be stored on it, with at least 50 feet from rear and side property lines, unless altered by the DRB;
2. with frontage and depth of at least 200 feet each, or greater if required pursuant to district standards;
3. adequate off-street parking shall be provided per §4.112(B);

4. garbage and trash collection areas shall be screened from view;
5. all other applicable provisions of these *Regulations* shall be adhered to;
6. screening of stored items may be a condition imposed on the permit.

§4.309 Emergency Housing Shelter *See also §3.204, §8.100*

A shelter providing sleeping accommodations for unhoused members of the community. Food, hygiene, and social services as well as others may be provided. The shelters shall be run under State guidelines for indigent or homeless people and/or families in need of temporary housing and other life sustaining services. This is a Special Public Use Exception and shall be reviewed under Site Plan provisions [§5.200]. However, any regulation of hours of operation shall constitute interference with the intended functional use and shall not be allowed. This provision does not include disaster-related shelters set up for those needing to evacuate their homes because of natural or man-made disasters, which are typically set up under the guidance and regulations of the State Department of Emergency Management.

§4.310 Extraction & Quarrying Operation *See Article VIII: Extraction, Quarrying, Reclamation*

- A. The removal of soil, sand, gravel, stone, or rock, except when incidental to the construction of an approved building or subdivision, or exempted as part of a farming operation, may be allowed in designated zoning districts, subject to Conditional Use Review by the DRB [§5.103] and the standards set forth below.
- B. In addition to application requirements under §3.300 and §3.502, the applicant shall submit any permit or authorization required by and issued from the Department of Environmental Conservation's Air Quality and Climate Division (e.g.: air permit held by crusher, *Air Permit to Construct* held by pit owner, other permits as required by *Vermont Air Pollution Control Regulations* [5-501, 5-1001, 5-211, 5-221(1), 5-231, 5-241, 5-261 and/or others as applicable]; and permits/authorizations from ACT 250. Additionally, the application shall include 2 copies (1 hard copy; 1 PDF with drawings printable and legible at 8.5" x 11") as described in §3.300(A) prepared by a licensed engineer, showing existing grades, drainage and depth to water table; the extent and magnitude of the proposed operation including proposed project phasing; and a reclamation plan for the conclusion/closing of the operation.
- C. **Blasting and other activities causing substantial vibration** shall require evidence to demonstrate that it will not cause vibrations or sound waves that would cause damage beyond their property line. A copy of all State and/or Federal permits must be submitted to the Zoning Administrator.
- D. **Approvals.** In granting Conditional Use approval, the DRB shall find that the proposed activity will not cause any hazard to public health or safety, or otherwise have an undue adverse effect with regard to any of the General [§4.100], Performance [§4.200], other relevant Standards, or the factors below in E.
- E. **Conditions.** In granting approval, the DRB shall consider and may impose Conditions with respect to the following factors, as it deems appropriate:
 1. depth of excavation or quarrying above the water table;
 2. slopes created by removal;
 3. effects on surface drainage on and off-site per *Vermont Stormwater Management Manual*;
 4. storage of equipment and stockpiling of materials on-site;
 5. hours of operation for blasting, trucking, and processing operations;
 6. effects on neighboring properties from blasting, excavation or crushing activities, dust, noise, or vibration;
 7. creation of nuisances or safety hazards;
 8. effects on traffic and road conditions, including potential physical damage to public highways;
 9. temporary and permanent erosion control;
 10. effect on ground and surface water quality, and drinking water supplies;
 11. effect on natural, cultural, historic, or scenic resources on-site or in the vicinity of the project;
 12. effect on agricultural land; and
 13. site reclamation.

- F. A performance bond, escrow account, or other surety acceptable to the Selectboard (or Town Attorney in lieu of the Selectboard) shall be required to ensure site reclamation upon completion of excavation projects, to include any re-grading, reseeding, reforestation or other activities that may be required. The Town may take legal action as appropriate to ensure site reclamation and cost recovery upon failure of the permit holder, their successors or assigns to complete site reclamation as required.

§4.311 Farm Labor Housing

- A. Agricultural housing structures, single- or multi-unit, intended solely to house farm workers and their families or seasonal or migrant agricultural workers are accessory to the principal agricultural use of a property and require zoning permits.
- B. In addition to the farm owner's residence, if applicable, up to 3 multi-unit structures per parcel for seasonal or migrant agricultural workers may be approved as a Conditional Use in all districts subject to the following standards and criteria:
1. Occupancy is restricted to farm workers and their families.
 2. Applicant shall demonstrate that adequate water supply, septic system, and off-street parking capacity exist to accommodate all anticipated residents. A copy of the *Potable Water and Wastewater Permit* for the water supply/septic system shall be submitted with the application.
 3. Agricultural housing shall be located to minimize adverse impacts on neighboring properties. Landscaping and screening may be required.
 4. PUD provisions of these *Regulations* may also be applied to farm labor housing proposals.
 5. The permit shall clearly state that this housing is accessory to the principal agricultural use of the property and shall be owned and maintained by the farm owner for this purpose.
 6. The agricultural dwelling(s) under this permit may only be subdivided and/or converted for sale as a single- or multi-unit dwelling separate from the agricultural use if it meets all local zoning regulations at the time of the conversion or partition regarding density, setbacks, lot size, and other requirements for the district in which it is located, and if Subdivision and Change of Use permits are approved.

§4.312 Farm Structures

- A. Pursuant to the Act, [§4413 (d)], farm structures (excluding dwellings), Required Agricultural Practices, and accepted forestry/silvicultural practices are exempt from local permitting requirements. However, farmers intending to erect a farm structure must notify the municipality of the intent to build a farm structure, and abide by setbacks contained within the zoning ordinance unless they provide an approval of lesser setbacks from the VT Secretary of Agriculture, Food and Markets. The notification must contain a sketch of the proposed structure and include the approved setback distances from adjoining property owners and the street. The Department of Agriculture has no authority within town road rights-of way and will remand any application proposing to be located in the municipal ROW to the local DRB.
- B. All farm structures within the Special Flood Hazard Areas must comply with the National Flood Insurance Program and the provisions of *Article VII*, as applicable.
- C. The ZA or DRB may require any application or proposed use based on a status of being agricultural to be substantiated by a letter from the Vermont Secretary of Agriculture confirming that status.

§4.313 Gasoline Stations

- A. Gasoline stations may be permitted in designated zoning districts subject to Conditional Use Review (*Article V*) and the following standards and criteria:
1. **Site standards.**
 - a. The lot size shall be at least 2 acres.
 - b. Lot frontage shall be at least 200 feet.
 - c. Lot depth shall be at least 200 feet.
 2. **Lot & structure locations.**

- a. A gasoline station shall not be located within 300 feet of any lot occupied by a school, hospital, library, or religious institution. Motor vehicle repair facilities are exempt from this requirement.
- b. Pumps, lubricating and other service devices shall be located at least 75 feet from the centerline of the road, and side and rear lot lines.
- c. All fuel and oil shall be stored at least 75 feet from any property line.
- d. There shall be no more than 2 access driveways from the street. The maximum width of each access driveway shall be 40 feet.
- e. Pump canopies shall be limited to the area required to cover the pump island and pump-apron, and shall be the minimum height necessary to satisfy applicable State and Federal safety requirements. In no case shall canopies exceed 24 feet in width or 36 feet in length.

3. Visuals.

- a. Canopy design, including materials and roof pitch, shall be compatible with surrounding buildings; and the sides (fascia) of canopies shall not be used for advertising.
- b. A suitably landscaped area shall be maintained at least 10 feet in depth along all street frontage not used as driveway. Additional landscaping, screening, and pedestrian walkways may be required as appropriate.
- c. All automobile parts and dismantled vehicles are to be stored within a building or screened from public view. All vehicles and equipment must be parked or stored out of all road rights-of-way.

4. Lighting levels on station aprons, under canopies and in associated parking areas shall be the minimum required for intended activities. The lighting of such areas shall not be used for advertising or to attract attention to the business. Lights shall not be mounted on the top or sides of canopies; and the sides of canopies (fascia) shall not be illuminated. Light fixtures mounted on 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 so that direct illumination is focused exclusively on the underside of the canopy. Outdoor lighting shall also meet applicable lighting standards under §4.111.

- B. Gasoline stations that include retail sales unrelated to motor vehicle service, maintenance, or repair (e.g. food or convenience items) shall be reviewed as a Mixed-Use, and are required to meet all zoning provisions pertaining to retail uses for the district in which they are located.

§4.314 Group Home (also see Senior Living Facilities §4.328)

In accordance with the Act, a group home that meets all of the following standards will be permitted as an accessory use in all districts where single-family dwellings are permitted.

- 1. The group home will be operated under State licensing or registration;
- 2. The group home shall serve 8 or fewer people with a handicap or disability as defined in 9 VSA §4501.
- 3. If serving 9 or more persons who have a handicap or disability as defined in 9 VSA §4501, a residential home or group home, in addition to being operated under State licensing or registration, shall be reviewed as a multi-family dwelling subject to Site Plan Review.

§4.315 Home Occupations & Home Businesses

No provision of these *Regulations* shall infringe upon the right of any resident to use a minor portion of a dwelling or an accessory structure for an occupation that is clearly secondary to the residential use, is customary in residential areas, and does not have an undue adverse effect on the character of the residential area in which the dwelling is located. Shoreham defines 2 levels of businesses structured as secondary uses: Home Occupation, Home Business.

- A. **Home Occupations.** Home Occupations, as distinguished from *Home Business* described in (B), below, are a by-right use, allowed in accordance with the following

- 1. a Home Occupation is exempted from permit requirements, but the ZA shall be notified of the intent to operate, just as farms must notify the ZA of their intention to build a farm structure. The notice shall be made using the regular zoning permit/land-use application, with no fees involved;

2. the Home Occupation shall be conducted on-site by the owner and family living on-site, and up to 3 non-family employees on site at any one time;
3. the Home Occupation shall be carried on in a minor portion (under 40%) of the dwelling or in an accessory building that measures no more than 75% of the foot-print of the primary structure, and is no taller than 1 story in height. If a larger size is needed, a DRB regulatory waiver should be applied for;
4. provisions for parking for employees shall be made in accordance with §4.112. Additionally:
 - there shall be no retail sales on-site; sales shall be by phone, email, or website;
 - only sporadic (fewer than 4 per week) customer/client visits shall be allowed. All other visits must be off-site or electronically held;
 - one small identification sign (8 sf) may be affixed to the dwelling or be free-standing. See §4.113(C)(10).
- 5 Any proposed expansion of the Home Occupation will require Conditional Use review and a zoning permit for a Home Business or other use as appropriate.

B. Home Businesses may be permitted in designated zoning districts, subject to Conditional Use Review, General and Performance Standards, and the following additional provisions:

1. the business/home owner shall reside on the parcel;
2. employees shall consist of owner's family living on-site, plus no more than 8 non-family members on-site at any one time;
3. the business shall be carried on within the principal dwelling unit and/or accessory structure(s):
 - a. if carried on in the dwelling no more than 80% of the total floor space shall be used;
 - b. if in one or two accessory structures they shall be a maximum height of 35' with an aggregate total square footage no greater than 2,000 square feet;
 - c. the DRB may allow a larger square footage of space if such adjustment is deemed warranted in order to reasonably accommodate the business;
 - d. to avoid any undue adverse effects the accessory structures shall look like barns, garages, or other similar residential buildings in the neighborhood;
 - e. one sign (may be 2 sided if free-standing) no larger than 8 sf; if free-standing, the top to be no higher than 8', placement no less than 15' from road edge, but must not block road visibility; See §4.113(C)(10).
4. retail sales shall occupy no more than 30% of the Home Business's space or 500 square feet, whichever is less;
5. parking shall accommodate employees and retail customers, include ADA parking space, and be in accordance with §4.112(B);
6. the business, and related traffic, must not have an undue adverse effect on the character of the residential area where it is located; landscaping and screening may be required as appropriate;
7. the use permit for a Home Business shall clearly state that the industry is a business that is accessory to the principal residential use, and shall be owned and operated by the homeowner. If the permit does not explicitly state that it runs with the land, the use permit expires when the property is sold or otherwise transfers ownership unless the new owner requests a permit amendment to continue the business;
8. a Home Business must meet all applicable provisions of the General and Performance Standards in §4.100, §4.200.
9. if a Home Business is subdivided for sale, or otherwise transfers ownership, or is converted to another use allowed in its district, it must meet all existing municipal and State regulations and bylaws pertaining to the proposed use, including all dimensional, and other requirements for the district in which it is located;
 - if keeping the business as it is, new owner must request a permit amendment [§3.302]; a change in the type or size or other alteration requires a new permit or amendment; appropriate permits, including a Change of Use permit, shall be required prior to any conversion to another use;

- subdivision permit is required if the business is being subdivided from the parent parcel; subject to Site Plan Review and Performance and other applicable Standards;

10. The DRB may set the hours of operation, or alter the proposed hours, as a Condition of approval.

§4.316 Kennel

A kennel may be permitted in designated districts subject to dog ordinances, Conditional Use Review, General and Performance Standards, and the following provisions. A kennel shall be defined as a place housing, on a sporadic or permanent basis, more than 5 dogs of varying ages, for fees covering food, shelter, and care. Services offered may include doggie-day-care, exercise, training, grooming, or any combination thereof. Additionally, a public boarding business, a rescue operation, or a private breeding business are included. The following standards and criteria apply:

1. All kennels will comply with the set back standards of the district in which they are located.
2. All dogs must be housed in a building designed for the purpose and with adequate water, heat, and sanitary facilities. When not inside, the dogs shall be constrained to a suitably fenced area, or be on a leash.
3. Provision must be made for the safe disposal of all animal wastes, runoff, and wash water. A copy of the State Wastewater Permit, or amended permit, shall accompany the application.
4. Essential to any kennel operation is taking steps not to intrude on neighbors with odors, noise, or free-running animals. Excessive or persistent barking shall be minimized by restricting the animals to a building or by other appropriate means, such as screens, vegetation, or fencing. Shoreham dog ordinances also apply to kennels.
5. All State permits and regulations applicable to kennels must be included with the permit application, and be adhered to once the business is open. The property shall be open, with reasonable notice, to inspection at the request of the ZA or other Town official including the local Animal Control official.
6. In any dispute regarding the status of being a kennel, proof of status lies with the owner.

§4.317 Light Industry, Manufacturing

Light industry, or light manufacturing may be located in the Village Commercial District and—under §4.303 *Adaptive Reuse* provisions—in the Low Density Residential and Agricultural Districts, subject to Conditional Use Review under *Article V*, the provisions pertaining to General and Performance Standards [§4.100, §4.200], Adaptive Reuse, Commercial Standards [§4.103], and in conformance with the following standards and criteria as applicable:

A. Buildings.

1. The aggregate footprint of all buildings shall not exceed 40,000 square feet. Buildings being used under Adaptive Reuse shall retain their existing footprint.
2. Maximum building height shall not exceed 35 feet;

C. Lot & Site Standards.

1. All light industry shall meet minimum setbacks for the district in which it is located. Landscaping and fencing along property boundaries may be required for screening and safety.
2. Light industry/manufacturing shall have frontage on public roads or access to such roads from a shared industrial development road, or a driveway.

D. Uses. Industrial/manufacturing uses are limited to those manufacturing, fabrication, or processing activities which meet the applicable criteria in §4.200 *Performance Standards*. The DRB may impose additional Conditions as appropriate to protect public health, safety, and welfare; municipal facilities and services; and other public investments.

F. Retail. Light industry/manufacturing which also includes on-site retail sales or which is otherwise open to the public (e.g., for tours) shall be reviewed as a Mixed-Use [§4.319], and as such be required also to meet all zoning provisions pertaining to such retail or other uses for the district in which it is located, including but not limited to additional acreage, frontage, and/or parking requirements.

§4.318 Marinas

Marinas, whether intended for public or private use, may be permitted in designated districts subject to Conditional Use Review (*Article V*) and the following additional provisions:

- A. In addition to meeting all zoning district requirements, have minimum continuous shoreline frontage of 200' if located on the Lake shoreline;
- B. Provide at least 1 off-street parking space for each rental boat, mooring, and/or berth. Parking and other public-use and setback areas shall be compliant with the Shoreland Protection Act. A State shoreland permit shall be submitted with the application.
- C. Provide screened trash/garbage collection and toilet facilities; and, for marinas accommodating boats with sleeping berths, facilities for the pumping and/or disposal of wastes in accordance with State regulations. A copy of the State Water/Wastewater Permit, or amended permit, shall accompany the application.

§4.319 Mixed-Use

- A. In designated districts, more than one “primary” use may be permitted within a single building or on a single property subject to Conditional Use Review (*Article V*) and the following:
 - 1. each of the proposed uses (residential &/or commercial) would be allowed as a stand-alone use in the district in which the Mixed-Use is proposed;
 - 2. the combined uses meet all applicable standards for the district in which the Mixed-Use is proposed. In cases of conflicting standards, the DRB shall determine which standards apply;
 - 3. the application shall include a narrative describing the scope of each proposed use, a site plan showing any details specific to a particular use, lighting, parking, and landscape plans, building elevations, any other relevant details pursuant to Conditional Use Review [*§5.100*], Commercial Standards [*§4.103*], Zoning and Hearing Applications [*§3.300*, *§3.502*].
- B. The Development Review Board shall not approve a Conditional Use where the proposed multiple uses and/or structure(s) are deemed too intensive for the parcel in question. In making its determination of whether proposed uses are too intensive, the DRB shall consider the existing and proposed uses together. The project shall comply with all other provisions of these *Regulations*, including the General, Performance, and Specific Use Standards (*Article IV*), as applicable for each proposed use.

§4.320 Mobile/Manufactured and Modular Homes

- A. **Mobile/Manufactured and Modular homes** are considered to be, and are treated the same as, stick-built homes and are by-right dwellings in all districts. A primary mobile/manufactured home may have one ADU (must be smaller than the primary dwelling, see *§4.301[A]*) and may be able to have one Secondary Housing Unit (*§4.301[B]*) if compliancy can be maintained. Vacation/temporary, recreational-use campers are not included under this provision.
- B. **Installations.** Mobile homes moved into or away from Shoreham shall comply with the sale and transfer regulations in *9 VSA 2601*, particularly in regard to the Mobile Home Uniform Bill of Sale and its Town Clerk endorsements, whether they are new or used. All modular, or mobile/manufactured dwellings must be installed on a proper foundation sufficient to ensure their stability and security. All wheels must be removed and the unit securely fastened to the foundation, or it will be treated as a camper. A tiny home on wheels may be converted to a full-time dwelling if wheels are removed and the unit is securely fastened to a concrete pad or foundation. RV/camper vehicles are excluded.
- C. **Certain standards apply especially for manufactured units used as rentals.**
 - 1. **For health and safety:**
 - a. new units shall meet all Federal HUD and State standards related to safety, construction materials, insulation, and energy efficiency;
 - b. used units shall be inspected by the Health Officer or Department of Health for compliance with Dept of Health regulations, and by the Fire Marshall’s Office to ensure compliance with public building fire safety regulations.
 - 2. When **Health Department and Fire Marshall regulations** are self-certified, the property shall also be inspected by local officials (typically the ZA, Fire Dept. or Selectboard), using the report forms as a checklist/guide.
- D. It shall be unlawful to park, place, maintain, or permit more than one manufactured home on a parcel, except in a mobile home park duly approved under *§4.321*. See *§4.320(A)* above.

§4.321 Mobile/Manufactured Home Parks

- A. This provision applies to any parcel with three or more manufactured/mobile homes (unless two qualify as ADU and Secondary Housing Units), but excludes campers or campgrounds regulated under §4.305, §4.306.
- B. The mobile or manufactured home park must be a minimum of 4 acres, with lots a minimum of 4,800sf; buffers of trees and bushes between lots encouraged, interior roads at least 25 feet wide plus a 10' ROW on each side (with approval of Fire Department), and 75' setbacks on all exterior park/parcel boundaries. Regulations set out by the State shall govern when different from these provisions. Permit application approval subject to Conditional Use Review, and General and Performance Standards as applicable [§§4.100, 4.200]. The DRB may vary the requirements pending reasonable request and explanation by park owner.
- C. Mobile Home Parks are considered multi-unit uses; up to 4 units is a Type A; more than 4 is a Type B.

§4.322 Mobile Vendors

“Mobile Vendor” means an itinerant business operator or vendor who conducts business with the public at large from a vehicle or other conveyance upon public roads in the Town, or on privately-owned residential or commercial property. Typically, though not always, this is a person or entity preparing, selling, or serving food from a pushcart or mobile vendor vehicle. All such enterprises shall be considered commercial uses. If the vendor location is on private property (residential or commercial) the property-owner will need a permit for an Accessory Use.

A. Permits

- 1. Vendors must have a local retail/commercial permit which is valid from May 1 to April 30 and must be renewed every year. Food vendors must submit copies of the following State licenses, forms, or permits, as applicable, with their new or renewal application:
 - a. VAAFM Retail License or Permit; State Health Dept, food service license; caterer license (home or commercial); State Meals & Rooms tax number, Sales & Use tax number;
 - b. if food intended to be sold is made at home, a Dept of Health Home Kitchen License.
- 2. Property owner hosting a mobile vendor must have an Accessory Use permit which meets Conditional Use Review and Performance Standards for the use. Once approved for the use there is no annual renewal needed unless the use is abandoned.
- 3. A mobile vendor not in a stationary location on private property, who sets up in different places or simply drives about on the roads, or stops on periodic travels through the town to sell food or goods, shall have the retail permit reviewed and approved under Conditional Use Review.

B. Requirements

- 1. Adequate off-street parking for the number of patrons to be served.
- 2. Food shall be strictly “pick up and go,” no picnic tables or other seating available.
- 3. Food sold must be from an approved, licensed home processor, retail store, commercial processor, food distributor, or similar pursuant to State regulations.
- 4. Sufficient waste/recycling containers for all daily waste and provisions for removal from town.
- 5. All vendors’ mobile units must be registered and capable of being moved at any time.
- 6. All food vendors are subject to VT Health Department *Health Regulations for Food Service Establishments* and *Temporary Food Stand Requirements*.

C. Application for Permit—Application for permit shall be submitted to the ZA at least 25 days before opening for business. In addition to the items in §3.300, the following are to be included:

- 1. Description, make, model, license number of mobile unit,
- 2. Narrative describing type of commodities to be sold, operating hours, number of service workers on-site at any given time,
- 3. If to be located on private property, property owner name and contact, and signed permission for the use of their property, copy of property owner’s Accessory Use Permit, copies of State permits/licenses, insurance policies.

4. If not located on private property, vendor's permit must be approved under Conditional Use Review.

D. Exemptions

1. Temporary sales on one's own property, such as craft/vegetable stands, childrens' lemonade stands, are exempt from this provision.
2. Vendors operating as part of a Town-approved event are exempt, but at those events it is the vendor's responsibility to obtain any Selectboard approvals and State forms/permits/licenses needed and present copies of current documents to the Town when requested.

§4.323 Motor Vehicle Service & Repair Facility

A motor vehicle service and/or repair facility may be located in designated zoning districts, subject to Conditional Use Review (*Article V*) and any applicable provisions of §4.314(B). Sale vehicles, not exceeding 8, may be parked on the property with an accessory use permit or permit amendment, and with minimum space of 135sf per vehicle. The DRB may vary this provision on receipt of a reasonable request and explanation, and if the request approval would cause no nonconformities, or have other negative effects on neighbors or their properties.

§4.324 Rental Units

- A. Fire Marshal's Office Regulations.** All lodging facilities are considered public buildings and as such fall under the Vermont Division of Fire Safety(DFS) regulations as amended and administered by the State Fire Marshal's office.

1. **Short-term Rentals.** The *Vermont Short-Term Rental Safety, Health, and Financial Obligations Form*, as required by 18 VSA §4468(b), shall be completed and posted within the Short-term Rental unit in plain sight.
2. **Long-term, Transient Lodging, Full-time Residential Rentals.** VT Division of Fire Safety (DFS) regulations require public buildings to post a copy of their completed *Fire Safety Report* form, as applicable, in plain sight in the rental structure.
3. **DFS** (Department of Fire Safety, aka 'Fire Marshal') **permits are required for** construction, electrical work, and plumbing work in Duplex, Single-family rental dwellings, and rental properties having more than two units undergoing: new construction, alteration, renovations or the installation of electrical /plumbing fixtures. Copies to be submitted with certificate registration applications.
4. **Structures with an occupancy rate greater than 8 persons** are required to obtain a *Public Building Permit* from the Fire Marshal's Office.
5. Copies of each applicable Fire Marshal safety form and/or Public Building Permit shall be submitted to the ZA with the registration application.

B. Health Department Regulations

The Vermont Department of Health regulates rental units with regard to health and safety issues. Landlords/Owners of any rental "...dwelling, dwelling unit, rooming house, rooming unit or mobile home..." are required to comply with the Rental Housing Health Codes (*Environmental Health Codes* Chapter 6 subchapter 6).

C. Types see also definitions in *Article VIII*

1. **"Long-term Rental."** A long-term rental enterprise is considered to be a business and, in addition to the VT Fire Marshal and Department of Health regulations, is subject to VT Landlord/Tenant Regulations or VT Meals & Rooms Taxes (depending on the length of stay rented by the occupant). Owners of long-term rentals shall apply for a Rental Registration Certificate through the ZA who can advise what permits, if any, may be needed. The property owner shall provide proof of residency on the property or elsewhere within the Town of Shoreham, or obtain a variance from this provision from the DRB.
2. **"Residential Housing Rental"** means a dwelling unit that serves a single housekeeping unit for a full-time local resident. The family renting the unit may consist of one person or more who are related by blood or a legal license, or not, but who shall be committed to living together as a family on a permanent/full-time basis. These rentals are considered to be income producing businesses.

VT Landlord/Tenant regulations apply. A local Rental Registration Certificate will be needed, and possibly one or more zoning permits. See *Single Housekeeping Unit*.

3. **“Short-Term Rental”** means a furnished accommodation rented to the transient, traveling, or vacationing public for a period of fewer than 30 consecutive days and more than 14 total-days per calendar year. Fire Marshal and Health Department regulations are applicable. Vt Meals & Rooms Tax, one or more local permits, possibly other permits are needed. The property owner shall provide proof of residency on the property or elsewhere within the Town of Shoreham, or seek a variance from this provision from the DRB. Owners who rent out one or two rooms, for fewer than 21 total days annually, in the dwelling in which they reside full-time are considered to be occasional renters and are exempt. See §5 below (*Occasional Room Rentals*).
4. **“Lodging”**—These lodging facilities (B&Bs, public guest houses, inns, motels, hotels, or similar facility) generally rent rooms with private or shared bathrooms, and no individual cooking or meal preparation facilities, to the transient, traveling public. Stays are typically overnight. However, stays are sometimes longer especially during holidays, college events, foliage season, etc. Health Department and Fire Marshall regulations apply. There are 2 primary classes of Lodgings:
 - Type A.** Rental enterprises (guest houses, B&Bs, Inns, other similar lodgings, but excluding in-home occasional room rentals below) are generally considered to be public buildings subject to the Fire Marshall and Health Department regulations. Other State permits may apply. Meals may or may not be provided. The property owner shall provide proof of residency on the property or elsewhere within the Town of Shoreham, or seek a variance from this provision from the DRB if there is a contact, in-charge person within 45 miles of Shoreham. A Rental Registration Certificate is required.
 - Type B.** Hotels and motels, (which also are public buildings subject to Fire Marshal regulations) shall be licensed by the State and shall obtain a local Rental Registration Certificate.
5. **Occasional Room Rentals.** Home-owners renting 1 or 2 rooms for 21 non-consecutive days per calendar year, or fewer, in the home where they reside (full-time) are considered to be occasional renters and are exempt from these provisions. However, individuals renting out a room for 15 or more days per calendar year are required by the State to collect and remit the Rooms and Meals Tax. Such in-home room rentals are permitted in all districts.

D. General Rental Standards and Criteria

1. **Contact Information.** As required by 18 VSA §4467: the owner’s name, phone number, mailing address, and an emergency contact number of the owner or a designated owner representative for the dwelling unit, shall be posted in plain sight within the dwelling unit, with a copy to the ZA with registration application as applicable. The owner of the rental dwelling unit or the owner’s designated, geographically proximate representative (within 45 miles of Shoreham) shall be available by phone at all times that the rental is occupied.
2. **Residential property-owners in all districts,** living on-site, may rent up to 2 rooms, or a second dwelling on the property as a Home Occupation if the use criteria for ADUs [§4.301] and Home Occupation are met [§4.315(A)]. This option makes a Change of Use or a Mixed-Use hearing unnecessary. Property-owner must live on the property.
3. **Dwelling Unit Capacity** shall be 2 occupants per approved bedroom, as determined by the State Water/Wastewater permit. The occupant capacity of any dwelling subject to Act 250 is determined by the Act 250 permit. Occupant capacity shall be listed in all on- or off-line advertising and in the rental contract.
4. **Vehicles & Parking.**
 - a. There shall be a maximum number of vehicles allowed for Short-term Rentals of one vehicle per 4 unit occupants. Other rental units shall have a minimum number of designated off-road parking spaces. Town roads shall not be used for parking.
 - b. The number of allowed vehicles shall be listed in all on- or off-line advertising and rental contracts.
 - c. Temporary visitor/guest cars shall not be parked on public roads overnight. Use of private roads/drives/driveways for parking shall be governed by residents of the road.

5. **Noise and Lights.** No outdoor group activity (including music or other noise sufficient to cause complaints) between 10pm and 7am in residential neighborhoods. Excessive light and glare shall not be allowed after 10pm if it can be seen and cause disturbance to neighbors.
6. **Pets,** if allowed, shall be kept inside or on a leash outside with dog's owner. Owner shall be responsible for cleaning up after pets when on roads (public or private), Town lands.
7. **Trash.** Trash and recycling shall be put into exterior containers provided for the purpose and which shall be secured to prevent access by animals. The containers shall be taken to the recycling center or be picked up by a trash hauler/recycling company on a regular basis and after renters leave.
9. **Violations.** Fines are intended to be punitive and are set by the Selectboard.
 - a. Failure to secure a rental registration certificate, advertising a rental on or off-line without having obtained a registration certificate, or without complying with municipal listing requirements and failure to comply with any other applicable provision are violations that will result in fines for up to three violations.
 - b. Fourth or subsequent violations within 24 months will result in certificate revocation and may be subject to legal action for violating these *Regulations*.

E. Rental Contracts/Agreements shall follow State regulations as provided in 9 VSA Chapter 137: *Residential Rental Agreements*, specifically §§4455–4461 plus any others that are applicable in the particular situation. All rental agreements (Short-term, Long-term, full-time Residential) shall include the occupancy capacity and vehicle allowance noted in §4.324 (D)(3) and (4) above, plus the remainder of the rules and requirements listed in §4.324(D) to ensure the comfort level of neighboring residents and their ability to use and enjoy their properties without disturbance.

F. Rental Requirements in the Special Flood Hazard Areas

In addition to the requirements listed above:

1. If the rental property shares a dock with other property owners in the community, then the rental agreement shall set forth the terms and conditions of usage of the shared dock and shall require the renter to abide by the same.
2. Any new dwelling construction, increase in habitable floor area of an existing structure, increase in parking, in the Special Flood Hazard Areas requires an application submitted pursuant to *Flood Hazard Area* §7.103(C) & (D) and §7.203(A) & (D).

G. Rental Registration Certificate

Registration of rental units shall require a completed registration certificate application and other permit/hearing applications as noted herein: a B&B permit application, a Home Occupation notification; §3.300 zoning application; Change of Use [§4.104] or Mixed-Use [§4.319] permit and hearing applications, as applicable; a completed Flood Hazard Area application [§7.103, §7.203] as applicable. All necessary supporting documents shall be included as noted below. Any needed permit applications shall include their respective permit and recording fees.

1. **Fees and Renewals.** Nominal fees are charged for the initial Rental Registration Certificates, renewals are at 50%. Proof of municipal residency may be required. See below for application requirements.
 - a. Short-term, Transient/Overnight: Certificates renew annually on June 1.
 - b. Residential and some Long-term (e.g. boarding house): Renew every 3 years on January 1.
 - c. Registration serves to protect the safety and health of local residential renters and visiting/vacationing renters, and assist the PC in updating the housing and economic development sections of the *Town Plan* and these zoning regulations. The Fire Marshal and Health Department forms are used by Town officials to guide inspections to ensure that units comply with the respective safety and health regulations.
2. **Application** shall be made using the Rental Registration form. Registration serves to ensure safe housing and the health and welfare of our residents. Tourist/vacation rental registrations also serve to protect the health and welfare of visitors. The application shall include:

- a. an indication of the type of rental the certificate is for;
- b. a declaration of occupancy limit based on 2 persons x the number of approved bedrooms in the unit to be rented, as determined by a Wastewater Permit or Lister Card. Copy to be submitted;
- c. a declaration of the number of vehicles allowed and the number of on-site parking spaces available;
- d. an accurate drawing of the subject property that depicts and identifies the following information: location of proposed rental unit on lot; location of all other buildings; number and location of designated on-site (and off-site, if any) parking spaces;
- e. copies of the rental contract/agreement, all related State and local permits and/or checklists (wastewater, potable water, Fire Marshal, Department of Health, etc);
- f. copy of letter from the Fire Chief confirming the sufficiency of the road/driveway for emergency vehicle access;
- g. proof of owner's in-town residency unless waived by the DRB.

3. Short-term Registration Additions

- a. Copies of the *Vermont Short Term Rental Safety, Health and Financial Obligations Form*, as required by 18 VSA §4468(b), shall be completed and submitted as applicable, the Fire Marshal's report, and any other Department of Health forms shall be submitted as well.
- b. A Meals and Rooms Tax ID Number as applicable and as required by 32 VSA §9282.
- c. A Conditional Use or Site Plan approval for a Change of Use or Mixed-Use permit may be required unless determined otherwise by the ZA or DRB.
 - i. a *Change of Use* if the residential property is used primarily as an income producing business, owner not residing on the property, or
 - ii. a *Mixed-Use* if used as a combination of residential and income producing business. ADU and occasional room rentals on owner occupied properties (4. d, below) excepted.

4. Lodging Registration Additions

- a. Inns shall be licensed by the State; copies submitted with the Rental Registration Certificate application of all permits and licenses from agencies such as the Health Department, Fire Marshal.
- b. B&Bs shall submit any required State permits/certifications with the application for a Rental Registration Certificate.
- c. Miscellaneous lodgings (guest house, hotel, etc) shall submit all required State licenses, permits, agency certifications with the registration application.
- d. Owners of residential properties, living on the property, renting 1 or 2 rooms for 21 non-consecutive days per calendar year or less shall be exempt from registration. Rooms & Meals Tax must be collected and submitted to the State if renting for more than 15 days annually.

5. Residential and Long-term Registration Additions—Owners of Single Housekeeping Units rented as full-time residences and owners of dwellings used as boarding houses, or guest houses with occupancy by the same person(s) for 30 consecutive days or more, shall submit basic registration information including State Health Department and Fire Marshal reports. One or more local land-use permits may be required, the ZA can advise.

§4.325 Residential Care (see also *Group Home* §4.314 and *Senior Living Facilities* §4.328)

For the purposes of these *Unified Development Regulations* Residential Care facilities are those facilities providing medical care to seniors or younger people, excluding children, for periods ranging from short- to long-term. These facilities include nursing homes; memory care facilities; facilities offering rehabilitation services for surgery, broken limbs, or similar injuries; hospice; or similar services. Assisted living and psychiatric care facilities are not included. Services may be offered to both walk-in and on-site residential patients.

§4.326 Restaurants

Restaurants may be food service providers offering sit-down meals to patrons, or take-out food services, or a combination of both and may or may not offer liquor.

§4.327 Retail Also see *Commercial Standards & Criteria* §4.103

- A. **Primary**—Businesses primarily operating as retail entities subject to DRB approval and conditions; parking as specified for Commercial/Retail Establishments in §4.112(B).

B. Incidental/Subordinate—Sales primarily related to Home Business operations, which are clearly incidental and secondary in overall impact to the primary land use and permitted business, shall be considered part of the permitted business use unless otherwise provided for in these *Regulations*. Parking as specified for Home Business. Subject to Site Plan Review and Zoning Permits.

- If sales are to be part of another on-site permitted business (e.g. sale of food, goods, products in a gas station) a Mixed-use permit is required.

§4.328 Senior Living/Retirement Communities (Facilities) (see also *Group Home §4.314* and *Residential Care §4.325*)

For the purposes of these *Unified Development Regulations* Senior Living Communities are residential housing facilities established for persons generally referred to as *Seniors* (typically 60 years old plus). These may be set up as residential units, assisted living units, or a combination, and shall include low/medium/fixed income units. The facility may include social events, excursions, day-trips, etc for residents and if assisted living is included, assistance with daily tasks may also be provided. The units may be cottages, independent living suites, or configured much as a boarding house might be, with individual bedrooms and bathrooms, common living and dining areas, and a kitchen where meals are prepared for the residents. Assistance, when requested, may be provided by area home health organizations or private caregivers, but persons needing extended or full-time medical, nursing, or nursing-home care are typically not among the residents. Rules may be set by the organization providing administration/maintenance for the facility, or the Home Owners Association if units are all individually owned. May also be known as Retirement Facilities, Assisted Living facilities, etc, depending on how configured and set up. For the purposes of these *Regulations*, nursing homes, rehab centers, similar medical types of facilities are not included here, see Residential Care, §4.325, above.

§4.329 Solar & Wind Energy Facilities To be used in conjunction with the *Town Energy Plan* which supersedes where there is a difference.

A. Solar energy. Ground-mounted solar energy systems, that are not otherwise exempt from these *Regulations* pursuant to §3.203(1) which exempts certain solar projects from municipal review, constitute a permitted accessory use within all districts, subject only to meeting the dimensional standards within each district. A permit is not needed, but the owner shall submit an application, minus any fees, so the ZA can ensure the dimensional standards are met.

B. Wind energy. Wind energy conversion systems, not exempt pursuant to §3.203, are Conditional Uses in all districts, with the DRB considering the following criteria in addition to those specified in §5.100 of these *Regulations*:

1. Climbing access to the tower shall be restricted;
2. For rotors 20' in diameter or less, a setback from all lot lines shall be a minimum of 275'.
3. For rotors larger than 20' in diameter, a setback from any lot line shall be 275' plus 6' for each foot of rotor diameter greater than 20'.
4. Temporary towers over 35' in height must have a setback equal to the fall radius plus the setback for the district.

§4.330 Telecommunications Facilities, Commercial

A. Purpose. The purpose of this provision is to preserve the character and appearance of the Town of Shoreham and to regulate the location of commercial wireless telecommunications services. Small-scale devices for personal use (satellite dishes, antennas, etc.) are exempt from this provision.

1. §3.203 of these *Regulations* exempts certain telecommunications facilities subject to jurisdiction of the Public Utilities Commission from the jurisdiction of these *Regulations*. See 30 VSA §248(a).
2. This sub-section governs all telecommunications facilities, including antennas and towers, that are not exempt. Telecommunications facilities subject to these *Regulations* shall comply with the following conditions:
 - a. Existing structures such as silos, steeples, or water towers to locate wireless telecommunications antennae require ZA approval in the AG, LDR, MDR, VR districts, and the DRB in the VC District. Telecommunications facilities must comply with the following

standards in addition to those of the underlying district and other applicable provisions in these *Regulations*:

- i.* Siting of antennas must be accomplished in a manner designed to limit the visual impact on Shoreham's countryside and ridgelines.
- ii.* Antennas /support structures must be camouflaged, as feasible, to blend in with their surroundings to the greatest extent possible.
- b. New structures** to support cell and other telecommunications antennae will be allowed as a Conditional Use in the VC, VR, LDR, and AG districts only, subject to the following:
 - i.* The applicant must demonstrate that no existing structure is suitable for their proposed use within a 6-mile radius of the proposed site.
 - ii.* The applicant shall agree to allow co-location on new antenna support structures.
 - iii.* Tower and appurtenances, if DRB approves site as feasible, shall not exceed a top-most height of 140', nor be located within 300' of an existing residence.
 - iv.* There shall be no guy lines supporting the tower. All phone and power lines shall be installed underground.
 - v.* Pursuant to *24 VSA §4440*, the Development Review Board is authorized to hire qualified professionals, to be paid by the applicant, to determine an application's compliance with these *Regulations*.
 - vi.* All telecommunications structures and antennae must be maintained in accordance with the requirements of permits granted. Abandoned or unused structures or antennae must be removed from the property within 180 days of cessation of their use and
 - vii.* The Development Review Board may require a bond or other guarantee be posted with the Town to cover such removal, or the costs of retaining qualified professional assistance.
- c. Right-of-Way Project Permits** may be required, particularly for buried or under-road facilities and any facilities, the installation of which cause a break in the soil (poles, boxes, etc). The ZA can advise and supply any necessary paperwork and instructions. Reference is made to the *Shoreham Ordinance #23-01, Regulation of the Placement of Utility Facilities Within Town Road Rights-of-Way and Public Property*, which is hereby incorporated.
- 3. Personal and Municipal Communication Structures** include two-way radios and systems falling under FCC regulations for Public Safety, Business, Amateur, and personal-use radios.
 - a.** Personal and municipal antennae and support structures, whether free standing or mounted, are permitted in all districts subject to the following conditions administered by the ZA:
 - i.* Screening, that does not impair reception, shall be used wherever possible, to minimize the visibility of the installation from the public right-of-way and neighboring properties.
 - ii.* Newly installed support structures must comply with setbacks for the district in which they are located, plus an additional fall-radius setback equal to the height of the structure.
 - iii.* Antennas plus support structures shall not exceed a top-most height of sixty (60) feet, unless the applicant can demonstrate a higher antenna is required in order to reasonably improve reception or transmission capabilities.
 - b.** CB, Amateur Radio, and General Mobile Radio Service (GMRS) antennae are also subject to FCC regulations [*47 CFR §95, §97*].
 - c.** All Amateur Radio antennae require proof of valid operator license [*47 CFR §95, §97*].
 - d.** These *Regulations* comply with *47 CFR §7.15(b)* as amended from time to time. See *Vt Act 200*, and *24 VSA §229(6)*.

ARTICLE V. DEVELOPMENT REVIEW

Conditional Use • Mixed-Use • Site Plan • Variance • Waiver

§5.00 PURPOSE & APPLICABILITY

- A. *Article V* is intended to work in conjunction with, and in support of, the other Articles comprising these *Unified Development Regulations*. Together they provide a unified process for implementing the *Town Plan*. The fundamental principles of the *Plan*—to protect and enhance the Town’s most important community assets (natural, environmental, social, aesthetic, and economic) and to assure the individual’s freedom to use and enjoy his or her own property, while still respecting the rights and interests of the community—are reflected in these provisions.
- B. The provisions in this Article provide a process for evaluating proposed projects for Development Review Board approval and subsequent permits within the context of the *Town Plan*’s long-term goals regarding social and economic opportunity, jobs, and housing for Town residents, while maintaining the Town’s natural resources, working landscape, and rural character.

§5.01 Jurisdiction of These Provisions

This Article applies to all land use projects requiring DRB approval (land division, land development, land use, etc). Site Plan Reviews may be done by the ZA or DRB depending on the scope of the project. The applicant, or his/her authorized agent, shall apply in writing to the Zoning Administrator. The proposed project and the application for a hearing for a Conditional Use, Mixed-Use, Site Plan Review, Variance, or Waiver will be reviewed by the ZA for completeness before passing on to the DRB. Applicants are cautioned to be specific about what approval by the DRB is being sought as the DRB can not make a change to the application in order to change a requested approval to a different approval (ie: DRB cannot change a Conditional Use request to a Mixed-Use request). The ZA can advise and will do so after review of the application.

§5.02 General Overview

- A. This Article explains the requirements, criteria, and processes entailed in applying for development review (ie: Site Plan, Conditional Use, Mixed-Use, Variances, Waivers; see *Article VI* for Subdivisions), approval, and permits. Information in §§5.03 and 5.04 pertains to all applications in this section. Where there are different or additional provisions pertaining separately, they will be listed in that development review’s section.
- B. **The processes described herein** provide residents with paths to follow which expand the uses of their properties beyond the allowed by-right permitted uses.
- C. **The details** of the application, hearing, public notice, and decision processes are found in §§3.300, 3.502 *Zoning Permits, Hearings*.
- D. **Uses listed as “conditional”** in *Article II*, or as otherwise required under these *Regulations*, shall be reviewed by the DRB under the applicable provisions, with a permit issued by the ZA upon the DRB’s granting approval of the use.
- E. **Permitted/By-Right Uses are not subject to Conditional Use Review** standards and procedures (unless in the Special Flood Hazard Areas), but most require a zoning permit from the ZA establishing the project’s compliance with the standards of the district within which it will be located. Permitted uses requiring a Site Plan Review will need to undergo Site Plan Review by either the ZA or the DRB.
- F. **The review processes, criteria,** and other provisions of this Article are applicable to all Conditional Uses as listed in §2.101(C)–§2.107(C), any project under Mixed-Use [§4.319], Variances [§3.700], Waivers [§3.800], Site Plan Review [§5.200], and may be applicable to PUDs [§6.600], or others as noted in these *Regulations*. The ZA shall not issue a zoning permit until the determination is made that the applicable criteria have been met, and the project is approved.
- G. **When more than one type of review is needed** for a project, they may be run concurrently as a Combined Review [§3.504(B)]. The Board will conduct its reviews, then deliberate and issue its Findings of Fact, Conclusions, and Conditions separately for each, with a combined Decision at the end which shall resolve any conflicts in the imposed Conditions.

§5.03 Applicability

- A. Site Plan Review**, pursuant to §5.200, shall apply to all Accessory On-Farm Businesses, Campgrounds, Public Use Exceptions [§3.204], uses in §§2.101(D)–2.107(D), specified Lodging facilities (to include Inns, Guest Houses, and similar, excluding hotels, short-term rentals, and similar), certain Permitted and Conditional Uses as designated throughout the provisions of these *Regulations*.

Site Plan Reviews may be conducted by the ZA or DRB as they deem appropriate. Single- and two-family dwellings, day care facilities (serving up to 10 children), and group homes (serving 8 or fewer residents) are exempted from Site Plan Review under these *Regulations*. Site Plan Review will typically be a stand-alone application used for specifically identified uses as above, or other types of development review, excluding Conditional Use Review, when suitability for the use in the proposed location is by-right and does not need to be established.

Site Plan *Standards* and *Criteria* shall be incorporated under Conditional Use Reviews whereas Site Plan *Requirements* are considered only under a full and separate Site Plan Review.

- B. Conditional Use Review**, pursuant to §5.100, shall apply to all Conditional Uses as designated in *Article II* or as otherwise specified in these *Regulations* including Mixed-Use, Waivers, and Variances. A Conditional Use Review includes Sketch Plan standards, as well as applicable General, Performance, and Specific Use Standards as the DRB deems appropriate.
- C.** A review for **Mixed-Use approval** shall include Conditional Use Review of all use(s) to be included in the project, Conditional and/or Permitted, in a Combined Review
- D. Variances** and **Waivers** shall be evaluated under Conditional Use Review as well as the criteria listed under those topics.
- E. PUD** [§6.600] and Conditional Use reviews should be done as Combined Reviews [§3.504(B)], if the applicant is seeking approval for both. The complexity of the review and application documentation depends on the complexity of the project.
- F. Flood Hazard Area Review**, pursuant to §7.102 *River Corridors* and §7.203 *Flood Hazard Areas*, applies to any development in the SFHA for Conditional Uses. By-Right Permitted Uses which do not meet the criteria in §7.102(C) or §7.203(D) shall be reviewed under the Conditional Use provisions.

§5.04 Applying

- A. Requirements**—No zoning permit may be issued by the ZA for any use or structure which requires DRB review, until such approval has been granted by the DRB. An application for Site Plan Review, Conditional Use Review, Mixed-Use Review, or review under the Special Flood Hazard Area provisions, shall include items as specified in §3.502 and in the applicable sections below [§4(1), (2); §5.100; §5.200]:
- 1. Variance Requests**—Requests for Variances shall include Narrative responses to each of the 5 requirements [§3.700(B)] that must be met for approval of a Variance.
 - Requests for Flood Hazard Area Variances shall be approved by the DRB only in accordance with the procedures and standards set forth in §3.700, including the requirements specific to development within flood hazard areas [§7.340].
 - 2. Waiver Requests**—Narrative shall include responses to the criteria for the approval of Dimensional Waivers [§3.800(A)(3)], or shall have full explanations of any Regulatory Waivers [§3.800(A)(1)] requested and how such waivers will comply with the *Town Plan* and provisions of these *Regulations*.
- B. DRB Authority to Waive Requirements**—The DRB may waive one or more of the application requirements in the event it determines the item(s) to be unnecessary for the comprehensive review of the application. Such waiver shall be issued, in writing, prior to the first hearing on the issue and noted in the Decision.
- C. Notice Procedures**—The following sections are applicable to all Development Review applications:
- 1.** Before making a determination as to whether the proposed use conforms to the general and specific standards relative to the application requested, and in accordance with the Act [§4414], within 60 days of the official submission date of a hearing application the DRB shall schedule a public hearing, warned in accordance with §3.503

2. Flood Hazard Areas Applications—Copies of applications for development within the Special Flood Hazard Areas shall be submitted to the Flood Plain Management Section of the Vermont Department of Environmental Conservation in accordance with the Act [§4424] and §7.504(C) of these *Regulations*. A permit may be issued only following receipt of comments from the DEC or the expiration of 30 days from the date the application was sent, by certified mail, to the Department, whichever is sooner.

In addition, adjacent municipalities and the Vermont Department of Environmental Conservation shall be notified by the ZA at least 15 days prior to the issuance of a zoning permit for the alteration or relocation of a watercourse; copies of such notification shall be sent to the Administrator of the Federal Insurance Administration.

Site Plan Review vs Conditional Use Review		
	Site Plan Review 24 VSA 4416	Conditional Use Review 24 VSA 4413(3)
Bylaw Options	<ul style="list-style-type: none"> • May be a separate development review process. • May incorporate General, Performance, Specific Use Standards. • Use is assumed to be appropriate for the location where proposed. • May not be used to deny a use as could a Conditional Use Review. 	<ul style="list-style-type: none"> • Must be a separate development review process. • Shall incorporate site plan criteria (also General, Performance, Specific Use Standards, Act 250 review standards, as warranted). • Suitability of the use for its proposed location shall be determined under the review.
When Used	Regulates internal site layout & design (access, traffic circulation, parking, landscaping & screening, exterior lighting, signs, other site factors as specified in the <i>Regulations</i>)	Regulates external factors relating to impacts of development on the neighborhood (character of area & neighboring properties, community facilities, traffic, roads, renewable energy resources, as specified in Statute and local <i>Regulations</i>)
	May be applied to all uses except single- & two-family dwellings (permitted and/or conditional uses).	Applies only to uses specified in the bylaws as being conditional.
	Must be used as the only review process for Accessory On-Farm Businesses, Special Public Use Exceptions, other uses as may be specified in the <i>Regulations</i> .	
	Site Plan criteria shall be incorporated under Conditional Use Review in order to avoid duplicative, potentially redundant development reviews, avoiding the need for two separate applications, fees, notices, hearings, and decisions.	
Review	Reviewed by the DRB or the ZA pursuant to provisions of the <i>Regulations</i> .	Reviewed by the DRB as specified in the <i>Regulations</i> .
	Requires a hearing with public notice when reviewed by the DRB.	
	Combined Review may be held for both , concurrently, as long as all requirements for both are met. Incorporating Site Plan Criteria under Conditional Use Review may serve to eliminate this.	
	Decisions must be issued within 45 days of hearing adjournment, or 30 days under Administrative Review.	
	DRB decisions may be appealed to the Environmental Court by Interested Persons , who participated in the local hearing. ZA decisions may be appealed to the DRB.	

VPIC Implementation Manual—Zoning Regulations

§5.100 CONDITIONAL USE REVIEW

§5.101 Overview—Uses requiring Conditional Use approval are listed in *Article II* in sub-section (C) of each zoning district and elsewhere in these *Regulations*.

- The ZA shall not issue a Zoning Permit for any use or structure that requires Conditional Use approval or for the expansion or enlargement or a significant change in use of an existing Conditional Use until the DRB grants such approval.
- The DRB shall provide notice, hold hearings, and make findings on General, Performance, and Site-Specific standards as provided for in 24 VSA §4414(3) and all applicable sections of these *Regulations*. One or more hearings are typically the case for Conditional Uses, with Site Plan standards and criteria incorporated. A simple project might have only one Preliminary Hearing and one Final

Hearing, or each phase could have two or more depending on the project.

C. Each hearing when closed (not merely recessed) ends with a deliberative session that may last up to 45 days, at which time the Decision for that hearing must be issued.

D. **Existing Conditional Uses**—If a use which existed prior to the effective date of these *Regulations* is subsequently listed as a Conditional Use in the district in which that use is located, the use will be grandfathered. However, the use may be subject to Conditional Use Review for a permit, and be required to comply with all applicable Conditional Use criteria, if it:

1. *is proposed to be changed* to a different Conditional Use; or
2. *is proposed to have an increase or decrease* in area of that portion of the parcel which the use occupies; or
3. *if the footprint* or volume of a structure within which that use is located is proposed to be altered.
4. *If the approved use or structure remains substantially uncompleted* at the expiration of the permit's allotted time-frame the project shall be considered abandoned, but may possibly be resurrected; see §3.303(A) & (B).
5. *If a modification of an issued permit* is needed due to ownership change, illness, or other unforeseeable event it may possibly be done without the full application/hearing process; see §3.302(1)(b).

§5.102. Hearing Process

A. **A Sketch Plan Meeting** is typically the first step in a Conditional Use Review or a stand-alone Site Plan Review. A Sketch Plan Meeting is not a warned public hearing, but is done during the ZA's review of the application, either face-to-face or via phone at a convenient time for the Applicant. The DRB may also wish to hold its own Sketch Plan Review separately from the ZA's.

B. **Public Hearings**—Public hearings shall be held pursuant to §§3.502, 5.100 and 5.202

1. **Site Plan Review**—This may be a stand-alone Site Plan Review, or a Conditional Use Review incorporating Site Plan criteria See §5.100 and §5.200.
2. **Preliminary Plan Hearing**—Generally, for a subdivision or PUD application hearing, but may also be part of a Conditional -Use or Combined Review hearing. See §6.401
3. **Final Plan Hearing**—Generally the last of the hearings. See §6.402.
4. The DRB may recess the public hearing [§3.504(A)(4)] to provide adequate time for an applicant to submit additional information requested by the DRB, or to provide time for the DRB to visit the site.

§5.103 Table of Conditional Review & Site Plan Application Requirements

Summary of Application Requirements			
Applications for Conditional Use Review, Site Plan Review, and/or Flood Hazard Area review shall include a site development plan and associated materials containing the information identified below:			
	Site Plan	Cond. Use	Flood Hazard
§5.100 A plan drawn to scale prepared by a licensed engineer, surveyor, land planner, or as §5.200 otherwise approved by the DRB showing the following:			
a. Parcel ID number of the property taken from the most recent municipal tax records;)))
b. Name and address of person, firm or organization preparing map;)))
c. North arrow and scale;)))
d. Legal property boundaries for the property;)))
e. Existing and proposed features, including land use and natural features, to include existing vegetation, steep slope areas, surface waters, shorelines, floodplains, and wetlands and critical wildlife habitat; zoning district boundaries; structures (building footprints), signs, walls and fences; roads, driveways, easements and rights-of-way, and utilities, wells, and septic systems; all pertinent frontage, setback and other footage measurements.)))
f. Traffic and pedestrian circulation within the site; location and dimension of parking, loading and snow retention areas; access to neighboring properties and public roads; and, sidewalks, pathways and trails in the vicinity.)))

Site location map showing the location of the project in relation to municipal and state highways, adjoining parcels and uses, and zoning district boundaries.	✓	✓	✓
Proposed landscaping and screening , including planting details.	✓	✓	✓
Grading and drainage plan showing existing and proposed contours, areas of cut and fill, existing and proposed drainage, and provisions for erosion control and stormwater management.	✓	✓	✓
Proposed lighting plan , including the design and location of all exterior lighting.	✓	✓	✓
Building elevations for new or altered structures.	✓	✓	✓
An indication of exterior building facade design , window treatment, roof and siding materials.	n/a	✓	n/a
The Development Review Board may require additional information depending upon the scope and location of the proposed project, including but not limited to the following:			
1. Stormwater management and erosion control plan.			
2. Flood control plan.			
3. Traffic impact analysis (current and proposed traffic volumes, capacities, levels of service, mitigation).			
4. Community service impact assessment (fiscal costs and benefits, capacities, levels of service, mitigation).			
5. Habitat impact assessment (identification of critical wildlife habitat, travel corridors, proposed mitigation).			
6. Shoreland or forest management plan.			
7. Visual impact analysis.			
8. Historic and archaeological resource inventory and impact assessment.			
9. Other information or studies necessary for the Development Review Board to conduct a comprehensive review.			

§5.104 Conditional Use Application

- A. Include** zoning permit application, fees for all permits sought, and recording fee. Also include hearing application fee and its recording fee. Any applications not including these items shall be deemed incomplete.
- B. An application for Conditional Use shall include a Site Plan application as well.** See §3.502 for hearing application details, §5.202 for Site Plan applications, and see below-for additional Conditional Use application requirements.
- C. Documentation Additions** to be included that may be applicable and/or required:
- 1. landscaping plans**, including site grading, landscape design, and screening, including depicting distances from structures to property lines;
 - 2. narrative** describing the project to include: proof of RBES/CBES compliance, as applicable; description of signs & lighting; description of steps taken to mitigate noise or other adverse effects relating to Performance Standards that the proposed use may cause;
 - 3. construction sequence** and time schedule for completion of each phase for buildings, parking spaces, and landscaped areas of the project;
 - 4. hours of operation** and anticipated number of full- and part-time employees;
 - other information necessary as evidence to satisfy the General Conditional Use [§5.105] and Specific-Site Criteria [§5.201] below, and those applicable in §4.100 (General Standards) and §4.200 (Performance Standards);
 - 6. applications for commercial construction** shall also contain the following information: lighting plan, architectural elevations (all sides of the building), drawn to scale, of existing and proposed structures, including door and window types and other exterior details and finishes, and the parking/loading plan.
- D. Public Notice and Review Procedure**
- 1. Public Notice**—See §3.503
 - 2. Review Procedure**—See §3.504
 - 3. Decisions, Conditions, Bonding** shall be pursuant to §3.504(C)(3)(b)

§5.105 Conditional Use—General Criteria

Standards support and demonstrate compliance with criteria. When reviewing the suitability of a proposed Conditional Use, the Development Review Board shall determine that the development or use will not result in an undue adverse effect on any of the following criteria by applying the applicable *General* [§4.100], *Performance* [§4.200], and *Specific-Use* [§4.300] Standards for the use(s) proposed:

- A. Capacity of Community Facilities.** A Conditional Use shall not overburden or exhaust existing or planned municipal facilities or services. The applicant may be required to bear the portion of the cost of any public improvement necessitated by the proposed development.
- B. Character of the Area.** A Conditional Use may not, by its nature, scale, or conduct, cause an undue adverse change to the character of the area as defined in the purpose of the district and in accordance with the *Town Plan*.
 - 1. A multi-unit dwelling project consisting of four or fewer units located in a district allowing multi-unit dwellings may not be denied solely due to an undue adverse effect on the character of the area affected.
 - 2. The existence of one Conditional Use in a particular neighborhood will not be interpreted as justification for another similar to be located in that neighborhood.
- C. Traffic Impacts.** The estimated traffic generated by a Conditional Use shall not exhaust or exceed the capacity, safety, and function of roads and associated infrastructure. The DRB may require a traffic study to determine whether the capacity of the road will be exceeded. Project approval may include a Condition requiring the applicant to bear the cost of upgrading the road.
- D. Compliance with Regulations.** A Conditional Use must comply with the *Regulations* and ordinances in effect at the time of submission of the application.
- E. Renewable Resources.** A Conditional Use shall not excessively inhibit or restrict access to or the use of renewable natural resources.
- F. Site Plan Criteria.** In addition to the above, the Conditional Use review will include the *Site Plan Criteria* [§5.201(B)].

§5.200 SITE PLAN REVIEW

§5.201 Site-Plan Specific Review Criteria

A Site Plan Review is not intended for evaluating the suitability of the proposed use, but rather how the parcel's interior improvements will fit in with the surrounding properties and plan for the area. The evaluation is limited to the proposed land uses only within the site: building size & height; parking, traffic access, circulation for pedestrians and vehicles; landscaping and screening; the protection of the utilization of renewable energy resources; exterior lighting; the size, location, and design of signs, yards, courts; setbacks; off-street parking, loading facilities; noise. A use cannot be denied under Site Plan Review as it could be under Conditional Use Review. Denial can only come from non-compliance with the criteria as applied to the above items or non-compliance with Conditions imposed by the reviewing authority. If a site plan fails to comply, the Applicant shall amend the one submitted or create a new one and re-apply, with applicable fees.

A. Site Interior Development-

Performance Standards figure heavily alongside these criteria. Additionally the criteria below shall be used by the DRB, in its reviews of Conditional Uses, in conjunction with the criteria in §5.105, as well as for any other development reviews not listed herein.

- B. Interior Development Criteria**—The DRB or ZA may use any applicable General, Performance, Specific Use Standards (*Article IV*), and the Site Specific criteria below in their Site Plan Reviews.

1. Traffic, Parking, & Circulation.

- a. Parking shall be located to the rear or interior side (side not fronting on a public road) of buildings, unless otherwise permitted by the DRB due to site conditions which would prevent the reasonable use of the property if this standard were strictly enforced. Parking and loading facilities shall conform to the standards contained in §4.112 of these *Regulations*.

- b. Applicant shall demonstrate that the circulation between the site and the street network is adequate to accommodate the traffic proposed. Large, uninterrupted expanses of parking shall be avoided. Adequacy of vehicular and pedestrian circulation, with particular attention to safety, shall be demonstrated.
 - c. The number and width of parking lot access drives shall be limited in order to secure traffic mobility and safety.
 - d. The DRB may apply Conditions to the number of access drives, their widths, and other parking accommodations such as EV charging stations, signage, or lighting as it deems necessary.
- 2. **Pedestrians.** Access points at property edges shall be coordinated with existing and planned development to provide pedestrian connections between land-uses. Safe pedestrian connections to on-site parking areas, and to existing or planned pedestrian facilities located on adjacent properties and/or along public roads, shall be provided.
- 3. **Buildings.**
 - a. Historic structures should be renovated and reused whenever possible. Adaptive Reuse [§4.303] is encouraged.
 - b. New construction should be compatible in design, scale, mass, height, and should complement the features of neighboring architecture.
 - c. The building envelope shall be located where the site offers the best sun collection and wind protection locations; parcel setbacks, coverage, and other dimensional standards shall be complied with; yards and courts shall be commensurate with the building's size, use, and their proposed or potential uses.
 - d. The DRB may waive certain setback, coverage, or frontage requirements depending on the type and nature of the project.
- 4. **Landscaping, Screening.**
 - a. Applicant shall demonstrate that they have incorporated landscaping features (trees, shrubs, fences, walls, gardens, open space or other features) into a design to reduce any adverse impacts their use of the property might have on neighboring properties and that will enhance the appeal of the use proposed.
 - b. The outdoor storage of trash shall be screened or otherwise hidden from public view.
 - c. Provisions for snow removal and emergency access shall be made a priority;
 - d. Landscaping, screening, setbacks, and exterior building design shall be adequate to achieve maximum compatibility with adjacent property and with the character of the neighborhood;
- 5. **Water, Wastewater, Soil Erosion, Hazardous Waste.** Applicant shall demonstrate that they comply with all stormwater requirements of the State of Vermont and have adequately addressed drainage on the site so as not to create ponding on-site or on neighboring properties. Plans and documentation shall be provided to demonstrate:
 - a. adequacy of proposed sewer and water systems;
 - b. adequacy of drainage and grading plans to ensure proper control of soil erosion during and after construction, and proper design solutions for steep slopes and poorly drained areas;
 - c. proper planning and design with regard to control of hazardous wastes.
- 6. **Noise.** Shall be regulated in accordance with §4.202 of these *Regulations*.
- 7. **Signs.** Shall conform to the provisions contained in §4.113 of these *Regulations*.
- 8. **Exterior Lighting.** Shall provide safe circulation on the site without creating off-site glare and excess illumination pursuant to the relevant provisions of the *CBES* and §4.111 of these *Regulations*.
- 9. **Hours of Operation.**
 - a. no commercial or industrial use shall operate outside the hours of 7:00 a.m. to 8:00 p.m., Monday through Friday, without the Conditional Use approval of the DRB;
 - b. hours of operation may be established by the DRB in any instances where Site Plan approval is required but no Conditional Use approval is necessary.

10. **Energy Conservation and Renewable Energy.** Applicants shall demonstrate that they incorporated reasonable energy conservation measures for commercial structures into the structures proposed. The energy conservation measures in the State's *Commercial Building Energy Standards (CBES)* shall be the required guide. See also §6.503(G).
11. Additionally, in evaluating both Site Plan Review and Conditional Use Review the ZA or DRB shall take the following into consideration along with the above items:
 - a. consistency with the *Town Plan* in regard to the pattern of development, preservation of significant natural and cultural resources, and the location and nature of existing and planned roadways and other public facilities;
 - b. conformance with other provisions as noted in these *Regulations*, where they apply.

§5.202 Site Plan Application, Notice, Hearing

A. Overview. A Site Plan Review is most often done by the DRB, but may be done by the ZA under Administrative Review when District Uses are involved (excluding Conditional Uses, Mixed Uses, etc). Any Site Plan Review, or other applications for uses requiring approval of the DRB, but not specifically listed in §§2.101–.107(C) or (D) of these *Regulations* shall be reviewed under the procedure and criteria below.

1. **Site Plan approval shall be required** for Accessory On-Farm Business [§4.302] permits, for Special Public Use Exceptions [§3.204], for PUD proposals [§6.600] in the Village Residential District. Site Plan criteria shall be incorporated into Conditional Use Reviews and other uses within any zoning district as noted in *Article II* of these *Regulations*. Certain “By-right” Uses, identified in the District Use standards [§§2.101–.107(D)], may be reviewed by the ZA under an Administrative Site Plan Review. The ZA has discretion to refer any Site Plan Review to the DRB.
2. **Unlike Conditional Use approval, Site Plan approval assumes** that the use being proposed is appropriate for the district in which it is located. As such, Site Plan review focuses solely on proper development within the site, not its compatibility or lack thereof with the surrounding area. A Site Plan Review cannot be used to deny a project as a Conditional Use Review could be. If a Site Plan fails to meet requirements, it shall be resubmitted as a new Site Plan, with new fees and reviews. If applicant chooses to abandon the project or the Site Plan application, no notice of a denial shall be recorded.

B. Application. The DRB, or ZA, shall apply the Site-Plan Standards and Criteria in §5.201(B), plus any applicable Performance Standards [§4.200] to a Site Plan Review and may impose appropriate Conditions on any approval it chooses to grant under those provisions. For other types of review under the provisions of this section, the DRB, or ZA, may include other criteria specifically enabled within these *Regulations* as deemed appropriate.

1. A Site Plan application shall be submitted as a completed permit application and a completed hearing application pursuant to §3.300 and §3.502, respectively, and shall include the fees related to each, including recording fees. In addition, an accurate site plan of the property, drawn by a VT licensed surveyor, showing:
 - a. **Directions, notes, abbreviations, project data, a vicinity map.**
 - b. **Property lines:** Property lines around the exterior of the lot.
 - c. **Setbacks:** Measurement from road center to building and from building to rear and sides boundaries.
 - d. **Existing and proposed conditions:** Fence lines, wetlands, ledge areas, wooded areas, etc. need to be shown on the site plan map.
 - e. **Construction envelopes:** The parts of the property where the construction will take place, as well as areas where equipment staging, parking, and storage will be located.
 - f. **Parking:** A site plan will always show parking dimensions, including parking spaces, areas for turning around, and the flow of traffic, especially access and turn-arounds for emergency vehicles.
 - g. **Neighboring streets:** Along with the flow of traffic, a site plan will show how the property functions within the existing streets surrounding it, and traffic impacts on the surrounding

areas. A traffic study may be necessary.

- h. Driveways:** Showing the exact dimensions of driveways and curb cuts.
 - i. Fire Control:** As designated by the Fire Department, installation of hydrants or fire ponds to provide adequate water for fire fighting.
 - j. Easements:** Examples may include a pathway through the property to a neighboring parcel, power and utility lines, water and wastewater system lines, parts of the property that are maintained by a homeowners association, or other path ways traversing the property granting access across or through it to others.
 - k. Landscaped areas:** To include not only the measurement, but also the type of landscape feature, existing and/or proposed; retaining walls; stone walls; trails; garden areas, public, park or recreation areas, etc.
- 2. **A Narrative** describing how the proposed application conforms with each of the requirements listed in §4.200 (*Performance Standards*) and §5.201 as applicable.
 - 3. If the proposal involves access to a State highway or other work in the State highway right-of-way such as excavation, grading, paving, or utility installation, the application for site plan approval shall include a letter from the Agency of Transportation confirming that the Agency has reviewed the proposed site plan and determined whether a permit is required under 19 VSA §1111.
 - 4. Other information pertinent to the issue before the DRB.

C. Public Notice and Review Procedures

- 1. **Public Notice**—See §3.503.
- 2. **Hearing**—See §3.502.
- 3. **Decisions, Conditions, Bonding** §3.504(C)(3)(b)—The DRB, or ZA under Administrative Review, may impose appropriate Conditions and safeguards on stand-alone Site Plan Reviews, only as specified in the criteria with respect to the following. Conditions may be imposed on the criteria of the other review in a Combined Review. Site Plan conditions may be imposed on:
 - a. the adequacy of traffic access and parking, including emergency vehicle access;
 - b. circulation for vehicles and pedestrians;
 - c. landscaping and screening;
 - d. exterior lighting;
 - e. signs;
 - f. hours of operation;
 - g. design criteria for the exterior of the building;
 - h. proposed (and utilization protection of) renewable energy resources. For other types of review under the provisions of this section, the DRB may include other criteria specifically enabled within these *Regulations* as it deems appropriate.

§5.300 Mixed-Use, PUDs, Variances, Waivers

All are subject to review under *Conditional Use Review, General, Performance, and/or Specific Use Standards* as applicable, as well as their own standards as listed in their sections [§4.100–.300, §4.319; §6.600; §3.700, §3.800]. Review §5.102–.105 for Conditional Use procedures.

ARTICLE VI. SUBDIVISION REVIEW

Boundary Line Adjustments • Minor & Major Subdivisions • PUDs

§6.00 PURPOSE & APPLICABILITY

The provisions herein provide a process for evaluating proposed subdivisions in the context of the *Town Plan*'s long-term goals regarding provision of social and economic opportunity, jobs, and affordable housing in the Village areas. Outside of the Village areas the goals are the maintenance of the Town's natural resources, working landscape, and rural character.

§6.01 Jurisdiction of These Provisions

- A. Whenever any partition of land is proposed**, before any contract for the sale of such a subdivision or any part thereof is made, before any permit for the erection of a structure in such a proposed subdivision is granted, and before any plat or subdivision deed may be filed with the Town Clerk, the Applicant or his/her authorized agent shall apply in writing to the Zoning Administrator. The ZA may handle simple boundary line adjustments where both lots comply with all dimensional standards for the district in which the property is located. The ZA may handle minor subdivisions or forward to the Development Review Board. Major subdivision applications and PUD applications will be forwarded to the DRB for review of the proposed projects in accordance with the provisions in these *Regulations*.
- B. Subdivision may fall under Act 250 jurisdiction** as well, generally when the project is of a commercial or industrial nature, or certain residential proposals. In a 10-Acre Town (one having both zoning and subdivision regulations such as these *Unified Development Regulations*) Act 250 review comes into play when a project involves:
1. the construction of improvements for any commercial or industrial purpose on more than 10 acres of land;
 2. the construction of 10 or more housing units within a radius of 5 miles;
 3. creation of 10 or more lots of any size [versus six or more lots in a 1-Acre Town], on a tract within a 5-mile radius [of a previous subdivision by the same owner] within a continuous period of five years;
 4. the sale, by public auction, of any interest in a tract of land that has been partitioned for the purpose of resale into 5 or more lots within a radius of 5 miles [of a previous subdivision by that same owner] and within any period of 10 years.

§6.02 General Overview

A. Natural Subdivision

1. If a single lot is bisected by a town or private road, a private right-of-way or easement, a year-round river or stream or other natural feature, a natural subdivision of property shall not occur nor shall the property be presumed to be divided into more than one parcel for the purposes of these *Regulations*.
2. A property may be considered naturally subdivided only if the location and function of the bisector effectively separates the property so it cannot be used or developed as one parcel and the resulting lots meet the minimum lot size for the district in which they lie.

B. Boundary Line Adjustments—BLAs are used when the two owners of separate but adjoining properties, or one owner of two adjoining properties wish(es) to change the adjoining boundary line thereby increasing one parcel (usually) and decreasing the other. BLAs are reviewed and approved or denied under Administrative Review, or may be referred to the DRB by the Zoning Administrator. When the application is received, the ZA will check it for completeness. If judged to not yet be complete the ZA will contact the applicant for more information. Once complete, the ZA will render a decision within 30 days of the date the application was deemed complete.

1. **Requirements**—See §3.501.
2. **Restrictions**—No new parcels may be created by the adjustment. Unless one or both parcels are dimensionally nonconforming lots, both existing parcels must be in compliance with the minimum dimensional requirements, after the adjustment, of the district wherein located. Legally pre-existing nonconforming lots may need waivers or variances requiring DRB review. Otherwise Administrative Review may suffice.

C. Minor Subdivisions—Simplest of land partitions where land is partitioned into, and sold as, separate, individual lots. The Zoning Administrator will approve, deny, or refer these applications under Administrative Review. When applications are received and reviewed for completeness, the ZA will determine, within 30 days, if the proposed project fits under Administrative Review or if it needs to be referred to the Development Review Board. Minor subdivisions are those proposals that:

1. result in 4 or fewer total lots (original and 3 new), *and*
2. are for non-commercial use, *and*
3. require no access easement approval, *and*
4. require no Act 250 review.

D. Major Subdivisions—These applications, once deemed complete, are referred to the DRB for review. They may also be subject to Act 250 review. Major subdivisions are those proposals that:

1. result in more than 4 total lots (original and 4 or more new), *and*
2. are for residential, commercial, mixed use purposes, or for multi-lot development complexes, *or*
3. require an access easement approval, *or*
4. are for a Planned Unit Development, *or*
5. require Act 250 review.

E. Planned Unit Developments—A PUD is a type of major subdivision wherein multiple lots (though potentially sold to separate owners) may be combined and developed under one project plan, as a development complex, and is reviewed as such by the DRB. PUDs provide several benefits to developers that are not available for conventional subdivision. PUDs are encouraged in most zoning districts. All subdivisions may be reviewed under the PUD provisions if the project meets the requirements and the applicant wishes to take advantage of the bonus availability. PUDs permit greater flexibility in site and lot layout; building design; placement and clustering of buildings; use of open areas; and related site and design considerations that will best achieve the goals and the purpose of the property owner and the *Shoreham Town Plan*. Benefits may include bonus lots that allow the developer more units than would ordinarily be allowed in the district where located. PUDs may also be concurrently reviewed under Conditional Use provisions as a Commercial or Mixed-Use development, and with other reviews, in a Combined Review hearing. See §6.600 for a more complete explanation of PUD options.

§6.03 DRB Authority to Waive or Vary

A. In conjunction with a Subdivision and/or Site Plan application, the DRB may waive

1. **Setback standards up to 40%** in any district to allow for single-story attached garages and/or Accessory Dwelling Units [see also §4.106 (H)(2)]. The waiver shall not be applied to every lot, only to those for which it is requested and approved by the DRB. Both of the following conditions must be satisfied for each lot waiver requested:
 - a. 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, historic structures, legally pre-existing structures.
 - b. Due to such circumstances or conditions, the property cannot reasonably be developed in conformance with the setback standard. The applicant must show that other possible alternatives have been considered before the DRB will consider granting a waiver.
 - c. A waiver in excess of 40% must be reviewed under the Variance provisions.
2. **Frontage standards up to 50%** in any district to allow for flexibility in subdivision design. The percentage approved is up to the DRB's discretion when considering the need for access, density, and/or similar considerations. The waiver shall not be applied to every lot, only to those for which it is requested and receives approval from the DRB. Both of the following conditions must be satisfied for each frontage waiver requested:
 - a. The property has unique physical circumstances or conditions that were not created by the applicant, such as an irregular existing lot shape or poor soil conditions, which prevent the applicant from meeting the minimum frontage requirement.

- b. 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.

B. In conjunction with PUD applications,

1. The DRB is granted authority by these *Regulations*, subject to appropriate Conditions, to waive or vary, as requested or deemed appropriate, application requirements for PUDs and/or regulatory or dimensional provisions which in its judgment of the special circumstances of a particular plan or plat are:
 - a. not requisite in the interest of the public health, safety and general welfare; *or*
 - b. are inappropriate due to extraordinary and unnecessary hardship that may result from strict compliance with these *Regulations*; *or*
 - c. are inappropriate because of an inadequacy or lack of connecting facilities adjacent to or within proximity of the subdivision.
2. Regulatory provisions for PUDs subject to being waived or varied include, but are not limited to, setbacks, frontages, lot sizes, dwelling density, building and parking locations.
3. The request to waive or vary a subdivision application requirement and/or subdivision provision shall be submitted in writing by the applicant with the subdivision application. It shall be the responsibility of the applicant to provide sufficient information to justify the waiving or varying requested and enable the DRB to reach a decision.
4. In approving a request to waive or vary zoning or subdivision provisions, the Development Review Board shall require such Conditions as will, in its judgment, substantially meet the objectives of the requirements so waived or varied. No such waiver may be granted if it would have the effect of nullifying the intent and purpose of the *Shoreham Town Plan* or varying these *Regulations* or other municipal ordinances or regulations.

§6.100 SUBDIVISION HEARING PROCEDURES

§6.101 The Process

- A. Applicants desiring to subdivide land will need to go through a number of steps to secure a subdivision permit. All applicants are encouraged to communicate with the Zoning Administrator prior to filing an application to be clear about the process they will likely need to follow for the subdivision they propose.
 1. **Minor Subdivisions and BLAs** are generally done by the ZA under Administrative Review. The ZA is not required to review them and may refer them to the DRB.
 2. **All Major Subdivisions** proposed for the VRD and VCD districts. shall be submitted as PUD applications. The DRB may waive this requirement if it determines the goals of the zoning district, *Town Plan*, and the provisions of these *Regulations* will be met by a conventional subdivision.
- B. **Sketch Plan Review** (also see §3.101(C)). An informal, un-warned meeting where the ZA and applicant can briefly discuss the project and make note of any changes that might enhance the project's chances for approval, or hearing materials that should be included with the application. The ZA will make an initial determination as to whether or not a subdivision will be a Minor or Major Subdivision. If a Minor it will be handled under Administrative Review or referred to the DRB, and if a Major, by the DRB. Nothing in these *Regulations* precludes the DRB's authority to hold its own Sketch Plan Review if it deems it helpful.
- C. **Hearings: Notice and Process**—If the project is to be handled under Administrative Review as a Minor Subdivision, no hearing will be scheduled. Upon deeming the application complete and either a Major Subdivision or a referred Minor, the ZA will forward the complete application and supporting documents to the DRB for review.
 1. **A public hearing** will be scheduled within 60 days by the DRB for the review as a Preliminary Plan (Major Subdivision), or Final Plan (referred Minor Subdivision); possibly to include a Site Plan Review, all duly warned in accordance with §3.503(A) of these *Regulations*.
 2. **Notices** will be sent pursuant to §3.503(B)(3).

D. Site Plan Review [*also see (§5.200)*]. A warned public hearing for which a Hearing Application, supporting documents, and applicable fees are required. Site Plan Review may be used for many types of land-use applications in combination with other types of applications. They may also be the only type of review applicable in some instances (e.g. Accessory On-Farm Businesses).

1. No hearing will be required for a Site Plan Review held by the ZA under Administrative Review.
2. A public hearing will be scheduled for a Site Plan Review held by the DRB, either alone or in conjunction with another hearing, duly warned in accordance with §3.503(A) of these *Regulations*.
 - Notices will be sent pursuant to §3.503(B)(3).

E. Preliminary Plan Hearing (also see §6.401). One or more hearings, conducted in accordance with the procedures contained in §3.503(A), are part of a Major Subdivision application. A Site Plan Review may be held concurrently. Once the Preliminary Plan hearing(s) closes, the Board has 45 days to render its decision on the Preliminary Plan and request additional materials for the Final Plan hearing.

F. Final Plan Hearing (also see §6.402). Final Plans and Plats are required for BLAs, Minor, and Major Subdivision Reviews. The ZA handles most BLAs and Minor Subdivisions under Administrative Review, but may refer an application to the DRB for review. Major Subdivisions may need one or more hearings held by the DRB, conducted in accordance with the procedures contained in §3.504 and §3.600. Once the Final Hearing closes, the Board has 45 days to render its decision on the project.

§6.102 Recording Final Plats—All Final Plats must be recorded in the office of the Town Clerk within 180 days of the date of the Final Plan’s approval or the approval will expire [*§3.600*]. It is the Applicant’s responsibility to ensure the recording takes place before the 180-day period ends; submission to the Town Office 2 weeks prior to the 180th day is recommended. Applicants are encouraged to contact the Town Clerk as the expiration date approaches.

§6.103 Plat Void if Revised After Approval—No changes, modifications, or revisions shall be made on any Plat after its approval has been issued unless the Plat is resubmitted either to the ZA for Administrative Review or to the DRB, and the modifications are approved.

§6.104 Public Acceptance of Streets & Improvements

- A. Every street shown on a plat filed or recorded as provided in these *Regulations* shall be deemed to be a private street until such time as the Town has formally accepted it.
- B. Approval of the Final Plat shall not be deemed to constitute or imply acceptance of any street, other infrastructure, or public space shown on the Plat.
- C. Upon completion of the construction and installation of required improvements in accordance with the approved plans, the applicant shall deliver to the Town deeds, abstracts and easements for streets, parks, water lines, storm sewers, sanitary sewers and other required improvements as may be needed in connection with the Town’s acceptance or consideration of acceptance of the improvements.
- D. Prior to public acceptance of any required improvements, the applicant shall submit an affidavit stating that all bills and accounts for material and labor used in the construction of improvements have been paid in full.

§6.200 SUBDIVISION APPLICATION REQUIREMENTS—Once set to come before the DRB, requirements begin with either a Site Plan Review or the Preliminary Plan Application when the project is a Major Subdivision or PUD Review, see §3.300 and §3.504 for basic application information. Minor Subdivisions also follow §3.300 application procedures, but will submit a final application. The Subdivision application requirements are listed below in §§1–15.

§6.201 Application & Supporting Materials

The subdivision-specific requirements below shall be made part of Major and PUD applications. Application **requirements for Minor Subdivisions from the list below are marked with an *asterisk**. The ZA, after the Sketch Plan Review, will waive any asterisked items if they are not applicable to the project proposed and advise which of the remaining items, if any, will be needed for

inclusion with the Minor application. The DRB will advise which, if any, requirements they will waive for this initial major subdivision application. Not all 15 items are pertinent to every Major application and may be waived by the DRB at its discretion or on receipt of a request from the applicant.

- *1. **Completed applications for land-use and subdivision permits, as applicable, and a completed hearing application**, plus the related fees. Applications available on the Town website, from the Town Office, or from the ZA.
- *2. **All information submitted for the Sketch Plan Review.**
- *3. **A statement of compliance** of the proposed subdivision with the Town Plan, Zoning Regulations and other bylaws in effect.
- *4. **A preliminary survey of the subdivision boundaries** by a Vermont licensed surveyor.
- 5. **Applicants proposing a subdivision or PUD containing commercial spaces** shall describe the type and volume of any waste to be produced by any commercial entities and how the waste will be disposed of.
- *6. **Description of proposed water supply.** Per State water supply rules, a report from an engineer, hydrologist or other person qualified to render an opinion describing the type of system proposed and stating that the system will be designed to meet the State of Vermont Water Supply and Wastewater Rules, including a map depicting the approximate location of the infrastructure necessary for the system. If the source is a community water supply system, the applicant shall present evidence of the adequacy of such system to meet water supply requirements of the project. This provision is applicable to subdivided parcels that are to be developed. Parcels that will not be developed do not need a WW permit, but shall have State explanatory text noted on the survey/deed that is recorded.
- *7. **Description of proposed sewage disposal system.** Per State water supply rules, a report prepared in conformance with state subdivision regulations from an engineer, hydrologist or other person qualified to render an opinion describing the type of system proposed and stating that the system will be designed to meet the State of Vermont Water Supply and Wastewater Rules, including a map depicting the approximate location of the infrastructure necessary for the system. If a community sewage disposal system is to be used, the applicant shall submit an engineer's statement of the adequacy of the system to handle the additional sewage. This provision is applicable to subdivided parcels that are to be developed. Parcels that will not be developed do not need a WW permit, but shall have State explanatory text noted on the survey/deed that is recorded.
- 8. **Description of stormwater systems.** A report from an engineer, hydrologist or other person qualified to render an opinion describing the type of stormwater system proposed and stating that the system will be designed to meet the State of Vermont Stormwater Regulations governing both construction and permanent infrastructure and a map depicting the systems.
- 9. **Description of transportation infrastructure and impact.** A report and map from an engineer, or other qualified person, describing and depicting existing and proposed transportation infrastructure including street right-of-way lines, widths of streets, typical road, walkways, and other transportation infrastructure. For larger projects, or as deemed necessary by the Board, in its sole discretion, applicant may be required to provide evidence that the traffic generated by the project will not cause the capacity of roadways and intersections in the area to be exceeded. Information to be provided should include but not be limited to current traffic volumes, current excess capacities or deficiencies, trip generation estimates and their impact on capacities, and sight stopping distances for new road intersections with Town highways.
- 10. **Description of impacts on school and other municipal services.** Applicant shall describe the municipal services that the project will impact and provide evidence demonstrating that any impact will be acceptable to the local officials responsible for providing the service.
 - a. **Schools.** A letter from the school official responsible for the Elementary School showing that school age population projected for the project can be accommodated in the existing facilities.
 - b. **Roads.** A letter from the Road Commissioner regarding the capability of roads, intersections and bridges in the immediate vicinity of the proposed subdivision to safely accommodate the additional traffic.
 - c. **Fire & Rescue.** A letter from officials of the Shoreham Volunteer Fire Department confirming that the proposed subdivision is designed in such a manner to allow them sufficient access for response

vehicles and that they have the ability to provide service to the proposed subdivision. In areas not served, or insufficiently served, by municipal water, dry hydrants and fire ponds shall be designed and installed in accordance with applicable codes identified by the Shoreham Fire Chief

11. **Description of Natural Resource impacts.** A report describing, and a map depicting, the natural resources on the property and how the proposed project will impact each of the following:
 - a. general character of the land—as it currently exists and how it will exist after development;
 - depict significant wetlands, floodplains, streams, brooks, steep slopes, rock outcroppings, scenic areas, ridgelines, or other exceptional or significant natural or historic features, also any deer wintering areas, and any threatened /endangered species habitats;
 - describe methods to be used to preserve those features, retain natural cover, and limit impacts of construction;
 - b. agricultural activities—describe any such activity currently on or adjacent to the parcel proposed for subdivision, depict any prime agricultural soils on the property; describe steps to mitigate development impacts on the soils or operations in light of the requirements listed in §6.502(B)(1)(a) of these *Regulations*;
 - c. adverse visual impacts—describe proposed action(s) to mitigate any adverse visual impacts of the project in light of the requirements listed in §6.502(C)(4)(f) of these *Regulations*;
 - d. open space—describe, and depict, all land proposed as to be reserved as open space, or for public uses, or screening and buffer purposes, including the methods for maintaining such areas;
12. **Description of Residential, Commercial, or Mixed-use areas,** to include the following:
 - a. Layout & Configuration—describe and depict the lot layout and configuration, development and building envelopes, if any, and explain why the choice was made to configure the development in the manner depicted.
 - b. Landscaping, Lighting, Signage—describe any proposed landscaping, depicting plans showing plant types, ground covers, any existing features and trees to be maintained; include any lighting and signage plans.
 - c. Covenants and/or Deed Restrictions—provide copies of any such proposed documents which are intended to cover all or part of the subdivision, or as required by these *Regulations*.
 - d. Management—describe any proposed homeowners' association or other form of management organization, and provide copies of the association documents.
13. **Description of utilities serving the project.** A report and map from an engineer, or other qualified person, describing and depicting existing and proposed utility infrastructure including utility easements, location of electric, telephone, and cable infrastructure.
14. **Description of construction activities** including hours of operation, trucking, and blasting, if any, plus any steps/actions proposed to reasonably reduce these or other construction impacts.
- *15. **Establish temporary markers on the site** adequate to enable the DRB to locate and appraise the basic layout of the lots and infrastructure in the field. The map should show an existing street intersection adjacent to the property, or provide the distance from one corner of the property to the nearest existing street.

§6.300 ADMINISTRATIVE REVIEWS—BLAs, Minor Subdivisions

§6.301 Sketch Plan Review—See §3.103 for complete Sketch Plan Review details.

- A. **Application**—The Sketch Plan phase of an application is the most informal phase of the subdivision process. The applicant shall submit one original digital (PDF) file and one hard-copy of a Sketch Plan of the proposed subdivision to the ZA pursuant to §3.103(A)(1)(b). If the applicant has difficulty producing a PDF, he or she should contact the ZA about having it waived. If waived, the hard-copy will suffice. The ZA, during the application's review for completeness, will review the subdivision plan and the proposal's general compliance with the goals of the *Town Plan* and these *Regulations*. Once the application is deemed complete, a determination will be made within 30 days as to the status

of Minor or Major subdivision and either reviewed Administratively or referred to the DRB with a recommendation that it be reviewed as either a Minor or Major Subdivision.

B. Findings, Conclusions, and Decision—Within 30 days of the completion of the Sketch Plan review, the ZA shall inform the applicant, in writing, of the classification of his/her project, and what application information is suggested for the applicant to submit prior to the Administrative or DRB review.

§6.302 Boundary Line Adjustment (BLA)—These *Regulations* provide the ZA with the authority to conduct Administrative Reviews of boundary line adjustments. See §3.102, §3.602.

A. Application Requirements—Applicants must submit a fully completed permit application as outlined in §3.300—Owners of both properties shall sign the application.

1. **Narrative.** Shall describe parcel sizes, before and after the adjustment; frontages; setbacks; other measurements as required in the district.
2. **Upon completion and approval** the Final Plat shall be submitted for recording pursuant to §6.304.
3. **Final Plat.** Shall be prepared by a VT licensed land surveyor, the boundary proposed to be adjusted shall be highlighted, and both its existing and post-adjustment locations depicted.

B. A hearing application [§3.502] may be required in the event of a referral to the DRB. In most instances there will not be a referral. The ZA will determine this during the application review.

C. Upon completion of a BLA landowners are responsible for recording revised deeds and updated survey(s) for the affected parcels.

1. **The BLA zoning permit** shall expire one year after its date of issue if the deed(s) has not been filed with the Town Clerk for recording the land conveyance.
2. **Deeds or appropriate BLA agreement** for the transfer of ownership shall be prepared for recording, and shall include the necessary transfer tax returns and a survey map that meets all of the requirements set out in §3.604. The deed/agreement and map shall contain the following, or equivalent, language: “*This conveyance (or survey) is for the purpose of accomplishing a boundary line adjustment. It shall not create any additional lots, tracts, parcels, or divisions.*”
3. **The map** shall be recorded pursuant to §6.304 below and shall contain a note which references the recording information for the deeds of the actual property transfer.

§6.303 Minor Subdivision Application Requirements

Applicants must submit a fully completed Final Plan application as per §3.602. It must include:

1. **Permit Application**, with Sketch Plan [§3.103], and Site Plan [§5.200].
2. **Hearing Application** [§3.502]. ZA will determine during Sketch Plan Review whether project is eligible for Administrative Review or DRB Review. Administrative Reviews shall not include a hearing, but the initial submission must include a Final Plan and Plat [§3.600].
3. **Supporting documentation** submitted per §3.300, to include:
 - a. **Final Plan**, a **Final Plat**, a detailed **Narrative**, and applicable documents from the lists in §6.201, §6.401(B)(1) and (3) as advised by the ZA or DRB.
 - **Plat:** Final plat prepared by a Vermont licensed land surveyor showing all existing and proposed natural and man-made features; proposed improvements; district, parcel, and lot boundaries (with measurements as required); parcel and lot sizes; see §3.604.
 - b. **Applicable fees.**

§6.304 Recording BLA & Minor Subdivision Final Plats—The ZA shall review the Final Plat of a BLA or Administratively Reviewed Minor Subdivision to ensure it complies with the conditions of the permit and the requirements for recording [§3.604]. Upon finding that the Plat meets all conditions and requirements, the ZA shall sign the Plat. If the Plat is for a BLA, the ZA shall submit it for recording. If the Plat is for a Minor Subdivision, it shall be presented to the DRB Chair with a memorandum noting it has been administratively approved, filed, and submitted for recording. It remains the applicant’s responsibility to ensure the recording is effected prior to the 180-day deadline to avoid the expiration of all approvals. See §3.602, §6.302, and §6.402(C) below.

§6.400 DRB REVIEWS—Referred Minor Subdivisions, all Major Subdivisions, and PUDs

A. Referred Minor Subdivision applications shall include:

1. any zoning permits applications needed [§3.300],
2. a complete hearing application [§3.502], including only the *Final* application and Plat. The application shall include items marked with an asterisk from the lists of Preliminary [§6.401] and the Final [§6.402] requirements. After the Sketch Plan Review, the ZA will advise on any listed requirements that the DRB will have waived.
 - Applicable items from both Preliminary and Final applications are included with the only Minor application (its “Final Hearing”) so that the submission will contain all items that are generally considered essential for determining a decision even though there will be only one review.

B. Major Subdivision and PUD applications shall all include:

1. any zoning permits applications needed [§3.300],
2. a complete hearing application [§3.502], consisting of the Preliminary [§6.401] or Final [§6.402] applications as appropriate. The DRB will determine which, if any, of the listed requirements will be waived based on the project and any request for a waiver from the applicant.
 - *Majors* shall include Preliminary hearing items and Final hearing items in separate applications prior to the respective Preliminary or Final hearing dates.

C. In its review of subdivisions the DRB shall take into consideration whether or not the proposed development would significantly affect the existing and potential financial capacity of the Town.

1. After considering anticipated costs for education, highway access and maintenance, sewage disposal, water supply, fire and EMS services, and other factors relating to public health, safety, and welfare, in addition to testimony and exhibits presented during the hearing, the DRB may impose Conditions to prevent undue burdens upon the Town.
2. The burden of proof that proposed development will not significantly affect the existing or potential financial capacity of the Town to accommodate such growth lies with the applicant.

§6.401 Preliminary Plat Application & Review Procedures—Major Subdivisions, PUDs

A. Within six months after classification of the Sketch Plan as a Major-Subdivision by the ZA and its acceptance as such by the DRB, the applicant shall submit an application for approval of a Preliminary Plan and Plat according to the procedures and requirements below. If the applicant fails to submit the application within 6 months, the applicant may be required to resubmit the Sketch Plan to the DRB for reclassification. The plan and plat the applicant submits should substantially conform to the layout shown in the Sketch Plan plus any recommendations made in the Findings from the Sketch Plan meeting.

1. **The Development Review Board may waive** some of the Preliminary or Final application requirements or criteria for major subdivisions and will advise the applicant of any waived requirements prior to the first hearing on the issue. The DRB reserves the right to request information it originally waives if testimony at the hearing demonstrates the material is necessary for the Board to make a final determination of compliance on any criteria;
2. The DRB may want to review the Sketch Plan information with the applicant and/or hold a Site Plan Review hearing concurrently with the Preliminary Plan hearing.

B. Preliminary Application & Hearing—The applicant for a *Major* Subdivision, including a PUD (see also §6.600) Preliminary Hearing, shall file an original digital PDF and one hard-copy, pursuant to §3.300, of: the application, preliminary plat drawings, and supporting documents, plus other materials necessary for the DRB to conduct the review. The applicant shall include all information included on the Sketch Plan, plus any additional information suggested by the ZA in the decision regarding the Sketch Plan, plus the following items. ***Items below having asterisks shall also be included with any application for a Minor Subdivision,*** unless waived by the ZA, in addition to items from §6.200.

1. **Written Application Material.** All the following shall be included in the Narrative, with the Preliminary Plat, and/or the Site Plan drawings as applicable, except where waived by the

Development Review Board. These items represent the criteria and standards upon which the DRB's decision will be based:

- * **a. Ownership and Administration.** The applicant shall demonstrate ownership authority by referencing the documents in the land records of the Town proving ownership of the property, or by providing proof of ownership and an instrument signed by the owner of the property authorizing the applicant to proceed with the application. Additionally, the application shall include a survey by a Vermont licensed land surveyor of the property to be subdivided depicting subdivision boundaries, and including uses and names of owners of all abutting parcels. The DRB may require a survey of only the relevant portion of the parcel being subdivided, but shall still require all abutting parcels to be identified.
- * **b. Zoning Districts, Subdivided Lots, and Existing Features.** A base Plat depicting zoning districts or boundaries; plus, the total acreage of the parent parcel and the boundaries, acreages, and number of proposed lots. The base map shall depicting important existing features, with topographic contours drafted at an interval of not more than 2' in areas to be developed and 10' in areas not proposed for development. Existing buildings, drives, parking areas, if any, shall be depicted.
- * **c. Water Supply and Wastewater Systems.** Plans identifying and depicting the location of all potable water supply and septic systems with related easements and infrastructure, including pipe sizes and directional flows, as applicable;
- d. Modifications to Provisions.** Regardless of the type of development involved, if the applicant wishes to use PUD provisions a statement expressing the desire to use the provisions shall be included in the Narrative. Additionally, statements shall also be included setting forth the nature of all proposed modifications to the dimensional or other standards of the district in which the project is located, describing specific waivers requested to allow the modifications. A statement requesting and providing reasons for the waiving of any specific application documentation requirements shall be included as well. All PUD projects require DRB review.
- e. Stormwater and Grading.** Plans depicting grading proposed for the site and the location of all stormwater easements, infrastructure, and setbacks as applicable, and low-impact development techniques incorporated into the design to reduce stormwater;
- * **f. Transportation & Utilities Infrastructure.** Plans depicting the location of all roads, sidewalks, trail easements, utility easements, infrastructure and related fixtures (e.g. signs), as applicable;
- * **g. Common Land and Governance.** The Site Plan map or a separate map shall depict open space and common land, showing any conserved land, any proposed landscaping, including existing and proposed features, trees, lighting, and signage for the site;
- * **h. Natural Resources.** A map depicting the following information from the ANR Natural Resources Atlas: wetlands, streams, shorelands, and their buffer areas; floodplains; deer yards; endangered species areas.
- i. A Site Plan,** pursuant to §5.200
- j. Copies of any proposed covenants** see §6.402(B)(3)(h), §6.503(E)(1).
- k. Narrative.** In addition to Narrative inclusions noted elsewhere (e.g. (d.) above) the applicant shall respond to the items in §6.200 and this section
- 2. Official Submission Date**—Assuming the application is complete, the official submission date shall be the date of acknowledgment of its receipt by the DRB at their first regular meeting after submission of the application to the Board. The DRB will set a date and place for a public hearing within 60 days of the official submission date of the application. All timings are based on the official submission date.

C. Public Notice & Review Procedure shall be pursuant to §3.503.

D. Findings, Conditions, Decision—The Board will issue its Preliminary Plan decision within 45 days of the hearing close. Decision, Conditions, and any Bonding requirements shall be issued pursuant to §3.504(c).

§6.402 Final Plan & Plat—Major Subdivisions, PUDs. Minor Subdivisions, BLAs, as applicable.

A. Minor Subdivisions, BLAs—If approved by the ZA under Administrative Review, the provisions under

§3.602 apply. See also §6.200 and §6.401(B) above for applicable items to include with the Minor application.

1. **Minor** subdivisions may be reviewed by the ZA under Administrative Review without a hearing, or referred to the DRB for, generally, only a “Final” hearing.
 - a. Because minor subdivisions are presumed to be smaller in size and impact, the review criteria for minor subdivisions will be more limited and the documentation requirements fewer. Of the 15 requirements listed in §6.200, only 7 are indicated for Minor subdivisions, though others may be requested depending on the project. See the documentation requirements for subdivision Final Plans & Plats below [§6.402].
 - b. Minor subdivision applications shall include items from both §6.401(B) and §6.402(A) as applicable.
 2. **Review Criteria**—The applicant shall show that the proposed subdivision complies with the standards outlined in §6.501 of these *Regulations*, including the review criteria specifically noted for final applications, plus the additional technical recording requirements for the revised plat, in §3.604.
 3. **Findings, Conclusions, Decision**—When granting approval for a Final Plan, the ZA will state any imposed Conditions with respect to:
 - a. the issuance of State or other permits required and compliance with them;
 - b. other Conditions that may be imposed to ensure compliance with the Review Criteria.
- B. Major Subdivisions, PUDs, Referrals**—Before any Final Plan for a Major Subdivision is approved it shall be reviewed at the Final Hearing for the proposed project plan. See §3.603.
1. **Final Application**—Within 6 months of approval of a Major Subdivision or PUD Preliminary Plan and Plat application, the applicant shall file a digital (PDF) and one hard-copy (see §3.300 and §6.401[B]) of the permit applications (revised as applicable) and a Final Hearing application to include any revised Site Plan Maps, a Final Plat with all revisions, and any other material necessary for approval of the Final Plan. The supporting documents will vary according to the type of subdivision project proposed. The Final Plan submission shall include a proposed deed description. The Final Plat shall conform to §3.604, plus:
 - a. be updated and certified by a Vermont licensed land surveyor;
 - b. the Plat shall include sufficient data to readily determine the location, bearing and length of all street, lot, and boundary lines, referenced to established monuments;
 - c. it shall identify and include the proposed location, dimensions, and names of all sites for residential, commercial, industrial, public, non-public, dedicated and reserved uses as applicable;
 - d. it shall be tied into established boundary monuments, and shall include the location, material, and size of monuments;
 - e. it shall conform to the approved Preliminary Plan, plus any recommendations or additional information required by the DRB;
 2. **Additional Documentation**—The application shall be accompanied by:
 - a. construction details for any proposed roads and driveways;
 - b. construction details, as applicable, of existing and proposed sanitary systems, storm water drains, and fire hydrants; and location and size of water, gas, electricity, telephone, and any other utilities or structures (copies of documents submitted with applications to the Selectboard for ROW installations may suffice);
 - c. State of Vermont Water Supply and Wastewater Permit or copies of the application and the supporting designs and plans if existing. If no water or wastewater facilities are proposed, the applicant shall present the appropriate State form noting that no facilities have been approved and waiving the need for a State Subdivision/Wastewater Permit;
 - d. State of Vermont Stormwater Permit or copy of the application, if applicable, and the supporting designs and plans for the proposed stormwater system for the subdivision;
 - e. other applicable State or Federal Permits or copies of applications still pending;

- f. any agreements with the Selectboard pertaining to permits issued by the Selectboard authorizing the applicant to access or work within existing Town road ROWs.
 - g. Offers of cession must be in a form certified as satisfactory by the Town Attorney prior to their acceptance by the Selectboard. The DRB and Selectboard have the option to reject any offer of land, streets, easements, or other improvements;
 - h. copies of agreements showing the manner in which areas reserved by the applicant as common land or open space are to be maintained;
 - i. revised proposed protective covenants whereby the applicant proposes to regulate land use in the development and otherwise protect the proposed development;
 - j. other information required by the Development Review Board to demonstrate the applicant complies with the review criteria contained in §6.501, §6.503.
- 3. Official Submission Date**—Assuming the application is complete, the official submission date shall be the date of acknowledgment of its receipt by the DRB at their first regular meeting after submission of the application to the Board. The DRB will set a date and place for a public hearing within 60 days of the official submission date of the application. All timings are based on the official submission date.
- 4. Public Notice & Review**
- a. The DRB shall hold a public hearing within 60 days after the official submission date of the Final Plan and Plat application. The notice shall be issued pursuant to §3.503.-The Hearing shall be conducted pursuant to §3.504 of these *Regulations*.
 - b. **Review Criteria**—The applicant shall show that the proposed subdivision complies with the standards outlined in §6.501 and §6.503 of these *Regulations*, including the review criteria specifically noted for final applications, plus the additional technical recording requirements for the revised plat, in §3.604.
- 5. Findings, Conclusions, Bonding, and Decision**—When granting approval for a Final Plan, the DRB will state any imposed Conditions with respect to:
- a. the character and extent of all required improvements and conditions related to the Town’s acceptance of those improvements, if any.
 - b. the amount, conditions and timing of any bonds that the Town will require, if any.
 - c. the issuance of State or other permits required and compliance with them.
 - d. the phasing of the development, as it deems necessary from the testimony presented to assure orderly development.
 - e. the terms of offer and acceptance for any property to be transferred to the Town;
 - f. other special Conditions that it may require to ensure compliance with the Review Criteria.
- C. Recording of Final Plats**—The applicant shall deliver a Mylar of the approved Final Plat for execution by the DRB or ZA, and file it with the Town Clerk for recording within 180 days from the date of approval, pursuant to §3.604

Summary of Subdivision Application Requirements			
(A) Application Information	Sketch Plan (with the application)	Preliminary Plan (Majors, PUDs)	Final Plan (All subdivisions)
Application Form [number of copies]	1 original paper & 1 PDF	1 original paper & 1 PDF	1 original paper & 1 PDF
Application Fees [set by Selectboard]			
Name of project, if any			
Name, address of applicant [landowner and applicant]			
Written description of proposed development plans, including number and size of lots. If development plan exists, submit general timing of development			
Waiver/Variance requests, in writing [optional]			

VI. SUBDIVISION REVIEW—BLAs, Minor & Major Subdivisions, PUDs

Names, addresses of all adjoining property owners*			
Evidence of written notification to adjoining owners of intent to subdivide; to include copies of any waiver request; certified mail with receipt or notarized statement *			
(B) Plan/Plat Mapping Requirements	Sketch Plan	Draft Plat	Final Plat
Materials	Paper & PDF	Paper & PDF	Mylar
Preparer Information, Certifications			
Scale (minimum 1 inch = 200')			
Date, North Arrow, Legend			
Project boundaries and property lines;	Drawn	Drawn	Surveyed
Existing and proposed lot lines, dimensions	Drawn	Drawn	Surveyed
Adjoining land uses, roads and drainage			
Zoning district designations and boundaries			
Road, intersection, parking area profiles; geometry & construction schematics*			
Proposed landscaping and screening *			
Proposed conservation buffer and/or open space easement areas *			
Monument locations *			
Additional information if development proposed	Sketch Plan	Preliminary Plat	Final Plat
The location of natural and other features located on the site, including buildings; roads, driveways and parking areas; fences and walls; watercourses; wetlands; areas of slope in excess of 20%; historic or archaeological resources			
	Sketch Plan	Preliminary Plat	Final Plat
A general indication of land cover, including forested areas and forest type, land in current or recent (prior 3 years) agricultural production			
Existing and proposed elevations, contour lines *		5' interval surveyor	5' interval surveyor
Existing and proposed roads, paths, parking areas, associated rights-of-way or easements	Drawn	Surveyor	Surveyor
Proposed building envelopes			
Proposed utilities, water and wastewater systems and associated Rights-of-way or easements *			
(C) Supporting Information & Documentation	Sketch Plan	Preliminary Plan	Final Plan
Site location map showing proposed subdivision in relation to major roads, drainage ways, and adjoining properties			
Statement of compliance with municipal plan and applicable local regulations			
Existing and proposed traffic generation rates, volumes *		Estimated	Documented
Off-site easements (e.g., for water, wastewater, access) *	Description	Draft	Final
Proposed phasing schedule *	Description	Draft	Final
Proposed covenants and/or deed restrictions *	Description	Draft	Final
Proposed homeowner or tenant association or agreements *	Description	Draft	Final
Proposed performance bond or surety (if imposed by DRB)		Description	Final
(D) As may be required by the Development Review Board			
Stormwater and erosion control plan			
Grading plan (showing proposed areas of cut and fill)			
Shoreland or open space management plan			
Site reclamation plan (for subdivisions involving extraction)			
Traffic impact analysis (current and proposed traffic volumes, capacities, levels of service, proposed improvements); Water Study and Septic proposals.			
Fiscal impact analysis (analysis of fiscal costs and benefits to the town)			
Historic or archaeological assessment			
Environmental impact assessment (analysis of potential environmental impacts, proposed mitigation measures)			
* Upon written request, may be waived by the Development Review Board.			

§6.500 GENERAL STANDARDS & CRITERIA FOR SUBDIVISIONS

The following provisions lay out the basic subdivision standards for partitioning a “parent parcel” into smaller lots. The standards are those required by Statute for subdivision regulations. All the standards are not necessarily applicable to every proposed project, but they do provide the basis upon which the DRB, or ZA under Administrative Review, can base decisions. The standards relate to much of the documentation required to be submitted with subdivision applications, providing a path to meeting the review criteria. Most of the following are aimed at subdivisions being developed as a complex, and not typically applicable to Minor Subdivisions, nor to BLAs.

§6.501 Base Standards for Simple Parcel Divisions, and PUD & Subdivision Developments

- A. Lots**—The configuration of lot boundaries shall meet the following standards unless specifically waived by the DRB:
1. **corner lots** shall have sufficient width to permit a front yard setback on each street; the minimum lot frontage, as required in *Article II* of these *Regulations*, shall be the uninterrupted total of frontages on both streets;
 2. **lot width** shall not be reduced by more than 50% of the frontage width as required in the district;
 3. **lot sizes** set forth in *Article II* are a minimum standard for partition into individual lots to be sold and developed separately;
- B. Farm Land Protection**—Within the AG and LDR Districts in particular, and elsewhere as applicable, subdivision boundaries and lot layouts shall be located and configured to avoid adverse impacts to prime and statewide agricultural soils and other productive farmland. Vegetated buffer areas may be required between agricultural and other uses to minimize land use conflicts.
- C. Protection of Natural, Cultural, Historic, & Archaeological Resources**—All subdivision parcels shall be located and configured to avoid any adverse impact to fragile features. For the purposes of these *Regulations*, fragile features shall include wetlands, flood hazard areas, slopes in excess of 20%, critical/endangered plant/animal species’ habitat, surface waters and associated buffer areas.

§6.502 Simple Land Division—General Standards & Criteria

- A. Application & Review.** Simple land divisions and Boundary Line Adjustments are considered to be Minor Subdivisions and as such they are reviewed by the ZA. Minor Subdivisions may be referred to the DRB at the discretion of the ZA.
1. The applicant shall demonstrate that they own the property or otherwise have the legal authority to subdivide the property as proposed in the application. See §6.401(B)(1)(a).
 2. The Applicant shall include a survey drawn by a licensed Vermont surveyor.
 - a. In the case of a BLA,
 - i. both the existing boundary line and the proposed boundary line shall be shown and labeled;
 - ii. the change in size of the two parcels shall be indicated on the parcels;
 - iii. no new parcels shall be created.
 - b. In a case of subdivision to create new parcels,
 - i. no more than 4 lots shall result, none being interior lots;
 - ii. the lots shall not be for commercial use;
 - iii. application for construction may be included for review at the same time.
- B. Common to all Minor Subdivisions:**
1. Lots shall be compliant with the provisions of *Article II*, §6.501, and §6.502(A)(2).
 2. A State Wastewater permit or amended permit or exemption from the State shall be included, as applicable.
 3. Access permits shall be included, municipal or State, as applicable.
 4. No hearing will be held but all abutters shall be notified and written testimony accepted.
 5. Final Plats shall be recorded within 180 days or approvals expire.

§6.503 Complex Subdivision & PUD Developments—General Standards & Criteria

- A. Application.** The application shall be reviewed by the DRB. It shall demonstrate compliance with the

applicable standards and criteria in this section, applicable General, Performance, Conditional Use, and Site Plan standards [§§4.100, 4.200, 5.100, & 5.200], as well as any other relevant provisions of these *Regulations*. See also §6.401 Preliminary Plat Application and §6.402 Final Plan & Plat.

1. Applying.

- a. Zoning and Hearing applications required [§§3.300 and 3.504 respectively]. Application to include State Water/Wastewater Permit, or amended permit, or State-authorized exemption; survey by Vermont licensed surveyor; access permits, municipal or State, as applicable; other documentation as noted in §3.504 or requested.
- b. Conditional Uses, Mixed-Uses, PUD applications, etc. may be reviewed with the subdivision application review as a Combined Review [§3.504(B)].
- c. Approved Final Plats shall be submitted for recording within 180 days of signed decision or all approvals shall expire.

2. Zoning. The applicant shall demonstrate the proposed subdivision is compatible with the Purposes, Uses, and Dimensional Standards of these *Regulations* for the district in which it is located.

3. Waivers & Variances. Applicants shall demonstrate that any requested varying of the applicable provisions herein, or waivers of dimensional standards, will promote the layout and clustering of development in a manner that minimizes the impact on existing features. Features include, but are not limited to, trees, scenic areas, brooks, streams, rock outcroppings, hilltops and ridges, water bodies, wetlands, open land, and other natural and historic features. Additionally, protection of view-sheds, land uses, and land values, of neighboring properties shall be included. See §6.03(A) *DRB Authority to Waive or Vary*.

B. Design and Layout of Lots & Necessary Improvements

1. Lots—All required improvements shall be constructed to approved specifications in accordance with a construction schedule approved by the Development Review Board. The DRB may require that all such improvements be completed prior to the issuance of a zoning permit for development on approved lots. A performance bond or comparable surety may be required to ensure that all improvements are completed to specification. Such bond shall be posted in accordance with §3.504(C)(3) of these *Regulations*.

2. Lot Size and Shape—Lots with irregular shapes (curves, jogs, dog-legs, etc.) shall not be created unless warranted by conditions of topography, the location of natural features, or existing road conditions, and shall have irregularities thus created minimized as much as possible. Lots to be developed as a community neighborhood or other complex developed under one plan shall not be less than 8,000 square feet (approximately 1/8 acre) regardless of district, without DRB approval. The layout of development lots shall conform to the above provisions and those below, as applicable.

- a. Monuments & Lot Corner Markers—Permanent monuments and corner markers shall be placed on all subdivided parcels in conformance with the *Rules of the Board of Land Surveyors, Part 5, Standards for the Practice of Land Surveying*, as amended.
- b. Establishment of Building & Development Envelopes—The DRB may require that the location of the development envelope be specifically designated on the plat and that structures and associated site development be limited to one or more areas within the development envelope. Buildings and structures shall be located so as to preserve agricultural utilization, wildlife habitat, scenic views and to minimize the loss of open space and forests to the extent possible.
 - i. The development envelope is generally within the confines of a parcel's setback areas unless the topography or site specific inclusions require otherwise.
 - ii. Buildings and other structures shall not generally be sited in the middle of open fields.
 - iii. Building envelopes shall be located, whenever possible, along the edge of existing natural or built features. The DRB may allow other arrangements if the project is restricted by property lines and setback requirements.
 - iv. Multiple buildings or structures on the same lot shall be clustered together in order to conserve views and open space and to mimic historical character of clustered village

housing or farm buildings.

- v. Loading docks and other utilitarian elements of a building shall be placed at the rear of a building and screened from surrounding roads.

C. Character of the Area—Subdivision developments shall be designed to achieve and maintain the purpose, desired settlement pattern, and existing or desired character of the zoning district within which they are located, as defined in *Article II*. The Development Review Board may require landscaping and/or berming, as appropriate, to preserve view-sheds from roads or other sensitive areas. The DRB may require that suitable native trees be planted along streets (generally within the road right of way) where trees do not exist. Selectboard approval may be required. The following **General Criteria** shall be followed:

1. the development shall maintain the look and feel of the neighboring area to the greatest extent possible;
2. the parent parcel shall be subdivided and improved in reasonable conformity to existing topography in order to minimize grading, cut and fill, and to retain, insofar as possible, the natural contours, limit storm water runoff, and conserve the natural cover, screening, and soil;
3. the applicant must demonstrate that the proposed development complex will not:
 - a. contribute to a pattern of strip development, by incorporating infill as defined in *24 VSA §2791*, and is designed to reasonably minimize the characteristics listed in the definition of strip development in *10 VSA §6001(36)*;
 - b. substantially impair or diminish the use, value, or enjoyment, nor the lawful development, of neighboring property in the area;
4. the parent parcel shall be subdivided and improved in reasonable conformity to existing topography in order to minimize grading, cut and fill, and to retain, insofar as possible, the natural contours, limit storm water runoff, and conserve the natural cover, screening, and soil.

D. Protection of Natural, Cultural, Historic, & Archaeological Resources—Subdivision boundaries and lot layouts shall be located and configured to minimize adverse impacts to historic and archaeological sites and resources identified by the Vermont Division for Historic Preservation, and to protect natural communities such as deer yards, rare or endangered flora and/or fauna habitats as identified by the ANR.

1. Historic & Archaeological Resources

- a. Adverse impacts shall be mitigated, though perhaps not totally eliminated, by the following:
 - i. prior to development on sites that have been identified as being archaeologically sensitive through site investigation, the DRB may require a site assessment to identify the presence and relative value of archaeological resources on the site, and to document the archaeological resource and/or recommend strategies for its protection;
 - ii. such an assessment shall be performed by a qualified professional in accordance with Vermont Division for Historic Preservation guidelines.
- b. Building envelopes, as well as lot boundaries and layouts, shall be located and configured to minimize adverse impacts to historic and archaeological sites and resources. Historic features (e.g. stone walls) should be preserved and integrated into the subdivision design to the extent feasible (e.g., driveways may follow stone walls).

2. Natural Resources

- a. The applicant shall demonstrate that the infrastructure and buildings proposed for the development present no danger of adverse impacts on any identified fragile habitats and endangered or rare plants or animals therein, and what steps have been taken to mitigate impacts on the named natural resources (streams, shoreline, floodplains, wetlands, natural communities) found to be located on or near the subdivision.
 - i. *Waterways*. Demonstrate that the infrastructure and buildings proposed for the development meet:
 - (a) Stream setback requirements in §7.103 and §7.200(B) of these Regulations;

- (b) *State Shoreline Protection Act regulations*. This provision applies only to properties located on Lake Champlain and other surface waters protected by the shoreland regulations.
- ii. *Floodplains and Wetlands*. Demonstrate that the infrastructure and buildings proposed for the development meet the *Flood Hazard Regulations* in *Article VII* of these *Regulations* and/or State wetland regulations when in floodplains or wetlands, respectively;
- iii. *Natural Communities*, including deer yards and rare or endangered species: Demonstrate that the infrastructure and buildings proposed for the development meet the State regulations protecting those communities;
- iv. *Views and Aesthetics*. Applicant shall demonstrate that they have designed the subdivision to minimize the view-shed impacts of the proposed subdivision by demonstrating how the subdivision complies with the following principles:
 - (a) Homes, driveways and other structures will be sited to blend in with the landscape wherever practical and safe by:
 - i. locating structures and drives at the edge of wood lines, not in the middle of fields;
 - ii. siting structures and infrastructure so they blend into the landscape and are not highlighted against the sky when viewed from roads or neighboring properties.
 - (b) Clearing for homes, driveways and other structures should be controlled as follows:
 - i. limiting the extent of clearing necessary to accommodate the structures and services;
 - ii. minimizing clearing by selectively cutting small trees with diameters of less than 4" at breast height and the lower branches of larger trees when clearing to allow views from the structure to look strategically through the tree line;
- b. Applicant shall also demonstrate what efforts will be made to mitigate impacts that would adversely affect the view from roads and neighboring properties.
- c. The applicant shall demonstrate, as applicable, how the Shoreland Protection Act, the Flood Hazard Regulations in *Article VII*, State regulations protecting wetlands and natural communities, and all pertinent provisions of these *Regulations* have been complied with.

E. Farm Land, Open Space, & Common Land

1. *Agricultural Land*.

- a. Applicants shall describe mitigation methods used to minimize agricultural land fragmentation. Deeds shall have covenants acknowledging Vermont's "Right-to-Farm" Statute. [12 VSA §§5751–5754].
- b. Applicants shall show how they propose to minimize the impact of the proposed subdivision on agriculture and primary agricultural soils on the property, if any, by:
 - i. clustering developed areas away from operating agricultural operations and/or on non-primary agricultural soils; and/or
 - ii. preserving significant blocks of primary agricultural soils on the property as common or open space,
 - iii. on each lot near or adjacent to existing agricultural operations establishing deeds and covenants containing "Freedom to Farm Provisions" [pursuant to 24 VSA §5751] acknowledging the agricultural activity and its right to operate pursuant to accepted agricultural practices.
- c. Intact parcels of productive farmland shall be designated as open space in accordance with §E(3) below; conservation easements, limitations on further subdivision, or comparable site protection mechanisms may be required as Conditions of approval.
- d. Areas to be preserved for agricultural use shall be at least 25 acres, if feasible, to preserve eligibility for tax programs. Reasons for creating a lot of fewer than 25 acres for agricultural use shall be fully explained.
- e. Access roads, driveways, and utility corridors shall be shared to the extent feasible and shall follow linear features such as existing roads, tree lines, stone walls, and/or fence lines, where

possible, to minimize the fragmentation of productive agricultural land.

i. Other ways used to minimize agricultural or forest fragmentation shall be described. These mitigation efforts may include locating building envelopes at field and orchard edges, or similar efforts.

ii. In the event that no other land is practical for development, use of the least fertile soils will minimize the use of productive agricultural land, impacts on existing farm operations, and disruption to the scenic qualities of the site.

2. Common Land & Governance—Land held in common for the preservation and maintenance of open space or the maintenance and protection of shared facilities (e.g., community water and wastewater systems, recreation or community facilities, lake access, road and trail rights-of-way) may be held under separate ownership from other parcels in the development and shall be subject to the legal requirements set forth in §E(4) below.

a. Land held in common shall be subject to appropriate deed restrictions stipulating the permitted and restricted uses of such land.

b. The applicant shall submit to the DRB a copy of the plan showing that the governance structure necessary for maintaining common land and amenities, if any, has been created and has established the person or entity responsible for maintenance and long-term stewardship.

3. Open Space—Provision shall be made for the preservation of open space. In addition to yards, open space may be land in a development set aside as common land.

a. Open space, to be set aside as common land unless otherwise approved by the DRB, shall be of suitable character to serve as parkland, a playground, or recreational trail network.

b. The location, size, and shape of lands set aside to be preserved for open space shall be approved by the DRB, in accordance with the following:

i. open space land shall include and provide for the protection of identified fragile features, productive farmland (to the extent practical), recreation areas, and historic or archaeological resources;

ii. management plans for forests, wildlife habitat, and shorelands may be required by the DRB as appropriate;

iii. the DRB may require the dedication of up to 50% of the total land area of the proposed subdivision for open space/recreation purposes; subdivisions resulting in the creation of 10 or fewer lots shall dedicate a minimum of 15% of the total land area to open space/recreation;

iv. sewage disposal areas, utility and road rights-of-way or easements, access and parking areas shall not be counted as open space areas, except where the applicant can prove, to the satisfaction of the DRB, that they will in no way disrupt or detract from the reasons for which the open space is to be protected.

c. At a minimum, designated open space shall be indicated with appropriate notation on the final plat.

4. Legal Requirements—The DRB may require that protected open space be dedicated, either in fee or through a conservation easement approved by the DRB, to the municipality, a community association comprising all of the present and future owners of lots in the development, and/or a non-profit land conservation organization. All costs associated with administering and maintaining open space and/or common land shall be the responsibility of applicant and subsequent landowners.

F. Infrastructure

1. Municipal Facilities & Services—A fiscal impact analysis of the development on municipal facilities and public services (roads, wastewater, school, Town administration, Town Office services, etc) may be required as appropriate, the cost of which is to be borne by the applicant.

• **Fire Protection and Rescue Facilities**—Adequate water storage or distribution facilities for fire protection within the subdivision shall be provided to the satisfaction of the DRB and the Fire Department. Where practicable, or required by the DRB or Fire Department, fire hydrants or ponds shall be installed by the subdivider/developer.

2. Roads, Traffic, Pedestrians—The applicant shall demonstrate that the proposed subdivision/development complex shall not cause unreasonable highway congestion or unsafe conditions with

respect to the current or projected use of roads in the Town. Roads and driveways associated with a proposed subdivision shall comply with the requirements of Town Road Ordinances, as amended.

- a. Applicability of Road Standards—The standards contained herein shall apply to all proposed public roads and to private roads serving four or more lots or dwelling units. In addition, these standards may be applied to private roads serving fewer than four lots or dwelling units when the DRB determines such standards are necessary to accommodate, anticipated future subdivision. See §6.104 for acceptance of private roads by the municipality.
 - i. Road Design Standards. The applicant shall demonstrate that roads within the development are in compliance with the Minimum Design Standards, §F(2)(e) below.
 - ii. Road Construction Standards. Road construction, including specifications relating to the crown, grade, sub-base and surfacing, shall conform to the Vermont Agency of Transportation's *Standard A-76*, as amended.
- b. Pedestrians. Proposed subdivisions within the Village Residential District shall contain sidewalks. Subdivisions outside the VRD will contain adequate provisions for pedestrian or bicycle traffic in terms of safety, convenience, and access to points of destination as determined by the DRB.
 - i. Sidewalks a minimum of 4 feet wide and of impervious material shall be installed on at least one side of all streets.
 - ii. Easements shall be indicated on the Plat.
 - iii. Pedestrian & Bicycle Access. The DRB may require pedestrian rights-of-way to facilitate pedestrian and bicycle circulation within the subdivision and to ensure access to adjoining properties, uses, or public facilities.
- c. Maintenance. Unless roads proposed by an applicant are dedicated to and accepted by the Selectboard, the applicant shall make arrangements for the maintenance of all such roads to the satisfaction of the DRB.
- d. Streets within a subdivision shall be planned so their use by arterial through traffic will be discouraged. If adjacent property is undeveloped, and the DRB determines that a future extension onto that property will benefit the community the street must be a temporary right of way dead-ending at the parcel boundary with improvements extended to the property line. A temporary circular or T-shaped turnaround shall be provided on all temporary dead-end streets, with a notation on the plat that land outside the street right-of-way shall revert to abutting lots whenever the street is continued.
- e. Minimum design standards include the following:
 - i. Rights-of-way for all roads shall be in compliance with Shoreham road ordinance(s).
 - ii. No dead end road shall be permitted without a suitable turn around at its terminus. This may consist of a cul-de-sac with a radius of not less than 50 feet, or a "T" or other configuration adequate for emergency vehicles to turn around efficiently. In the case of Commercial or Mixed-Use developments, turnarounds shall accommodate delivery and tractor-trailer trucks up to a 53' length.
 - iii. Roads shall logically relate to topography to minimize site disturbance, including the amount of cut and fill required, and to produce usable lots, reasonable grades, and safe intersections in relation to the proposed use of the land to be served by such roads. Road grades should be consistent with local terrain. Maximum road grade shall not exceed an average grade as noted in §4.102(F).
 - iv. Roads, to the extent feasible, shall be laid out to follow existing linear features (such as utility corridors, tree lines, hedgerows and fence lines); to avoid the fragmentation of agricultural land and open space; and to avoid adverse impacts to natural and scenic features.
 - v. Receipt of a letter of approval is required from the Town's Fire Chief stating that the road will provide safe emergency vehicle access to each dwelling unit that it serves.
- f. Traffic—Traffic to be generated by a proposed subdivision or development complex shall not create unreasonable traffic or cause unsafe conditions on public roads near the project. The DRB may

request the preparation of a traffic impact study to identify impacts and mitigation measures necessary to ensure road safety and efficiency, the cost of which to be borne by the applicant.

- g. Road Drainage—Stormwater management facilities shall be provided to manage stormwater runoff from all proposed roads and/or parking areas in accordance with §6.503(J)(4) of these *Regulations*. Generally, roadbeds, shoulders, ditches, and culverts shall be designed and maintained in conformance with the Vermont Better Backroads Manual, and/or VAOT A 76, as most recently amended.
 - h. Access—All road access shall be designed in accordance with §4.102(F), and shall be subject to the approval of the Vermont Agency of Transportation in the case of state highways or the Selectboard in the case of Town roads.
 - i. Intersections—A new or relocated road shall be located so that:
 - i. a safe sight stopping distance is provided, as determined by probable traffic speed, terrain, alignments, and climatic extremes. Generally, sight distance should be 11 times the speed limit (e.g., a curb cut on a road with 40 mph speed limit would require a minimum sight distance of 440' which provides a gap of 7.5 seconds of travel time);
 - ii. it is directly opposite an existing road or driveway to form a 4-way intersection wherever feasible.
 - j. Circulation & Parking
 - i. Applications shall address pedestrian and vehicular circulation. Special attention should be given to the arrangement of parking areas, or service/loading areas, and to safe separation of vehicles and pedestrians. Applications shall incorporate accessible routes and ramps for individuals with a disability.
 - ii. Where complete separation of pedestrians and vehicles is not feasible, hazards shall be minimized by providing features separating vehicles and pedestrians such as changes in paving surface materials, the use of landscaping, bollards, lighting, signs, and other means to clearly delineate pedestrian and crossing areas.
 - iii. Parking Lots—See §4.112(A)(1)(a) for parking space size and parking lots.
 - k. All new roads, whether public or private, shall comply with Vermont Agency of Transportation Vermont's *State Standards for the Design of Transportation Construction, Reconstruction and Rehabilitation on Freeways, Roads and Streets* dated July 1, 1997, as amended, for the volume of traffic anticipated.
 - l. Upgrades to Existing Roads. Any existing road that provides either frontage to new lots or access to new roads also shall meet these requirements. In situations where a development may require realignment, widening, or otherwise increasing the capacity of an existing road, the subdivider may be required to reserve land for such improvements.
 - m. Intersecting Roads. Subdivision projects judged by the DRB to generate traffic that exceeds the existing capacity of adjacent public roads or intersections may be denied, or phased in a manner allowing the improvement of said capacity to better accommodate the project.
 - i. Where a subdivision requires expenditures by the municipality to improve existing road(s) to conform to these standards, the DRB shall require the subdivider to contribute to any or all of the expenses involved with road improvements necessitated by the project.
 - ii. If the proposed access road or driveway intersects a class 4 town highway, the DRB may deny the application. Alternatively, and contingent upon the approval of the Selectboard, the DRB may require the Applicant to improve the intersected road to class 3 construction standards.
 - n. Modification of Road Standards—In the case of unusual topographic conditions or other circumstances which would make the strict adherence to these standards a substantial hardship, the DRB may, in consultation with the Selectboard, modify the strict application of one or more of these standards providing 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 of these *Regulations*.
3. Utilities—Utilities consist of telephone, internet, electricity, water mains, wastewater, and any other

similar service. All utilities, existing and proposed, throughout the subdivision shall be shown on the final plat, and be located as noted below. Work in the Town road ROW requires a ROW Project Permit, contact the ZA.

- a. All utilities shall be located underground throughout the complex, unless deemed unreasonable and prohibitively expensive by the DRB, or where deemed unfeasible per industry standards.
- b. Easements shall be at least 20' in width and indicated on the Preliminary and Final Plats; where impractical to include utilities or drainage facilities within street rights of way, easements shall be provided as close as possible to rear or side boundary lines having access to the street.
- c. Utilities shall have municipal permits when installed within town highway ROWs.
- d. The applicant shall coordinate the subdivision's design with the utility companies and submit a plan prepared with their cooperation showing all line extensions necessary to serve the subdivision. Common rights-of-way shall be utilized whenever possible; distribution systems should be built underground, except when affordability, technology, and/or distance or terrain makes it economically unfeasible. The applicant shall bear the burden of demonstrating economic hardship.
- e. Where necessary to prevent refuse containers and utility components (e.g. Central HVAC units, propane tanks, etc.) from being visible from roads or neighboring properties, they shall be attractively screened, enclosed, buried, or housed within (or on) the proposed structure to block them from public view. Screening material should consist of plantings that will provide screening during all seasons, structures should be made of materials that complement the general design of the structure. Any application which proposes new structures, additional lot coverage, or installation of machinery or equipment which emits heat, vapor, fumes, or noise shall include in the application descriptions of efforts to minimize, insofar as practical, adverse impacts on light, air, water, or noise levels on the immediate surroundings.

G. Energy Conservation—To conserve energy, a subdivision development complex shall use the least amount of area for roadways and the least length of sewer, water, and utility lines within environmentally and economically sound limits. Clustered development (e.g. PUD) should be considered wherever feasible. The applicant shall demonstrate compliance with the following:

1. the siting of buildings shall maximize solar access to the greatest degree possible, and landscaping shall be effectively used to provide wind barriers and to reduce heat loss or gain.
2. all heated structures shall be constructed in compliance with State *Residential Building Energy Standards* (RBES, 30 VSA §51) or *Commercial Building Energy Standards* (CBES, 30 VSA §53).
3. heated structures (dwellings, office/retail/services structures) shall employ geo-thermal and solar energy techniques, materials, and equipment whenever feasible (e.g. passive or via arrays or solar-collecting roofing and siding materials, cold-weather geo-thermal pumps, etc).

H. Housing

1. **Energy Conservation.** All dwellings shall be constructed in compliance with State energy standards (RBES, CBES).
2. **Housing should be a mix** of single-, two-, and multi-unit dwellings designed to resemble dwellings that have been in the Town since at least the early 1900s or are share the Vermont housing vernacular.
3. **Modular, stick-built, manufactured, and tiny-homes** are all acceptable although they may not be of a “traditional” style. Structures with second floor dwellings over commercial spaces are encouraged in commercial or mixed-use complexes. Heights are limited to 35'.
4. **Affordable Housing.** All developments having residential housing shall provide affordable housing and/or mixed-income housing as an integral part of the development plan.
 - a. Multi-unit affordable housing in areas served by municipal water and wastewater may exceed density limitations for residential developments by an additional 40%, which shall include exceeding maximum height limitations by one floor (subject to Fire Department review).
 - b. In multi-unit residential development complexes or Mixed-Use complexes, at least 25% of dwelling units shall be defined and protected as affordable housing. Units shall be priced such

that the total cost will be no more than 30% of the county or state-wide median gross annual income as defined by HUD, whichever is higher, for:

- i. *Owner households* earning not more than 120% of the median; annual cost includes: principal, interest, taxes, insurance, and association fees; or
- ii. *Renter households* earning not more than 80% of the median; annual cost includes: rent, utilities, and association fees,

c. *The affordability rate* shall be maintained for at least 30 years.

5. Mixed-Income Housing. A multi-unit housing project in which:

- a. *Owner-occupied housing.* Owner-occupied housing may be characterized by targeted area purchase price limits established and published annually by the Vermont Housing Finance Agency and by either of the following:
 - i. *at least 15%* of the housing units have a purchase price that does not exceed 85% of the new construction cost; or
 - ii. *at least 20%* of the housing units have a purchase price that does not exceed 90 % of the new construction cost;
- b. *Rental Housing.* At least 20% of the housing units that are rented constitute affordable housing and have a duration of affordability of not less than 30 years.

I. Landscaping—Landscape and buffering should contribute to visual quality and continuity within and between developments, provide screening and mitigation of potential conflicts between activity areas and site elements, enhance outdoor spaces and reduce erosion and storm water runoff. Landscaping shall be required within all setbacks fronting public streets. If natural features and existing landscaping are to be removed, there should be plans to replace and maintain such features and landscaping.



Landscape treatment has removed existing natural features and added features out of context to the pastoral, rural character of the area.



Landscape treatment has maintained existing vegetation and natural features, and/or imitated natural features found in the landscape.

The restoration or reestablishment of the natural landscape should consider similar features from the surrounding properties (e.g. plant types). Invasive species, as defined by the Vermont Noxious Weeds Rule, shall be prohibited.

- 1. **Hardscaping.** Materials should be chosen for their longevity and for their compatibility with the existing structure and adjacent properties. An appropriate mix of materials is preferred. Large areas of concrete or asphalt are discouraged.
- 2. **Buffers.** See also §4.103(C)(5)
 - a. Where a proposed commercial project abuts a residential property, the area shall be designed and planted to obscure the view of the commercial structure(s) from the abutting residential property and shield the residential property from noise and exterior lighting as much as possible. A mix of non-deciduous trees, shrubbery, and fencing may be used.
 - b. Existing vegetation, growth patterns (hedgerows, tree clusters), and significant landscape features such as forest patches, hedgerows, streams, and rock outcrops should be retained or imitated when planting new vegetation.
 - c. Chain link fence in visible locations shall not be permitted except at the discretion of the DRB to enforce safety or security, or if superseded by Town, State, or Federal regulations.

J. Water, Wastewater, Stormwater, Erosion

- 1. *For the Preliminary Plan*, the Applicant shall demonstrate that the proposed subdivision plat has

- been designed with the input of a licensed professional engineer or site technician capable of securing a Wastewater System and Potable Water Supply permit from the State of Vermont.
2. **For the Final Plan**, the applicant shall demonstrate that the proposed subdivision has either received its final Wastewater System and Potable Water Supply Permit from the State of Vermont, or where the applicant has demonstrated a State Permit application has been filed, the DRB may issue a final decision with the condition that the applicant secure a State Permit before recording the Final Plat.
 3. **Water & Wastewater.** Applicants shall demonstrate compliance with the Wastewater System and Potable Water Supply Rules of the State of Vermont as may be amended from time to time.
 - a. Individual and Shared Systems. Individual or shared water/wastewater systems shall meet all State regulations for design, installation, and maintenance. State permit(s) shall be in-hand or pending.
 - b. Connection to Existing System. No connections to municipal water and wastewater systems shall cause an unreasonable burden on any existing system, and all connections shall be made in accordance with State and local (Shoreham Wastewater, Tri-Town Water) requirements.
 4. **Stormwater & Erosion Control.** The subdivision proposal shall include adequate provisions for the control of runoff and erosion, before, during and after construction, in accordance with the *Environmental Protection Rules*, Chapter 22 governing Stormwater permitting, effective March 15, 2019 as it may be amended. Applicants shall demonstrate compliance with all applicable State of Vermont stormwater permitting requirements for both construction and development, and the Town's *Stormwater Ordinance* attached to these *Regulations*.
 - a. Stormwater Management—The subdivider shall incorporate and utilize green stormwater infrastructure practices to the greatest degree feasible. State stormwater permits are required.
 - b. Erosion Control—Land shall be subdivided and improved so as to retain, insofar as possible, its natural contours and to conserve the natural cover and soil. The DRB may require the preparation and implementation of a sedimentation and erosion control plan to ensure that site improvements, including excavation, site clearing, and grading, shall not unduly impact neighboring properties or surface waters. Disturbance of the land should be avoided as much as possible between October 15 and May 1.
 - c. For a Preliminary Plan, the applicant shall demonstrate that the proposed subdivision has been designed with the input of a licensed professional engineer or site technician capable of securing a stormwater permit(s) from the State of Vermont.
 - d. For a Final Plan, the applicant shall demonstrate that the proposed subdivision has either received its final Stormwater Permit(s) for construction and/or general operation from the State of Vermont, or where the applicant has demonstrated applicable State Permit applications have been filed, the DRB may issue a final decision with the condition that the applicant secure a State Permit before recording the Final Plat.
 - e. State Permits—If no State permits are required, the applicant shall submit testimony from its engineer or site tech to that effect and shall submit additional evidence of the low impact development designs and infrastructure used to reasonably mitigate stormwater from the property both during and after construction.

§6.600 PLANNED UNIT DEVELOPMENT (PUD)

§6.601 Purpose

- A. **A PUD is a major subdivision.** The purpose of a PUD is to encourage flexibility, creativity, and innovation in the planning and design of development to achieve a variety of objectives articulated in the Shoreham Town Plan including:
 1. open space preservation and project compatibility with surrounding rural lands,
 2. preservation of agricultural blocks and soils,
 3. natural resource preservation,
 4. flexibility in lot layout and site design,
 5. increased use of clustering for buildings, with walkable designs in PUDs in the Village and non-

Village districts,

6. an increase in the variety and mixes of types of dwellings (single-, two-, multi-family houses, apartments, stick-built, modular, tiny houses, etc) in a PUD,
7. mixes of commercial and residential uses if a Mixed-Use PUD is desired,
8. efficient use of public facilities and infrastructure,
9. increased energy-efficient forms of development,
10. affordable and/or mixed-income housing.

The DRB has authority to grant a broader range of options to a PUD, such as a reduction in lot sizes, setback depths, frontages, and increased densities (see §6.03(B) *DRB Authority to Waive or Vary*). PUD options provide better land use, tax base, and housing options for Town residents. The provisions may be used by a conventional subdivision, gaining some—though not all—of the advantages of a full PUD development.

B. Uses. PUDs may be used for Residential, Commercial, or Mixed-Use developments to best achieve the goals and the purposes of the property owner and the *Shoreham Town Plan*. PUDs are required in the Village areas when creating developments, and are encouraged in the other zoning districts to take advantage of the increased flexibility in:

1. site and lot layout, with DRB varying applicable provision requirements to allow density increases without the appearance of over-crowding,
2. building design to emphasize the look of traditional houses or other structures while incorporating interior uses providing multi-unit dwellings or commercial uses,
3. placement and clustering of buildings to preserve natural resources and view-sheds,
4. the use of open space to retain/reinforce the rural nature of the Town,
5. the preservation of agricultural land while allowing farms to realize income from the sale of less productive land,
6. creation of differing development focuses in different areas of the PUD such as a compact, medium to high density residential area or a mix of commercial and other uses in another area, perhaps with a mix of commercial and other uses in addition to residences. Or, a clustered development, with open space, relatively lower density, with more open-space in a rural area.

C. Lots/Units Permitted, Bonuses Available

1. **Multiple contiguous parcels** under the same ownership may be combined for review as one PUD.
2. **The total number of lots, dwelling units,** and/or commercial/industrial spaces may exceed the number that could be permitted if the land were cut into lots conventionally, plus the addition of any bonus lots as described below. An expanded number of lots, units, spaces shall be reviewed by the DRB, and requires a waiver request. The DRB has discretion to make changes to or limit the waiver request, or deny it, as deemed appropriate for the uses involved, the location of the PUD, and the goals of the Town Plan.
3. **Density**—Total size of the parcel divided by the minimum lot size for the zoning district, plus any applicable bonus lots.

4. **Four types of bonuses** may be granted as an incentive to encourage the use of PUD designs.

Bonuses may be designated as cumulative by the DRB if it deems the density not excessive for the location, size, or required municipal services of the PUD.

a. One additional lot as a bonus for designing as a PUD.

b. Additional lots up to 25% of the number of lots allowable for that parcel under conventional zoning (not available for a conventional subdivision).

As an example: A landowner with 100 acres in the AG District (25 acre minimum subdivision size) could, under conventional zoning, develop up to 4 lots. However, developed as a PUD, that same parcel could yield up to 6 lots:

- The 4 conventional lots (100 acres ÷ 25-acre minimum size = 4 lots);
- One more unit as a PUD bonus—total now 5;
- Plus one additional lot unit based on 25% of number of conventional lots for that parcel (25% of the normal 4 lots from a 100 acre parcel)—total now 6 units.

c. Renewable Energy Development. Density bonuses for development that promotes renewable energy development will be considered as follows, number of lots shall be rounded down if ≤5,

or up if ≥ 5 :

i. A density bonus of 20–24% may be considered for a PUD incorporating:

- (a) *Energy Efficient Siting* in which 60% of the building lots or units are oriented to maximize energy efficiency under §6.503(G) and §6.503(H)(1).
- (b) *Group Net Metering*. The installation of a group net-metered renewable energy facility (e.g., solar collectors) 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.
- (c) *Bonuses calculated as follows*:
 - 20%, for a development of 20 or fewer lots/units (get up to 4 additional)
 - 22% for developments of 21 to 40 (get up to 8 additional)
 - 24% for over 41 lots/units (get additional 10 or more)

ii. *Energy efficient building design*.

- (a) A density bonus of 30% may be considered for developments that incorporate design elements meeting minimum State energy efficiency requirements (pursuant to State RBES or CBES) for residential and commercial buildings, as self certified.
- (b) A density bonus of 33% may be considered for developments that incorporate design elements that exceed minimum State RBES or CBES energy efficiency requirements for residential and commercial buildings (e.g. RBES or CBES Stretch Codes, LEED, Energy Star Homes, Vermont Builds Greener Program), as certified by a qualified professional architect or engineer licensed by the State.

D. The DRB may modify applicable dimensional requirements of these *Regulations*, including reduced lot size, density changes, and modified setbacks, frontage, coverage etc, to achieve the purposes set out in the project proposal, while remaining compliant with the goals of the *Plan*. The DRB may also waive or vary subdivision provisions or application documentation requirements as it deems will best serve the interests of the *Plan*, these *Regulations*, and the intent of the proposed project. No variation shall negate the goal of the provision so varied or waived.

E. Conventional developments are encouraged to use options from the list in §6.601(A) and if approved by the DRB will receive the applicable bonus lot pursuant to (C)(4)(a) or C(4)(c)(ii)(a). Only if the project is developed as a PUD will all additional bonus lots be available.

§6.602 General Standards for PUDs:

A. All PUDs and those conventional subdivisions wishing to use PUD provisions must comply with the applicable *Subdivision General Standards & Criteria* [§§6.501, 6.503], *General, Performance Standards* [§§4.100, 4.200], any applicable Conditional Use /Site Plan standards [§§5.105, 5.200]; and the following PUD-specific Standards:

1. A development envelope shall be established as follows:
 - a. the development envelope shall not exceed thirty percent (30%) of the total acreage of the parent parcel;
 - b. the development envelope should be located to minimize impact on current or future agricultural practices and other resources including productive forest, wildlife habitat, and natural areas;
 - c. a single, contiguous development envelope is preferred, however, the DRB may approve a non-contiguous development envelope if warranted by the physical character or conditions of the land being developed;
 - d. the DRB may allow construction of drives, utilities, stormwater, water, and/or wastewater infrastructure serving homes or buildings within the development envelope to be installed on lands outside the development envelope.
2. The development plan must make appropriate provision for the preservation of open space and reasonable protection for natural resources and wildlife areas as noted in the *Town Plan* and on the “Important Resource Areas and Wildlife Habitat” map in the *Natural, Historical, and Scenic Resources* section of the *Plan*. The development envelope (buildings, roads, driveways, and infrastructure) should

be located and configured to avoid any adverse impact to the resource and habitat areas.

3. District standards are applicable unless waived or amended for the project by the DRB. Waiver requests to be submitted with application.

B. PUDs in the Agricultural District must be designed to:

1. cluster development on the least productive agricultural land and be located so that undeveloped portions of land remain agriculturally viable;
2. blend new development into the agricultural or forest landscape to maintain the Town's rural character;
3. utilize reduced lot sizes that adequately accommodate water and wastewater infrastructure; use of shared or community wastewater treatment systems is encouraged;
4. consider the effect of agricultural practices conducted in close proximity to planned residences.

C. PUDs within the VC, VR, and LDR Districts must be designed to:

1. reinforce a traditional, compact village development pattern characterized by pedestrian scale and orientation, traditional densities and setbacks, a mix of uses, well-defined streetscapes and sidewalks to facilitate pedestrian circulation;
2. conform to the §4.103, Commercial standards, as applicable, when located in any district.

§6.603 Applications & Review

- A. The Preliminary application** shall include a complete application for whatever permits in addition to the subdivision permit the applicant seeks, plus the Preliminary Hearing application. When the Preliminary Hearing(s) close, the applicant will have 6 months to submit the Final Plan and Plat application for a Final Hearing. See §6.401 and §6.402 for Preliminary and Final application details, respectively. PUD applications are subject to General Subdivision Standards and Criteria, Performance Standards, and Site Plan Standards as they are applicable

Additional Documents for submission with a PUD application. Applicants desiring to use the PUD provisions for a PUD, or as part of their conventional subdivision project, shall submit the following additional evidence with the application. The Narrative shall include:

1. a statement explaining the desire and purpose of the use of PUD provisions,
2. a statement setting forth the nature of all Waivers for proposed modifications, if any, to the dimensional standards of the district in which the PUD is proposed to be located, and a description of how the modifications address the district and Town Plan goals (see §3.800 for waiver criteria).
3. a description of how the proposed subdivision has been designed to satisfy the standards in this section.

- B. Public Notice & Hearing.** As with a conventional subdivision, a PUD application will have one or more Preliminary Hearings followed by a Final Hearing. The Preliminary and Final PUD hearings will be held as are other DRB hearings. The PUD proposal may be heard as a Combined Review held in conjunction with a hearing for a conventional subdivision or any Conditional Uses for which approval is needed. The hearings will be warned and held pursuant to §3.503, §3.504.

- C. Findings, Conclusions, Bonding, Decision**—See §3.504 (C)

- D. Recording the Final Plat**—See §3.604, §6.400

§6.604 Possible Board-Imposed Conditions.

While building design is not required to reflect any one architectural style or era, the following standards are suggested for new and expanded structures, and may be set as Conditions by the Board in granting approval for the project:

A. Buildings

1. Should front toward and relate to streets, both functionally and visually, and not be oriented toward parking lots; the front facade should include a main entryway, and appropriate front yard landscaping; residential garages should be set back from the front façade and located to the side or rear of the dwelling.
2. Building design should be compatible with existing neighborhood buildings most of which were built, or designed to be compatible with those built, in a traditional style.
3. Buildings and uses shall be arranged to be compatible, with buffering as appropriate to ensure visual and acoustical privacy for the residents of the development and adjacent properties.

- B. Lots**—The minimum front, side, and rear yard setbacks at the periphery of the PUD shall be as specified for the particular district. The DRB may consider adjusting setbacks within the project area as part of its review under this section. The Board also may require further restrictions along the perimeter of the project and between developed areas and common open spaces. Setback adjustments should reflect the use and needs of each lot and do not, therefore, need to be the same for every adjacent lot.
- C. Open Space**—Provision shall be made for the preservation of open space. If the project results in dedicated open space, it can be protected through an appropriate deed restriction, joint ownership, or permit Conditions. The location, size and shape of lands set aside to be preserved for open space shall be approved by the DRB, in accordance with the following guidelines:
1. open space land should provide for the reasonable protection of identified resources, including farmland, productive forest, wildlife habitat, natural areas, aquifer protection areas, surface waters, stream banks, lake shore, historic and archaeological sites, and scenic views and vistas;
 2. the location, shape, size and character of the open space shall be suitable for its intended use; open space land should be located so as to conform with and extend existing and potential open space lands on adjacent parcels, particularly pertaining to the preservation of farmlands;
 3. utility and road rights-of-way or easements, access, and parking areas shall not be counted as open space areas, except where the Applicant can show, to the satisfaction of the Board, that they will not disrupt or detract from the reasons for which the open space is to be protected.

ARTICLE VII. FLOOD HAZARD & RIVER CORRIDOR REGULATIONS

§7.000 STATUTORY AUTHORIZATION AND EFFECT

In accordance with 24 VSA §§117, 4424 and 4414, this is a bylaw for areas at high risk of flood damage in the Town of Shoreham. Except as additionally described below, all administrative procedures follow municipal procedures under *Article III* of these *Regulations*, pursuant to 24 VSA §117 and 44 CFR §60.3(d).

§7.001 PURPOSE

- A. To implement the goals, policies, and recommendations in the municipal plan;
- B. To protect health, safety and welfare of the public, 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;
- C. Support equitable well-being for the entire community;
- D. Ensure that development in our community protects floodplain and river corridor functions, and avoids and reduces damage from flooding and erosion;
- E. Manage all flood hazard areas pursuant to 24 VSA §4382 and 10 VSA §§751, 753; and
- F. Make the Town of Shoreham, its citizens, and businesses eligible for federal flood insurance, federal disaster recovery funds, and hazard mitigation funds, as may be available.

§7.002 SUMMARY TABLE: DEVELOPMENT REVIEW IN HAZARD AREAS

P – Permitted (Administrative Review)

C – Conditional Use Review (DRB)

X – Prohibited

A – Permit Exempt

S – State Permit Required

#	Activity	River Corridor	Flood Hazard Areas	Floodway
1	New Structures	C	C	X
2	Storage	C	C	X
3	Improvements to Existing Structures	P, C	P, C	C
4	Small Accessory Structures	P, C	P	X
5	At Grade Parking	P	P	C
6	Replacement water supply or septic systems	P, C	P	P, C
7	Fill or grading resulting in no net loss of flood storage	P, C	C	C
8	Fill or grading resulting in a loss of flood storage	P, C	X	X
9	Road maintenance	A	A	A
10	Road improvements	C	C	C
11	Bridges and culverts	S, A	S, A	S, C
12	Channel management	S, A	S, A	S, C
13	Recreational vehicles	P	P	P
14	Open space, recreation (private; commercial requires permit)	A	A, C	A
15	Forestry and Agriculture	S, A	S, A	S, A

§7.100 SPECIFIC RIVER CORRIDOR PROTECTION

Purpose River corridors provide rivers and stream channels with the space necessary to maintain or reestablish floodplain access and to reduce erosion hazards through natural physical processes. It is the intent of this bylaw to protect public health and safety by avoiding new encroachments into river corridors and minimizing erosion-related damage to existing structures.

A permit is required from the ZA for all development that is located within the River Corridor except as provided in §7.102(A) *Exemptions*. Where River Corridors and Flood Hazard Areas overlap, the FHA provisions shall also apply [§7.200].

§7.101 River Corridor Boundaries (primarily along the Lemon Fair) Also see §2.02

This Article applies to the River Corridors in the Town of Shoreham as published by the Agency of Natural Resources (ANR) including refinements to that data which are hereby adopted by reference.

1. On streams with a watershed size greater than half a square mile for which River Corridors are not mapped, the standards apply to the area measured as 50 feet from the top of the stream bank or slope.
2. The information presented on any maps, or contained in any studies adopted by reference, is presumed accurate. If uncertainty exists with respect to the boundaries of the River Corridor, the location of the boundary on the property shall be determined by the ZA.
3. If the applicant disagrees with the determination made by the ZA or with the river corridor as mapped, the applicant has the option to:
 - a. hire a licensed land surveyor or registered professional engineer to stake out the River Corridor boundary as mapped on the property; *or*
 - b. provide data as needed for ANR to update the river corridor map following the Flood Hazard Area and River Corridor Protection Procedure ("Procedure"); *or*
 - c. request a letter of determination from ANR that the proposed development meets the Performance Standard in the Procedure.

§7.102 Development Review in River Corridors**A. Exempted Development in the River Corridor**

The following activities do not require a permit for purposes of floodplain management, but may require a municipal permit:

- a. 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;
- b. changes to a structure that will not change the footprint of the structure;
- c. maintenance of existing sidewalks, roads, parking areas, stormwater drainage, bridges, culverts, and channel stabilization;
- d. functionally dependent uses that must be placed in or cross over rivers and streams that are not located in a flood hazard area and that have coverage under a Stream Alteration Permit, if required, under 10 VSA §41 and the rules adopted thereunder including the construction, removal, or repair of bridges and culverts, associated transportation and utility networks, dams, and dry hydrants;
- e. planting projects which do not include any construction or grading;
- f. subdivision of land that does not involve or authorize development;
- g. activities exempt from municipal regulation and requiring a permit from ANR under the Vermont Flood Hazard Area and River Corridor Rule (CVR 12-030-024) including:
 - i. State-owned and operated institutions and facilities;
 - ii. forestry operations or 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;
 - iii. agricultural activities conducted in accordance with the Vermont Agency of Agriculture, Food and Market's Required Agricultural Practices (RAPs). Prior to the construction of farm structures, the farmer shall notify the ZA in writing of the proposed activity. The notice shall contain a sketch of the proposed structure including setbacks;
 - iv. public utilities regulated under 30 VSA §248;
 - v. telecommunications facilities regulated under 30 VSA §248a;

B. Prohibited Development in the River Corridor

1. New structures, fill, and development that do not meet the standards in §7.103 Development Standards;
2. Any other development that is not exempt, permitted, or listed as a conditional use which would cause or contribute to fluvial erosion hazards.

C. Administrative Review

The following development activities meeting the §7.103 Development Standards in the River Corridor may be permitted directly by the ZA:

1. small accessory structures not larger than 500 square feet;
2. improvements to utilities along an existing right-of-way and serving a building;
3. replacement on-site septic systems;
4. access and parking;
5. a deck or patio that is 200 square feet or less, is attached to an existing structure, and is located no less than 100 feet from the top of bank;
6. unimproved trails on native grades and soils that will be relocated as needed to accommodate channel adjustments and avoid degradation to bank stability and riparian habitat;
7. river or floodplain restoration projects that do not involve fill, structures, utilities, or other improvements, and which have written confirmation from the ANR Regional Floodplain Manager that the project is designed to meet or exceed the applicable standards in this bylaw.

D. Conditional Use Review

Conditional Use Review and approval by the DRB in accordance with 24 VSA 4461 is required prior to the issuance of a permit by the ZA for any activity in the River Corridor that is not exempt, prohibited, or eligible for Administrative Review.

§7.103 Development Standards within the River Corridor

These are the minimum standards for development in the River Corridor. Where more than one district is involved, the most restrictive standard shall take precedence.

- A. In-Fill:** Development must be located no closer to the top of bank than the existing primary structures, within a gap that is no more than 300 feet (see Figure 1), *or*
- B. Down River Shadow:** An addition to an existing habitable structure, or an accessory structure that is adjacent to an existing structure, shall be located in the shadow area directly behind and further from the channel than the existing structure, or within 50 feet to the downstream side and no closer to the top of bank. Below-ground utilities may also be placed within the same shadow dimensions of an existing below-ground system (see Figure 2). Only primary structures existing before this bylaw may be considered for shadowing other development.

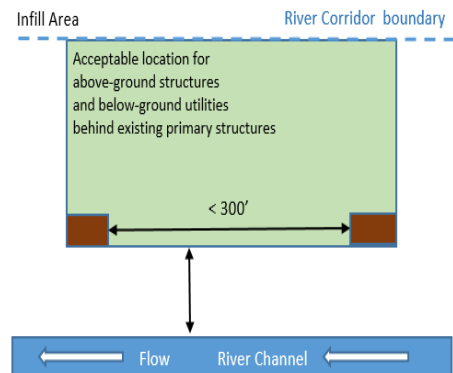


Figure 1: In-fill Development Standard

C. River Corridor Performance Standard

Proposals that do not meet the infill or shadowing criteria in §A or §B must demonstrate, and the DRB must find, that the proposed development will:

1. not be placed on land with a history of fluvial erosion damage or threatened by fluvial erosion; *and*
2. not cause the river reach to depart from or further depart from the channel width, depth, meander pattern, and slope associated with natural stream processes and equilibrium conditions; *and*
3. not result in a need for bank armoring or stream channelization as a result of the proposed development, that would increase flood elevations and velocities, or alter the sediment regime triggering channel adjustments and erosion in adjacent and downstream locations.

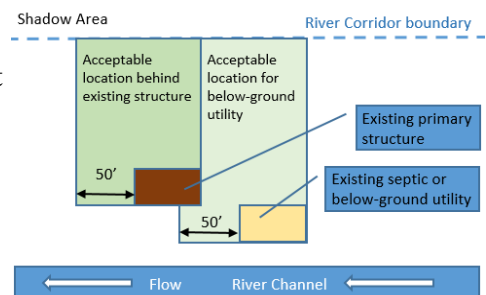


Figure 2: Shadow Development Standard

- D.** The DRB may request or consider additional information to determine if the proposal meets the River Corridor Performance Standard in C above, including data and analysis from a consultant qualified in

the evaluation of river dynamics and erosion hazards; and comments provided by the DEC Regional Floodplain Manager on whether the proposal meets the River Corridor Performance Standard.

- E. New paths or alterations to paths that provide access to the water for the public, and promote the public trust uses of the water, shall not necessitate bank armoring, and must be relocated when the channel adjusts toward the path.

§7.200 SPECIFIC FLOOD HAZARD AREA PROTECTION

Purpose: To protect public health and safety by avoiding cumulative increases in flood elevations, velocities, and river instability; the cumulative loss of beneficial floodplain functions; and to minimize flood damage to development and services already located within this hazard zone.

§7.201 Lands to which these *Regulations* apply

- A. **Flood Hazard Areas** (primarily Cedar Swamp area between Basin Harbor/North Cream Hill Rds and Rte 22A)

This bylaw shall apply to the Special Flood Hazard Areas (*SFHA*) as mapped in the Town of Shoreham, identified in and on the most current flood insurance studies and maps published by the Department of Homeland Security, FEMA, National Flood Insurance Program (NFIP), as provided by the Secretary of the Agency of Natural Resources (ANR) pursuant to *10 VSA §753*, which are hereby adopted by reference and declared to be part of this bylaw.

- B. **Base Flood Elevations and Floodway Limits**

1. Where available, base flood elevations (BFE) and floodway limits provided by the NFIP and in the Flood Insurance Study and accompanying maps shall be used to administer and enforce this bylaw.
2. The floodway, as adopted by this community, shall consist of the channel of a river or other watercourse and the adjacent land areas that shall be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot at any point.
3. In the SFHA where base flood elevations and/or floodway limits have not been provided by the NFIP in the Flood Insurance Study and accompanying maps, it is the applicant's responsibility to develop the necessary data. Where available, the applicant shall use data provided by FEMA, or state or federal agencies to administer this bylaw.
4. If the Town acquires data that indicates a change in published base flood elevations, the Town will, within 6 months, submit the technical or scientific data to Vermont ANR and the NFIP Map Specialist.

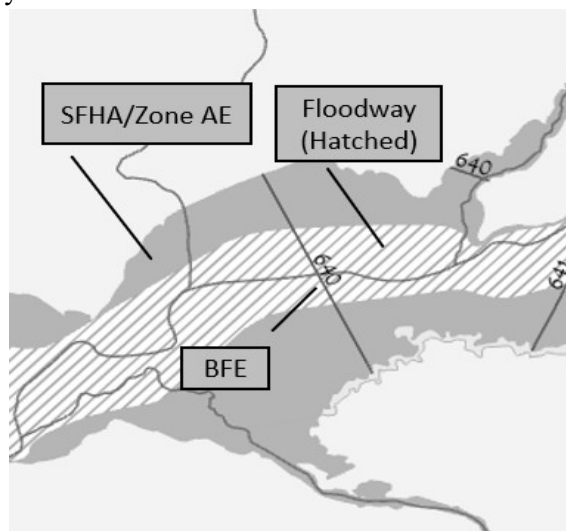


Figure 1 Diagram of Special Flood Hazard Area (SFHA) containing the Floodway (shown in hatched pattern). Also, cross-sections marked with the Base Flood Elevation (BFE) at that location.

§7.202 Jurisdictional Determination

- A. The information presented on any maps, or contained in any studies, adopted by reference, is presumed accurate.
- B. If uncertainty exists with respect to the boundaries of the Flood Hazard Area, the location of the boundary shall be determined by the ZA.

§7.203 Development Review in the Flood Hazard Areas

- A. **Permits**

Except as provided in *B. Exempted Development*, below, a permit is required from the ZA for all development that is located within the Special Flood Hazard Area. Development that requires conditional use approval or a variance from the DRB under this bylaw must have such approvals prior to the issuance of a permit by the ZA. All permits shall require that a permittee have all other necessary permits from state and federal agencies before work may begin.

B. Exempted Development

The following activities do not require a permit for purposes of floodplain management:

1. removal of a building in whole or in part, so long as the ground elevations under and adjacent to the removed structure remain unchanged;
2. routine maintenance of existing buildings;
3. interior improvements or repairs to existing buildings that cost less than \$500;
4. maintenance of roads, bridges, or stormwater drainage;
5. streambank stabilization, and abutment work that do not reduce the cross-sectional flow area of the river or stream channel and have coverage under a Stream Alteration Permit, if required;
6. planting projects which do not include any construction or grading activities in accordance with 24 VSA §4424(c);
7. subdivision of land that does not involve or authorize development;
8. 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). Prior to the construction of farm structures, the farmer shall notify the ZA in writing of the proposed activity. The notice shall contain a sketch of the proposed structure including setbacks meeting community requirements;
 - d. public utilities regulated under 30 VSA §248;
 - e. telecommunications facilities regulated under 30 VSA §248(a).

C. Prohibited Development

1. New critical facilities.
2. New residential or non-residential structures in the Floodway.
3. Storage of materials or junk yards.

D. Permitted Development by ZA Review

The following development activities in the Special Flood Hazard Area, meeting the Development Standards in §7.204, may receive a permit from the ZA without review by the DRB:

1. Outside of the Floodway:

- a. accessory structures not greater than 500 square feet;
- b. new fill for existing associated transportation and utility networks or to accommodate a replacement on-site septic system, if it can be demonstrated that no other practicable alternative is available;
- c. recreational vehicles or travel trailers;
- d. 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.

2. Within the entire Special Flood Hazard Areas:

- a. improvements or repairs from damage to structures that do not expand the existing footprint and do not meet the definitions of "substantial improvement" or "substantial damage";
- b. building utilities;
- c. at or below grade development (e.g. parking areas);
- d. open fencing or posts;
- e. municipal transportation infrastructure improvements designed 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. Conditional Use, DRB Review

In accordance with 24 VSA §4414, Conditional Use Review and approval by the DRB is required prior to the issuance of a permit by the ZA for any activity in the Special Flood Hazard Area that is not exempt, prohibited, or eligible for Administrative Review.

§7.204 Development Standards within the Flood Hazard Areas

A. No net loss of flood storage capacity, except as needed to fill an existing basement or mitigate an existing structure.

B. All development below the Design Flood Elevation (DFE), except development that is exempt under §7.203(B), shall be:

1. reasonably safe from flooding;
2. designed (or modified) and adequately anchored to prevent flotation, collapse, release, or lateral movement of the structure;
3. constructed with materials resistant to flood damage;
4. constructed by methods and practices that minimize flood damage;
5. constructed with electrical, heating, ventilation, plumbing and air conditioning equipment and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding;
6. adequately drained to reduce exposure to flood hazards.

C. Fuel storage tanks and vents must be elevated above the Design Flood Elevation (DFE) and securely anchored;

Storage tanks may be placed underground if a qualified professional certifies the installation will be anchored and protected from flood forces.

D. 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. Shoreham has A2, but no AE, A1, or A3-A30 areas delineated.

E. Recreational vehicles, equipment, boat trailers, portable toilets, construction trailers, and other travel trailers shall:

1. Be currently registered, licensed, and ready for highway use; *or*
2. Be on site for fewer than 180 consecutive days; *or*
3. Meet the requirements for structures in §7.205, below.

F. Water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system.

G. 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.

H. On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.

I. 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 equilibrium.

J. 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.

K. Subdivisions and Planned Unit Developments shall be accessible by dry land access.

§7.205 Structural Standards

A. New or Substantially Improved structures shall have the lowest floor, including basement, elevated to or above the Design Flood Elevation (two feet above base flood elevation). This shall be documented in the proposed and as-built condition with a FEMA Elevation Certificate.

- B. New non-residential structures, and non-residential structures to be substantially improved, replaced, or that have incurred substantial damage shall:
 - 1. Meet the standards of §7.204, above; *or*
 - 2. Have the lowest floor, including basement, together with attendant utility and sanitary facilities, designed so that to at least 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;
 - 3. 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.
- C. Critical facilities to be substantially improved shall have the lowest floor, including basement, 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.
- D. Historic structures being substantially improved shall meet the requirements in this bylaw other than the lowest floor elevation.
- E. Fully enclosed areas below grade on all sides (including below grade crawlspaces and basements) are prohibited.
- F. Fully enclosed areas below the lowest floor, that are above grade, below the DFE, and subject to flooding, shall:
 - 1. be solely used for parking of vehicles, storage, or building access, and such a condition shall clearly be stated on any permits; and 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*
 - 2. 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*
 - 3. a small accessory structure of 500 square feet or less need not be elevated to the base flood elevation if adequate flood openings are provided, the structure is placed on the site so as to offer the minimum resistance to the flow of floodwaters, and the construction meets the criteria in §7.204 (B) above.

§7.300 DEVELOPMENT STANDARDS WITHIN THE FLOODWAY

- A. Within the Floodway new encroachments are prohibited except for the following, which also shall comply with §7.300 (B), below:
 - 1. changes to existing structures where the footprint is proposed to expand horizontally into the floodway less than 500 square feet;
 - 2. new encroachments relating to bridges, culverts, roads, stabilization projects, public utilities, functionally dependent uses, and river or floodplain restoration projects;
 - 3. new encroachments relating to health and safety measures, such as replacement of pre-existing on-site septic and water supply systems, if no other practicable alternative is available.
- B. Within the Floodway all proposed new encroachments are required to provide a hydraulic analysis, performed by a registered professional engineer, in accordance with standard engineering practice, certifying that the proposed development will:
 - 1. Not result in any increase in flood levels during the occurrence of the base flood;
 - 2. Not increase base flood velocities; and
 - 3. Not increase any risk to surrounding properties, facilities, or structures from erosion or flooding.
- C. For development that 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.

§7.400 OTHER PROVISIONS**§7.401 Precedence of these Flood Hazard Area & River Corridor Regulations**

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

§7.402 Validity and Severability

If any portion of this bylaw is held unconstitutional or invalid by a competent court, the remainder of this bylaw shall not be affected.

§7.403 Warning of Disclaimer of Liability

These provisions do not imply that land outside of the areas covered by this bylaw will be free from flood or erosion damages. These provisions shall not create liability on the part of the Town of Shoreham, or any municipal official or employee thereof, for any flood or erosion damages that result from reliance on this bylaw, or any administrative decision lawfully made hereunder.

§7.500 ADMINISTRATION**§7.501 Zoning Administrator (ZA)**

A ZA shall be appointed to administer these *Regulations* pursuant to 24 VSA §4448.

§7.502 Development Review Board (DRB)

A DRB shall be appointed by the Selectboard in accordance with §3.500(A). The DRB shall have the duties and responsibilities as described in §3.500 (B) and (C) and as otherwise required by these *Regulations*.

§7.503 Applications—All applications for development shall be submitted pursuant to §3.300 (Permit Application) and §3.502 (Hearing Application) and shall include:

- A. A site plan that depicts the proposed development including water, Flood Hazard Areas, and River Corridor boundaries; the shortest horizontal distance from the proposed development to the top of bank of any stream, 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.
- B. A copy of the ANR Permit Navigator Results Summary.

§7.504 Action and Referrals

- A. Within 30 days of receipt of a complete application the ZA shall follow the procedures in §3.300.
- B. Any application for a proposed Conditional Use, Variance, or Appeal shall be referred to the DRB pursuant to §3.300(B).
- C. Any application regarding New Construction, Substantial Improvement, development in a Floodway, development in a River Corridor, or a Variance shall be submitted by the ZA to the State National Flood Insurance Program (NFIP) Coordinator at the Vermont Agency of Natural Resources in accordance with 24 VSA §4424. A permit may be issued following receipt of comments from the Agency, or the expiration of 30 days from the date the application was mailed, certified, to the Agency, whichever is sooner.
- D. If the applicant is seeking a permit for the alteration or relocation of a watercourse, copies of the application shall be submitted by the ZA to the adjacent communities, the River Management Engineer at the Vermont Agency of Natural Resources, and the Army Corps of Engineers.

§7.505 Public Notice

- A. Prior to the issuance of a permit, proposals needing Conditional Use review, or consideration for a Variance or a ZA decision appeal, must have a warned public hearing. Public notice of the hearing shall be provided at least 15 days before the date of the hearing pursuant to §3.503.
- B. In any situation in which a variance is sought regarding setbacks from a state highway, written notification shall be sent to the Secretary of Transportation.
- C. The applicant shall bear the cost of the public warning and notification of adjoining landowners.

§7.506 Decisions

- A. Decisions on applications that go to the DRB for review shall be made pursuant to §3.504(C) and in accordance with 24 VSA §4464 including all findings of fact, conclusions, and conditions.
- B. The DRB shall consider comments from the ANR.
- C. No permit shall be issued by the ZA for any use or structure which requires the approval of the DRB until such approval has been obtained.

§7.507 Permits

- A. Where eligible, a permit shall be issued by the ZA pursuant to §3.201;
- B. Permits must state that all other necessary permits from state and federal agencies must be obtained before work may begin.
- C. Notice of permit shall be posted pursuant to §3.300(C). Appeals to be made within 15 days of permit issuance.
- D. A permit shall remain valid for one (1) year from the date it is issued as long as substantial development has been made; Conditional Use and Site Plan permits are valid for 2 years. The permittee may request a 1-year extension if needed.
- E. **Appealing a Permit Decision**—See §3.901 (ZA) and §3.902 (DRB)

§7.508 Variances

- A. Variances may be granted in writing by the DRB only in accordance with 44 CFR 60.6 and with all the criteria in §3.700(B), after a public hearing noticed in accordance with §3.503(A).
- B. Any variance issued in the Flood Hazard Area shall not increase flood heights and shall inform the applicant in writing over the signature of the DRB official that “*the approval 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 \$100 of coverage.*” Such notification shall be maintained with a record of all variance actions.

§7.509 Administrative Responsibilities

- A. **Records**—The ZA shall properly file and maintain a record of:
 1. All permits and supporting documents;
 2. A FEMA Elevation Certificate for any new, replacement or substantially improved buildings (not including accessory buildings) in the Flood Hazard Area;
 3. All floodproofing and other certifications required under this regulation; and,
 4. All decisions of the ZA and DRB (including those for Substantial Improvement, Substantial Damage, appeals, variances, and violations) and all supporting findings of fact, conclusions, and conditions.
 5. All Certificates of Occupancy, and receipts as required for the determination of Substantial Improvement.
- B. **Substantial Improvement and Substantial Damage Determinations**
 1. In the event of damage of any kind to a structure located within any Flood Hazard Area, the ZA shall determine if Substantial Damage occurred regardless of any intended repair at that time.
 2. In the review of any proposal for the repair or improvement of a structure located within any Flood Hazard Area District, the ZA shall determine if the proposal indicates Substantial Improvement.
 3. Substantial Improvement or Substantial Damage determinations shall be made in accordance with current FEMA and ANR guidance, or by a procedure meeting FEMA standards and established by the Town in accordance with 24 VSA §1972.
- C. **Certificate of Occupancy**—See §3.305 for application, also see *Article VIII*.
 1. A Certificate of Occupancy (CO) is required for any new or Substantially Improved primary structure permitted under the provisions of these *Flood Hazard Area and River Corridor Regulations*. It shall be unlawful to use or occupy any structure within the areas affected by this bylaw, until a CO is issued by the ZA in accordance with 24 VSA §4449 stating that the structure conforms to the requirements of these provisions.

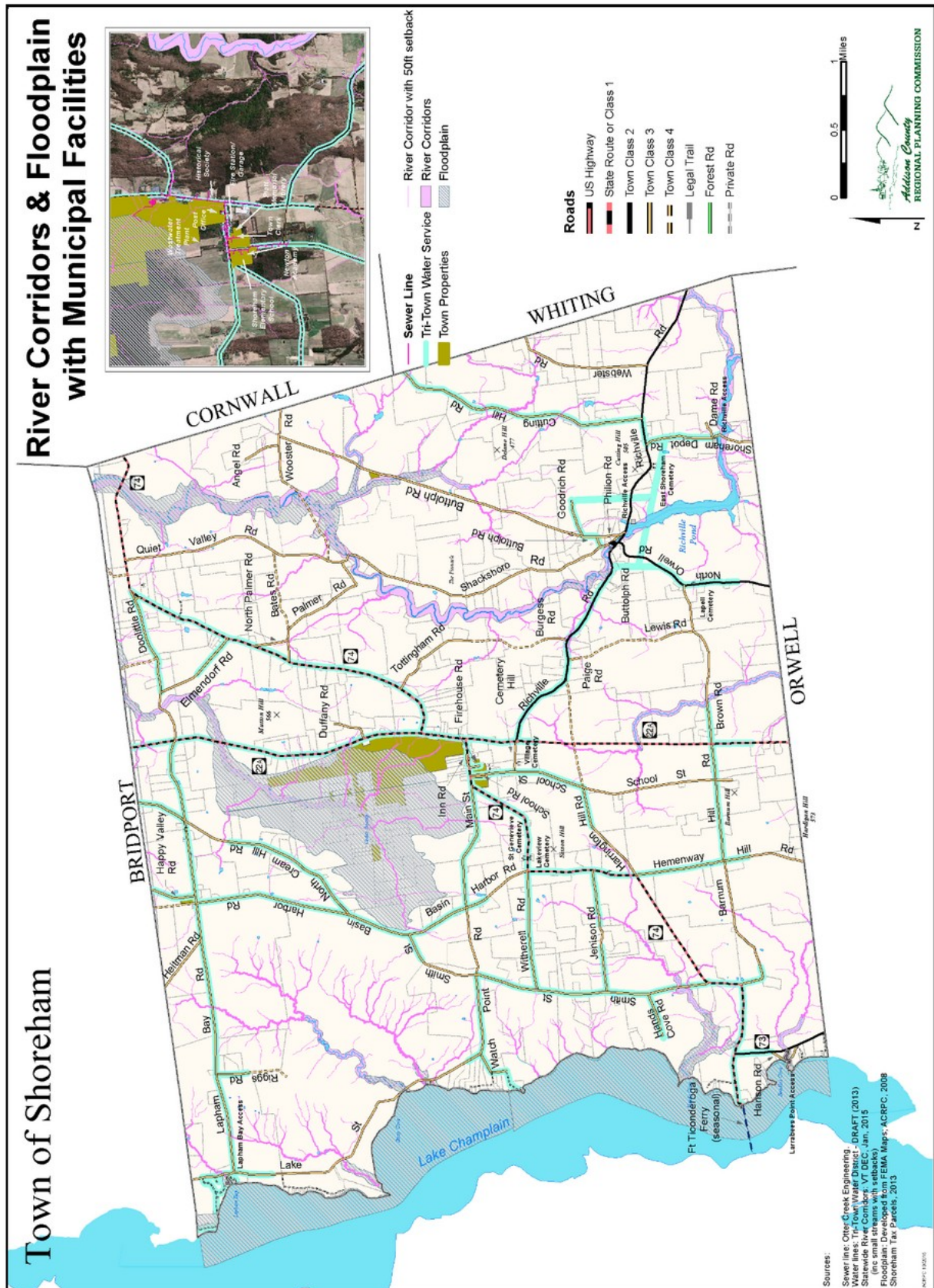
2. A Certificate of Occupancy is not required for structures that were built in compliance with the bylaws at the time of construction and have not been improved since the adoption of this bylaw.
3. Upon receipt of the application for a Certificate of Occupancy, the ZA shall review the permit conditions and inspect the premises to ensure that:
 - a. any required state and federal permits have been received,
 - b. all work has been completed in conformance with the zoning permit and associated approvals,
 - c. all required as-built documentation has been submitted to the ZA (e.g. updated FEMA Elevation Certificate, dry floodproofing certificate, as-built volumetric analysis, or as-built floodway encroachment analysis).
 - d. If a Certificate of Occupancy cannot be issued, notice will be sent to the owner, the lender, and the ANR.

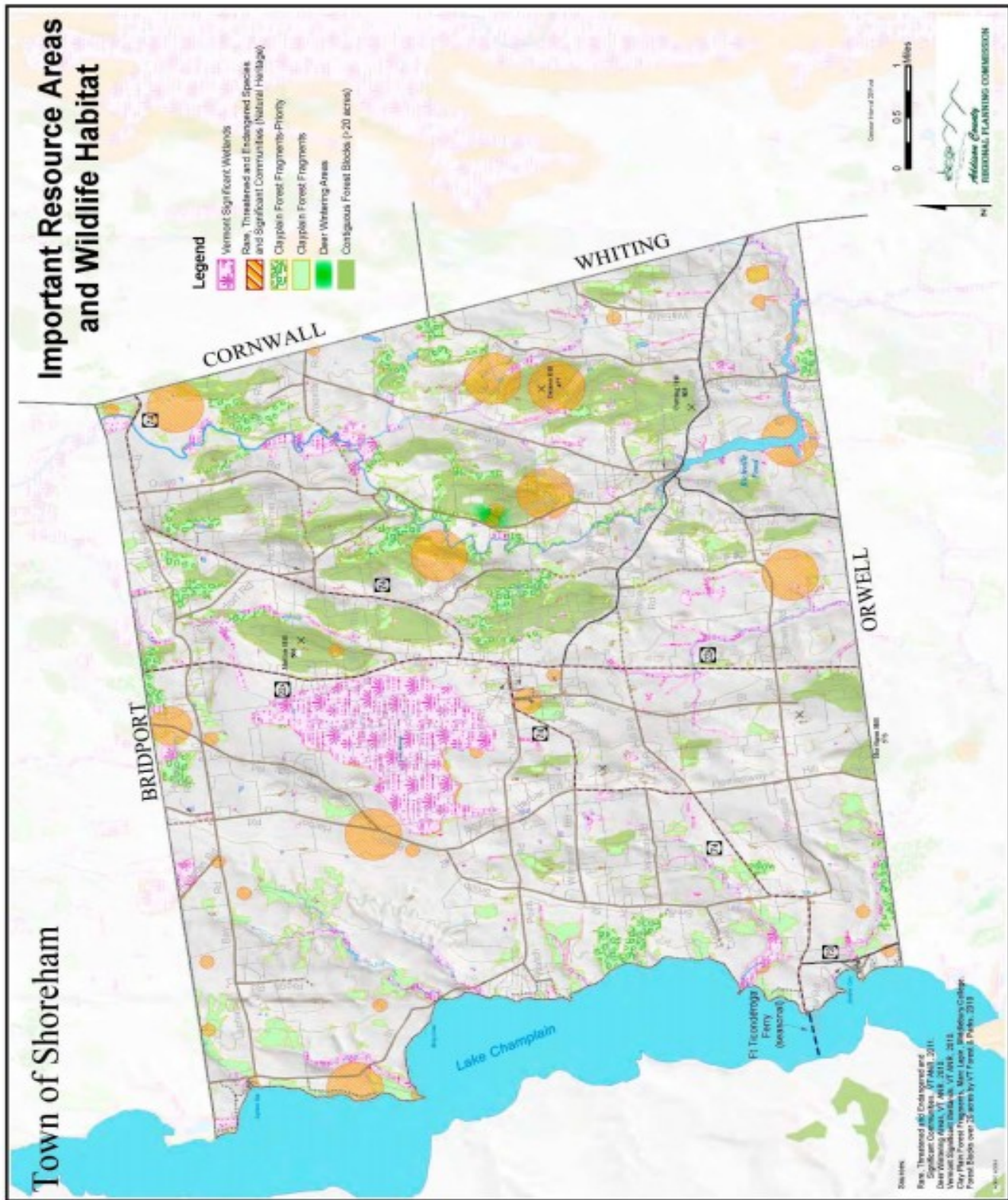
§7.510 Enforcement

- A. This bylaw shall be enforced in accordance with 24 VSA. §§1974(a), 4451, and 4452. All notices of violation shall be provided to the State NFIP Coordinator.
- B. No new flood insurance shall be provided for any property which the Federal Insurance Administrator finds has been declared to be in violation of local flood hazard area regulations. If any appeals have been resolved, but the violation remains, the ZA shall submit a declaration to the Administrator of the National Flood Insurance Program requesting a denial of flood insurance to the property pursuant to §1316 of the National Flood Insurance Act of 1968, as amended.⁰ New and renewal flood insurance shall be denied to a structure upon a finding by the Federal Insurance Administrator of a valid declaration of a violation.

§7.600 DEFINITIONS

Definitions have been incorporated into *Article VIII*. All definitions may be applicable, but those that came from the State's Flood Hazard document (this *Article, VII*) are identified by (*SFHA*) following the word being defined.





**FEMA Flood Hazard Areas
in Shoreham**



ARTICLE VIII. DEFINITIONS

§8.00 TERMS & USAGE

- A. Except where specifically defined herein, or otherwise clearly indicated by the context, all words and phrases in these *Regulations* shall carry their customary meanings, and be interpreted as follows:
1. The present tense includes the future tense;
 2. The singular includes the plural;
 3. The word “lot” includes “parcel” or “plot;”
 4. The word “structure” includes “building;”
 5. The word “shall” means mandatory, unless the Development Review Board deems otherwise in accordance with these *Regulations*; “should” and “may” are discretionary;
 6. The word “used” includes “occupied,” “maintained,” “arranged,” “designed,” or “intended;”
 7. The word “person” includes an individual, partnership, association, company, organization, or government entity;
 8. The words “street,” “road,” and “highway” are synonymous.
- B. The **Development Review Board** may clarify the precise meaning of any word used in these *Regulations*. In such cases the DRB shall base its ruling on the following definitions, State Statute, the context of the word or phrase, and the need for reasonable, consistent, and effective implementation of these *Regulations*. Words should be interpreted in their plain and ordinary meaning, as understood by any ordinary person.
- C. **National Flood Insurance Program definitions** contained in 44 CFR 59.1 are adopted by reference and shall be used to administer the *Special Flood Hazard Area Regulations* in Article VII of these *Unified Development Regulations*. The pertinent Flood Hazard definitions are in this Article (VIII).
- D. **Agriculture.** As these *Regulations* are concerned with land use, the definitions of “farm,” “farming,” “farm structure” as found in 10 VSA §6001(22) are adopted by reference and shall be used to administer these *Regulations* as applicable.
1. Additionally, the Required Agricultural Practices are also adopted by reference.
 2. Agricultural status determination may require substantiation by the Secretary of Agriculture in a ruling on the issue and confirming the agricultural status.
 3. Act 143 consolidated various agricultural practices as related to municipal zoning (e.g. Accessory On-Farm Businesses (AOFBs) in particular) and defined/clarified how and when Municipal Land Regulations and Zoning Permits apply to them. See the definitions below for *AOFB*, *Accessory On-Farm Business*, *Farm*, *Farming*, *Farm Dwellings*.
- E. **References.** As used in this Article, words in italics (as ...*Farm*, *Farm Dwellings*... above) refer to other definitions to be found in this Article. Use of the ‘section’ mark (§), also italicized and followed by a number, refers to the provision(s) having that number in *Articles I* through *VII* or *Vermont State Statutes Annotated*. Sometimes the references will be placed at the beginning of the definition, but usually at the end (depends on the structure of the paragraph it/they are in). If referencing something within the definition that is to be found elsewhere, the reference will usually be in parentheses “(§9.123)”.

§8.100 UNIFIED DEVELOPMENT REGULATION DEFINITIONS

ABANDON, ABANDONMENT: A residential building is defined as abandoned if it is uninhabitable for 24 months, unless there are legal circumstances that prevented it from being renovated. Other buildings meant for use will be deemed abandoned if lacking any major structural element customary to that building type, such as a roof, windows, water supply, etc. for more than a year, unless there are legal circumstances that prevent it from being renovated. A *nonconforming use* may be lost through abandonment.

A determination of abandonment requires both *an intent* on the part of the owner to relinquish the use (without reassignment to another party), and some *overt act* or failure to act which leads to the belief that the owner neither claims nor retains any interest in the subject of the abandonment. See §4.101

ABUTTING: Property is described as “abutting” on a street, road, etc, when it adjoins or is adjacent thereto, either in the sense of actually touching it or being separated by no more than a small and inconsiderable distance, but not when another lot, street, or any other such distance intervenes. Abutting land owners are the owners of abutting parcels whether the parcels are side-by-side, touching or not, or across a road. See *Adjacent, Adjoining, Contiguous*

ACCESS ROAD: A private road, right-of-way easement that provides access to one or more lots from a public road. See *Roads: private roads*.

ACCESSORY & SECONDARY DWELLINGS: A residential living unit, used as a 1-family/single housekeeping unit, with living quarters to include sleeping, food preparation area (ie “kitchen/kitchenette”), and full hygiene/sanitary facilities. The dwelling unit shall be on a parcel where the owner lives, may be a typical “stick-built” structure, an apartment, a modular home, a mobile home, or a “Tiny House”. A zoning permit is required. A single-family primary dwelling unit may have both an ADU and a Secondary Housing Unit if lot requirements can be met. Accessory dwellings are of 2 types:

1. **By-Right ADU (Accessory Dwelling Unit):** [§4.303] a dwelling unit permitted by Statute, consisting of a living space with sleeping, food preparation, sanitary/hygiene; living areas that do not exceed 30% of the total habitable floor space of the primary dwelling or 900sf, whichever is greater; and is appurtenant to the primary dwelling [§4.303(A)]. May be rented out or lived in by the property owner. If used as a rental, must be registered with the Town as such and shall be rented as a full-time/permanent residential unit or a short-term rental. If a short-term rental it shall follow Fire Marshal and Health Department regulations, have a State Rooms & Meals tax account, and a local rental certificate. Full-time residence rentals are subject to State landlord/tenant and permitting regulations.
2. **Secondary Housing Unit:** a dwelling unit that exceeds the size limitation of a By-Right ADU but shall not exceed 75% of the total habitable floor space or 2200sf, which ever is less [§4.303(B)]. The structure does not have to be appurtenant to the primary unit. May be rented out or lived in by the owner. Secondary housing units shall be one-family dwellings. If used as a rental, must be registered with the Town and shall be used as a full-time/permanent residential unit, or may be a short-term rental for a term of no fewer than 14 consecutive days per rental session. If a short-term rental it shall follow Fire Marshal and Health Department regulations, have a State Rooms & Meals tax account, and a local rental certificate. Full-time residence rentals are subject to State landlord/tenant and permitting regulations.

ACCESSORY ON-FARM BUSINESS (AOFB): See *Farm—Accessory On-Farm Business*, and §4.302

ACCESSORY STRUCTURE: A structure that is customarily incidental and subordinate to the principal structure or use, is not a dwelling, and is located on the same lot. A Zoning Permit is required.

ACCESSORY USE: A use customarily incidental and subordinate to the principal use and located on the same lot.

ACT: The Vermont Municipal and Regional Planning and Development Act [24VSA, Chapter 117], unless otherwise specified.

ADAPTIVE REUSE: The rehabbing of a barn, silo or similar farm structure for district uses or additional uses not generally allowed in the district [§4.303]. The intent is preservation of old farm structures. The structure must be at least 50 years old. Conditional Use review is required. See *Change of Use*.

ADJACENT: Lying near or close to. The difference between adjacent and adjoining is that “adjacent” implies that the two objects are not widely separated, though they may not actually touch.

ADJOINING: The word “adjoining,” imports that two items are so joined or united to each other that no third item intervenes, as distinguished from lying near to or adjacent. The same meaning has been given to it when used in statutes. See *Abutting, Adjacent, Contiguous*

ADMINISTRATIVE REVIEW: the process by which the Zoning Administrator determines whether to approve, deny, or refer any land-use application [§3.101]. Specific authority has been granted to the ZA to use Administrative Review for Boundary Adjustments, Minor Subdivisions, previously approved permit amendments, non-substantive amendments to previous DRB approvals, and more as noted in the *Regulations*.

AFFORDABLE HOUSING: Also see *Mixed Income Housing, Workforce Housing*,. “A housing development of which at least 20 percent of the units or a minimum of five units, whichever is greater, are affordable housing units. Affordable units shall be subject to covenants or restrictions that preserve their affordability for a minimum of 15 years or longer as provided in municipal bylaws.” [24 VSA §4303] Housing priced such that the total cost of the housing, including principal, interest taxes and insurance and condominium association fees, if owned housing, **or** the total cost of the housing, including rent, utilities, and condominium association fees if rental housing, is not more than 30% of the gross annual income of an owner household earning not more than 120% or a renter household not more than 80% of the highest of the following:

1. the county median income, as defined by HUD or
- 2 the standard metropolitan statistical area median income if the municipality is located in such an area, as defined by HUD or
3. the statewide median income, as defined by HUD

AGRICULTURAL: A land use involving farming, orcharding, livestock raising, maple sugaring, or other vegetable/forestry/livestock uses that fall under the definition of farming in 10 VSA §6001 and the Required Agricultural Practices regulations. Agricultural endeavors do not typically require municipal permits unless an Accessory On-Farm Business or a dwelling. Proof of farm status from the Department of Agriculture may be required. The primary use of a parcel defines it as an agricultural (or, as applicable, a commercial, or residential) parcel. See *Farm, Accessory On-Farm Business, Farm Labor Housing, Required Agricultural Practices*.

AGRICULTURAL PROCESSING: The storage, assembly, processing, packaging, distribution and sale, on or off premises, of agricultural products. Conditional Use approval and a Zoning Permit may be required.

AGRICULTURE/SILVICULTURE: Land or structure primarily used for raising livestock, growing or storing agricultural or forest products, storing agricultural equipment, or as an accessory use, selling agricultural products produced on the premises. See also *Required Agricultural Practices, Forestry, Silviculture*.

AIRCRAFT LANDING STRIP: A designated aircraft landing area set aside for the sole use of the property owner, residents of the property, or invited guests; commercial aviation or related activities are specifically excluded [§4.304]. Conditional Use approval and a Zoning Permit are required.

ALTERATION: Structural change, rearrangement, change of location, or addition to a building. A zoning permit is required.

ANTENNA: An array of wires, tubing, or the like used for the transmission and reception of radio waves.

ANTENNA STRUCTURE, ANTENNA TOWER: Free-standing structure on which an antenna is mounted. Conditional Use approval and a Zoning Permit are required. See *Tower*.

APPEAL PERIOD: A statute of limitations setting forth the maximum time after a decision by the ZA or DRB that legal proceedings based on that decision may be initiated. Once the time allowed for an appeal runs out, any further litigation is foreclosed. See §3.201(I) and §3.900

APPLICANT, AUTHORITY TO ACT: The applicant shall prove authority to seek approval of the subject project by referencing the documents in the land records of the Town evidencing ownership of the property, or by providing an instrument signed by the owner of the property authorizing the applicant to proceed with the application. Civil courts have jurisdiction over property disputes between landowners and the DRB will not hear evidence regarding such disputes.

APPURTENANT: Attached to, or belongs to, a building or piece of land in such a manner that it is part of the property, such as a barn, an apartment, a yard. The appurtenant thing, or “appurtenance,” is less important and of lesser value than the property to which it belongs or is attached and is located close to the building it is appurtenant to (e.g. 30’). Because an appurtenance is considered part of the property, it passes to a new owner upon sale or other transfer of the property.

ASSISTED LIVING FACILITY: Residential living facilities for adults who cannot or who choose not to live independently [§4.325]. The setting is similar to, and often used synonymously with, a retirement home in the sense that facilities provide a group living environment and typically cater to an older adult population. Residents of Assisted Living Facilities may require a more intense level of daily assistance than those in a retirement community. See *Retirement Facility, Senior Living*

ASSOCIATED TRANSPORTATION AND UTILITY NETWORKS: *[SFHA]* 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: *[SFHA]* 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): *[SFHA]* is the elevation of the water surface elevation 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: *[SFHA]* Story partly or completely underground. A basement shall be counted as a story if the vertical distance between the basement ceiling and the average grade level of the adjoining ground is more than 6 feet. *For the purposes of administering flood hazard provisions* of these *Regulations*, a basement shall mean any area of a building having its floor sub-grade (below ground level) on all sides and includes crawl-spaces.

BED & BREAKFAST (B&B): A single-family, owner-occupied dwelling in which the resident owner provides lodging for transient, vacationing, traveling guests for compensation, generally on a 1 or 2 night basis, but sometimes longer. Rental rooms number fewer than 6. Lodgers may be served meals, generally limited to breakfasts or brunches, but meals shall not be provided for the general public. Site Plan Review and a Rental Registration Certificate are required. See also: *Guest House, Inn, Lodging, Long-term, Short-term, Transient/Overnight Lodging*.

BIANCHI SITUATIONS: Although not subject to enforcement action pursuant to *Article II*, uses, structures, and lots which are deemed to be controlled by the *Bianchi* decision, and the subsequent enactment of *24 VSA §4454*, shall be considered violations that are not legal to any extent and shall in no event be granted the consideration or allowances of nonconforming structures, uses, and lots as described in *§4.109* of these *Regulations*. Thus, no change, alteration, enlargement, reestablishment after discontinuance for more than sixty (60) days, or reconstruction after an occurrence or event which destroys at least 50% of the structure in the judgment of the ZA shall be permitted, other than to a conforming use, structure, or lot. See *Legally Existing, Nonconforming*.

BIO-MASS: Biological material derived from living, or recently living organisms, such as wood, waste, and alcohol fuels. Biomass is commonly plant matter processed to generate electricity, heat, or for use as fuel.

BOARDING HOUSE: An owner-occupied single family dwelling with one common kitchen facility, that provides lodging for not more than 8 people on a long-term (greater than 30-day) non-transient basis for compensation, and where meals may be provided to boarders in a common dining room. Meals are not provided to the general public. Site Plan Review and a Rental Registration Certificate required.

BOUNDARY LINE ADJUSTMENT (BLA): A minor subdivision between abutters which creates no new lots, does not create or increase any nonconformities for either lot or the improvements thereon, and has no impact on roads or other public facilities. A boundary line adjustment meeting these criteria may be approved by the ZA through Administrative Review. A Zoning Permit is required. See *Subdivision*.

BUFFERS: Buffers are areas of land or open space between a land use and an area to be protected. A buffer may be a landscaped area, an earthen berm, or other similar protection area that remains undeveloped. Buffers are required for protecting wetlands, river corridors, residential areas from commercial areas, buildings from traffic on roads, and similar situations. The DRB has discretionary authority to decide the need, unless there is a State regulation superseding.

BUILDING: Structure having a roof supported by columns or walls and intended for the shelter or enclosure of persons, animals, or personal property. Includes any carport, porch, or steps covered overhead. See also *Structure*.

BUILDING AREA: Total building area, taken on a horizontal plane at the main finished grade level, of the principal building and all accessory buildings. Excludes a solar collection device or related apparatus that is not part of the floor area of a building (the area where a ground mounted personal solar array is located is not included in the ‘building area’).

BUILDING ENVELOPE: A specific area delineated on a lot within which all structures are to be located, and outside of which no structures may be located, generally the area bounded by the lot setbacks. Subdivisions and PUDs have *Development Envelopes*, which see.

BUILDING HEIGHT: The vertical distance measured from the average elevation of the proposed finished grade (as determined from the highest and lowest elevation to the highest point of the structure, excluding the chimney [§4.107]). See also *Finished Grade*.

BY-RIGHT USE: See *Permitted Use (By-right)*, *Conditional Use*.

CAMPER: Any motorized or unmotorized vehicle mounted on wheels and designed to be used as a recreational, portable conveyance with living quarters suitable for temporary living (to include sewage/wastewater tanks). Campers may not be connected to public power grids or residential/municipal septic or water systems, nor converted for use as full-time dwellings. This includes travel trailers, recreational vehicles, and a camper body mounted on a truck, and Tiny Homes on wheels. Mobile homes are excluded. Tiny Homes are excluded if wheels are removed and they are mounted on a permanent foundation [§4.305]. See also *Mobile Home*, *Tiny Home*.

CAMPGROUND/RV PARK: Any tract or parcel of land occupied, for compensation, by more than 2 campers, tents, cabins, or other types of accommodations for vacation or recreational purposes [§4.306]. Includes RV parks, Hipcamp rentals, AirBnB-type campgrounds., etc. Conditional Use Review and a Zoning Permit are required.

CBES: See *Commercial Building Energy Standards*.

CEMETERY: Land used or dedicated to the burial of the dead, to include individual monuments and, as accessory structures, mausoleums, columbariums, chapels or maintenance facilities. Crematoriums are specifically excluded from this definition. An individual burial on private land, registered with the Town Clerk in accordance with State law, is specifically exempted from these *Regulations*.

CERTIFICATE OF COMPLIANCE: Issued by the ZA (may be used in conjunction with an attorney's Title Search) to certify that there are no on-going, current, or pending municipal land-use enforcement procedures. Often called for by banks or other finance agencies when financing or re-financing a parcel or home, and by real estate agencies when a parcel is being sold.

CERTIFICATE OF OCCUPANCY: At this time (2023) Shoreham does not require Certificates of Occupancy for municipal purposes. In accordance with the Act [§4449], a Certificate of Occupancy (CO) shall be required prior to the use or occupancy of any land or structure, or part thereof, within the SFHA, for which a zoning permit has been issued. A Certificate of Occupancy shall be issued if required by a financial lending institution, required in conjunction with a State permit or license, or other similar non-municipal requirement or regulation.

CESSATION: Temporary or complete stopping or discontinuance of action, activity, or use of any kind. The ZA may deem a use to have ceased if the traffic, equipment, building(s), employees, or other indications of the use are no longer apparent. The burden of proof that cessation has not occurred lies with the owner.

CHANGE OF USE: Any alteration in the scale, intensity, type of activity, hours of operation, or physical setting of a use. Examples include, but are not limited to, change from a lumber mill to a lumber retail operation, addition of seating to a restaurant, additional exterior storage of materials, increase in number of employees, change from seasonal to year-round, change from single-family to 2 or more families, etc.

CHANNEL: [SFHA] means an area that contains continuously or periodic flowing water that is confined by banks and a streambed.

CHARACTER OF THE AREA/NEIGHBORHOOD: The distinctive traits, qualities or attributes of a particular area, as well as the area's overall appearance, settlement pattern, predominant land uses, and sense of community, as defined by the purpose(s) of the district in which a project is proposed or located. Also stated policies and standards for the area in the *Town Plan*.

CHILD CARE FACILITY: Vermont's Department of Children and Families, Child Development Division licenses 2 types of child care facilities both of which provide developmentally appropriate care, education, protection, and supervision designed to ensure wholesome growth and educational experiences for children outside of their own homes for periods of less than 24 hours. Both programs are operated as a business or service on a regular or continuous basis whether for compensation or not, with care services

provided by someone not the child's own parent, guardian, or relative. See §4.307 *Child Care Facility*

a. Center Based Child Care and Preschool Program

b. Afterschool Child Care Program.

c. Family Child Care Home

- Registered—licensed to serve children as specified in the rules of the *VT Licensed and Registered Family Child Care Homes*; or
- Licensed—licensed to serve children as specified in the rules in of the above Family Child Care Homes regulations.

CLINIC (Medical): A nonresidential, office building used by members of the medical profession for the diagnosis and outpatient treatment of human ailments. Conditional Use approval and a Zoning Permit are required.

CLUB: A not-for-profit organization that caters exclusively to club members and their guests for recreational, educational, or service purposes. Conditional Use Review and a Zoning Permit are required.

CO-GENERATION: (or CHP, combined heat and power) a generator that sequentially produces both electric power and thermal energy from a single source or fuel.

COMBINED REVIEW: A type of hearing in which several separate uses are reviewed at the same time. Each use is reviewed according to the standards relevant to it and a decision made as to its approval or denial. If approved, Conditions may be imposed as deemed necessary. When all are reviewed, the various decisions and conditions will be consolidated into one Decision with one set of Conditions that have resolved any potential conflicts among the individual Decisions and Conditions. This review may take longer, but will be less expensive, more efficient, and take less time overall than having separate hearings for each proposed use. This is particularly well suited for Mixed-Use applications (residential plus commercial uses, land divisions plus use applications, multiple commercial use applications, etc).

COMMERCIAL: Concerned with or engaged in commerce; an activity, use, property, or structure for profit or non-profit business purposes; an income-producing endeavor with a goal of producing non-hobby income [§4.103]. The primary use of a parcel defines it as a commercial (or, as applicable, a residential, mixed-use, or agricultural) parcel.

COMMERCIAL BUILDING ENERGY STANDARDS (CBES): Vermont energy standards for the construction of new commercial buildings and additions to existing commercial buildings. These standards are required by the State, all builders (including do-it-yourselfers) should know what they are and comply with them.

COMMON PLAN OF DEVELOPMENT: [SFHA] 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.

COMMUNITY FACILITY: A meeting hall, place of assembly, museum, art gallery, library, uncertified school, or other similar type of establishment which is not operated primarily for profit, excluding government facilities. Conditional Use approval and a Zoning Permit are required. See also *Government Facility, Public Facility, Religious Facility*.

COMPENSATORY STORAGE: [SFHA] means a volume not previously used for flood storage and which shall be incrementally equal to or exceed 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.

CONDITIONAL USE: A conditional use is a zoning exception that allows property owners to use land in a way that is not typically permitted within the particular zoning district. A conditional use may be approved by the DRB only after a public hearing to determine whether the proposed use will conform to Conditional Use General Standards [§5.105], applicable General, Performance, and Specific Use Standards (*Article IV*), and Site Plan [§5.200] Standards as set forth or referred to in these *Regulations*. A Conditional Use shall also be evaluated in relation to both the existing character of a district, the desired or planned character (and pattern of development) of a particular area or neighborhood, and the intent of the Town

Plan. Evaluation of compliance with Site Plan Standards may be waived by the DRB. If approved, the DRB will grant approval and may attach Conditions to the use as it deems appropriate. A zoning permit is required. See also *Permitted Use (By-right)*, *Site Plan Review*.

CONSTRUCTION TRAILER: *[SFHA]* 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.

CONTIGUOUS LAND: In rural areas, a Right-of-Way (ROW) often separates principal from accessory uses or structures serving the same property (e.g., a barn or garage on the other side of the road from the house). Such properties often continue to function and are used in an ordinary manner as a single lot. See *A butting, Adjacent, Adjoining, Right-of-Way*.

1. Where one or more existing Class 1 or Class 2 town road rights-of-way bisect an existing parcel, the right(s)-of-way *may* be considered a boundary dividing the parcel into two or more lots only if all portions of the parcel divided by the right(s)-of-way meet the minimum lot size requirement for the district within which they are located.
2. A parcel bisected by any road ROW shall be considered one contiguous parcel as long as it functions as and remains used, “in an ordinary manner,” as a single lot. The bisecting ROW shall not be considered a dividing boundary unless/until the parcel is subdivided into 2 or more lots, the ROW serving as a boundary to one or more.
3. Where one or more existing Class 3 or Class 4 town roads, a driveway, a private access road, or other type of easement bisect an existing parcel, the road/drive/easement shall not be considered a boundary dividing the parcel into separate lots.

CONTRACTOR’S YARD: “Contractor” means a person who agrees to furnish materials or perform services at a specified price, especially for construction. The term contractor shall include, but not be limited to, building, landscaping, hauling, excavation, or demolition contractors. A “contractor’s yard” means any area of land used by a contractor for storage, maintenance, or processing incidental to the business of the above listed activities and including the incidental repair of machinery used for any of those activities. The project review will determine if the size and scale of the proposed business fits the character of the area for which it is proposed. Conditional Use approval required.

COVENANTS: Conditions in a contract such as a deed or lease, nonperformance or violation of which gives rise to a cause of action for breach. In conveyancing, usually used to lay out legal responsibilities and obligations between buyer and seller, or as part of an HOA. Examples of common covenants in property law include conditions not to build a fence or agreements to maintain a shared driveway. Deed covenants are typically restrictive (prohibiting the grantee from certain specified uses) and run with the land.

DAY: As used in these *Regulations*, “day” means calendar day unless otherwise specified. Calendar days are sequential days and include Saturdays, Sundays, and holidays. Business or working days include Mondays through Fridays and exclude Saturdays, Sundays, and holidays. See *Time, Computation of*.

DAY CARE FACILITY: A child care /day care facility means a child care facility that provides care on a regular basis in the caregiver’s own residence for not more than 10 children at any one time (except during vacations or other no-school days). Of this number, up to six children may be provided care on a full-time basis and the remainder on a part-time basis. *[33 VSA 3511 (7)]* Part-time basis means care of a school-age child for not more than 4 hours a day. Any State licensed or registered child care facility that provides day care services, for profit or otherwise *[§4.307]* is included. A facility serving 6 or fewer full-time children and up to 4 part-time children is a by-right use allowed wherever single- or two-family homes are permitted; a zoning application is required. If more than 6 full-time & 4 part-time children (10 children total) are served, a Site Plan Review may be required. See *Child Care Facility*.

DEEMED APPROVAL, REMEDY OF: The Vermont Supreme Court has made it clear that deemed approval is only applied to remedy deliberate or negligent failure of a board or other authorizing entity to

render a decision. If a decision is not made within statutory deadlines following an application submission to the ZA or the close of a DRB hearing, the application is “deemed approved.” However, an applicant can effectuate the “deemed approval” remedy only by filing an appeal of a ZA inaction/decision with the DRB or by filing an appeal of a DRB inaction/decision with the next higher authority, the Environmental Court. [*In re Ashline*, 175 Vt. 203, 820 A.2d 579 (2003)]. An applicant must appeal the decision, or lack thereof, to the next higher authority in order to avail himself or herself of the deemed approval remedy. The DRB or Environmental Court must uphold the applicant's claim of deemed approved and approve the project in order for the applicant to move forward. Once approval is issued, the ZA can issue the necessary permit.

DENSITY: A zoning term used to configure the required acreage per dwelling unit in a given-sized area. Usually density refers to *building* density, the number of dwellings per one acre. Population density is usually too variable to use in figuring zoning density. A 10-acre subdivision with 30 homes would have a building density of 3 units/acre. A development of 5 acres in a district having a required minimum lot size of .2-acre per unit could have 25 dwelling units. Generally 1 dwelling unit counts as 1 density unit. However, ADUs are not counted as separate units when dealing with density issues. A single family home plus ADU counts as 1 density unit, not 2; a boarding house or an inn count as the total number of separate living/rental quarters in the building, including the owner's quarters (a 12 room inn on an owner occupied lot would have a density of 13-units).

In municipal areas served by both municipal water and municipal wastewater facilities, the density is set by the State at a minimum of 5 dwelling units per acre. The maximum number may be set by the municipality. If the municipality sets a maximum, care must be taken in determining the types of dwelling structures allowed per the density maximum.

A one acre lot subject to the 5 unit minimum density would have a density of 1 unit per .2 acres:

- 5 single-family units on five .2-acre lots would have a 5unit/acre density;
- 1 single-family unit (.2 acre) and 2 duplexes (on .8-acre [4 x .2-acre]) would have a 5/acre density;
- 1 duplex (.4-acre [2 x .2-acre]) and a 3 unit multi-family (.6-acre [3 x .2-acre]) would have a 5-unit per acre density;
- 1 single (.2-acre) and one 3-unit multi (.6-acre) would not meet the minimum density requirements as there would be only 4 units on that 1 acre lot.
- 1 duplex (.4-acre) and one 4-unit multi (on .6) have too many units (6) on the (.4 + .6=)1 acre.

DESIGN FLOOD ELEVATION (DFE) [*SFHA*] in the Town of Shoreham means the Base Flood Elevation plus two feet.

DESIGNATED CENTER [*SFHA*] means a downtown, village center, new town center, growth center, or neighborhood development area designated pursuant to 24 VSA chapter 76A.

DEVELOPMENT: “Development” is often used synonymously with “subdivision” particularly in reference to a multi-lot, multi-unit complex. In the SFHA, *Development* means any human-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations, or storage of equipment or materials. Also see *Land Development*, *Subdivision* below.

DEVELOPMENT ENVELOPE: A specific area of a PUD or subdivision development complex, as delineated on a plat, within which new lots, structures, parking and loading areas and infrastructure shall be located. A PUD development envelope shall comply with the relevant provisions of §6.600 or as deemed appropriate by the DRB, and shall be a single, contiguous area unless otherwise approved by the DRB in accordance with §6.503(B)(2)(b) of these *Regulations*. See *Building Envelope*.

DEVELOPMENT POTENTIAL: The development potential of each parcel refers to the amount of subdivision potential in each parcel, based upon the location and size allocation from the Tax Map and the standards of the district wherein the parcel lies. This definition refers specifically to PUDs, but may be used elsewhere as applicable.

DEVELOPMENT REVIEW BOARD: also referred to as *DRB*. [§3.500]

DISASTER SHELTER: A temporary shelter set up under local or State Emergency Management regulations, generally under the auspices of the Red Cross, to provide sheltering, food, hygiene services to people displaced by a natural or man-made disaster. See also *Emergency Housing Shelter*.

DUPLEX: One residential building having two dwelling units, but neither unit is an accessory dwelling unit (ADU). The building owner may or may not occupy one of the units. However a duplex can not have an ADU included or appurtenant to either unit as neither is a single-family structure. A duplex shall not be used as a Secondary Housing Unit. See *Dwelling, Two-Family; Accessory Dwelling*

DWELLING UNIT: A building or part thereof used as living quarters for one family. The terms “dwelling,” “single-family dwelling,” “two-family dwelling,” and “multi-family” shall not include a public lodging facility (eg: guest house, hotel, motel, inn), or B&Bs, but may include a private guest house, or a boarding house or group home, providing living accommodations for long-term residents. See also *Boarding House, Family, Guest House, Group Home, Long-term Rental*.

DWELLING, SINGLE-FAMILY: Detached building used as living quarters by one family. A Zoning Permit is required for new construction.. See *Family, Single Housekeeping Unit*.

DWELLING, TWO-FAMILY: “Duplex” building used as living quarters by two families living independently of each other on one lot. Owner occupancy is not required. For purposes of these *Regulations* a single-family structure with an attached accessory dwelling apartment (ADU) shall not be considered a duplex provided the owner occupies one of the units. A Zoning Permit is required for a new building; Change of Use permit is required to convert a single-family dwelling to a duplex. For density purposes, a 2-family duplex counts as 2 dwelling units. See *Family*.

DWELLING, MULTI-FAMILY: A building used as living quarters by 3 or more families, in separate dwelling units; includes apartments and condominiums. A rented bedroom occupied by same resident, who is not related to any other resident of the dwelling, for more than 30 consecutive days is considered long-term and is included under this definition. Multi-family dwellings are of 2 basic types: (A) 3 or 4 families or (B) 5 or more families. Subject to Conditional Use Review (Type B structures), Site Plan Review (Type A structures), Change of Use permit, as applicable. Four-unit multi-family Type A structures (not Type A Mobile Home Parks) are by-right dwellings in any area served by municipal water and wastewater services. See also *Family, Long-term Rental, Permanent/Residential Rental, Agricultural Housing, Group Home*.

EASEMENT: The right to use another person's land for a stated purpose. It can involve a broad part of the property or only a certain portion. The landowner who grants an easement can't build structures within a prescribed area surrounding it, and they also can't use fencing to hinder access. Any activity that blocks the use of the easement is prohibited. See *Right-of Way (ROW)*

EMERGENCY HOUSING SHELTER: Any permanent facility, the primary purpose of which is to provide a temporary shelter to the homeless in general or for specific populations of the homeless, and which does not require occupants to sign leases or occupancy agreements. Does not include a temporarily set up disaster or similar shelter.

ENCROACHMENT: [SFHA] means fill or development that reduces the functional river corridor (impairs the equilibrium condition) or increases flood levels.

EQUILIBRIUM CONDITION: [SFHA] 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.

EXCEPTED USES: Uses specified by the State that are subject only to certain specified provisions and are excepted from the other provisions of the district wherein located or the use proposed. Permits are required. See §3.204

EXEMPT USES: Uses that the municipality has decided are allowed without need of permits as they have de minimis impact on the area wherein located (e.g. dog houses, decks, home offices). Also certain State uses exempt from local permits (e.g. power utilities, agricultural uses, SFHA). Applications are required for many so the ZA can confirm the permit exemption and that district requirements are met. See §§3.203, 7.102(A), 7.203(B)

EXTRACTION: A land-use that involves the removal of surface and subsurface materials, including topsoil, sand, gravel, stone and other similar materials, for private use or commercial purposes. This use may include blasting, crushing, sorting, screening, and temporary storage of materials on site [§4.309]. Specifically excluded from this definition are grading and excavation activities which are incidental

to an approved development, Required Agricultural and Silvicultural (forestry) Practices, and road and utility construction and maintenance. See also *Quarrying*.

FALL-RADIUS: The radius from the base of a pole or tower in the center of a circle to the circle's perimeter, within which there shall be no dwellings, power lines, or gas tanks/pipe lines that would be impacted by the fall of the pole or tower. The total length of the fall-radius shall be equal to the height of the pole or tower, plus any antenna at the top, plus an additional 10' or 10%, whichever is greater.

FAMILY: One or more persons usually but not always related by blood, marriage, adoption, or civil arrangements, living, sleeping, cooking, and eating together, as a single housekeeping unit, on the same premises. See *Single Housekeeping Unit*.

FARM: A parcel devoted primarily to farming and subject to the Required Agricultural Practices (RAP) rules as defined in *10 VSA §6001*.

FARM LABOR HOUSING: Agricultural housing that is intended solely to house farm workers and their families, or seasonal or migrant agricultural workers, and is therefore accessory to the principal agricultural use of a property [*§4.311*]. A Zoning Permit is required. See *Dwelling, Multi-Family*

FARMING, FARM STRUCTURES: Farm structure means a building or enclosure for housing livestock, raising horticultural or agronomic plants, or carrying out other practices associated with Required Agricultural Practices, including a silo, as "farming" is defined in *10 VSA §6001(22)*, but excluding a dwelling for human habitation, Accessory On-Farm Businesses structures, and other structures determined to be not solely agricultural.

FARM: ACCESSORY ON-FARM BUSINESS: Accessory On-Farm Business (AOFB *§4.302*) is defined by Statute as a business focused on "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." See *Farm—Principally Produced, Farm—Qualifying Products, Required Agricultural Practices*; Municipal regulations may apply if the business consists of any or all of the following:

1. **Farm shops/stores** featuring the 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 farm events** that feature agricultural practices or qualifying products, or both (such as tours, classes, weddings or other social events which feature qualifying products).
3. **Farm-stays** are paid overnight accommodations for the purpose of participating in educational, recreational, or social events on the farm. Guests are provided the opportunity, and are expected to participate in the chores and other on-farm related agricultural activities.
4. **Farm tasting rooms, cafes** featuring principally produced qualifying products .

An Accessory On-Farm Business must be at the same location as the farm, and the farm must fall under RAP regulations. The business must be operated by the farm owner, someone residing on the farm, or a lessee of a portion of the farm. An Accessory On-Farm Business may be located in a new or existing structure on the farm. A Site Plan Review, Performance Standards, and Zoning Permit are required.

FARM—QUALIFYING PRODUCTS: As defined by Statute [*24 VSA §412 (11)(A)(iv)*], qualifying products are those wholly grown, raised, or produced on a farm or manufactured on-farm from such products. This includes all agricultural, horticultural, and viticultural commodities. The farm need not be the same farm or AOFB where the products are sold. 50% or more of an AOFB's annual sales must come from the sale of its own qualifying products.

FARM—REQUIRED AGRICULTURAL PRACTICES (RAPs): See *Required Agricultural Practices*.

FEMA: Federal Emergency Management Agency.

FENCE: Structure used primarily for enclosure or screening.

FILL [*SFHA*] 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.

VIII. DEFINITIONS

FINISHED GRADE: Completed surfaces of ground, lawn, walks, paved areas and roads built as shown on permitted plans.

FIRM: see *Flood Insurance Rate Map*. Full maps available to review at the Town Office.

FLOOD, FLOODING: [SFHA] A temporary and general condition involving inundation of normally dry land. See *Article VII*.

FLOOD HAZARD : [SFHA] means those hazards related to damage from flood-related inundation or erosion.

FLOOD INSURANCE RATE MAP (FIRM): [SFHA] An official map of the Town of Shoreham, issued by the Federal Insurance Administrator, on which both the areas of Special Flood Hazard and risk premium zones applicable to the community have been delineated. See *Article VII*.

FLOOD INSURANCE STUDY (FIS) [SFHA] 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.

FLOODPROOFING: [SFHA] 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: [SFHA] 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 surface water elevation more than one (1) foot. See §7.206

FLOODPROOFED, FLOODPROOFING: [SFHA] Any combination of structural and non-structural additions, changes, or adjustments to structures that reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures, and their contents. See *Article VII*

FLOOR AREA: Sum of the gross horizontal area of the floors of a building, excluding basement floor areas. All dimensions shall be measured between interior faces of walls. See *Footprint*.

FOOTPRINT: Measurement of the length x width of a structure as set on the ground. Also, the length x width of a drive, parking space(s), or other man-made ground covering object. Typically used in assessing the coverage of a lot. See *Lot Coverage*.

FORESTRY: The use and management of timberland for purposes of wood production and/or conservation purposes, including the use of temporary, portable logging and processing equipment. Forestry is regulated by the State and, generally, is exempt from municipal permitting. This definition specifically excludes lumberyards, permanent or portable sawmills, and other similar facilities for the storage, processing, and/or manufacturing of wood and wood products. See also *Required Agricultural Practices, Sawmill, Silviculture, Wood Processing*.

FRONTAGE: See *Lot Frontage*

GASOLINE STATION: A lot or area of land, including the buildings thereon, which is used for the sale of motor vehicle fuels and lubricants [§4.313]. A convenience store within or connected to the gasoline station must be separately permitted as a retail store under Mixed-Use. Conditional Use approval and a Zoning Permit are required.

GOVERNMENT FACILITY: Any building held, used, or controlled exclusively for public purposes by any department or branch of government, without reference to the ownership of the building or the property upon which it is situated. This includes but is not limited to government offices, post office, garages, public or private schools certified by the State, and other public facilities, unless otherwise specifically defined herein. See also *Community Facility* and *Public Facility*.

GROUP HOME: Any residential facility operating under a license or registration granted or recognized by a State agency, that serves eight or fewer unrelated persons, who have a handicap or disability as defined by 9 VSA §4501, and who live together as a single housekeeping unit [§4.314]. In addition to room, board, and supervision, residents of a group home may receive other services at the group home meeting their health, developmental or educational needs. Such a group home shall be considered a primary or accessory use as a single family (or multi-family, see below) dwelling wherever single-family homes are permitted. Property owner may or may not reside on-site. A Zoning Permit is required. Facilities serving 9 or more persons shall be considered multi-family dwellings and require Conditional Use Review as well. See also *Residential Care Facility, Single Housekeeping Unit*.

GUEST HOUSE: A structure used for the lodging of transient or vacationing guests for indeterminate periods of time, in return for compensation. Guest-houses may have 7 to 10 guestrooms providing sleeping accommodations, may have private or shared bathrooms, may share common rooms, and may or may not receive meals; rooms do not contain cooking facilities. Property owner shall live on the premises. The lodging structure is counted as one dwelling. Individual rooms are not considered separate, individual dwellings unless occupied on a permanent, long-term basis (more than 30 days) by same resident. Conditional Use approval, local registration certificate, and Zoning Permit are required, State Fire Marshall and Health Department regulations apply. See *B&B, Inn, Dwelling, Long-term, Multi-family, Short-term, Transient/Overnight*

HARDSCAPING: The non-plant elements (e.g. fences, walkways, paving, and lighting) in a planned outdoor area. See *Impervious Surface, Lot Coverage*

HOME BUSINESS: A business, consisting of no more than eight employees, that is carried out in the principal dwelling unit and/or an accessory structure by the residents of the dwelling, in accordance with the requirements of §4.315(B). Conditional Use Review and one or more Zoning Permits are required. Permit shall not transfer to subsequent owner or transfer to new location with owner to whom issued. If permitted owner sells the business as part of the property sale, new owner shall request approval by the DRB to continue the business.

HOME OCCUPATION: A by-right accessory use which is clearly secondary to the residential use, and is conducted within a minor portion of a dwelling, or accessory building, by the residents thereof with up to three employees, and otherwise meets the requirements of §4.315 (A). A Home Occupation is a by-right use. A permit application is required (no fee), but a permit is not. The application is so the ZA can confirm the by-right use and its compliance with district standards.

HOME OFFICE: A space set up in a room or small portion of a room in a dwelling and used by a resident of the dwelling for a small business office, or telecommuting work place. A Home Office is a by-right permitted use. See also: *Office*.

IMMEDIATE NEIGHBORHOOD: Relates to appeals and the proximity of the interested party to the project under review. If the person is one-tenth of a mile from the subject property and could easily be affected by traffic caused by the proposal the person is “in the immediate neighborhood” and has standing to bring the appeal to the Court. Individuals living one mile and two miles from the property subject to the review who have no view of the subject property, are separated from the subject property by other parcels and roads, do not have standing to appeal a decision as owners or occupiers of property in “immediate neighborhood” of the subject property. [*In re: Appeal of Gulli, et al*, Docket Nos. 135- 6-00, 185-8-00, 4-1-01 and 5-1-01 Vtec.]

IMPERVIOUS SURFACE: Areas that are covered by buildings, structures and other man-made improvements, including parking and loading areas, access roads and drives (paved or gravel), patios, and other impermeable surfaces that prevent the infiltration of stormwater into the ground. Decks that allow water through the structure into pervious ground below shall not constitute an impervious surface. Porches, being roofed over, shall be considered impervious and added to the total. Engineered or manufactured surfaces that do not consist of soil shall be considered impervious (even if they allow some infiltration) unless otherwise approved by the DRB See *Footprint, Lot Coverage*

IMPROVEMENT(S): The term referencing any roads, driveways, structures, utilities, easements, or similar man-made additions typically included when a parcel is developed. Whether these inclusions are truly an “improvement” may be questionable, but their status is that of a parcel improvement. Improvements are generally considered to be immovable and become part of the real estate that transfers with a sale.

- *Required Improvements.* Some developments or projects may be subject to certain required improvements such as water/wastewater systems, roads/drives/access roads, monuments, lot markers, curbs, sidewalks where required by the Zoning Bylaws, street signs, outdoor lighting, water mains, septic system measures, stormwater management measures and treatment practices, fire hydrants and/or fire ponds, landscaping, and other improvements as required by the DRB.

INN: An owner-occupied building or group of buildings used to provide overnight accommodations, and one or more meals, to guests for short periods of stay. Inns may have more than 10 units, incorporating the primary structure on the lot as well as accessory structures. Inns are similar to, but larger than,

B&Bs or Guest Houses, and guests stay for shorter periods of time than those at a Boarding House. See *B&B, Guest House, Boarding House, Lodging*

INTERESTED PERSON: For the purposes of these *Regulations*, an interested person is:

1. The owner of property that is the subject of any decision made under these *Regulations*;
2. The Town of Shoreham or any adjoining municipality;
3. A person owning or occupying property in the immediate neighborhood of a property that is the subject of any decision made under these *Regulations*, who can demonstrate a physical or environmental impact on their interest under the criteria reviewed, and who alleges that the decision, if confirmed, will not be in accord with the *Shoreham Town Plan* or the *Unified Development Regulations* of the Town;
4. Any ten people who may be any combination of voters, residents, or real property owners within the Town of Shoreham who, by signed petition to the DRB, allege that any relief requested by a person under these *Regulations*, if granted, will not be in accord with the *Shoreham Town Plan* or the *Regulations* of the Town. An appeal shall not include “character of the area” if the project has a residential component that includes affordable housing. This petition shall designate one person to serve as the representative of the petitioners regarding all matters related to the appeal; **or**
5. Any department or administrative subdivision of this State owning property, or any interest in property, within the Town, and the Vermont Agency of Commerce and Community Development.
6. The applicant, or abutting neighbor, may take an appeal of a ZA decision, failure to act, or a deemed approved status to the DRB. Abutters are subject to #3 above.
 - If the attendee participated in the hearing via oral or written testimony, or through a representative, that attendee may appeal a DRB decision (including decision on a ZA appeal) to the Environmental Court.
 - The Shoreham DRB generally does not determine whether or not persons have Interested Person status, all attendees are allowed to present testimony at a hearing without being classified as an Interested Person. However, when an appeal is taken to the Environmental Court the Court will determine the appellant’s IP status and if determined not to be an Interested Person the appeal will not be allowed.

JUNK YARD: Land or building used for the collecting, storage or sale of waste paper, rags, scrap metal or discarded material; or for the collecting, wrecking, dismantling, storage, salvaging and sale of machinery parts or vehicles not in running condition. Junkyards are specifically prohibited in the Town of Shoreham [*§1.06*].

KENNEL: Any structure or associated fenced area or business in which two or more dogs at least four months of age are kept for adoption, sale, commercial breeding, boarding, grooming or day care, or other commercial purposes [*§4.316*]. Conditional Use Review and a Zoning Permit are required.

LAUNDROMAT/DRY CLEANER: A facility where customers wash and dry clothing or other fabrics in machines operated by the customer. Also a service offered to the public by the business owner who handles the washing/drying, or dry-cleaning of items for customers. Conditional Use approval and a Zoning Permit are required.

LAND DEVELOPMENT: The division of a parcel into two or more parcels, the construction, reconstruction, conversion, structural alteration, relocation, or enlargement of any building or other structure, or of any mining, excavation, or landfill, and any change in the use of any building or other structure or land, or expansion/extension of a use of the land. See *Development, Subdivision*.

LAND USE: Refers to all uses and types of uses of a parcel of land. Residential, Commercial, and Agricultural are the 3 main types of uses. The primary use of a parcel defines it as a residential, a commercial, or an agricultural parcel, as applicable. Land that is open, unused, undeveloped is generally termed ‘undeveloped land’ if a term is needed, but this does not necessarily define the actual land use of that parcel.

LEASED LOT: A lot which was created by a long-term lease (greater than 50 years) agreement, and which may be sold or otherwise transferred by the current owner to another person with or without the agreement of the person(s) leasing the lot. The lessor may apply for zoning permits for uses allowed in the district. The dimensional requirements of the district in which a leased lot is located shall apply as if the lot were owned outright. If the lot was created without adherence to the dimensional requirements it is considered a nonconforming lot of either legal or illegal status and subject to provisions in these *Regulations* related to nonconformities. See *§4.107 Nonconformance, Nonconforming Lots, Structures, Uses*

LEGALLY CREATED: A parcel that has been subdivided and has had both plat and deed recorded; the transfer tax must be paid and the form filed at the Town Office.

LEGALLY EXISTING: A use, structure, or lot that was in compliance with existing regulations when originally established. If subsequent regulatory amendments have caused that use, structure, or parcel to no longer be in compliance, it shall become a nonconforming use, structure, or parcel, and its existing use, structure, or parcel dimensions will be grandfathered and will be legal although a permit may be required. If the original use, structure, or parcel was never properly permitted and was never compliant with existing regulations, and therefore not ever legal, it remains unable to be grandfathered and is subject to violation procedures. Such violations are enforceable for up to 15 years from date the violation was discovered, after which time they remain unenforceable illegalities and not eligible for other-wise permitted changes or a Certificate of Compliance. Grandfathered nonconformities are legal, and are not subject to violation enforcement. The nonconformity may be granted an after-the-fact permit with only a recording fee charged, thereby being brought into conformance. Legally existing nonconformities are eligible for a Certificate of Compliance, and may be enlarged or otherwise altered in compliance with the provisions of existing *Regulations*. Proof of the nonconformity's legal status lies with the owner. See §4.109.

LESS RESTRICTIVE: In these *Regulations*, of the districts sharing a parcel, the district having fewer, less controlling provisions governing its uses or lot dimensions, and allowing more use options for the landowner is deemed to be less restrictive than the other district(s).

LIGHT INDUSTRY/LIGHT MANUFACTURING: The production of small consumer goods for end users, value-added products, or component parts for use by other manufacturers. Examples of light industry include the processing, manufacturing, distribution, or packaging of products, where such activity results in no undue adverse off-site impacts, and where all activity is enclosed in a building or is screened from abutting properties and public rights-of-way. Examples also include, among others, blacksmith shop, woodworking shop, sewing/tailoring shop, printing, wholesale trade, small-scale high tech manufacturing, and similar uses not of a retail nature, with minimal need of traffic to the facility, which meet the requirements of §4.317. Conditional Use approval and a Zoning Permit are required. See *Agricultural Processing, Sawmill, Wood Processing, Undue Adverse Effects*.

LOADING SPACE: An off-street space, used for the temporary parking of vehicles, while loading and unloading merchandise or materials, and which has direct access to a street, alley, or other appropriate means of ingress and egress. See §4.112(A)(3).

LODGING: A building or group of buildings used for the purpose of providing overnight lodging accommodations to the transient traveling public for compensation, with or without meals. *Group (A)* includes: inns, guest houses, boarding houses, and Bed & Breakfasts. *Group (B)* includes: hotels, motels. "Lodging establishment" shall not include residential rentals, long-term/boarding house rentals, or short-term rentals. Conditional Use approval, rental registration certificate and a Zoning Permit may be required. See *Bed-and-Breakfasts, Boarding House, Guest House, Inn, Long-term Rentals, Short-term Rentals, Transient/Overnight Rentals, Residential (Full-time) Rentals*.

LONG-TERM RENTAL: Rental of a fully furnished dwelling, parking shall be off-street. Rental shall be for a 30-consecutive-day period or longer. Owner shall comply with State Landlord/Tenant regulations and shall register with the Town. Also includes Boarding House room rentals. See §4.324(C).

LOT: There are several meanings which can be determined, usually, from the context in which used. "Lot" doesn't imply a certain measurement of land. Rather, it typically refers to a specific piece of land of any size that can be sold in an individual contract. To be considered a single lot, the land described has to be contiguous. Two separate pieces of land that aren't connected are two lots, not one. Also see *Parcel, Tract*.

1. Primarily, in these *Regulations*, Lot means meeting the minimum size required by the dimensional standards of the district in which it is located and which meets the zoning requirements for use, open space, frontage, and access to said land. In this instance a lot could range up to 25 acres depending on which district it is located in.
2. Also, may refer to a recognized subdivision of property with a written legal description that addresses permissions or constraints upon its development, and which appears on the deed. Sometimes used synonymously with "parcel" but we consider a parcel to be a larger piece; one might refer to mixed sizes as "lots and parcels."

LOT AREA: Total area within the property lines.

VIII. DEFINITIONS

LOT, CORNER: Lot where two streets intersect.

LOT COVERAGE: That percentage of the lot area covered by the building areas, parking areas, and other impervious surfaces.

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

LOT FRONTAGE: Distance measured across the width of the lot parallel to the road right-of-way or, where a lot fronts only public waters, along the mean high water line. **Interior lot frontage** is measured along the boundary parallel to the public road from which it is accessed.

LOT LINE: Property lines bounding a lot.

LOT LINE, REAR: The lot line opposite and most distant from the road right of way. Where a lot fronts on public waters but not a public road, “mean high water line” shall replace “road right of way” in this definition.

LOT WIDTH: Width measured at right angles to its lot depth, at the proposed or existing building front line.

LOT, INTERIOR: A parcel having no boundary directly on a public road or waterway [§4.108(E)]. See

Roads, Lot Frontage

MAINTENANCE: [SFHA] means periodic actions required to keep up a condition and that do not significantly change the materials or extent of an existing condition in the hazard area.

MANUFACTURED HOME: [SFHA] : Formerly called mobile homes. A prefabricated dwelling unit on a metal/steel base frame, designed for long term and continuous residential occupancy. Units are designed to be moved to their locations on wheels, in whole or in sections, and are ready for occupancy upon arrival at the site except for placement on supports or foundation, incidental unpacking, assembly, and connections with utilities. Includes some tiny homes (those set on permanent foundations, with septic connection), but does not include tiny homes with wheels, campers, recreational vehicles, travel trailers, or modular homes. Manufactured homes are treated the same as stick-built single-family homes and subject to the same district standards, except homes in mobile/manufactured home parks where the park’s dimensional standards supersede those of its district. See §4.321 for park dimensional requirements. A Zoning Permit is required. See §4.320 and *Modular Homes* below.

MARINA: A commercial enterprise for the docking, mooring, storing, selling, servicing, or repairing of boats. It may also include the sale of fuel and supplies, and the provision of sewage disposal, food, beverages, and entertainment as accessory uses [§4.318]. Conditional Use approval and a Zoning Permit are required.

MEAN HIGH WATER MARK: (LINE): For Lake Champlain: 95.5 feet above mean sea level.

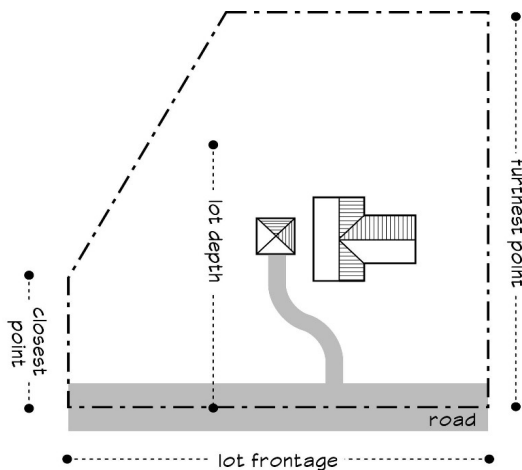
MEAN SEA LEVEL: the National Geodetic Vertical Datum (NGVD) or other accepted datum to which base flood elevations shown on a community’s Flood Insurance Rate Map are referenced.

MEDICAL CLINIC: See *Clinic (Medical)*

MINI-STORAGE: See *Self-Storage*.

MIXED INCOME HOUSING: 10 VSA §6001; see *Affordable Housing*. A housing project in which the following apply:

- A. *Owner-occupied housing*. At the option of the applicant, owner-occupied housing may be characterized by either of the following:
 1. at least 15% of the housing units have a purchase price that at the time of first sale does not exceed 85% of the new construction, targeted area purchase price limits established and published annually by the Vermont Housing Finance Agency; **or**
 2. at least 20% of the housing units have a purchase price that at the time of first sale does not exceed 90% of the new construction, targeted area purchase price limits established and



published annually by the Vermont Housing Finance Agency.

B. Rental housing. At least 20% of the housing units that are rented constitute affordable housing and have a duration of affordability of not less than 30 years.

MIXED-USE: A building or lot containing two or more principal/primary uses, which are otherwise allowed as Permitted or Conditional uses for the district in which it is located. A Mixed-Use development is particularly well-suited for PUDs and for the Village Districts. Requires Conditional Use Review for Mixed-Use approval and a Zoning Permit for each proposed use [§4.319]. See *Combined Review above*

MOBILE HOME: See “*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 three mobile homes [§4.321]. 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 [see 10 VSA §6201(2)]. Mobile-Home Parks are treated as a multi-unit residential complexes. Conditional Use Review, Performance Standard compliance, and a Zoning Permit are all required. See *Campground, RV Park*.

MOBILE VENDOR: A business entity selling food or other products from a motorized vehicle, from a hand-cart, or animal-drawn wagon on a Town road, Town land, or on private property [§4.322].

MODULAR HOME: A dwelling manufactured off-site and brought to the site, in partially assembled sections, where it is unpacked and fully assembled. Modular homes are typically constructed much as are “stick-built” homes, but in transportable sections. Once installed the home is considered permanent not transportable. Modular homes do not include mobile/manufactured homes, *q.v.*

MOTOR VEHICLE SERVICE, REPAIR: The use of land or structures for the repair of motor vehicles in a manner that meets the standards of §4.323. This definition specifically excludes gasoline stations. Motor vehicles include passenger vehicles, boats, recreational vehicles, farm vehicles and other similar motorized vehicles or equipment. Conditional Use approval and a Zoning Permit are required. See *Gasoline Station*.

MULTI-UNIT: Refers to a 3+ unit (“multi-family”) house, a development with multiple dwellings or commercial activities, or a mix of such uses; units may be rented, owned, or a mix of both; a Mobile-Home Park is a multi-unit development. Shoreham defines 2 types of multi-unit structures: a 3 or 4-unit structure (*Type A*) and one or more structures containing 5 or more units, developed under one plan (*Type B*). Multi-unit dwellings of 4 or fewer units shall be permitted as by-right uses in areas served by municipal water and wastewater services. A unit owner in a multi-unit structure can not have a Secondary Housing Unit on the property, nor an ADU.

NARRATIVE: A description of the proposed development project, in detail. Included are references to applicable codes, licenses, standards, studies, evaluations, expert opinions, etc. Copies of references to be included as feasible (e.g. studies, evaluations, expert opinions, etc.). Narratives are longer and more inclusive as the project complexity increases.

NATIONAL FLOOD INSURANCE PROGRAM (NFIP): [SFHA] A program created by the Congress of the United States through the National Flood Insurance Act of 1968. The program enables property owners in participating municipalities to purchase insurance protection from the government against losses from flooding. Participation in the NFIP is based on an agreement between a municipality and the federal government whereby if the municipality adopts and enforces a floodplain management ordinance to reduce future flood risks in Special Flood Hazard Areas (SFHA), the federal government will make flood insurance available within the community as a financial protection against flood losses.

NEW CONSTRUCTION: Structures, including subsequent additions or improvements, commenced on or after the effective date of these *Regulations*.

NEW CONSTRUCTION: [SFHA] means structures for which the start of construction commenced on or after the effective date of floodplain management regulations adopted by the community and includes any subsequent improvements to such structures.

NONCONFORMANCE: Legally existing nonconformities are grandfathered and not subject to enforcement action. These are uses, structures, or parcels that were once in compliance, and existed legally until

updated *Regulations*, with changed provisions, caused them to become noncompliant. Conversely, uses, structures, or parcels that were never in compliance with zoning regulation provisions are not grandfathered, not considered to be legally in existence, and are subject to violation enforcement for a period of 15 years (the Bianchi or statute of limitation decision) after discovery. After this period they remain a non-enforceable violation and may not take advantage of the provisions for development changes in §4.109, or elsewhere in the *Regulations*, nor may they be granted a Certificate of Compliance for refinancing, sale, property transfer, or other reasons, since they are not in compliance. The so-called “Bianchi-controlled Situations”, in which a zoning violation may not subject to enforcement under the standards set forth by the Vermont Supreme Court, refers to the case entitled *Bianchi v. Lorentz* and later codified in 24 VSA §4454. See also *Bianchi Situations, Legally Existing*.

NONCONFORMING LOTS OR PARCELS: Lots or parcels that do not conform to the present *Regulations* covering dimensional requirements, but were in conformance with all applicable bylaws at one point in time until new bylaw provisions made them noncompliant, including a lot or parcel improperly authorized as a result of error by the Zoning Administrator. [24 VSA §4303(13)] The burden of proof that the parcel was authorized in error by the ZA or was once in compliance but was made noncompliant by changes in the provisions of the *Regulations* lies with the owner. See §4.106 *Existing Small Lots, §4.109 Nonconformities, §3.1002 Statute of Limitations vs Grandfathering*

NONCONFORMING STRUCTURE: A structure or part of a structure that does not conform to the present *Regulations*, but was in conformance with all applicable bylaws at one point in time until new bylaw provisions made them noncompliant, including a structure improperly authorized as a result of error by the Zoning Administrator. [24 VSA §4303(14)]. See also §4.109 in these *Regulations*. The burden of proof that the parcel was once in compliance but was made noncompliant by changes in the provisions of the *Regulations* lies with the owner.

NONCONFORMING USE: Use of land or structure that does not conform to the present *Regulations*, but was in conformance with all applicable bylaws at one point in time until new bylaw provisions made them non-compliant, including a use improperly authorized as a result of error by the ZA [24 VSA §4303(15)]. See also §4.109 in these *Regulations*. The burden of proof that the parcel was once in compliance but was made noncompliant by changes in the *Regulations* lies with the owner.

NONCONFORMITY, DEGREE OF: The measurable extent to which an existing lot, use, structure or part of a structure fails to comply with the standards of these *Regulations*. For example, a structure that does not meet the front yard setback for the district in which it is located can be enlarged to the rear without increasing its degree of nonconformity. An existing auto repair shop, for example, in a district that allows only residential uses could not be converted to add a gasoline station because it would increase the intensity of the use and therefore the degree of nonconformity.

NON-RESIDENTIAL: Use or structure not pertaining to private, personal, family, or residential pursuits or shelter. See *Residential, Commercial, Land Use*.

NON-RESIDENTIAL: [SFHA] includes businesses, churches, schools, nursing homes, pool houses, recreational and government buildings, mercantile structures, industrial structures, and warehouses.

OFFICE: A room, group of rooms, or building which is generally furnished with desks, tables, files and communications equipment and is used for conducting the affairs of a business, profession, service, or industry. An office used in a private residence by the owner (aka “Home Office”) is typically considered a by-right permitted use and is exempt from the requirement for a permit. Rented office space in a separate building or office complex is considered a commercial use and is subject to Conditional Use approval and a Zoning Permit. See also *Government Facility, Home Office*.

OFFICIAL SUBMISSION DATE: The date starting the clock for the setting of a hearing date. The Official date is established as the date of the next DRB meeting after receipt of the application for review. At this meeting the DRB shall acknowledge receipt of the application and set a date for its hearing to be within 60 days.

OPEN SPACE: Land or water that is undeveloped (free from residential, commercial, industrial, or institutional use). Open space lands include forests and grasslands, farms and ranches, streams and rivers, and parks, all of which protect the community's natural green infrastructure, providing places for recreation and preserving important environmental and ecological functions.

OUTDOOR DISPLAY OF MERCHANDISE: Outdoor display of retail merchandise is prohibited unless

specifically approved by the DRB or other authorized entity; may be added with an amendment to the decision and/or previously issued permit. See §4.103(D), §4.209.

PARCEL: A part or portion of land not of a specific size, but usually indicates land larger than the minimum lot size of its district. Ag land, however, is often referred to as a parcel even at its minimum size of 25 acres. Typically used in a description of property set forth in a conveyance, together with the boundaries thereof, in order for its easy identification. May be used to reference a quantity of land identified for taxation purposes. See *Lot, Tract*

PARENT PARCEL: The parcel, from which lots are to be subdivided, that was in existence according to the tax map as of the date of adoption of these *Regulations*. The parcel may never have been previously subdivided or may be the remaining portion of the original parcel from which lots were previously cut.

PARKING SPACE: Off street space used for the temporary location of one licensed motor vehicle, such space being at least 9 feet wide and 20 feet long not including the access driveway, and having direct access to a street. ADA requirements are ±12-foot wide by 20-feet long with an adjacent access aisle on one side that is ± 9 feet wide and 20 feet long. See §4.112(B).

PERFORMANCE STANDARDS: [§4.200] Specify acceptable levels of operation not likely to affect adversely the use of the surrounding area. These Standards may be used in conjunction with Site Plan and/or Conditional Use standards in the review of proposed uses listed as conditional or permitted in the districts, and as an alternative by which to review uses that are not listed specifically.

PERMITS: [§3.300] Almost all development and uses of land require a permit and an associated 15-day appeal period. Local permits are of two main types: By-right/Permitted Use or Conditional Use. Home Businesses, commercial/income-producing endeavors, and others as specified, are Conditional Uses requiring permitting after Conditional Use review. Permits are required prior to commencement of the activity the permit is for, although after-the-fact permits and permit amendments may be appropriate. See *Permit, After-the-Fact; Permit Amendment; By-right Use; Conditional Use; Permitted Use*.

PERMIT, AFTER-THE-FACT: [§3.301] After-the-fact permits may be granted by the ZA in the following situations:

1. to bring a non-compliant use, structure, or lot into compliance, particularly if the non-compliance was caused by a change in the *Zoning Regulations*. In this case, the permittee will be charged only the recording fee.
2. to bring into compliance a project begun prior to the application for, or issuance of, a permit. In this case the permit fee is doubled, plus the recording fee.

PERMIT AMENDMENT: An issued permit may be amended if this is deemed by the ZA to be appropriate. Amendments are typically reserved for the correction of errors or over-sights in the original permit. See §3.302.

PERMITTED: (a) referring to a use or structure that is perMITTED, ie “allowed”
 (b) referring to a use or structure that is PERmitted, ie requires a permit
 Not all perMITTED uses are PERmitted, but all uses having a permit are perMITTED.

PERMITTED USE: A land use specifically allowed by local zoning or by Statute which, nonetheless, is required to comply with standards for its district, and usually requires a zoning application and sometimes a permit issued by the Zoning Administrator. This excludes agriculture, silviculture, forestry, non-compliant, and illegal uses. Included are Accessory On-Farm Businesses, certain nonconforming uses, and many projects subject to State permitting, some of which will require Site Plan Review even though the use is by-right (e.g. Accessory On-Farm Business). See *By-right Use. Conditional Use*.

PERSONAL SERVICE: An establishment primarily engaged in providing services involving the care of persons or their personal goods, such as a laundry cleaning and pressing service, barber shop, beauty shop, hair and nail salon, shoe repair shop, seamstress or tailor shop or other service of a personal nature.

PLAN, FINAL: Application for BLAs, Minor Subdivision, PUDs and Final Major Subdivisions. All applications to include drawings, narrative, plat for approval review. In the case of PUDs and other Major Subdivisions the applications shall also include all revisions per DRB requests from prior hearings, all local/State permits or proof they are pending, all requests from DRB for additional materials. See §6.402, §3.600.

PLAN, PRELIMINARY: Documents submitted for a Preliminary Hearing on a PUD or Major Subdivision, including project narrative, applications (hearing & permit), list of abutters (names, addresses, Parcel IDs), proof of abutter notifications, drawings (structures, elevations, etc), Preliminary Plat, State and local permits or proof of application, See §6.401.

PLAN, SKETCH: A sketch plan gives a rough overview of the proposed development, so that the viability of the project may be assessed prior to hiring a surveyor and incurring the substantial cost of more formal drawings. The term is also used generically to refer to the drawings produced for documenting the application proposal during the hearings. See §3.103.

PLAN, SITE: A drawing that is a bird's eye view of the project [§5.200]. It shows the major features of the land and the footprint of existing and proposed structures. The complexity of a Site Plan varies with the size of the project. It contains such standard features as a location map, title block, scale, easements, buffer requirements, infrastructure needs, dimensional and zoning information. A basic Site Plan may be accompanied by other plans that detail landscaping, utility corridors, building design, lighting, soil erosion control, stormwater management, and more. See *Site Plan Review*.

PLANNED UNIT DEVELOPMENT (PUD): A form of development for land planned as a single entity for a number of units, for residential and/or commercial use [§6.600]. PUDs provide greater flexibility than conventional "minimum lot size" zoning and promotes the most appropriate use of land. The DRB may modify or waive provisions of these *Regulations* that are otherwise applicable to the area in which the PUD is to be located with respect to lot size, type of dwelling or buildings, use, density, intensity, lot coverage, parking, required open space, or other standards. Conditional Use Review as well as one or more Zoning Permits may be required.

PLAT: A document of record (also called "survey") describing a plot of land, created and signed by a Vermont licensed surveyor. A plat may be preliminary or final depending on where the application process stands, and may be as simple as a boundary delineation or as detailed as needed for more complex projects.

PLAT, FINAL: Final survey for Major and Minor subdivisions submitted for execution by the DRB and recording in the Town Land Records after the approval decision is issued, and subject to any Conditions contained therein [§6.402]. The Final Plat is submitted to the Town Clerk for review and signing by the DRB/ZA within 180 days of the Board's, or ZA's, approval decision. Once the Clerk records the plat it becomes part of the Town's land records.

PLAT, PRELIMINARY: Survey submitted for Major hearings, clearly marked "Preliminary Layout" showing the relevant features of the proposed subdivision in sufficient detail to serve as a basis for study and consideration by the Development Review Board or Zoning Administrator [§6.401]. The preliminary plat should be revised after each hearing according to feedback received during the hearing and DRB requests.

PROFESSIONAL SERVICE: Such services include, but are not limited to: doctor, dentist, lawyer, accountant, architect, therapist, realtor, photographer, or other licensed professions where service is provided to clients primarily on an individual basis. Such services may be conducted as a Home Occupation, Home Business, or from a commercial site and require permits accordingly.

PUBLIC FACILITY: A utility facility that is owned, leased, held, used, or controlled to provide the public with electricity, gas, water or sewage collection, or other similar utility service, excluding telecommunications facility. See also *Government Facility*, *Telecommunications Facility*.

QUARRYING: Marble, granite, or other stone extraction operations and any land development incidental thereto. Quarrying includes blasting, grinding, crushing, of stone extracted from the property, and the enlargement of any existing quarrying excavations [§4.309]. Conditional Use approval and a Zoning Permit are required. See also *Extraction*.

RAPs: See *Required Agricultural Practices*.

RBES: See *Residential Building Energy Standards*.

RECREATIONAL VEHICLE: [SFHA] 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.

RECREATION, INDOOR: Commercial uses including bowling alley, theater, pool hall, arcade, skating rink, swimming pool, gymnasium, or other similar places of indoor recreation, except for such facilities which are accessory to a single or two-family dwelling. Conditional Use approval and a Zoning Permit are required. See also *Community Facility*.

RECREATION, OUTDOOR: Commercial uses including golf course, hunting preserve, skating rink, park, beach, skiing facility, hiking or skiing trails, playground and ball field, or similar outdoor facilities intended for recreational use by the public. Conditional Use approval and a Zoning Permit are required. See also *Campground*.

RELIGIOUS FACILITY: A place of worship such as a church, temple, synagogue, and including accessory structures and use customarily associated with religious activities. Also includes convents, meditation centers, and similar, but excluding K-12 schools.

RENTALS: Shoreham recognizes 5 types of rentals each having specific criteria and 4 of which require a rental registration certificate and/or municipal permits [§4.324]:

1. **Long-term:** accommodations rented for 30 or more consecutive days to the public in a stand-alone dwelling, an accessory dwelling, or in a boarding house or rooming house type of arrangement. Accommodations may have independent living facilities to include meal preparation or meals may be included for rooms having no meal preparation facilities. Vt Landlord/Tenant regulations apply, as do Fire Marshall and Health Department regulations. See *Boarding House*.
2. **Residential Housing (Full-time):** accommodations rented on a permanent basis to a single housekeeping unit living full-time in the area. Rentals provide fully independent sleeping, hygiene, living, and meal preparation facilities. Vt Landlord/Tenant regulations apply as do Fire Marshall and Health Department regulations. Long-term rentals (Boarding Houses) are included in this definition.
3. **Short-term:** a furnished house, apartment, or other self-contained dwelling unit or portion of a residential home rented to the transient, traveling, or vacationing public for a period of fewer than 30 consecutive days per rental period and for more than 14 days per calendar year [18 VSA §4301]. The majority of rentals are for periods of two or more consecutive days or nights. Owner or legally responsible representative must reside on-site. Excludes dwelling-resident home owners renting 1 or 2 bedrooms for 21 days or fewer annually. See *Rental—Occasional*, below.
4. **Lodging (ie Transient/Overnight):** a public lodging establishment providing a furnished room, apartment, suite, single-family dwelling, or the like to the transient, traveling, or vacationing public for fewer than 30 consecutive days per rental period and 14 or more days per calendar year. The majority of rentals are for periods of fewer than two consecutive days or nights. There are 2 types of transient lodgings: *Type A*—Inns, B&Bs, guest houses; *Type B*—hotels, motels. Owner must reside on-site or within the B&B, Inn, or Guest House; owners of other lodgings must either live on-site or be located (or have a contact person who is in charge of the site and guests and is located) no further than 45 miles from the lodging.
5. **Occasional:** A home owner who rents out 1 or 2 spare bedrooms for 2 or 3 nights per visit in the home where they reside full-time. Typically for fewer than 21 total days annually, usually for special events (eg: graduations, weddings) or during holidays or fall foliage. Owner must be living in the house when rooms are rented out. Guests may be invited to join the family meals or not. No local rental registration is required. However, State rooms and meals tax must be collected and remitted if renting out for 15 days or more per calendar year.

RENTAL REGISTRATION CERTIFICATE: A form issued by the ZA for lodgings certifying that the owner has completed the registration process and registered the lodging with the Town, having met the lodging requirements as listed in the *Zoning Regulations* for the enterprise, and agrees to comply with Town regulations under which the lodging enterprise may be operated. See §4.324(G)

REPLACEMENT STRUCTURE: [SFHA] means a new building placed in the same footprint as the pre-existing building and does not include a change in use.

REQUIRED AGRICULTURAL PRACTICES (RAP): Farming practices and structures, excluding dwellings, as currently defined by the Secretary of Agriculture, Food and Markets [6 VSA §4810]. See also *Agriculture, Farm, Roadside Agricultural Stand, Silviculture, Stable*.

RESIDENTIAL: Uses commonly associated with personal life in single-family, two-family, or multi-family dwellings; buildings ancillary to dwellings (e.g. garage, accessory apartment). The primary use of a parcel defines it as a residential (or, as applicable, a commercial, mixed-use, or agricultural) parcel.

RESIDENTIAL BUILDING ENERGY STANDARDS (RBES): Vermont energy standards for the construction of new residential buildings, additions to existing residential buildings, and the re-habilitation of existing residential buildings. These standards are required by the State, all builders (including do-it-yourselfers) should know what they are and comply with them.

RESIDENTIAL CARE FACILITY: Any residential facility for the diagnosis, treatment, or care of human ailments, including but not limited to hospital, sanitarium, nursing home, convalescent home, and hospice. Conditional Use Review and a Zoning Permit are required. See also *Group Home*.

RESIDENTIAL HOUSING RENTAL: See *Rentals: (2) Residential Housing*; also §4.324(C)(2).

RESTAURANT: A public eating establishment, which may or may not hold a liquor license, in which the primary function is the preparation, serving, and consumption of food. Establishments may be sit-down or take-out. Conditional Use Review approval and a Zoning Permit are required. See *Mobile Vendor*.

RETAIL: The sale or short-term rental to the general public of goods or merchandise for personal, business, or household consumption, and services incidental to the sale of such goods [§4.327]. Such uses shall exclude any drive-in facility, temporary/seasonal free-standing retail stand/kiosk, gasoline or motor vehicle service station, restaurant. Retail may be either Primary (devoted to retail) or Incidental/Secondary (an incidental retail operation secondary to the primary use or purpose).. Conditional Use Review and a Zoning Permit are required. See *Commercial, Mobile Vendor*.

RETIREMENT FACILITY, home, or community: A retirement facility is a residential community or housing complex designed for older adults who are generally able to care for themselves [§4.328]. Physical activities and socialization opportunities are often provided. Nursing, rehab, convalescent facilities are not included. See *Senior Living/Retirement Facility, Senior Community*

RIGHT-OF-WAY (ROW): A right-of-way is a type of easement that allows someone to travel through another person's land to get somewhere else. It can be offered to one person, several people, or the public. A right-of-way is not a driveway, but may be an access road. See *Easement, ROW*.

RIGHT TO FARM: [12 VSA §195] Enacted to protect farms from nuisance lawsuits. *“The General Assembly finds that agricultural activities are potentially subject to lawsuits based on the theory of nuisance, and that these suits encourage and could force the premature removal of the farmlands and other farm resources from agricultural use. It is the purpose of this chapter to protect reasonable agricultural activities conducted on the farm from nuisance lawsuits.”* Effective June 3, 2004

RIVER: [SFHA] means the full length and width, including the bed and banks, of any water-course, including rivers, streams, creeks, brooks, and branches which experience perennial flow. “River” does not mean constructed drainage-ways, water bars, swales, or roadside ditches.

RIVER CORRIDOR: [SFHA] The land area adjacent to a river (see Figure 2) that is required to accommodate the dimensions, slope, and buffer of the naturally stable channel and that is necessary for the natural maintenance or natural restoration of a dynamic equilibrium condition, as that term is defined in 10 VSA §1422, and for minimization of fluvial erosion hazards, as delineated by the Vermont Agency of Natural Resources (ANR) in accordance with the ANR *River Corridor Protection Guide*, [10 VSA 1422]. Shoreham’s main river corridor lies along the Lemon Fair River.

ROADS: “*Public Road*” means a State highway [19 VSA §1(12), (20)] or a class 1, 2, or 3 town road [19 VSA §302(a)]. For the purposes of these *Regulations*, public roads do not include private roads, access roads, or class 4 roads.

“*Private Roads*,” may also be called Access Roads, are those roads serving property owners who establish and/or maintain a road for ingress and egress for accessing their properties. Roads must meet Town road specifications [see §4.102, §6.503(F)(2)(j) and (k)] and are subject to the dimensional standards of the district

wherein they lie. They must have a maintenance agreement governing all property owners using the road and laying out the responsibilities of each owner regarding the expenses of repairing and maintaining the road. Turn arounds (circular, hammerhead, etc) are required by the Fire Department for the safe passage and egress of emergency vehicles.

“*Farm Roads*” are roads traversing the farm property. They must have an Access Permit from the Selectboard if accessing a Town road. See also *Streets, Town Roads*.

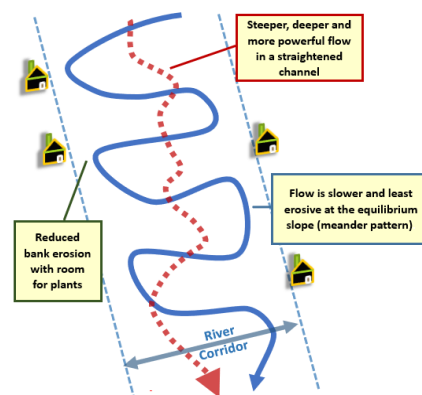


Figure 2:

ROADSIDE SEASONAL STAND: Seasonal roadside stands for the sale of products that are made or grown on the property by the home-owner. Products may be home-grown vegetables/fruits, home-made food products, crafts, or other home-made goods. AOFB farm stands are not included under this definition. See *Farm, Accessory On-farm Business*.

ROW: An ROW (*Right Of Way*) is an easement across a parcel giving passage to a non-owner of that parcel to a parcel s/he owns. A driveway differs in that the land beneath the driveway is owned by the person owning the entire parcel and gaining access to their own structure(s). See *Right-of-Way*.

SALVAGE YARD: Any place of outdoor storage or deposit for storing, keeping, processing, buying, or selling junk or as a scrap metal processing facility, or any outdoor area used for operation of an automobile graveyard. "Automobile graveyard" means a yard, field, or other outdoor area on a property owned or controlled by a person and used or maintained for storing or depositing four or more junk motor vehicles. (Salvage facility laws, 24 VSA §§2241–2283). Salvage yards are not allowed in Shoreham.

SAWMILL: Lot or plot of land, including the buildings thereon, used for housing and operation of permanently installed wood processing operations including timber sawing, handling, and milling equipment. The operation may include retail sale of building materials and tools as well. Shoreham recognizes two sizes of sawmill operations. A small operation handles up to 60,000 board feet of lumber annually, while a larger operation handles over 60,000 board feet annually. The larger of the two is allowed only in the VCD. Both are considered commercial operations and require Conditional Use Review. See *Wood Processing*.

SCENIC: Of or pertaining to the natural landscape (scenery), having, providing, or relating to a pleasing or beautiful view of natural scenery (such as mountains, hills, valleys, etc.); "scenic drives;" "scenic views;" also: picturesque, beautiful, spectacular, striking, grand, impressive, breathtaking, panoramic; delighting the senses or exciting intellectual or emotional admiration;

SELF-STORAGE: A commercial development for the purpose of providing rental spaces for individuals or small businesses to store personal goods and possessions, typically secured by the tenant's own lock and key. See *Warehouse*. Conditional Use approval and a zoning permit are required.

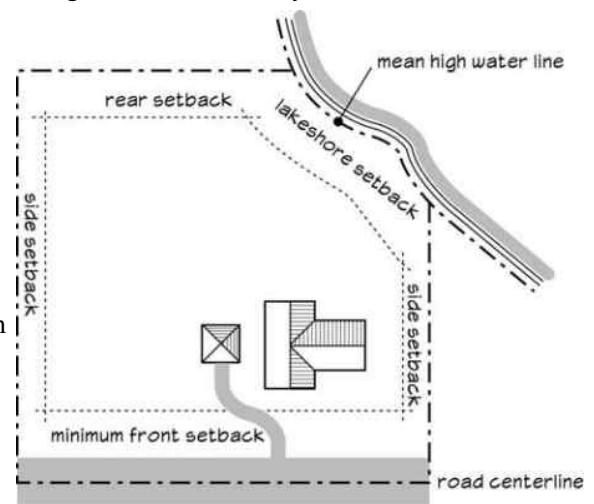
SENIOR COMMUNITY/FACILITY: A community or facility designed to allow Seniors to live independently in owned or rented cottages, suites, or in a Boarding House type of arrangement [§4.328]. Various services may be provided by the management of the facility, or the HOA if an independently-owned home complex. Minor, occasional assisted living services may be available, but any long-term nursing/rehabilitative care is not included. See *Senior Living/Retirement Facility*.

SERVICES, PERSONAL: May be a Home Occupation or Home Business. Typically: barber, hair stylist, yoga instruction, sewing/tailoring, personal assistance, cobbler, or similar provider of personal services.

SERVICES, PROFESSIONAL: May be a Home Occupation or Home Business. Typically: law office, dentist, doctor, surveyor, architect, engineer, other degree recipient or State licensed professional.

SETBACK LINES: Building setbacks, as established for each district, are measured as follows:

1. **Front Yard Setback:** The distance from the center-line of the road to the closest portion of any structure including roof lines, porches and sills, excluding steps.
2. **Interior lots:** Where there is neither a public road nor public waterway, the center line of the public or private road parallel to the boundary line at the front shall be used to set the front setback. All interior lots shall have setbacks on all sides equal to front setback in that district [§4.108(E)].



3. Side and Rear Yard Setbacks: The distance from the side and rear lot line to the closest portion of any structure including rooflines, porches, decks, and sills except steps.

4. Corner lot: The required front yard dimension shall apply on all streets. Side yard setbacks will apply to the remaining sides.

5. Water frontage: Where frontage is on a public waterway, the mean high-water mark shall be used instead of road center line. State shoreline regulations apply and may supersede Town setbacks.

SERVICE AREA: A designated space used for the delivery of goods and services to any building or land use, includes waste storage and pickup. See §4.112(A)(3).

SHORT-TERM RENTAL: See *Rentals: (3) Short-term*, also §4.324(C)(3).

SIGN: Any device, structure, building or part thereof, for visual communication that is used for the purpose of bringing the subject thereof to the attention of the public. Conditional Use approval and a Zoning Permit are required.

SINGLE HOUSEKEEPING UNIT: A single housekeeping unit is typically a residential housing unit or may be the person or persons living therein. Referring to the persons or person, the single housekeeping unit functions as a stable, permanent, family unit (traditional or otherwise), and cannot be fairly characterized as being transient. The persons may or may not be related by blood, marriage, adoption, civil union, or common-law. In reference to a dwelling unit, the unit is residential and may be rented or owned.

SILVICULTURE: The science of controlling the establishment, growth, composition, and health of forests and woodlands.

SITE PLAN REVIEW: Project review that may be used for all purposes except Single- or Two-Family dwellings, and is required for certain specified uses such as Accessory On Farm Businesses [§4.302]. Evaluation is restricted to the specified Site Plan Standards and includes consideration of Site Requirements and the Criteria which support the Standards. The criteria shall be incorporated into Conditional Use evaluations.

SKETCH PLAN REVIEW: A sketch plan is a drawing, not to scale, that gives a rough overview of the proposed development, so that the viability of the project may be assessed prior to hiring a surveyor and incurring the substantial cost of more formal drawings. The plan is reviewed either the ZA, when reviewing an application for completeness, or by the DRB, at a non-warned, no fee, regular meeting.

SLOPE: The incline or decline from the level, horizontal plane. A slope percentage, or percent grade, is a fractional expression. It expresses the ratio of difference in altitude between two points on a slope to the horizontal distance between the points, multiplied by 100. For example a 10% slope means that, for every 100 feet of horizontal distance, the altitude changes by 10 feet. Slopes may be classified as:

- *Gentle*—under 10%
- *Moderate*—10% to 19%
- *Steep*—20% to 35%
- *Extreme*—over 35%

SOLAR ENERGY SYSTEM: A complete design or assembly consisting of a solar energy collector, an energy storage facility, where used, and components for the distribution of transformed energy, to the extent they cannot be used jointly with a conventional energy system. Passive solar energy systems, using natural or architectural components to collect and store solar energy without using external mechanical power, are included in this definition. A solar installation on a building is an accessory use and requires no permit; stand-alone panels may require a local permit if not net-metered. Solar facilities enrolled in net metering fall under PUC jurisdiction.

SPECIAL FLOOD HAZARD AREA: [SFHA] The floodplain within a community subject to a 1% or greater chance of flooding in any given year. This area is usually labeled Zone A, AE, AO, AH, or A1-30 in the most current flood insurance study and on the maps published by the Federal Emergency Management Agency. Maps of this area are available for viewing in the Town Office or online from the FEMA Map Service Center. See *Article VII Flood Hazard Area Regulations*

STABLE: A facility where 4 or more horses are boarded, trained, rented, or held for sale. Breeding farms included. Stables are under RAP regulations.

START OF CONSTRUCTION: [SFHA] 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. Start of construction does not include land preparation, such as clearing, grading, and filling; nor does it include excavation for a basement, footing, piers, or

foundations, or the erection of temporary forms. 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.

STREET: Public or private way for vehicular traffic; road and street are typically used synonymously. See *Roads, Town Roads*

STORAGE: [SFHA] 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.

STRIP DEVELOPMENT: [10 VSA 6001(36)] Linear commercial 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 except by highway, lack of coordination with surrounding land uses, and limited accessibility for pedestrians. In determining whether a proposed development or subdivision constitutes strip development, the DRB (Act 250, District Commission) shall consider the topographic constraints in the area where the development or subdivision will be located.

STRUCTURE: An assembly of materials for occupancy or use, including but not limited to a building, mobile home, trailer, sign, retaining wall, dock, support tower, or similar.

STRUCTURE: [SFHA] means a walled and roofed building, as well as a manufactured home, including gas or liquid storage tanks.

SUBDIVISION: Generally, subdivision refers to one of two land division options. The context will usually indicate which is being referenced, verb or noun:

1. (*verb*) The partition of land into two or more parcels. Simple subdivisions, consisting of the division into lots for sale individually, may be done administratively by the ZA as authorized by the bylaws.
2. (*noun*) A multi-unit development complex of residential, commercial, or mixed-use units with lots, appurtenant roads and infrastructure, to be developed as a unit, and governance, maintenance, land use specifications for the lots and the protection of open space and common land, specified in association covenants and controlling provisions (e.g. "home-owners association" agreement).

SUBDIVISION, MAJOR: A subdivision resulting in excess of 4 lots, for Residential, Commercial, or Mixed-Use purposes [§§6.02(D), 6.402]. Major subdivisions may be developed as multi-lot complexes or PUDs. They fall under the purview of the DRB, and may be subject to Act 250 review. See *Planned Unit Developments*

SUBDIVISION, MINOR: A simple subdivision containing four or fewer lots (the parent parcel and 3 new), fronting on an existing street and not requiring a new street, access easement, or extension of municipal facilities [§6.02(C)]. Most applications will be decided under Administrative Review, but are subject to referral to the DRB as warranted.

SUBSTANTIAL DAMAGE: [SFHA] Damage of any origin sustained by a structure whereby the cost of restoring the structure to its before-damaged conditions would equal or exceed fifty percent (50%) of the market value of the structure before the damage occurred. Degree of damage is determined by the ZA.

SUBSTANTIAL IMPROVEMENT: [SFHA] Means any reconstruction, rehabilitation, addition or other improvement of a structure, the cost of which, over 3 years or over a period of a common plan of development, cumulatively equals or exceeds 50% of the market value of the structure before the start of construction. This term includes structures which have incurred substantial damage regardless of the actual repair work performed. The degree of improvements effected is determined by the ZA. The term does not, however, include (1) any project to correct existing violations of State health, sanitary, or safety codes which have been identified by a code enforcement official and which are the minimum to correct the violation or (2) any alteration of a historic structure provided that alteration will not preclude the historic structure designation.

SUBSTANTIALLY COMMENCED: Having the foundation, water/wastewater systems, plumbing and electrical work roughed in, walls/ceilings/windows/doors, and roof installed.

VIII. DEFINITIONS

SUBSTANTIALLY COMPLETE: The completion of 50% or more of approved work on a permitted building or structure to the extent that it may be safely used for its intended purpose.

TELECOMMUNICATIONS FACILITY: A structure which is primarily for commercial two-way communication or broadcast purposes, used to transmit and/or receive communication signals for commercial purposes [§3.203; §4.330]. See also *Antenna*, *Antenna Structure*, *Tower*. Conditional Use approval and a Zoning Permit are required, unless an Exempt use.

TEMPORARY STRUCTURE: Any structure designed or used for purposes that are relatively impermanent in nature, for personal use by the property resident(s), and not attached to a permanent foundation. These include, but are not limited to, box trailers and mobile storage pods (a portable, weather-resistant storage container), Quonset huts, tents and tipis, hoop houses. A permit is not required if the unit is under 250 square feet. A temporary structure may, at the ZA's discretion, require a permit if over 250 square feet in size.

TEMPORARY USE: A permit may be required, at the ZA's discretion, for uses not exceeding 3 weeks or as designated in these *Regulations*. A Temporary Use Permit may be extended by the ZA one time for an additional 3 weeks. Any additional extension is subject to the DRB and a hearing.

TIME COMPUTATION: Time, relative to appeals and similar day-count periods, is counted beginning on the day after the beginning event or action (e.g. permit issue date) and ending on day the concluding event commences. In calculating the period: (1) the first day shall not be counted; and (2) the final day shall be counted. The time period means sequential calendar days unless specified otherwise. See *Day*.

TINY HOMES/HOUSES: Terminology used to indicate a dwelling by size. Other size terminologies include "small homes," 500 to 1,000 sq ft; "average homes," 1,000 to 2,000 sq ft; and "large homes," over 2,000 sq ft. Tiny homes or houses are typically under 500 sf, with a first floor, no basement, and low loft spaces for bedroom &/or storage space. Tiny homes typically have difficulty meeting ICC (International Code Construction) construction code standards (because ICC has difficulty figuring out how to code them, adding and dropping them from the code standards). This can make it difficult for them to pass building regulations and the *Residential Building Energy Standards* (RBES). See also *Camper*.

Tiny homes are of two types:

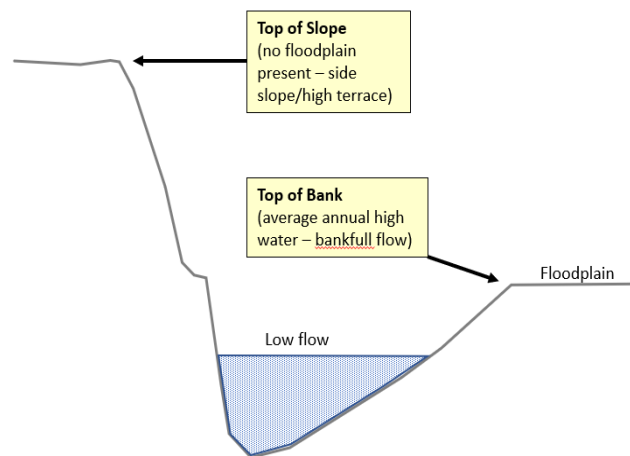
1. permanent, foundation-situated units, "stick-built" on-site or modular; if brought to the site by towing, wheels have been removed, units are connected to residential/municipal septic & water systems (with approved or amended State WW permits), and may be connected to the public power grid;
2. mobile, transportable units built on a wheeled frame for road travel. Wheeled tiny homes are considered "campers" or RVs unless the wheels are removed and the home is secured to a concrete/cement pad or a permanent foundation and converted to dwellings as listed in (1).

TOP OF BANK: [SFHA] means the 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: [SFHA] 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.

TOWN ROADS: Shoreham has the following classifications of roads:

- Class 1 town roads are those roads that form the extension of a State highway route and that carry a State highway route number (e.g. Route 22A)



- Class 2 town roads are those roads running from town to town and that tend to have more than normal amount of traffic (e.g. Richville Road). *Diagram showing the Top of Bank where stream flows onto a floodplain and Top of Slope where floodplain access is not present.*
- Class 3 town roads are all traveled town roads other than class 1 or 2, and that are negotiable under normal conditions all seasons of the year by a standard manufactured pleasure car. The majority of Shoreham class 3 roads are unpaved.
- Class 4 town roads are all town roads that are not class 1, 2, or 3. They are typically not traveled, not maintained, not paved.

See *Roads, Streets*

TRACT: Often used synonymously with “parcel.” Generally refers to a piece of land that is a multi-acre, contiguous property having a known size and established boundaries.

TRAINING FACILITY: A facility used for teaching specified skills to those needing or wanting to gain proficiency in them. In general, such facilities incorporate living quarters and meals. Facilities include vocational/technical training, sports/athletic training, disaster preparedness training, health/fitness training. The institution may be a private facility, a government, educational, or business-owned facility. Paramilitary training is prohibited (Act 13); police training or government military facilities are allowed. Fire-fighting training, emergency/disaster training facilities are encouraged.

TRANSIENT/OVERNIGHT RENTALS: See *Rentals: (4) Lodging*, also §4.324(C)(4).

TOWER: A support structure, guyed or un-guyed, used to elevate communications antennae, power generating wind units, or similar equipment for personal or commercial use. A tower is typically of a lattice-work metal construction, but may be a mono-pole. Conditional Use approval and a Zoning Permit are required.

UNDUE ADVERSE EFFECT: An impact that cannot be reasonably mitigated.

USES: Any use of land involving structures, improvements, or any other man-made artifacts or additions to the property, or any human activity taking place on the property whether for private or public use.

VARIANCE: Authorization to depart from the literal requirements of a regulation. that is granted or denied by the Development Review Board.

VETERINARY CLINIC, ANIMAL HOSPITAL: A building or premises for the medical or surgical treatment of domestic animals. Conditional Use approval and a Zoning Permit are required.

VIOLATION: The failure of a use, structure, or other development to be fully compliant with these *Regulations* and therefore presumed to be in violation until such time as documentation is provided that the issue has been resolved and the property brought into compliance.

VIOLATION (SFHA) means the failure of a structure or other development to be fully compliant with this bylaw. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in 44 CFR 60.3 is presumed to be in violation until such time as that documentation is provided.

VT NOXIOUS WEEDS RULE: Any plant in any stage of development, including all current and subsequent subspecies, varieties, and cultivars, and parasitic plants whose presence, whether direct or indirect, is detrimental to the environment, crops or other desirable plants, livestock, land, or other property, or is injurious to the public health or the economy generally.

http://agriculture.vermont.gov/plant_pest/plant_weed/invasive_noxious_weeds

WAIVER: These *Regulations* contain three types of waivers, all require DRB hearing & approval:

1. **Dimensional Setback Waiver**—A reduction in the dimensional requirements on lots, granted by the Development Review Board, in accordance with specific standards set out in 24 VSA §4414.8 See §3.800(A)(3), §4.108(H)
2. **Regulatory Waiver**—Ability of the DRB to modify submission requirements or provisions normally required for an activity or use. See §3.800(A)(1))
3. **Parking/Service Area Waiver**—Ability of the Development Review Board to modify on-site parking, loading, service area requirements. See §4.112(A)(4)

WAREHOUSE/STORAGE FACILITY: An enclosed structure or part thereof for storing goods, wares, and merchandise. A warehouse may include a wholesale establishment, bulk storage, and bulk sales outlet. Keys are under

VIII. DEFINITIONS

the control of the building owner. Conditional Use approval and a Permit are required. See *Self-Storage*.

WELFARE: Health, happiness, good fortune; well-being, prosperity; efforts to ensure fundamental rights and opportunities for a person or group of citizens (“the public”); the state of being happy, healthy, or successful; relating to health, safety, and quality of life. Governmentally, the provision of a minimal level of well-being and some degree of social support for all citizens, including: safety, of life, limb, and property; health, emergency preparedness, transportation safety, housing, education, community development, crime prevention, recreation.

WETLAND: An area that is inundated or saturated by surface or groundwater at a frequency and duration sufficient to support a prevalence of vegetation typically adapted for life in saturated soil conditions. Such areas include, but are not limited to, bogs, fens, marshes, ponds, swamps, and vernal pools. The methodology for delineating wetlands shall be those as established for the State of Vermont under the Vermont Wetland Rules. *Class 1 and 2 wetlands* tend to be larger, more significant wetlands and are regulated by the State of Vermont. *Class 3 wetlands* are smaller wetlands that may or may not be regulated by the State depending on their significance and proximity to other wetlands. Regulated Class 3 wetlands are functionally intact enough to provide for wildlife habitat, water quality, or flood prevention. Vernal pools fall into this category.

WHOLESALE: Sales of products to resellers or upstream manufacturers, not to the general public.

WIND ENERGY CONVERSION SYSTEM: A device that converts wind energy to mechanical or electrical energy. Conditional Use approval and a Zoning Permit are required.

WOOD PROCESSING: The milling of logs into usable wood products. A wood processor is an entity that aggregates wood products from forestry operations and adds value through processing or marketing in the wood products supply chain or directly to consumers through retail sales. Processors includes sawmills; log yards; producers of boards and lumber; firewood, wood chips, biomass, maple sap, bark, and mulch. Also producers of more “finished” goods such as furniture and furnishings, tools, fences, utensils, etc. Not included are facilities that purchase, market, and resell finished goods, such as wood furniture, wood pellets, and milled lumber, without first receiving the unprocessed wood from forestry operations [10 VSA 6001(44)]. Conditional Use approval and a Zoning Permit are required.

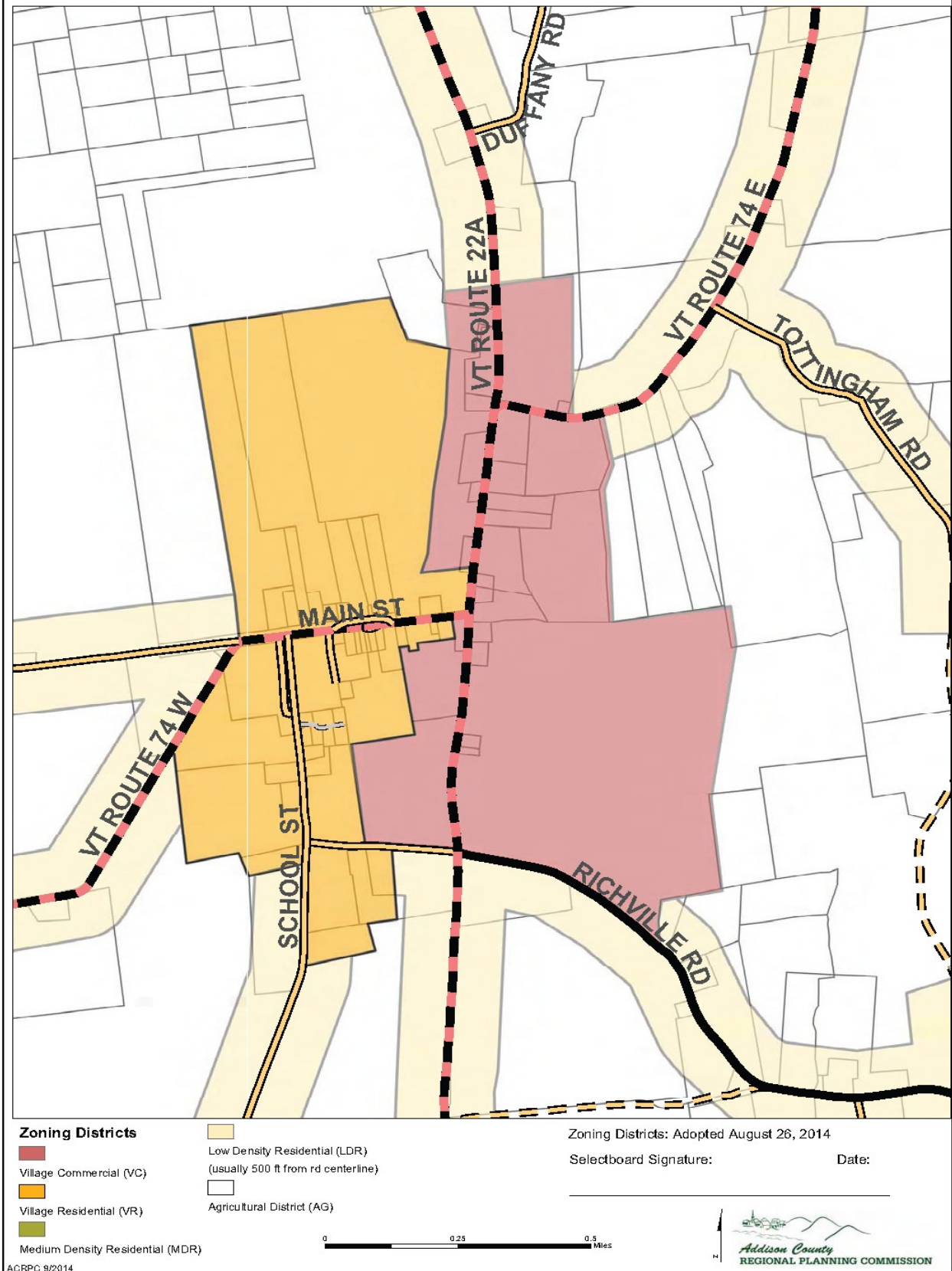
WORKFORCE HOUSING: For the purposes of these *Regulations* workforce housing shall mean housing for people making 60 to 250 percent of area median income for Addison County. Housing costs should constitute no more than 35% of such income to qualify as workforce housing. See *Affordable Housing*.

YARD: Space on a lot not occupied with a building or other structure. Also see Setback.

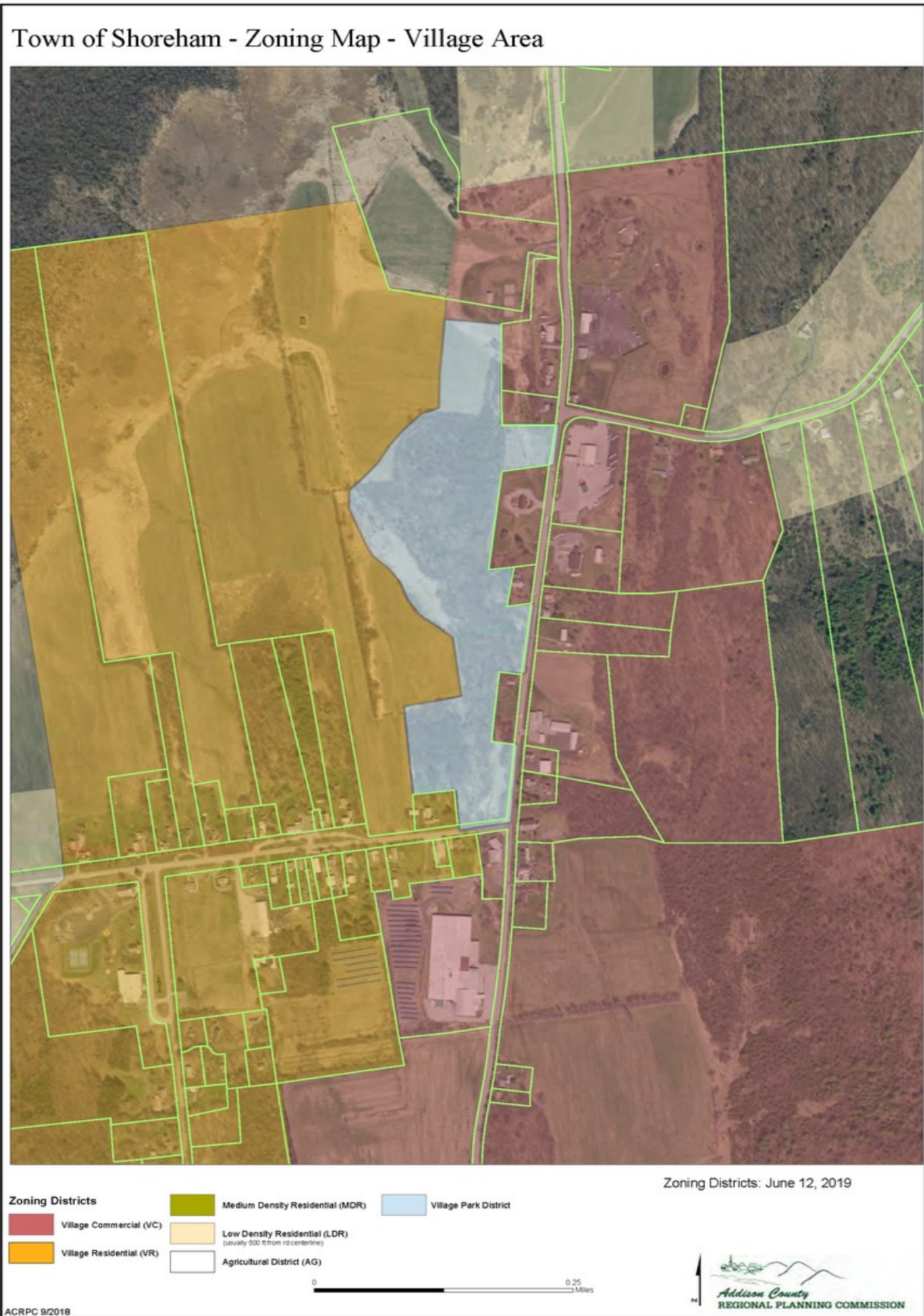
ZONING ADMINISTRATOR: See §3.100

MAPS

Town of Shoreham - Zoning Map - Village Area



MAPS



MAPS

