



GEORGIA VERMONT

Selectboard Special Meeting Thursday, July 31, 2025 at 6:00 PM Fire Station Community Room and via Zoom Agenda

Zoom Details:

<https://us02web.zoom.us/j/6165843896?pwd=STduU2JzTmpiVmE1MXZSaWZWZVadz09>

Meeting ID: 616 584 3896 | Passcode: 5243524

Dial by your Location: 1 929 205 6099 (New York)

1. CALL TO ORDER
2. OTHER

A. Discussion on Proposed Town of Georgia Development Regulations – Revised Draft

A. Public Meeting – Review of Revisions to the Town of Georgia Development Regulations

Presentation and discussion of the revised draft regulations, incorporating updates made following the public meeting held on June 24, 2025.

Overview of key changes and clarifications.

Public comment and feedback on the updated draft.

Next steps for finalizing and adopting the revised regulations.

3. ADJOURN

TABLED ITEMS:

Agendas are posted to the Town website, four designated places within the Town of Georgia (Town Clerk's Office, Georgia Public Library, Maplefields & Georgia Market), and e-mailed to the local media. Meeting videos are posted on the Town of Georgia website.

Minutes and videos are posted on the Town of Georgia website.

Signed: Stacy Katon, Town Administrator

Phone: 802-524-3524 | Fax: 802-524-3543 | Website: townofgeorgia.com



GEORGIA VERMONT

PROPOSED TOWN OF GEORGIA DEVELOPMENT REGULATIONS Version 2.4 July 7, 2025

The following **CHANGES** have been made to the proposed development regulations between version 2.3 and 2.4 of the attached document:

- Page ii Revised the left side of the flowchart to change “SFD” to read “Single Family Dwelling / Duplex”
Revised the right side of the flowchart after the appeal period at add step: “Survey plat submitted 180 days and recorded” to match figure 7.1 on page 7-9
- Page iv Added SFD Single Family Dwelling to abbreviations
- Page 1-1 Corrected title of Article 1 to read “Authority and Purpose”
- Page 2-3 Moved Zoning map and re-ordered pages so that the dimensional standards table for each district would appear on the facing page after each zoning district description, and not the other side of the page.
- Page 2-5 (now page 2-6) Section 2.2.3 - Deleted paragraph E
- Page 2-7 (now page 2-8) Section 2.3.3 – Modified paragraph E to read “The DRB may require sidewalks or shared-use paths as part of a Cottage Court approval.”
- Page 2-9 2.4.3 District Requirements, Section C – Changed “shall” to “may”, added the following: “The DRB may require an amount equal to the cost of building a sidewalk and/or multi-use path to be placed into the Pedestrian Shared-use Paths Fund for future buildout of the sidewalks and/or multi-use paths.”
- Page 2-11 2.5.3 District Requirements, Section C – Changed “shall” to “may” – added “The DRB may require an amount equal to the cost of building a sidewalk and/or multi-use path to be placed into the Pedestrian Shared-use Paths Fund for future buildout of the sidewalks and/or multi-use paths.”
- Page 2-13 2.6.3 District Requirements – Removed paragraph E
2.6.4 Pre-Existing Non-Conforming – Changed 16’ height to 26’ in both sections A & B
- Page 2-14 Table 2.5 – Changed building height to 26’
Changed front yard setback to 30’
Footnote 5 – fixed text justification
- Page 2-15 2.7.3 District Requirements – Removed paragraphs B, C, and D
- Page 2-17 2.8.3 District Requirements – Removed paragraph B
Section I – after shrubs, replaced “will” with “may”

Page 2-19 2.9.3 District Requirements – Section D Changed to read:
 “Private sidewalks and/or multi-use paths may be required in this district to connect from the building entrances to any adjacent public sidewalks, multi-use paths, and off-street parking areas. The DRB may require an amount equal to the cost of building a sidewalk and/or multi-use path to be placed into the Pedestrian Shared-use Paths Fund for future buildout of the sidewalks and/or multi-use paths.”

Page 2-21 2.10.3 District Requirements – Section A. Changed “shall” to “may”, modified numbers 1 and 2 as follows:

1. On both sides of State Highway
2. On one side of all public and private roads

Section B changed to:

“Private sidewalks and/or multi-use paths shall be required in this district to connect from the building entrances to any adjacent public sidewalks, multi-use paths, and off-street parking areas. The DRB may require an amount equal to the cost of building a sidewalk and/or multi-use path to be placed into the Pedestrian Shared-use Paths Fund for future buildout of the sidewalks and/or multi-use paths.”

Page 2-22 Footnote 3 – removed “habitable”

Page 2-28 Removed map in figure 2.7.

Page 2-26 Revised language of section E(1) to no longer refer to map in figure 2.7. Deleted the following text:
 “Planned street connections shall comply with the Conceptual Future Road Layout shown in Figure 2.7 - Conceptual Future Road Layout - Village Core (VC) District on page 2-28. Conformance with the Conceptual Future Road Layout shall be satisfied if proposed new roads further the development of a road network; new roads are not required to follow the exact path of proposed roads as laid out in these illustrations.”

Replaced with the following text: “As new development is proposed within the Village Core, the Planning Commission and applicants/developers should coordinate to plan for and create new road connections which create an internal network grid, providing shared alternative routes for vehicular access in and out of the site(s) to adjacent properties and public streets where possible, as envisioned in the South Village Core Strategic Plan.”

Page 2-32 2.11.3 District Requirements – Removed paragraph B.

Page 3-3 Table 3.1 – Cottage Court row, changed type of allowable use to “C/S” in the VC district
 Added Planned Unit Development row to use table
 Dwelling, Single Household row – in B district corrected typo from P/C to P/S
 Under table footnotes, changed note 1 to read “Single Household dwellings are permitted as stand-alone dwellings meeting front setback requirements and parking access in the rear.”
 Changed note 2 to read “Dwelling Units are permitted in the Village Core District on the second and third floors of a mixed-use building. (Commercial first floor / residential 2nd and 3rd floors or commercial all floors), or on the ground floor provided they do not directly front on the public way/Route 7. See 2.10.4 Village Core Design Standards.”

Page 3-7 3.3.1 Accessory Dwelling Units – Removed paragraph B

Page 3-15 Village Core Standards, Section C(4) – Changed 1200 SF size to 1500 SF. Added “Single-household dwellings shall be multi-level, from 2-3 stories.”

Section C(5) added: “A waiver may be obtained from the DRB for the requirement of the second story.”

Added new paragraph #4 – “The DRB may allow multi-household dwellings of 5 units or more in the same building to be exempt from the commercial offset if, as part of the overall development, there is a commercial element that meets the requirements in section 3 above. The DRB may impose a minimum of square footage on developments of 5 units or more that do not have other commercial offset as a part of the plan.”

Page 3-17 3.3.23 Recreational / Camping Vehicles with Sleeping Quarters

Modified Section B to read: “A legally registered recreational vehicle may be placed on an undeveloped lot and used for limited seasonal occupancy, provided it meets the following requirements:

1. It shall not be permanently attached to the land.
2. It must be moved at least once a week
3. It shall be occupied seasonally (i.e., for less than 180 days between May 1 and November 30 and no more than 60 days between November 1 and May 31).
4. It shall meet applicable setback standards for a primary structure in the district in which it is located.

Added C “Any camping or recreational vehicle used for living quarters and sited so as not to be readily movable shall be deemed a structure and a dwelling unit, and shall be subject to all applicable regulations.”

Page 3-22 3.3.29 Seasonal Mobile Food Unit – Paragraphs deleted and replaced with the following:

“A. License Required. Seasonal mobile food units are permitted in districts as specified in TABLE 3.1 - Table of Land Uses. Refer to the Town of Georgia Mobile Food Unit Ordinance for more information.”

Page 3-22 3.3.30 Short Term Rentals – Paragraphs deleted and replaced with the following:

“A. License Required. Short-term rentals are permitted in districts as specified in TABLE 3.1 - Table of Land Uses. Refer to the Town of Georgia Short-term Rental Ordinance for more information.

Page 4-2 4.1 A – Added flagpoles under exemptions

Page 4-7 Wetland and Vernal Pools, Section 4.7.1 review standards, subsection A changed to read:

“No land development shall be permitted in a Class I or Class II wetland, except as exempted or approved by the Vermont Agency of Natural Resources.”

Deleted paragraphs B and D

Deleted section 4.7.2

Page 5-5 Table 5.1 Required Off-Street Parking Spaces – Added note to Dwelling row “Existing non-conforming parking spaces count towards requirements for the number of spaces when expanding existing residential uses. See 24 V.S.A. §4428”

Page 5-6 - Table 5.2 Parking lot stall and aisle dimensions - added footnote “Single-household and duplex dwellings are exempt from these dimensional requirements, as per 24 V.S.A. § 4428.

Page 5-8 5.6.1 Public Sidewalks, A(2) Location – Removed paragraph C.

Modified paragraph D to read : On both sides of State Highways in the RV District

Page 5-9 5.6.2 Private Sidewalks – Section A(1), Removed references to all but RV and VC districts.

Page 5-12 5.7.1 Section D Land Development on Private Roads, subsection (1) – Revised wording to add “three (3) Duplexes” in addition to 3 dwelling units or 3 lots already referenced in the text.

Revised last sentence to similarly read “Private roads with more than three (3) dwelling units, three (3) Duplexes, or lots must be constructed to A-76 standards.”

Page 5-13 Section B(1) – Revised wording to read “All accesses servicing three (3) or more dwelling units or duplexes....”

Page 5-17 5.11 Signs, Section C, added “In the Village Core (VC) district, additional signs may be approved as part of the conditional use with the DRB.”

Page 5-17 5.11.2 B – Home Occupation – Added: “The sign may be externally illuminated with downward-facing lights attached above the sign....”

Page 6-12 6.1.12 B Local Exemptions, subsection 3 - Removed “shed”
 Changed 150 s.f. to 200 s.f.
 Subsection 14 – regarding patio and driveway – Changed 100 s.f. to 200 s.f.
 Added d. “The work is conducted as part of a stormwater plan permitted through the Vermont Agency of Natural Resources.”

Page 6-13 6.2.1 Conditional Use Review Process – Changed subsection C to Section 2
 Change Section 2 to Section 3

Page 6-15 6.2.3 Permit Conditions – Added new subsection 9: “The DRB cannot require a larger lot size, more parking spaces, limit the building size (including footprint/height), or limit the density below that allowed by the underlying bylaw for residential housing development only. See 24 V.S.A. §4464(b)(7)”

Page 6-22 Section F - Open Space Land 1. Change “Up to 50%” wetlands used as open space to “Up to 100%”.

Page 6-25 Cottage Court – subsection 3 Dwelling Size changed from 1200 SF to 1500 SF.
 Subsection 4. Changed building height to “As permitted in the zoning district”
 Added 16 “Cottage courts in the VC district shall be located off a private road and not located on a public or state highway.”
 Added 17 “The DRB may allow Cottage Courts of 6 to 12 units in the VC district to be exempt from the commercial offset if, as part of the overall development, there is a commercial element that meets the commercial requirements as a part of the development and the cottage court has a common building for use by all residents of that courtyard. The DRB may impose a minimum of commercial square footage and common building on developments of 6 to 12 units that do not have other commercial offset as a part of the plan.”

Page 6-26 Subsection B(1). Energy Efficient Siting – Changed potential density bonus from 50% to 25% and Changed minimum percentage of lots from 25% to 60%.

Page 7-14 7.3.5 Major Subdivision section E. Effect of Preliminary Plan / Plat Approval – Added to the end of the paragraph: “Upon written request before the one-year deadline, the ZA may authorize an extension of up to 1 year for reasons outside the applicant’s control.”

Page 7-14 7.3.5 Major Subdivision, section F, last sentence – Removed “by the DRB”
 Replaced “a minor subdivision” with “a major subdivision”

Section 8 Copied definitions for the following terms to the standard definitions in Section 10
 Common plan of development
 Construction trailer
 Designated center

New Construction
Non-residential
Replacement structure
Storage
Substantial damage
Substantial Improvement

Page 9-4 9.4 Public Hearing/Notice Requirements for DRB Approvals –
Add new #6: “The DRB must hold hearing within 120 days of the application being deemed complete.
See 24 V.S.A. §4464(b)(1).”

Page 10-7 Added new definition for Common Land: “Land within a development or subdivision that is not individually owned but is designed to be held in common for the use, enjoyment, management, and maintenance by the residents or occupants of that development or subdivision. It is generally owned or leased by a homeowner’s association (HOA), which is typically responsible for its upkeep.”

Page 10-12 Replaced definition examples for Interested Persons/parties as follows:

- (1) A person owning title to property, or a municipality or solid waste management district empowered to condemn it or an interest in it, affected by a bylaw, who alleges that the bylaw imposes on the property unreasonable or inappropriate restrictions of present or potential use under the particular circumstances of the case.
- (2) The municipality that has a plan or a bylaw at issue in an appeal brought under this chapter or any municipality that adjoins that municipality.
- (3) A person owning or occupying property in the immediate neighborhood of a property that is the subject of any decision or act taken under this chapter, who can demonstrate a physical or environmental impact on the person’s interest under the criteria reviewed, and who alleges that the decision or act, if confirmed, will not be in accord with the policies, purposes, or terms of the plan or bylaw of that municipality.
- (4) Any 20 persons who may be any combination of voters, residents, or real property owners within a municipality listed in subdivision (2) of this subsection who, by signed petition to the appropriate municipal panel of a municipality, the plan or a bylaw of which is at issue in any appeal brought under this title, allege that any relief requested by a person under this title, if granted, will not be in accord with the policies, purposes, or terms of the plan or bylaw of that municipality. This petition to the appropriate municipal panel must designate one person to serve as the representative of the petitioners regarding all matters related to the appeal. For purposes of this subdivision, an appeal shall not include the character of the area affected if the project has a residential component that includes affordable housing.
- (5) (5) Any department and administrative subdivision of this State owning property or any interest in property within a municipality listed in subdivision (2) of this subsection, and the Agency of Commerce and Community Development of this State. See 24 V.S.A. §4465(b)(4)

Page 10-12 Household – deleted “or not more than six unrelated adults living together”

Page 10-18 Public Facilities – updated definition to also include: “Emergency shelters and hotels/motels converted to permanently affordable housing”

Page 10-19 Added new definition “Recreational Uses: Any property used for enjoyment and relaxation rather than residential or commercial development. Recreation uses may include walking, hiking, skiing, biking, birding, hunting, and recreational vehicles.”

Page 10-24 Structure, accessory – added: “a structure less than 200 sf is exempt from needing a permit.”



Planning Commission Report on Development Regulations Update May 27, 2025

Over the past several months, the Georgia Planning Commission has been working with our planning consultant to complete an update of our Development Regulations. This update is in direct response to align our development regulations with our most recent Town Plan, adopted January 6, 2025. The previous Georgia Town Plan was adopted in January of 2017. This summary report serves to identify significant changes being made to the development regulations.

STATEMENT OF PURPOSE

The purpose of this bylaw update is to bring the Town of Georgia Development Regulations into alignment with the current Town Plan, adopted January 2025, and make associated corrections and improvements to the code.

SIGNIFICANT CHANGES

Although this update was intended to align local regulations with the newly adopted Town Plan, the Georgia Development Regulations were redeveloped as a completely new document, formatted to improve overall organization, readability, and functionality. A majority of the existing regulations text was carried over into the new document and edited as necessary. The following notable changes were incorporated:

LAND USE: The land uses and zoning map have been updated to reflect the land use vision in the adopted Town Plan, with changes to districts described further below.

AR-1 DISTRICT. The existing AR-1 district has been renamed “AR - Agricultural/Rural Residential”. The geographic extent of this district has been reduced in some areas where expansion has occurred in other districts.

AR-2 DISTRICT. The existing AR-2 district has been renamed “R - Residential”. The geographic extents of this district have been enlarged to include areas along Route 7, Polly Hubbard Road, and Mill River Road. The minimum lot size in this district has been reduced from 2 acres to 1 acre, with reductions in lot road frontage, side, and rear yard setbacks.

AR-3 DISTRICT. The existing AR-3 District has been renamed “RN - Residential Neighborhood”. The minimum lot size in this district has been reduced from 1 acre to 0.5 acres, with reductions in lot road frontage, front setback along Route 7, side and rear yard setbacks.

L-1 DISTRICT. The existing L-1 district has been renamed “LF - Lakefront”. The geographic extents of this district have been reduced from 500 feet from the edge of the water down to 250 feet. The minimum lot size in this district has been reduced from 1 acre down to 0.5 acres, with some reductions in lot road frontage, front yard setback, shoreline frontage, side and rear setbacks, as well as building height. Because the area and bulk requirements of the current regulations were variable depending on distance from the water and lot size, some of these reductions would not modify requirements on certain lots. The area and bulk requirements have now been standardized for this district.

L-2 DISTRICT. The existing L-2 district has been renamed “LV - Lakeview”. The geographic extents of this district now begin 250 feet closer from the edge of the water, but extend inland the same distance (2,000’) from the water as currently zoned. The minimum lot size in this district has been reduced from 3 acres (4 for two-household dwellings) down to 2 acres. Reductions in lot road frontage, side and rear yard setbacks have also been established.

B DISTRICT. The existing “B - Business” district has been reduced in geographic area in one location, and expanded with a new area elsewhere. In the vicinity between Route 7 and Interstate 89, the B district has been reduced. A new B district area has been added at the north end of town on the east side of Route 7, bounded by the railroad tracks and Conger Road. On the west side of Route 7, the new B district is established on the north side on Mill River Road.

SV DISTRICT. The existing SV district has been renamed “VC - Village Core”. The geographic extents of this district have been expanded to include an additional parcel to the west, and reduced to exclude several parcels to the east. The maximum building height in this district has been increased from 50 feet up to 55 feet.

I-1 and I-2 DISTRICTS. The I-1 and I-2 districts have been combined and renamed “I - Industrial”. The geographic extents of this combined district have been expanded to include additional parcels to the east of the railroad tracks, and expanded south to include parcels fronting on Route 104A.

R-1 and N DISTRICTS. The existing R-1 and N districts have been combined and renamed to “NR - Natural/Recreational”. The geographic extents of these combined districts remains unchanged.

NEW RV DISTRICT - A new zoning district named “RV - Residential Village” has been created. The geographic extents of this new district include former AR-3 lands on the east and west side of Route 7, south of the Village Core (Formerly SV) district. It also includes some parcels along Route 104A which were formerly in the SV district as well. The minimum lot size in this district has been established at 0.25 acres.

NEW BH DISTRICT - A new zoning district named “BH - Business Hamlet” has been created. The geographic extents of this district include parcels within Georgia Center hamlet, on both sides of Route 7, extending from the intersection with Ballard Road to beyond Cadieux Road. It also extends on both sides of Plains Road. The minimum lot size in this district is 2 acres.

HOUSING. The new regulations have been modified to broaden allowable housing types and provide more availability for safe and affordable housing. Single-household dwellings and two-household dwellings are now considered the same category of land use, and are allowed in identical fashion. Multi-household dwellings have been added as potential uses in the newly created RV and BH districts. A new housing type “Cottage Court” has been added to the regulations as a permitted use in the R, RN, RV, VC, B and BH districts. Group Homes (8 persons or less) are now permitted in all but the Industrial district. Multi-tenant housing for older persons has been added to the new RV and BH districts. Accessory dwelling units and adult day care homes have been added as permitted uses in most districts.

SIDEWALKS. The code has been clarified/augmented to require or encourage public sidewalks and/or shared-use paths in many districts.

FLOODING. The existing code regarding “Flood Hazard and River Corridor Regulations” has been replaced in its entirety with new flood hazard and river corridor regulations from the State of Vermont.

SPECIFIC USE REQUIREMENTS. Specific requirements for many particular uses have been added to the code for child care, group homes, contractor yards, heavy equipment sales, motor vehicle repair, short-term rentals as well as others.

ABANDONED AND BLIGHTED PROPERTIES. New code sections have been added to address conditions of abandoned or blighted properties.

ONLINE PERMIT PROCESS. The new development regulations have been updated to accommodate a new online permit application system which is anticipated to help streamline the permit application process for applicants and town staff, including the administrative approval of several common requests such as boundary lot line adjustments and minor two-lot subdivisions.

DEFINITIONS. Many new definitions have been added for terms in the code as well as updated or clarified definitions for existing terms.

FINDINGS

This bylaw amendment aligns with and furthers the goals and policies of the Town of Georgia 2025 Town Plan, specifically with regard to the availability of safe and affordable housing. The current plan states: *“Allow for a more balanced and diverse mix of housing types that meets the needs of Georgia’s population at every stage of life.”* (pg. 90) and *“Ensure that the town is enabling the creation of adequate housing which is available and affordable for Georgia residents.”* as well as supporting Policies D1, D2, D4 and D5. These bylaws enable and encourage several additional housing types, and incorporate their potential development with reduced lot sizes in several areas in town as described in 24 VSA 4441. The provision for two-family and accessory dwelling units are treated on equal footing with single-household dwellings, and several new areas of town have been opened up for multi-household dwellings. (24 VSA 4412) These bylaws also do not unreasonably restrict essential public facilities as described in (24 VSA 4413). The bylaw establishes clear and reasonable zoning districts to regulate the use of land as described in 24 VSA 4414, and align with the future land use vision of the adopted Town Plan as prescribed in 24 VSA 4441.

VIEWING

The full version of the Development Regulations is available in the Town Clerk's Office at the Town of Georgia Municipal Offices or on the Town of Georgia website at townofgeorgia.com. Any questions can be directed to the Zoning Administrator at zoning@townofgeorgia.com or by calling 802-524-3524.

ATTACHMENTS

Attached are the table of contents and the proposed zoning map from the proposed zoning regulations.



Town of Georgia, Vermont

Development Regulations

Adopted: Georgia Planning Commission Proposed Regulations : Version 2.4 July 7, 2025

PROPOSED

Prepared by:



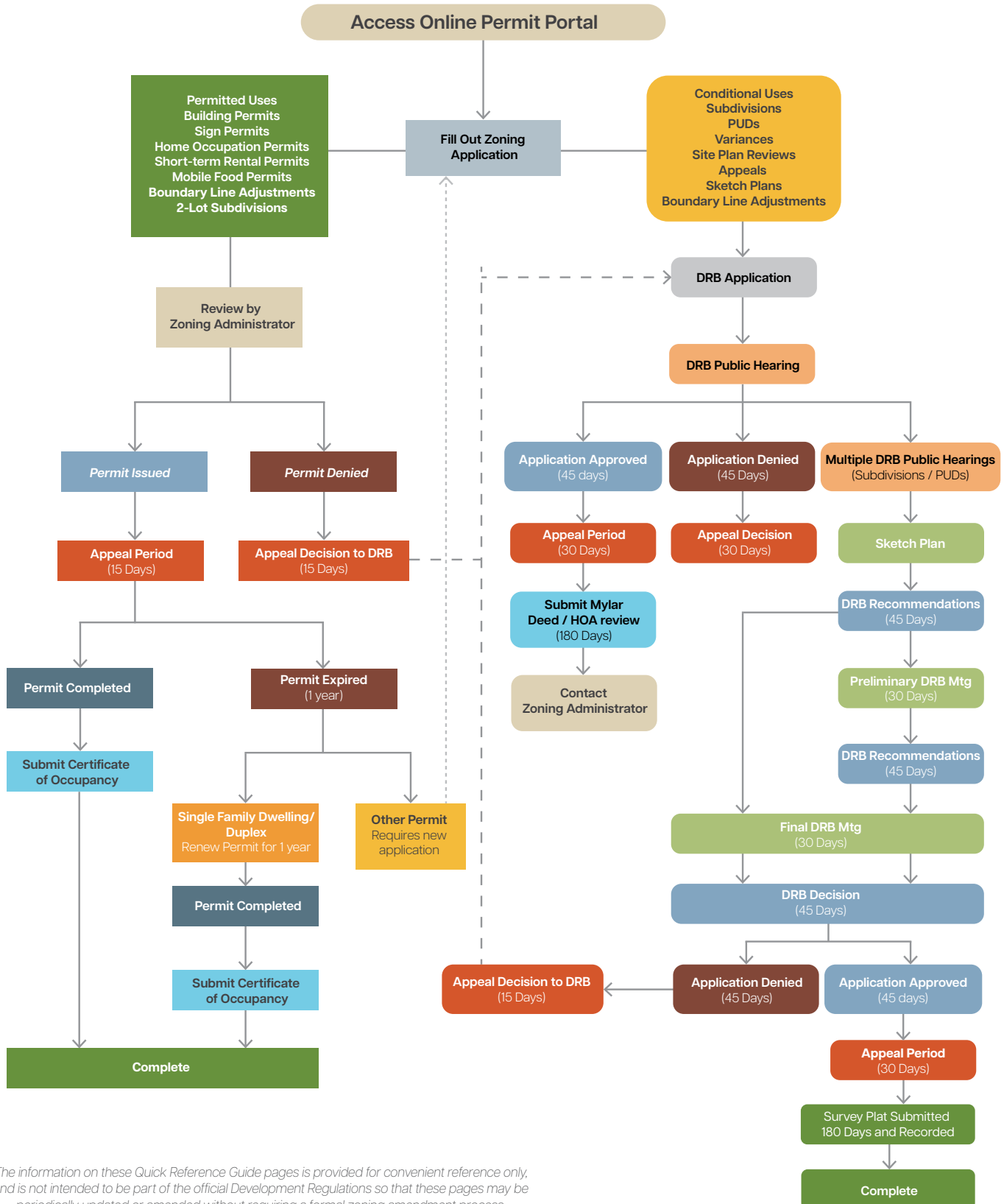
Prepared for:



QUICK REFERENCE GUIDE

Section 2. Item #A.

Zoning and Development Process



The information on these Quick Reference Guide pages is provided for convenient reference only, and is not intended to be part of the official Development Regulations so that these pages may be periodically updated or amended without requiring a formal zoning amendment process.

Contact Info:

Town Offices
47 Town Common Road North
Georgia Center, VT 05478

Zoning Administrator
(802) 524-3524
zoning@townofgeorgia.com

Zoning Clerk
(802) 524-3524
zoningclerk@townofgeorgia.com

Meeting Schedules:

Development Review Board (DRB) Meetings
1st and 3rd Tuesday of each month, 7:00 pm

Planning Commission (PC) Meetings
2nd Tuesday of each month, 6:30 pm
4th Tuesday of each month as-needed

Helpful Links:

Online Parcel Map - Click Here

An interactive online map showing parcels and zoning information for the Town of Georgia

(Note: not an official zoning map, for reference only)

Need a Zoning Permit?

Town of Georgia
Online Permit Portal

Beginning in 2025, the Town of Georgia is switching to processing all zoning and planning applications through an online system called the Online Permit Portal. This electronic system will help to streamline the approval process, make applications and forms more easily accessible, and reduce paper waste.

To Access the Online Permit Portal:

1. Go to www.townofgeorgia.com
2. Click on the blue **Zoning Permit Button** at the bottom of the Home Page
3. Create an account

Paper copies of applications and permits will no longer be accepted.

Quicklinks:

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Conditional Uses	pg. 6-13
Site Plan Reviews	pg. 6-17
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Waivers	pg. 6-27
Subdivisions	pg. 7-1

Abbreviations Used

ADA	Americans with Disabilities Act
ADU	Accessory Dwelling Unit
ANR	Agency of Natural Resources
AO	Administrative Officer
BMP	Best Management Practices
BLA	Boundary Line Adjustment
DEC	Department of Environmental Conservation
DRB	Development Review Board
PC	Planning Commission
SFD	Single Family Dwelling
STR	Short-Term Rental
VGA	Vermont General Assembly
VSA	Vermont Statutes Annotated
VTrans	Vermont Department of Transportation
ZA	Zoning Administrator



Georgia VT Development Regulations

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ARTICLE 1 Authority and Purpose

Article Contents

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1.1 Enactment

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

1.2 Amendment & Effective Date

- A. Amendment.** Zoning amendments shall be prepared and adopted in accordance with the requirements of 24 V.S.A. Sections 4441, 4442, 4444, and 4446.
- B. Effective Date.** These Regulations shall become effective twenty-one (21) days after adoption by a majority of the members of the Town of Georgia Selectboard, pursuant to 24 V.S.A. Section 4442.

1.3 General Purpose

- A.** These Regulations are intended to promote the health, safety, and general welfare of the inhabitants of the Town of Georgia, provide for growth and development while strengthening a sense of community, and maintain and enhance the natural beauty of the town. They are also intended to protect the value of property, to prevent overcrowding, to facilitate the provision of public facilities and services, including transportation, water, sewage, and schools, and to provide for the orderly development in Georgia of homes, agriculture, forestry, commerce, industry, public uses, and recreation and conservation with reasonable consideration for the character of each locality and its suitability for a particular use.
- B.** These Regulations classify and guide the uses of land, buildings and structures in the Town of Georgia in accordance with the goals and policies of the Town's Comprehensive Municipal Plan, Town Zoning Map, Capital Budget and Program, and the Vermont Planning and Development Act, Title 24 V.S.A. Chapter 117, referred to as 24 V.S.A. The Regulations

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

1.4 Applicability

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

1.5 Interpretation

A. Prior Versions of These Regulations. Upon the date that these Regulations become effective, any prior zoning and subdivision Regulations of the Town of Georgia, including any interim regulations then in effect shall be amended in their entirety. Previous amendments to the Regulations were made on 2/27/23; 8/24/20; 10/14/13; 4/12/10; 6/8/09; 8/04/08; 11/12/07; 9/12/05; 2/14/05; 8/12/02; 5/12/97; 7/8/96; 2/28/94; 2/24/92; 11/12/90; 7/4/88; 1/23/84; 9/14/81; 1/6/74; 2/19/70; 9/30/68; and 1/23/67.

B. Applicability of Regulations

1. Should any provision of these Regulations conflict with another provision of these Regulations, the most restrictive provision shall apply.
2. Where these Regulations impose a greater restriction than imposed or required by other provisions of law or by other laws, rules, regulations, resolutions or ordinances, the provisions of these Regulations shall control.
3. The provisions of these Regulations shall not be construed to abrogate or annul the provisions of other ordinances or regulations or to impair private restrictions placed on property. Where these Regulations impose a greater restriction upon land, buildings, or structures than is imposed

by any such provision, the restrictions of these Regulations shall control.

C. Most Recent Amendment in Effect. Any citation to a statute, law, rule, regulation or ordinance contained in these Regulations shall be deemed to refer to such statute, law, rule, regulation or ordinance as amended, whether or not such designation is included in the citation.

1.6 Severability

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

ARTICLE 2 Zoning Districts

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2.1 Establishment of Districts

A. Zoning Districts. For the purposes of these Regulations, the Town of Georgia is divided into the zoning districts shown on the Official Zoning Map, as shown on [Map 2.1 - Town of Georgia Zoning Map. on page 2-5](#). The zoning districts are:

AR Agricultural/Rural Residential

R Residential

RN Residential Neighborhood

RV Residential Village

LF Lakefront

LV Lakeview

BH Business Hamlet

B Business

VC Village Core

I Industrial

NR Natural/Recreational

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

C. Official Zoning Map. The Official Zoning Map is on file in the office of the Georgia Town Clerk and incorporated herein by reference. For purposes of these Regulations, the Town of Georgia is divided into eleven zoning districts, and one overlay, as shown on the Official Zoning Map. The Official Zoning Map shall be identified by the signatures of the Town of Georgia Selectboard and certified by the Town Clerk using the following language: "This is to certify that this is the Official Zoning Map of the Town of Georgia, Vermont". [Map 2.1 - Town of Georgia Zoning Map.](#) is a reduced

size reproduction of the Official Zoning Map, included for general information purposes only.

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

1. Boundaries indicated as approximately following the centerlines of streets, highways, or alleys shall be interpreted to follow such centerlines.
2. Boundaries indicated as approximately following property boundaries or plotted lot lines shall be interpreted as following such lot lines.
3. Boundaries indicated as following watercourses shall be interpreted as following the centerline of such watercourses. Boundaries indicated along the shoreline of Lake Champlain shall be the normal mean water mark, established by the Army Corps of Engineers as 95.5 feet. Boundaries indicated along the shoreline of Arrowhead Mountain Lake shall be at the high-water mark of 290.0 feet.
4. Boundaries indicated as following Town boundaries shall be interpreted as following such lines.
5. Boundaries indicated as parallel to, or extensions of, features indicated in subsections 1 through 4 above will be so interpreted. Distances not specifically indicated on the Official Zoning Map will be determined by the scale of the map.

E. Parcels in More than One Zoning District. When a zoning district boundary established by these Regulations divides a lot, the following requirements shall apply. These requirements shall not apply to the boundary lines of the Flood Hazard Area Overlay District:

1. If at least sixty percent (60%) of the lot's acreage lies in the zoning district with the least restrictive dimensional requirements, the least restrictive dimensional requirements apply to the entire lot. Otherwise, the dimensional requirements for each

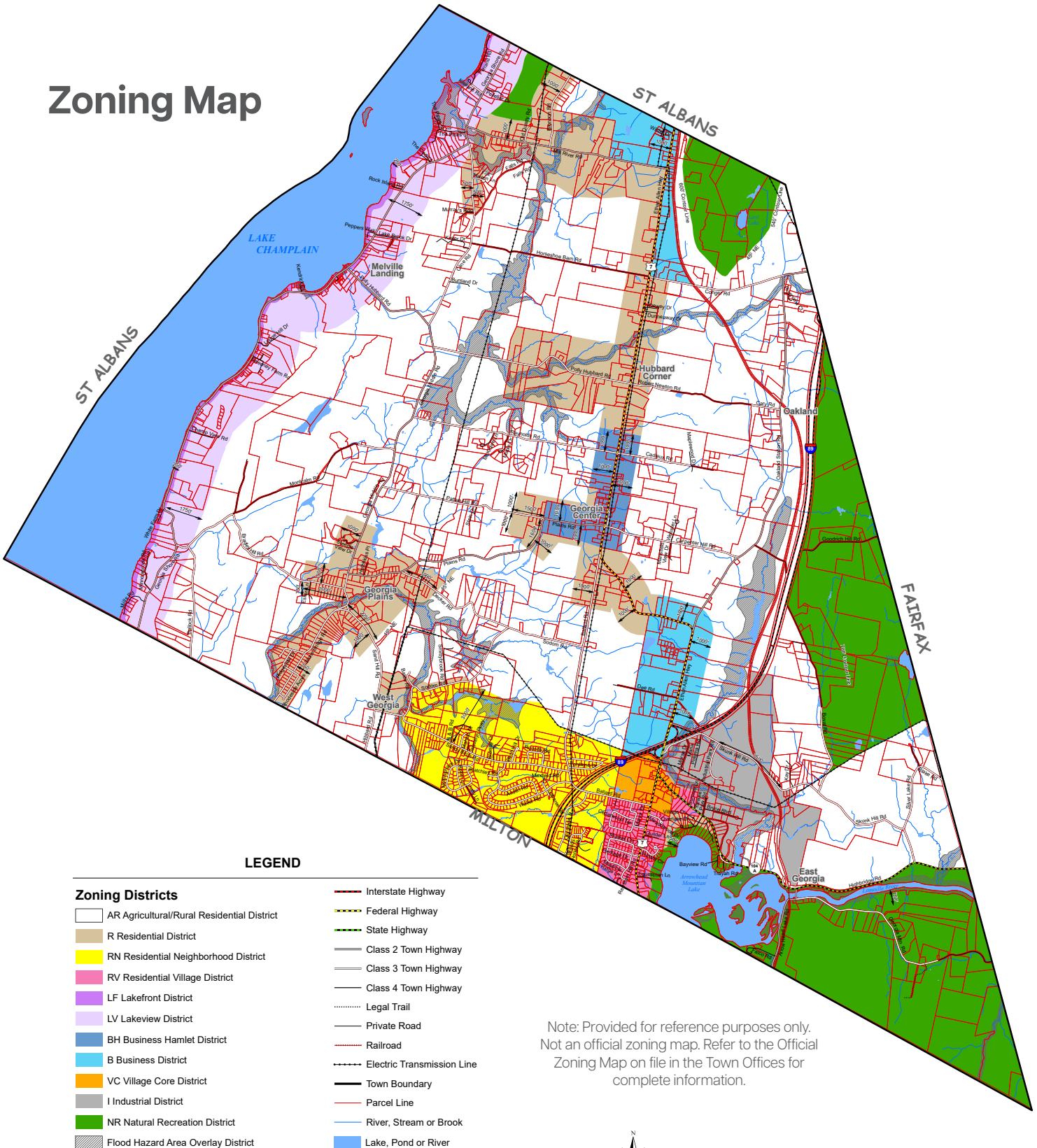
zoning district apply to the portion of the lot in that zoning district.

2. A use allowed in one of the zoning districts in which a lot lies, but prohibited in the other, can extend up to a maximum of 100 feet into the zoning district in which the use is prohibited.

F. Disputes. The ZA will resolve any uncertainty regarding the location of a district boundary, taking into consideration the above-stated rules. A determination by the ZA regarding the location of a district boundary may be appealed to the DRB.

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Zoning Map



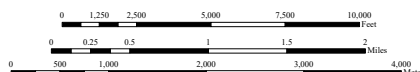
LEGEND

Zoning Districts

- AR Agricultural/Rural Residential District
- R Residential District
- RN Residential Neighborhood District
- RV Residential Village District
- LF Lakefront District
- LV Lakeview District
- BH Business Hamlet District
- B Business District
- VC Village Core District
- I Industrial District
- NR Natural Recreation District
- Flood Hazard Area Overlay District

- Interstate Highway
- Federal Highway
- State Highway
- Class 2 Town Highway
- Class 3 Town Highway
- Class 4 Town Highway
- Legal Trail
- Private Road
- Railroad
- Electric Transmission Line
- Town Boundary
- Parcel Line
- River, Stream or Brook
- Lake, Pond or River

Note: Provided for reference purposes only.
Not an official zoning map. Refer to the Official
Zoning Map on file in the Town Offices for
complete information.



Map 2.1 - Town of Georgia Zoning Map.

2.2 AR Agricultural/Rural Residential

2.2.1 Purpose of District

The primary purpose of the AR District is to provide a place in Georgia for agriculture and silviculture uses. The goals and policies of the Town Plan encourage development in other areas of the Town and not in the AR District. Residential and other uses permitted in the district should be very low density, should not interfere with the agricultural and rural nature of the district, and should not place an unreasonable burden on the Town's ability to provide and maintain Town services to all residents. It is a policy of the Town not to allow strip development in this district. Land should be developed so that large contiguous expanses of agricultural, forestry, significant geological areas, wildlife habitat, scenic areas, and other important open space land will be protected. Development may be phased in order to meet the purposes of this district.

2.2.2 Dimensional Standards

All structures and lots must meet the dimensional standards listed in [TABLE 2.1 - Dimensional Standards for AR Agricultural/Rural Residential District](#) except when otherwise approved by the DRB.

2.2.3 District Requirements

- A.** Within the AR district, subdivision boundaries, lot layout, and building envelopes shall be located and configured to minimize or avoid adverse impacts to primary agricultural soils, productive farmland and forestland, and large tracts of contiguous forestland (>50.0 acres regardless of ownership). Methods for avoiding adverse impacts include, but may not be limited to, clustering development, locating building envelopes at field, orchard, or forest edges and/or on the least fertile/productive soils; designating vegetated buffer areas between agricultural and other proposed uses to minimize land use conflicts; designing access roads, driveways, and utility corridors to follow existing linear features; and sharing access to the extent feasible.
- B.** Areas with slopes of 25% or greater shall not be developed for roads, driveways or structures.
- C.** Commercial, institutional, and governmental uses shall provide adequate pedestrian access and circulation.
- D.** Street trees or shrubs will be required along Route 7 unless waived by the DRB due to topographical or physical limitations.

TABLE 2.1 - Dimensional Standards for AR Agricultural/Rural Residential District

	Lot Size (min acres)	Lot Road Frontage (min feet)	Front Yard Setback ¹ (min feet)	Side Yard Setback ⁴ (min feet)	Rear Yard Setback ⁴ (min feet)	Building Size (maximum)	Building Height (max feet)
All Uses Unless Otherwise Noted Below	5	250	75	40	40	n/a	35
Multi-tenant housing for older persons	5 ²					20 units	
Campgrounds (allowed as Private Outdoor Recreation)	10						
Mixed Use	See note ³					3,500 s.f.	
Small Scale Commercial						2,000 s.f.	
Other non-residential uses						3,500 s.f.	

NOTES: For the full list of allowed uses in this district, refer to Section 3.2.

¹ Front yard setbacks shall be measured from the centerline of the road, except on State Highways where it is measured from the edge of the state right-of-way.

² For up to four dwelling units, and a 1/4 acre for each additional unit of housing for older persons.

³ The sum of minimum acreage for combination of uses. The DRB may reduce the required acreage when such reduced acreage best implements the standards and purposes of the district.

⁴ The side and rear yard setback shall be 220 feet from Deer Brook and Arrowhead Mountain Lake.

2.3 R Residential

2.3.1 Purpose of District

The purpose of the R District is to enable, in areas where historic centers of the Town are located, residential development at a higher density than surrounding rural districts. In addition, small scale commercial uses will be allowed. Development in the district should reflect historic village patterns, protect important resources, enable the economic provision of services, plan for pedestrian and vehicular access, avoid strip development, and be planned so as not to burden the ability of the Town to provide adequate facilities and services.

2.3.2 Dimensional Standards

All structures and lots must meet the dimensional standards listed in **TABLE 2.2 - Dimensional Standards for R Residential District on page 2-9** except when otherwise approved by the DRB as a variance or a PUD.

2.3.3 District Requirements

- A.** Street trees or shrubs will be required along roads in the R district unless waived by the DRB due to topographical or physical limitations.
- B.** In the R district, parking, loading, and utility areas may be required to be located to the side or rear of buildings and may be required to be screened.
- C.** In the R district, access may be limited to one curb cut. Sharing of driveways with adjoining properties may be required.
- D.** Areas with slopes of 25% or greater shall not be developed for roads, driveways or structures.
- E.** The DRB may require sidewalks or shared use paths as part of a Cottage Court approval.
- F.** Commercial, institutional, and governmental uses shall provide adequate pedestrian access and circulation.

TABLE 2.2 - Dimensional Standards for R Residential District

	Lot Size (min acres)	Lot Road Frontage (min feet)	Front Yard Setback ¹ (min feet)	Side Yard Setback (min feet)	Rear Yard Setback (min feet)	Building Size (maximum)	Building Height (max feet)
All Uses Unless Otherwise Noted Below	1	100	50	20	20	n/a	35
Multi-Household Dwelling (3-4 units)	1.5						
Multi-tenant housing for older persons	1.5 ²						
Group home (9 or more persons)	1.5 ³						
Campgrounds (allowed as Private Outdoor Recreation)	10			50	50	3,500 s.f.	
Mixed Use	See note ⁴					3,500 s.f.	
Other non-residential uses						3,500 s.f.	

NOTES: For the full list of allowed uses in this district, refer to Section 3.2.

¹ Front yard setbacks shall be measured from the centerline of the road, except on State Highways where it is measured from the edge of the state right-of-way.

² For up to four dwelling units, and a 1/4 acre for each additional unit of housing for older persons.

³ Per State statute 24 V.S.A. § 4412, group homes of 8 or less persons must be permitted in any single-household dwelling. Group homes of 9 or more persons follow the density requirements for other multi-household dwellings.

⁴ The sum of minimum acreage for combination of uses. The DRB may reduce the required acreage when such reduced acreage best implements the standards and purposes of the district.

2.4 RN Residential Neighborhood

2.4.1 Purpose of District

The purpose of the RN District is to enable higher density residential development where existing development at a higher density has already occurred. Development in the district should enable the economic provision of services, reasonable pedestrian and vehicular access within the district and to nearby business and recreation districts, protect important resources, avoid strip development, and be planned so as not to burden the ability of the Town to provide adequate facilities and services. Within this district, multi-level dwellings, Planned Unit Developments (PUD's) and Cottage Court designs are encouraged.

2.4.2 Dimensional Standards

All structures and lots must meet the dimensional standards listed in [TABLE 2.3 - Dimensional Standards for RN Residential Neighborhood District](#) except when otherwise approved by the DRB as a variance or a PUD.

2.4.3 District Requirements

- A.** Street trees or shrubs will be required along roads in the RN district unless waived by the DRB due to topographical or physical limitations.
- B.** Public sidewalks shall be required in this district to serve the general public as follows ([Refer to 5.6 Pedestrian Accessibility on page 5-7](#)):
 - 1.** On both sides of all public roads (with the exception of Sodom Road).
 - 2.** On one side of all private roads.
 - 3.** As may be required by the DRB as part of PUD, Cottage Court, or subdivision approval.
- C.** Private sidewalks and/or pedestrian paths may be required in this district to connect from the building entrances to any adjacent public sidewalks, multi-use paths, and off-street parking areas. The DRB may require an amount equal to the cost of building a

sidewalk and/or multi-use path to be placed into the Pedestrian Shared-use Paths Fund for future buildout of the sidewalks and/or multi-use paths.

- D.** In the RN district, parking, loading, and utility areas may be required to be located to the side or rear of buildings and may be required to be screened.
- E.** In the RN district, access may be limited to one curb cut. Sharing of driveways with adjoining properties may be required.
- F.** Areas with slopes of 25% or greater shall not be developed for roads, driveways or structures.
- G.** Commercial, institutional, and governmental uses shall provide adequate pedestrian access and circulation.

TABLE 2.3 - Dimensional Standards for RN Residential Neighborhood District

	Lot Size (min acres)	Lot Road Frontage (min feet)	Front Yard Setback ¹ (min feet)	Side Yard Setback (min feet)	Rear Yard Setback (min feet)	Building Size (maximum)	Building Height (max feet)
All Uses Unless Otherwise Noted Below	0.5	100	50	10	10		55
Multi-Household Dwelling (3-4 units)	0.75						
Multi-tenant housing for older persons	0.75 ²						
Group home (9 or more persons)	0.75 ³						
Campgrounds (allowed as Private Outdoor Recreation)	10					3,500 s.f.	
Mixed Use	See note ⁴					3,500 s.f.	
Retail Store						3,500 s.f.	
Other non-residential uses						3,500 s.f.	

NOTES: For the full list of allowed uses in this district, refer to Section 3.2.

¹ Front yard setbacks shall be measured from the centerline of the road, except on State Highways where it is measured from the edge of the state right-of-way.

² For up to four dwelling units, and a 1/4 acre for each additional unit of housing for older persons.

³ Per State statute 24 V.S.A. § 4412, group homes of 8 or less persons must be permitted in any single-household dwelling. Group homes of 9 or more persons follow the density requirements for other multi-household dwellings.

⁴ The sum of minimum acreage for combination of uses. The DRB may reduce the required acreage when such reduced acreage best implements the standards and purposes of the district.

2.5 RV Residential Village

2.5.1 Purpose of District

The purpose of the RV Residential Village district is to enable the highest density multifamily residential development in town where denser development has already occurred, and additional development can be supported by municipal water service at the south end of town. This area is intended for smaller, more affordable and multi-level housing options in a walkable community directly adjacent to and linked with the Village Core and Route 7 transportation corridor services. Although primarily residential, this district does permit some limited, smaller scale commercial and mixed uses intended to help serve the local community. Within this district, multi-level dwellings, Planned Unit Developments (PUD's) and Cottage Court designs are encouraged.

2.5.2 Dimensional Standards

All structures and lots must meet the dimensional standards listed in [TABLE 2.4 - Dimensional Standards for RV Residential Village District](#) except when otherwise approved by the DRB as a variance or a PUD.

2.5.3 District Requirements

- A. Street trees or shrubs will be required along Route 7 unless waived by the DRB due to topographical or physical limitations.
- B. Public sidewalks shall be required in this district to serve the general public as follows ([Refer to 5.6 Pedestrian Accessibility on page 5-7](#)):
 - 1. On both sides of all public roads.
 - 2. On one side of all private roads.
 - 3. As may be required by the DRB as part of PUD, Cottage Court or subdivision approval.
- C. Private sidewalks and/or pedestrian paths may be required in this district to connect from the building entrances to any adjacent public sidewalks, multi-use paths, and off-street parking areas. The DRB may require an amount equal to the cost of building a sidewalk and/or multi-use path to be placed into the Pedestrian Shared-use Paths Fund for future buildout of the sidewalks and/or multi-use paths.
- D. Parking, loading, and utility areas shall be located to the side or rear of buildings and may be required to be screened.
- E. Driveway access shall be limited to one curb cut. Sharing of driveways with adjoining properties may be required.
- F. Areas with slopes of 25% or greater shall not be developed for roads, driveways or structures.
- G. Commercial, institutional, and governmental uses shall provide adequate pedestrian access and circulation.

TABLE 2.4 - Dimensional Standards for RV Residential Village District

	Lot Size (min acres)	Lot Road Frontage (min feet)	Front Yard Setback ¹ (min feet)	Side Yard Setback ⁶ (min feet)	Rear Yard Setback ⁶ (min feet)	Building Size (maximum)	Building Height (max feet)
All Uses Unless Otherwise Noted Below	0.25	50	40 ²	10	10		55
Multi-Household Dwelling (3-4 units)	0.5						
Multi-Household Dwelling (5+ units)	0.5 ³						
Multi-tenant housing for older persons	0.5 ³						
Group home (9 or more persons)	0.5 ⁴						
Other non-residential uses	0.5 ⁵					2,000 s.f.	

NOTES: For the full list of allowed uses in this district, refer to Section 3.2.

¹ Front yard setbacks shall be measured from the centerline of the road, except on State Highways where it is measured from the edge of the state right-of-way.

² Front yard setbacks for all properties fronting on Route 7 shall be 16 feet from the edge of the State right-of-way.

³ For up to four dwelling units, and a 1/16 acre or 2,700 square feet for each additional dwelling unit, subject to change by the DRB.

⁴ Per State statute 24 V.S.A. § 4412, group homes of 8 or less persons must be permitted in any single-household dwelling. Group homes of 9 or more persons follow the density requirements for other multi-household dwellings.

⁵ The sum of minimum acreage for a combination of uses in a mixed-use development. The DRB may reduce the required acreage when such reduced acreage best implements the standards and purposes of the district.

⁶ The side and rear yard setback shall be 220 feet from Deer Brook and Arrowhead Mountain Lake.

2.6 LF Lakefront

2.6.1 Purpose of District

The LF district which contains land along the shore of Lake Champlain beginning at the easterly border of the LF district and continuing inland for a distance of 250 feet from the edge of the water. The purpose of the district is to protect the water quality of the lake and the natural beauty of the shoreland area. Development within the district should preserve contiguous open lands, significant geological areas, and wildlife habitat and protect the view looking eastward from Lake Champlain. There are some severe limitations on development in this district due to soil conditions and slopes and thus densities in the district should be low.

2.6.2 Dimensional Standards

All structures and lots must meet the dimensional standards listed in [TABLE 2.5 - Dimensional Standards for LF Lakefront District](#) except when otherwise approved by the DRB as a variance or a PUD.

2.6.3 District Requirements

- A.** Areas with slopes of 25% or greater shall not be developed for roads, driveways or structures.
- B.** No more than fifty percent (50%) of trees (i.e., every other tree) eight (8) inches and over in diameter at breast height (dbh) may be cut on any lot within the district unless recommended by a professional or County Forester as part of a certified forestry plan. The trees cut shall not be concentrated but must be dispersed. The area required for driveway access and for the structure or structures are not subject to this restriction.
- C.** Any cutting or clearing operation activities (except silviculture in the LF) shall preserve natural shrubbery and vegetation to the greatest extent possible.

- D.** Commercial, institutional, and governmental uses shall provide adequate pedestrian access and circulation.
- E.** Any excavating, filling, or grading within the Lakefront (LF) district shall require a permit and may require a permit from Shoreland Protection.
- F.** Development in this district may require a permit from Vermont Department of Environmental Conservation Watershed Management Division Shoreland Protection Permit. If required, the Shoreland Protection Permit must be received prior to the ZA issuing any municipal permits.

2.6.4 Pre-Existing Non-Conforming

- A.** Pre-existing structures in the Lakefront (LF) zone that are above the 26' height limit may be renovated in place as part of a new build. Any demolishing of the existing structure would require the new structure to meet all current height limits within the zone.
- B.** The total square footage of the new structure above the 26' height limit shall not be greater than the existing structure or in a different site line (i.e. a partial second story on the right side of the building shall not be on the left side of the new structure or be a complete second story across the entire building).

TABLE 2.5 - Dimensional Standards for LF Lakefront District

	Lot Size (min acres)	Lot Road Frontage (min feet)	Front Yard Setback ¹ (min feet)	Shoreline Frontage ² (min feet)	Side Yard Setback (min feet)	Rear Yard Setback ³ (min feet)	Shoreline Setback ^{2,3} (min feet)	Building Height ⁴ (max feet)
All Uses Unless Otherwise Noted Below	0.5	100	30	100	10	10	50	26
Each Dwelling Unit	0.5							
Pre-Existing Lots Less than 1 acre in size		n/a	30 ⁵	n/a			50 ⁶	
Campgrounds (allowed as Private Outdoor Recreation)	10	300	300		100	100	300	
Marinas	2	150	75		20	20	75	

NOTE: For the full list of allowed uses in this district, refer to Section 3.2.

¹ Front yard setbacks shall be measured from the centerline of the road, except on State Highways where it is measured from the edge of the state right-of-way.

² All shoreline setbacks and frontage will be measured from/at the normal mean water level, set by the U.S. Army Corps of Engineers at 95.5 feet.

³ Retaining walls along the shoreline are exempt from side and shoreline setback standards.

⁴ Building height restrictions are intended to preserve visual access to and from Lake Champlain.

⁵ For pre-existing lots less than 1 acre in size, the front yard setback shall be 30 feet from the centerline of the road, but not less than 5 feet from the edge of the road ROW.
If the parcel cannot be reasonably developed, the ZA will make a final determination on setback.

⁶ 50 feet, or no closer than the existing building setback, whichever is larger.

2.7 LV Lakeview

2.7.1 Purpose of District

The LV district contains land close to Lake Champlain beginning at the easterly border of the LF district and continuing inland for a distance of 1,750 feet. The purpose of the district is to protect the water quality of the lake and the natural beauty of the shoreland area. Development within the district should preserve contiguous open lands, significant geological areas, wildlife habitat, and protect the views of Lake Champlain looking west, as well as the view of the shore looking eastward from the water. There are some severe limitations on development in this district due to soil conditions and slopes and thus densities in the district should be low.

2.7.2 Dimensional Standards

All structures and lots must meet the dimensional standards listed in [TABLE 2.6 - Dimensional Standards for LV Lakeview District](#) except when otherwise approved by the DRB as a variance or a PUD.

2.7.3 District Requirements

- A. Areas with slopes of 25% or greater shall not be developed for roads, driveways or structures.
- B. Commercial, institutional, and governmental uses shall provide adequate pedestrian access and circulation.

TABLE 2.6 - Dimensional Standards for **LV Lakeview** District

	Lot Size (min acres)	Lot Road Frontage (min feet)	Front Yard Setback ¹ (min feet)	Side Yard Setback (min feet)	Rear Yard Setback (min feet)	Building Size (maximum)	Building Height ² (max feet)	Lot Coverage (max %)
All Uses Unless Otherwise Noted Below	2	150	75	25	25		35	
Campgrounds (allowed as Private Outdoor Recreation)	10	300	300	100	100			
Commercial Youth Camp	5	250	150	75	75			

NOTES: For the full list of allowed uses in this district, refer to Section 3.2.

¹ Front yard setbacks shall be measured from the centerline of the road, except on State Highways where it is measured from the edge of the state right-of-way.

² Building height restrictions are intended to preserve visual access to and from Lake Champlain.

2.8 BH Business Hamlet

2.8.1 Purpose of District

The Business Hamlet district intended to promote a mix of smaller-scale commercial development together with residential living that is appropriately scaled and patterned to match the older historic hamlet development patterns. The allowable uses in this area are focused more on smaller local business, shops, services and residential living, while avoiding larger auto-centric uses such as shopping plazas, car washes, drive-thrus, sales lots, and vehicle or heavy equipment sales. Strip development here should be strictly avoided by encouraging sensitive site design, reduced setbacks, limited front yard parking, and an emphasis on improved landscaping with strong pedestrian connections and accessibility.

2.8.2 Dimensional Standards

All structures and lots must meet the dimensional standards listed in [TABLE 2.7 - Dimensional Standards for BH Business Hamlet District](#) except when otherwise approved by the DRB as a variance or a PUD.

2.8.3 District Requirements

- A. Public sidewalks shall be required in this district to serve the general public as follows ([Refer to 5.6 Pedestrian Accessibility on page 5-7](#)):
 - 1. On both sides of all public roads.
 - 2. On one side of all private roads.
 - 3. As may be required by the DRB as part of PUD, Cottage Court, or subdivision approval.
- B. Shared parking with adjacent properties is encouraged, and may be required by the DRB.
- C. Drive-thru are not permitted.
- D. Driveway access may be limited to one curb cut. Sharing of driveways with adjoining properties may be required.
- E. Parking, loading, and utility areas shall be located to the side or rear of buildings and may be required to be screened.
- F. Areas with slopes of 25% or greater shall not be developed for roads, driveways or structures.
- G. Commercial, institutional, and governmental uses shall provide adequate pedestrian access and circulation.
- H. Street trees or shrubs may be required along Route 7 unless waived by the DRB due to topographical or physical limitations.

TABLE 2.7 - Dimensional Standards for **BH Business Hamlet** District

	Lot Size (min acres)	Lot Road Frontage (min feet)	Front Yard Setback ¹ (min feet)	Side Yard Setback (min feet)	Rear Yard Setback (min feet)	Building Size (maximum)	Building Height (max feet)
All Uses Unless Otherwise Noted Below	2	150	35	25	25		35
Multi-Household Dwelling (3-4 units)	3						
Multi-Household Dwelling (5+ units)	3 ²						
Multi-tenant housing for older persons	3 ²						
Motor Vehicle Repair		200	100	75	75	3,500 s.f.	
Dog Breeder / Pet Dealer / Kennel			100	100	100	3,500 s.f.	
Mixed Use	See note ⁴			50	50	3,500 s.f.	
Small Scale Commercial				50	50	2,000 s.f.	
Retail Store				50	50	3,500 s.f.	
Restaurant				50	50	3,500 s.f.	

NOTES: For the full list of allowed uses in this district, refer to Section 3.2.

¹ Front yard setbacks shall be measured from the centerline of the road, except on State Highways where it is measured from the edge of the state right-of-way.

² For up to four dwelling units, and a 1/4 acre for each additional unit of housing.

³ Per State statute 24 V.S.A. § 4412, group homes of 8 or less persons must be permitted in any single-household dwelling. Group homes of 9 or more persons follow the density requirements for other multi-household dwellings.

⁴ The sum of minimum acreage for combination of uses. The DRB may reduce the required acreage when such reduced acreage best implements the standards and purposes of the district.

2.9 B Business

2.9.1 Purpose of District

The Business district is a moderate traffic area with good access to major highways. The purpose of the Business district is to enable mixed commercial and residential uses in an interconnected, unified pattern that does not result in strip development. Development in the district will have controlled access on highways, screening and landscaping, creative design and layout, some pedestrian circulation, and connections to adjoining residential and commercial districts. This district is not intended to serve as a regional growth center. Commercial uses shall be of a scale and size appropriate only for a local growth center.

2.9.2 Dimensional Standards

All structures and lots must meet the dimensional standards listed in **TABLE 2.8 - Dimensional Standards for B Business District** except when otherwise approved by the DRB as a variance or a PUD.

2.9.3 District Requirements

- A.** The siting, layout, and appearance of the building(s) will be consistent and integrated with other uses in the district, will provide access for pedestrians, and will not cause strip development along roads. Interconnecting adjoining properties by shared driveways, parking lots, or frontage roads is encouraged.
- B.** Street trees or shrubs will be required along roads in the B district unless waived by the DRB due to topographical or physical limitations.
- C.** The DRB may require sidewalks or shared use paths as part of Cottage Court or subdivision approval.
- D.** Private sidewalks and/or multi-use paths may be required in this district to connect from the building entrances to any adjacent public sidewalks, multi-use paths, and off-street parking areas. The DRB may require an amount equal to the cost of building a sidewalk and/or multi-use path to be placed into the Pedestrian Shared-use Paths Fund for future buildout of the sidewalks and/or multi-use paths.
- E.** Parking, loading, and utility areas may be required to be located to the side or rear of buildings and may be required to be screened.
- F.** Shared parking with adjacent properties is encouraged, and may be required by the DRB.
- G.** Driveway access may be limited to one curb cut. Sharing of driveways with adjoining properties may be required.

TABLE 2.8 - Dimensional Standards for B Business District

	Lot Size (min acres)	Lot Road Frontage (min feet)	Front Yard Setback ¹ (min feet)	Side Yard Setback (min feet)	Rear Yard Setback (min feet)	Building Size (maximum)	Building Height (max feet)	Lot Coverage (max %)
All Uses Unless Otherwise Noted Below	1	100	50	20	20		55	50%
Multi-Household Dwelling (3-4 units)	1.5							
Multi-Household Dwelling (5+ units)	3							
Multi-tenant housing for older persons	1.5							
Group home (9 or more persons)	1.5 ²							
Campgrounds (allowed as Private Outdoor Recreation)	10							
Dog Breeder / Pet Dealer / Kennel	5							
Mixed Use	See note ³							
Lodging Establishments	2							
Retail Store						20,000 s.f. footprint		

NOTES: For the full list of allowed uses in this district, refer to Section 3.2.

¹ Front yard setbacks shall be measured from the centerline of the road, except on State Highways where it is measured from the edge of the state right-of-way.

² Per State statute 24 V.S.A. § 4412, group homes of 8 or less persons must be permitted in any single-household dwelling. Group homes of 9 or more persons follow the density requirements for other multi-household dwellings.

³ The sum of minimum acreage for combination of uses. The DRB may reduce the required acreage when such reduced acreage best implements the standards and purposes of the district.

2.10 VC Village Core

2.10.1 Purpose of District

The intent of the Village Core district is to promote development of a compact settlement with a mix of small-scale business, civic, and residential uses and to foster a built environment patterned on a traditional Vermont village center with streetscapes and public spaces where people can walk, gather, and meet comfortably.

2.10.2 Dimensional Standards

All structures and lots must meet the dimensional standards listed in [TABLE 2.9 - Dimensional Standards for VC Village Core District](#) except when otherwise approved by the DRB as a variance or a PUD.

- A.** New construction within the Village Core (VC) shall work toward the creation of a strong pedestrian-oriented streetscape and public realm, as illustrated in [Village Core Cross Section on page 2-24](#).
- B.** In no case shall a pre-existing structure within the Village Core (VC) district that does not meet the maximum front yard setback be permitted to be extended, expanded, altered, or reconstructed so that it is located further from the road right-of-way (made more nonconforming), as noted in section [4.2 Nonconformities](#).

2.10.3 District Requirements

- A.** Public sidewalks may be required in this district to serve the general public as follows ([Refer to 5.6 Pedestrian Accessibility on page 5-7](#)):
 - 1.** On both sides of State Highway;
 - 2.** On one side of all public and private roads.
- B.** Private sidewalks and/or multi-use paths shall be required in this district to connect from the building entrances to any adjacent public sidewalks, multi-use paths, and off-street parking areas. The DRB may

require an amount equal to the cost of building a sidewalk and/or multi-use path to be placed into the Pedestrian Shared-use Paths Fund for future buildout of the sidewalks and/or multi-use paths.

- C.** Shared parking with adjacent properties is encouraged, and may be required by the DRB.
- D.** Driveway access may be limited to one curb cut. Sharing of driveways with adjoining properties may be required.

2.10.4 Village Core Design Standards

- A. Applicability.** All land development in the Village Core district shall satisfy the following design criteria. To demonstrate that a criterion is satisfied, the applicant must comply with each associated standard.
- B. Design Criterion #1 - Design and Context Sensitivity.** The purpose of this criterion is to allow the development of buildings, lighting fixtures, and signs that conform to the desired character and design of the Village Core.
 - 1. Building Orientation.** Building(s) shall have at least one public entrance facing and oriented toward the street ([see Building Orientation on page 2-25](#) and conform to the applicable dimensional standards in [TABLE 2.9](#)).
 - 2.** Buildings shall have interesting and diverse storefronts, facades, and/or architectural detailing. Franchise architecture, as defined in Article 10, shall be prohibited. Listed below are examples of design elements that make interesting and diverse storefronts, facades, or architectural detailing:
 - a.** Cornicing at top of roof and top of first story
 - b.** Detailed molding around windows and doors
 - c.** Accentuated entrances
 - d.** Storefront windows
 - e.** Window and door awnings
 - f.** Regularly spaced windows and doors

TABLE 2.9 - Dimensional Standards for VC Village Core District

	Lot Size (min acres)	Lot Road Frontage (min feet)	Front Yard Setback ¹ (feet)	Side Yard Setback ⁵ (min feet)	Rear Yard Setback ⁵ (min feet)	Building Size (maximum)	Building Height (min feet)	Building Height (max feet)	Lot Coverage (max %)
All Uses Unless Otherwise Noted Below	3,000 s.f.	30	8 min. 16 max.	0 or 10 ²	10	20,000 s.f. footprint	2-3 Stories ³	55	n/a
Mixed Use	See note ⁴								

NOTES: For the full list of allowed uses in this district, refer to Section 3.2.

¹ Front yard setbacks shall be measured from the centerline of the road, except on State Highways where it is measured from the edge of the state right-of-way. Where there are any existing buildings that exceed the maximum setback on adjacent parcels, the structure shall be built to the maximum setback [16 feet] and not any closer to the street ROW.

² The 0 foot setback shall apply if buildings on adjoining properties will be attached such as with townhouse-style structures. The 10 foot setback shall apply otherwise.

³ Buildings shall consist of at least two stories above average finished grade and do not exceed 55 feet in building height.

⁴ The sum of minimum acreage for combination of uses. The DRB may reduce the required acreage when such reduced acreage best implements the standards and purposes of the district.

⁵ The side and rear yard setback shall be 220 feet from Deer Brook and Arrowhead Mountain Lake.

g. Front porches

h. Decorative signs integrated into the façade

i. Rooftop cupola, tower, or weathervane

3. Signs. Signs shall be architecturally integrated in a building's elevation and have orientation to pedestrians as well as automobiles (See [Figure 2.3 - Signs](#)). Pedestrian orientation means that signs are scaled to be easily read by pedestrians walking in the streetscape. Whether bracketed off the face of a building or mounted directly on the façade, signs are hung in logical spaces between windows or between floor levels. Signs do not obscure key architectural features of a building. Signs shall also conform to section [5.11 Signs](#).

4. Outdoor Lighting. Outdoor lighting shall illuminate public spaces, including streets, sidewalks, walkways, parks/plazas, and parking areas, as approved by the DRB in accordance with the following:

a. Outdoor lighting fixtures are designed to direct light downward and adjusted so as not to cast light directly on adjacent roadways or

properties and do not cause excessive glare within the property or adjoining properties. To achieve this, lighting fixtures shall have either exterior shields or optics within the fixture, such as "cut-off" technology, that controls light spread. Parking area lighting shall be a concealed recessed light source.

b. Lighting fixtures in public spaces, including sidewalks, walkways, and plazas, shall be of a smaller, pedestrian scale (See [Figure 2.4 - Outdoor Lighting on page 2-26](#)). Pedestrian scale lighting is a maximum of 16 feet in height. In no case shall any parking area light fixture exceed a maximum of 20 feet in height.

c. Lighting fixtures shall be architecturally integrated in the design of a building or sign. The same pole style and fixtures shall be used throughout a development site.

C. Criterion #2 - Efficient and Compact Use of Site, Mixed Use Development. The purpose of this criterion is to create a compact site layout that is coordinated with adjacent development and

to permit land uses that are mixed on-site or are mixed in combination with adjacent uses (existing or planned). The combining of land uses shall promote easy access among stores, services and lodging or dwellings by pedestrians and minimize vehicle accesses to streets with a goal of having street accesses serve two or more properties.

1. The layout of the site arranges buildings to prominently address the main road, emphasizing the front facade and creating a consistent street-wall. The areas between buildings define attractive pedestrian spaces and encourage park-and-walk behavior between multiple destinations. (See [Figure 2.5 - Design & Context Sensitivity](#)).
2. Opportunities for shared parking are utilized in the proposal (See section [5.5 Parking Requirements](#)) for shared parking approval requirements).
3. The proposal is a mixed-use development or contributes to a mixed-use district. Mixed-use means a combination of residential, commercial, and/or governmental uses, arranged vertically

(in multiple stories of buildings) or horizontally (adjacent to one another). Opportunities for including mixed uses include, but are not limited to, apartments on upper levels with commercial space on the ground floor or public parking in the basement underneath an office or apartment building. Residential uses may be permitted on the ground floor of new construction provided the following conditions are met:

- a. The ratio of residential-to-commercial square footage on the site does not exceed 4:1; and,
- b. The proposed ground floor residential units do not directly front on the public way/Route 7 and are instead located in the rear of the building or face away from the public road; and,
- c. In the judgment of the DRB the proposed mix of uses meets the purpose of the VC district as described in Article 2 of the regulations.
- d. The DRB may require the build-out of mixed uses in phases.

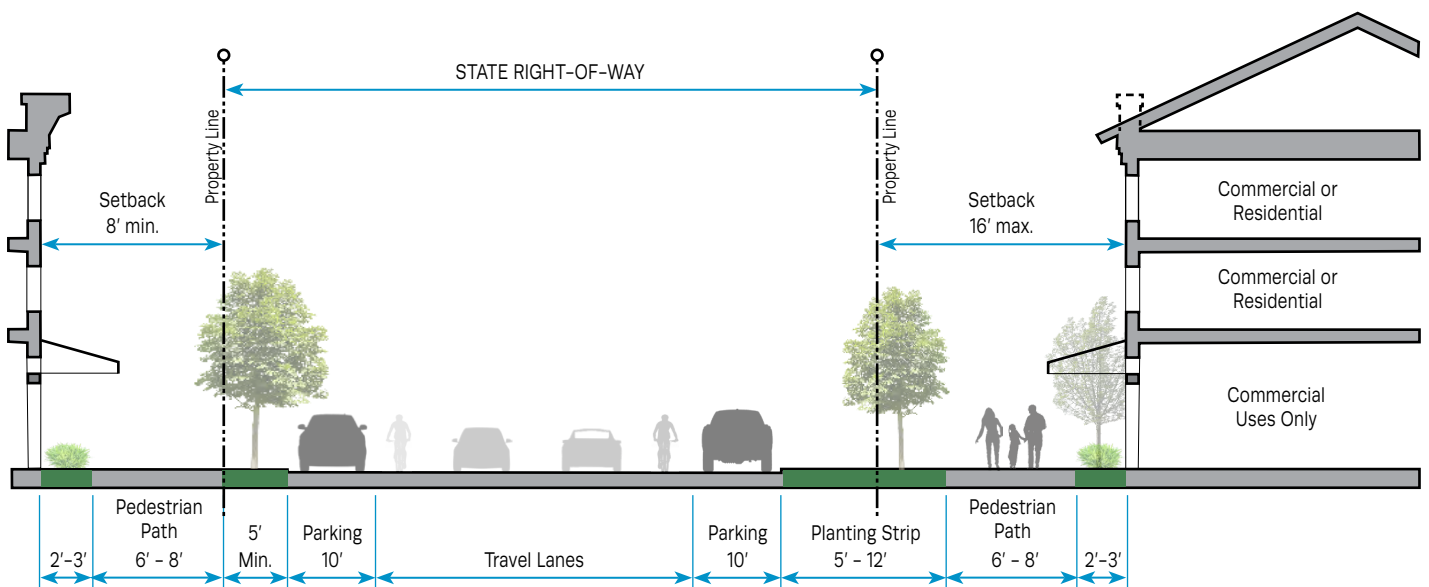


Figure 2.1 - Village Core Cross Section

Illustration of desired relationship between the public roadways and the private commercial/residential space.

4. The number of curb cuts and their widths shall be minimized as feasible and shall integrate entries with other access points and streets rather than at random locations along the street. The DRB shall require shared access to adjoining properties to the maximum extent feasible and may limit access to the property to the lesser traveled street. Shared access shall be feasible when:
 - a. It can be implemented without removal of any existing buildings;
 - b. Subsurface conditions can reasonably support it; and
 - c. It will not have an undue adverse effect on one of the uses of the property in question.

D. Criterion #3 - Pedestrian Access, Safety, and Comfort.

The purpose of this criterion is to permit development that is accessible by a direct, convenient, attractive, safe, and comfortable system of pedestrian facilities, and development that provides appropriate pedestrian amenities. The design of buildings and the streetscape shall support a safe and attractive pedestrian environment based on the following standards.

1. Building(s) shall have at least one public entrance facing and oriented toward the street with a direct link to sidewalks and any other pedestrian walkways (See [Figure 2.6 - Pedestrian Access](#)). Corner entrances are encouraged on corner buildings. When specific circumstances make it impractical for a building to have a public entrance facing and oriented toward the street, the DRB may approve buildings with a public entrance facing and oriented toward a pedestrian walkway that directly connects to the street(s). The building façade facing the street shall include interesting architectural detailing oriented to pedestrians (see Standard 1b) such as windows at eye level and first story cornices.
2. Windows or window displays are provided at a pedestrian scale (eye level) along facades that face and are oriented to streets.

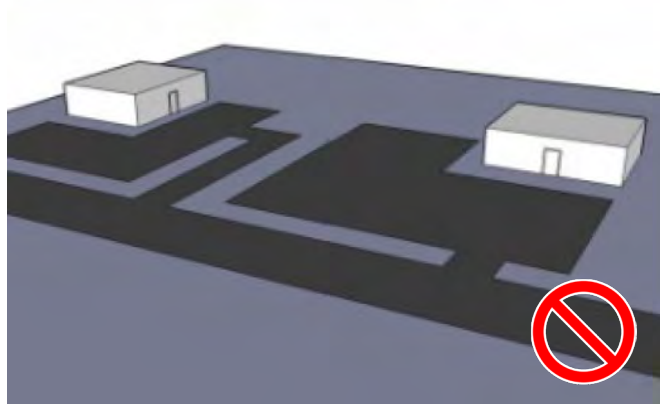
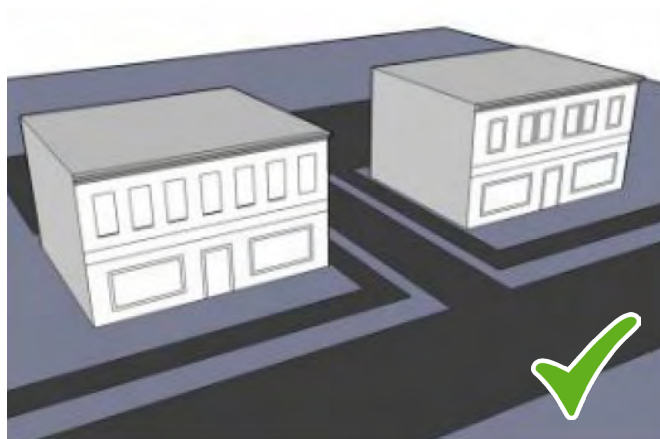


Figure 2.2 - Building Orientation

The buildings in the top image are correctly oriented toward the street, while the buildings in the bottom image are not.

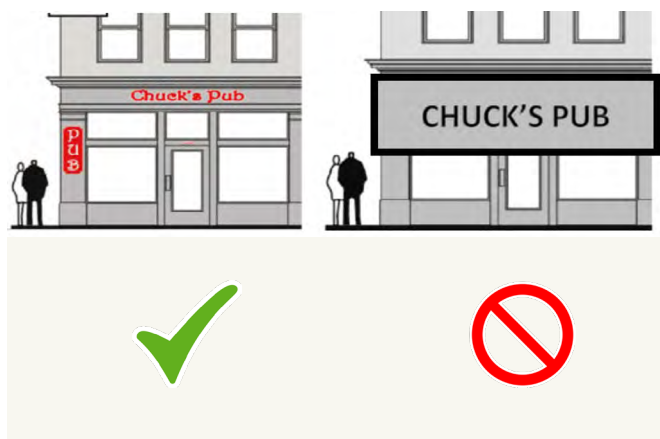


Figure 2.3 - Signs

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

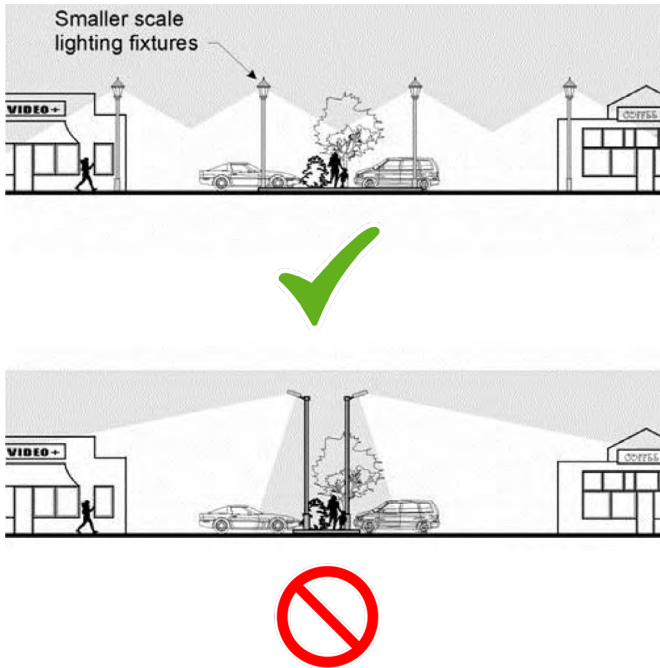
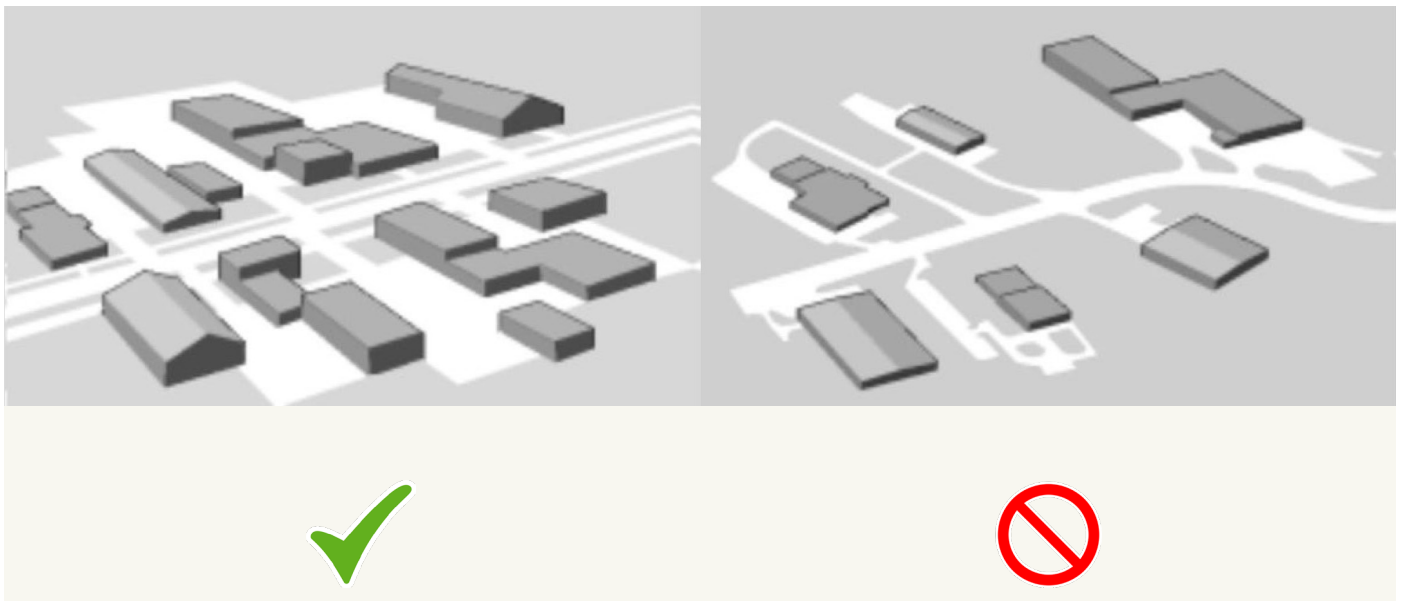
**Figure 2.4 - Outdoor Lighting**

Image credit: City of Woodinville, WA

3. Sidewalks are placed along every street having frontage on the development parcel and pedestrian walkways are integrated throughout the site plan, providing connection to adjacent land uses, parking areas, and building entrances. Sidewalks shall be located so a greenstrip or street-furnishing zone is provided as a buffer from the street and shall be constructed in accordance with Town of Georgia specifications. Appropriate pedestrian amenities (for example: street trees, outdoor seating, mailboxes, newspaper vending machines, etc.) may be provided in the greenstrip or street furnishing zone as appropriate.
4. Street trees are planted in the street furnishing zone or greenstrip along all sidewalks or, if not possible due to infrastructure or other physical constraints, in the front yard parallel to the edge of the street right-of-way. Street tree selection, purchasing, spacing, and planting is done according to Criterion 6 (Quality Landscaping and Screening) and an overall landscaping plan

**Figure 2.5 - Design & Context Sensitivity**

From Georgia South Village Strategic Plan - The development on the left is well integrated with clustered buildings, shared parking, and pedestrian connections. Image credit: Growing Smarter - Best Site Planning in Residential Commercial and Industrial Development, Smart Growth Vermont.

as required in section **5.3 Landscaping and Screening** - Requirements of a Landscaping and Screening Plan.

5. Parking lots and vehicle drives shall be not located between the primary building entrance and the street and shall be located behind or to the side of a building (See **Figure 2.2 - Building Orientation**). Parking lots shall not be located on street corners.
6. Landscape buffering shall be provided between parking lots and all adjacent sidewalks and pedestrian walkways.

E. Criterion #4 - Building a Safe Public Road Network.

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

1. New streets connect development to existing or proposed adjacent streets in accordance with planned street connections to form a network (no dead ends). As new development is proposed within the Village Core, the Planning Commission and applicants/developers should coordinate to plan for and create new road connections which create an internal network grid, providing shared alternative routes for vehicular access in and out of the site(s) to adjacent properties and public streets where possible, as envisioned in the South Village Core Strategic Plan.
2. When existing and planned land uses on or in the vicinity of the site make it impractical to provide street connectivity at the time of application as required above, potential for future street connectivity is established by the dedication of rights-of way to the Town (See **Figure 2.8 - Street Connectivity**). The applicant shall work with the DRB to determine appropriate locations for future street rights-of-way based on existing and anticipated development, the Conceptual Future Road Layout, or any master street plan or Official Map in existence. Rights-of-way width shall conform to the Selectboard's specifications for public roads and dedication for future use as

a street shall be clearly indicated as a condition of site plan and/or subdivision approval and recorded in an irrevocable offer of dedication to the Town.

3. All proposed new roads shall be built to Town standards and may be taken over by the Town as public roads. All roads will be required to be named and identified by a street sign, which is of a standard approved by the Town in accordance with E-911 street address ordinance requirements.
4. When a traffic study is required as per **6.3 Site Plan Review**, the proposal shall not cause traffic conditions on a Town or State highway or intersection to go below a Level of Service (LOS) of C, as defined by the Vermont Agency of Transportation. The DRB may require mitigation measures for existing or proposed traffic conditions and congestion that are dangerous according to LOS and crash data from the Vermont Agency of Transportation.

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



Figure 2.6 - Pedestrian Access

1. The project shall use shared parking where feasible and underground parking is encouraged. Shared parking means that multiple uses share one or more parking facilities to create a more efficient layout which may take advantage of different parking demand times. See section 5.5.2 **Shared Parking**.
2. All parking lots proposed as part of a single development plan are designed to provide cross access connectivity (vehicular and pedestrian), or the interconnection of parking areas. Cross access connectivity (vehicular and pedestrian) shall be provided to any existing adjacent parking lots when it can be implemented without removal or relocation of any existing buildings, when it is feasible based on subsurface conditions, and when it will not have an undue adverse effect on one of the uses of the adjacent properties.
3. Parking areas are landscaped and screened from adjacent uses and from roadways in the vicinity via landscaped buffers around the perimeter and planting strips and islands integrated throughout the lot design (See **Figure 2.9 - Parking Lot Landscaping**). Signage directing drivers to parking areas may be installed at the DRB's discretion in conformance with section 5.11 Signs.

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

1. Landscaping shall be integrated throughout the site, including in front and side yards, within and around parking areas, and where rear yards abut residential properties, so as to soften the landscape and effectively shade parking areas, sidewalks/walkways, and public spaces. In addition, trees and other landscaping are placed to interrupt the facades of buildings, to visually reduce the scale and bulk of large buildings, to integrate the site with the surrounding landscape, and to enhance environmental quality (e.g., wildlife habitat, soil stabilization, air quality, energy conservation).
2. Landscaping or other screening is placed appropriately on the site to mitigate the impacts of development on adjacent properties and pedestrian sidewalks/walkways. Examples of where the use of landscaping or screening is appropriate include to screen utility infrastructure, to screen the exterior storage of materials, to buffer noise from kitchen or heating infrastructure or equipment, to screen unsightliness or buffer odor from refuse removal areas, and to screen unsightliness and noise of parking and/or loading areas.
3. Landscaping plans use both deciduous and coniferous shade-giving trees in available yard areas, especially front and side yards and parking areas. Shade trees are especially important in instances where street trees are not practical because of site constraints. Flowering, ornamental, or small trees are used to compliment shade trees in instances where large yard areas exist, and where space limitations prevent the planting of shade trees.
 - a. In addition to trees, landscaping plans shall include a combination of the following:
 - Landscaping beds that enhance the general appearance of the site and define planting strips, lawn, and buffer areas;
 - A mix of evergreen and flowering shrubs and bushes adjacent to buildings, within planting beds, and to compliment shade trees and other landscaping features; and
 - Lawns mixed with trees and other plants, especially in any front yard area.
 - Large expanses of mulched areas are prohibited.
 - b. Compliance with this standard shall be required, provided:
 - It can be implemented without removal or relocation of any existing building on the site; and

- Subsurface conditions on the property are adequate to accommodate required landscaping.
4. Where street trees are proposed in the greenstrip, street furnishing area, or in the front yard parallel to the edge of the right-of-way, at least one street tree is planted for each 40 linear feet of greenstrip or frontage (excluding driveways), unless modified by the DRB due to infrastructure or other practical limitations. In addition, greenstrips shall be no less than 5 feet wide where street trees are proposed and street tree wells within a surfaced street furnishing zone shall be no less than 4 feet by 4 feet. The applicant shall demonstrate that there is adequate rooting space. Street tree selection, purchasing, spacing, and planting shall be accomplished according to an overall landscaping plan according to [5.3.2 Requirements of a Landscaping and Screening Plan](#) and the associated [Plant Reference Material Info Box](#) on page 5-3.

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

1. Development proposals shall incorporate public space into the site design. Public space is available for use by the development and is designed to encourage community interaction and to connect with adjacent public spaces. Examples of public space include outside foyers at building entrances with pedestrian access and seating, open plazas with street furniture, playgrounds, picnic areas, greens, or gardens with pedestrian access and seating. If it has a significant nexus with and is roughly proportionate to the impacts of the development, the DRB may require land to be dedicated to the Town of Georgia for use as public park lands or a village green. This shall not prohibit

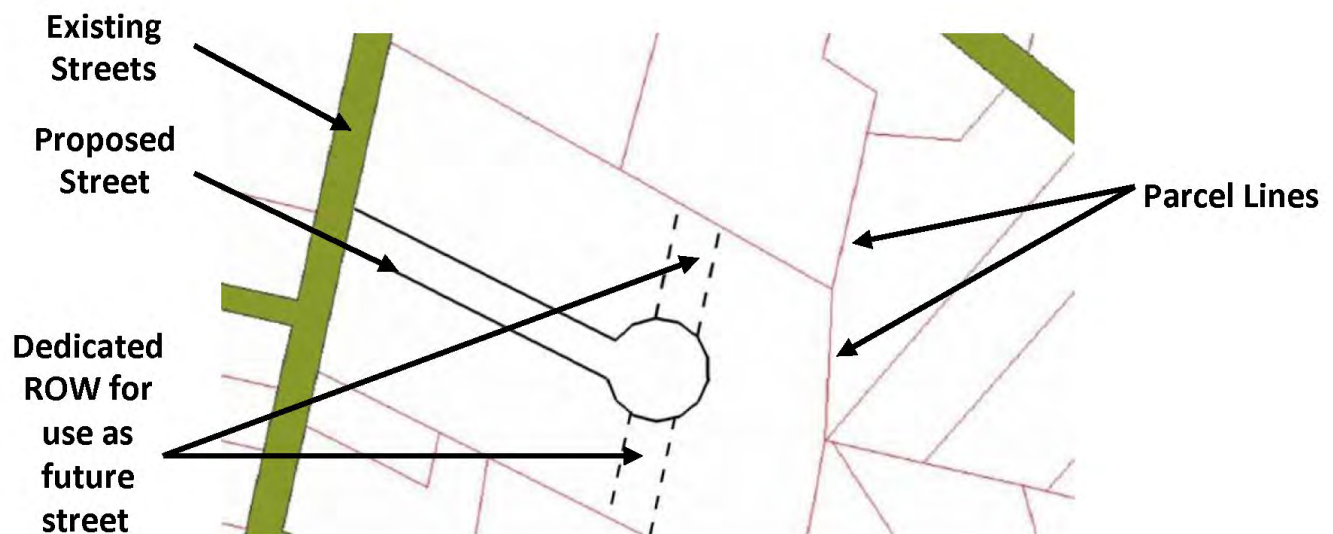


Figure 2.7 - Street Connectivity

An example of how future street connectivity can be incorporated into the site plan.

the Town from otherwise acquiring such land for a park or greenspace through other methods.

2. Public playground or equipment must meet Public Playground Safety Handbook standards through the US Consumer Product Safety Commission or other state standards for municipal playground / public equipment.

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

1. Development sites shall control erosion in accordance with the erosion control standards in **5.9 Site Preservation and Erosion Control**.
2. Low impact development techniques are encouraged to be incorporated into the development's plan for stormwater treatment. These may include:
 - a. Use of bioretention areas, gravel wetlands or rain gardens to collect runoff and allow for short-term ponding and slow infiltration. These areas consist of a relatively small depressed or bowl-shaped vegetative depression that treats runoff from storms of one inch or less. Areas that may be appropriate for these techniques include the grassed space in between two-track roads, paths or sidewalks, parking lot landscaping areas, and grassed areas that receive rooftop runoff.
 - b. Use of permeable pavement for parking stalls and spillover parking, driveways and bike trails.

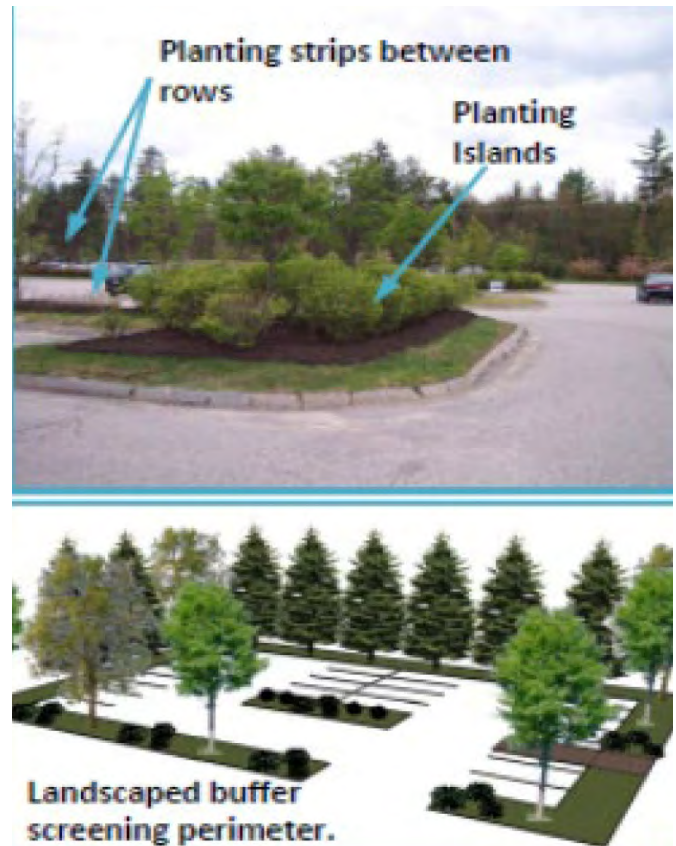


Figure 2.8 - Parking Lot Landscaping



Figure 2.9 - Landscaping and Screening Examples

2.11 I Industrial

2.11.1 Purpose of District

The I District enables industrial development in an area with good highway and rail access and is set apart from agricultural and residential districts. This district enables heavy and light industrial development in an efficient pattern. This district is not intended to serve as a regional growth center. Commercial uses shall be of a scale and size appropriate only for a local growth center.

2.11.2 Dimensional Standards

All structures and lots must meet the dimensional standards listed in **TABLE 2.10 - Dimensional Standards for I Industrial District** except when otherwise approved by the DRB as a variance or a PUD.

2.11.3 District Requirements

- A. The DRB may require sidewalks or shared use paths as part of a subdivision approval.
- B. The siting, layout, and appearance of the building(s) will be consistent and integrated with other uses in the district, will provide access for pedestrians, and will not cause strip development along roads. Interconnecting adjoining properties by shared driveways, parking lots, or frontage roads is encouraged.

TABLE 2.10 - Dimensional Standards for I Industrial District

	Lot Size (min acres)	Lot Road Frontage ⁴ (min feet)	Front Yard Setback ¹ (min feet)	Side Yard Setback ² (min feet)	Rear Yard Setback ² (min feet)	Building Size (maximum)	Building Height (max feet)	Lot Coverage (max %)
All Uses Unless Otherwise Noted Below	1	120	75	20	20	n/a	45	75%
Mixed Use	See note ³							

NOTES: For the full list of allowed uses in this district, refer to Section 3.2.

¹ Front yard setbacks shall be measured from the centerline of the road, except on State Highways where it is measured from the edge of the state right-of-way.

² The side and rear yard setback shall be 220 feet from Deer Brook and Arrowhead Mountain Lake.

³ The sum of minimum acreage for combination of uses. The DRB may reduce the required acreage when such reduced acreage best implements the standards and purposes of the district.

⁴ The minimum road frontage may be decreased by the DRB if the proposed development is part of an existing established industrial park.

2.12 NR Natural/Recreation

2.12.1 Purpose of District

The Natural/Recreation District has significant natural features or areas which are unique or irreplaceable, and severe limitations for development, including steep slopes, poor soil suitability, and high elevations. Therefore, much of the district is best suited to remain in a natural state or to be used for low impact outdoor recreation purposes. The purpose of this district is to protect these features and areas in their natural state to the extent possible for present and future generations and to protect significant geological areas, wildlife habitat, scenic areas and other open space land. Residential uses and other structures are limited to large lots to limit fragmentation and minimize the impact on the land and prevent substantial alteration to the landscape. Land should be developed so that large contiguous expanses of agricultural, forestry, significant geological areas, wildlife habitat, scenic areas, and other important open space land will be protected.

2.12.2 Dimensional Standards

All structures and lots must meet the dimensional standards listed in **TABLE 2.11 - Dimensional Standards for NR Natural/Recreation District** except when otherwise approved by the DRB as a variance or a PUD.

2.12.3 District Requirements

- A. Subdivision boundaries, lot layout, and building envelopes shall be located and configured to minimize or avoid adverse impacts to primary agricultural soils, productive farmland and forestland, and large tracts of forestland (>50.0 acres regardless of ownership). Methods for avoiding adverse impacts include, but may not be limited to, clustering development, locating building envelopes at field, orchard, or forest edges and/or on the least fertile/productive soils; designating vegetated buffer areas between agricultural and other proposed uses to minimize land use conflicts; designing access roads, driveways, and utility corridors to follow existing linear features; and sharing access to the extent feasible.
- B. Areas with slopes of 25% or greater shall not be developed for roads, driveways or structures.
- C. Adequate pedestrian access and circulation may be required by the DRB.

TABLE 2.11 - Dimensional Standards for NR Natural/Recreation District

	Lot Size (min acres)	Lot Road Frontage (min feet)	Front Yard Setback ¹ (min feet)	Side Yard Setback ² (min feet)	Rear Yard Setback ² (min feet)	Building Size (maximum)	Building Height (max feet)
All Uses Unless Otherwise Noted Below	20	350	100	50	50	n/a	35'

NOTES: For the full list of allowed uses in this district, refer to Section 3.2.

¹ Front yard setbacks shall be measured from the centerline of the road, except on State Highways where it is measured from the edge of the state right-of-way.

² The side and rear yard setback shall be 220 feet from Deer Brook and Arrowhead Mountain Lake.

2.13 FHAO Flood Hazard Area Overlay

2.13.1 Purpose of District

The purpose of the Flood Hazard Area Overlay District is to:

- A.** Identify areas within the town which are at likely risk of flooding and which may need to comply with 24 V.S.A. Chapter 117, §§ 4424 and 4414 regarding flood or hazard areas;
- B.** Protect human life and health and minimize public and private financial losses due to flooding;
- C.** Conserve drainage and water courses and permit only land development which will not impede or divert flood waters, or otherwise increase flood hazards to the detriment of others;
- D.** Help minimize public expenditures for flood control projects and rescue and relief efforts;
- E.** Encourage maintenance of Special Flood Hazard Areas for open space uses and/or useable open space that complements the use and development of adjacent areas as provided for in the Comprehensive Municipal Plan; and
- F.** Ensure continued community eligibility for the National Flood Insurance Program.

2.13.2 Dimensional Standards

Dimensional standards within the Flood Hazard Area Overlay are determined by the underlying zoning districts.

2.13.3 District Requirements

All development within the Flood Hazard Area Overlay (FHAO) shall comply with the requirements provided in **ARTICLE 8 Flood Hazard Area & River Corridor Buffer Regulations**.

ARTICLE 3 Land Uses

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3.1 Categories of Land Uses

Within each zoning district, land uses are designated as:

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

A. Permitted Uses. Permitted uses are marked in [TABLE 3.1](#) by the letter 'P'. In districts where they are allowed, permitted uses require a zoning permit and may be approved by the Zoning Administrator subject to the zoning permit standards in section [6.1](#).

B. Permitted with Site Plan Review. Uses permitted with site plan review are marked in [TABLE 3.1](#) by the letters 'P/S', and require site plan review and approval from the DRB.

C. Conditional Uses. Conditional uses are marked in [TABLE 3.1](#) by the letter 'C' or 'C/S'. Conditional uses require approval by the DRB according to the conditional use provisions in section [6.2](#) as a prerequisite to the Zoning Administrator issuing a zoning permit. Conditional uses may also require site plan approval from the DRB.

D. Prohibited Uses. Where a use listed in [TABLE 3.1](#) is not designated as permitted, conditional, or exempt in a zoning district (when the cell is blank) such use is prohibited and shall not be allowed in that zoning district.

E. Exempt Uses. Uses marked by the letter (E) in [TABLE 3.1](#) are exempt and do not require a zoning permit. See also the statutory exemptions in section [6.1.11 Wireless Telecommunications Facilities](#).

3.2 Table of Land Uses

TABLE 3.1 - Table of Land Uses on page 3-3 establishes the review standards for each type of land use in each zoning district.

A. Uses Not Listed. In the event that a proposed use is not identified on [TABLE 3.1](#) or defined in these Regulations, the DRB may allow it as a conditional use in accordance with section [6.2](#) (Conditional Use Review) if the DRB finds that the proposed use is of the same general character and has a similar impact on neighboring properties as one or more uses allowed within the zoning district. The DRB shall determine the minimum lot size, setbacks, lot frontage, and parking requirements based on similar uses allowed in the zoning district. Prior to the public hearing, the DRB shall send notice to the PC, which may submit its written or oral recommendations regarding the proposed use.

B. Specific Use Requirements. Certain uses, noted with a subsection number (e.g. §3.3.1), have specific requirements for approval. Refer to that section for more information.

C. Cannabis Integrated and Mixed Cultivation Licenses. In the event an individual or entity has obtained either an Integrated License or a Mixed Cultivation License, all license types and tiers included in the integrated or mixed cultivation license shall be either permitted or conditional in the zoning district in order for the integrated or mixed cultivation license to be an approved land use.

TABLE 3.1 - Table of Land Uses

PRINCIPAL RESIDENTIAL USES	AR	R	RN	RV	VC	B	BH	I	NR	LF	LV
Dwelling, Single-Household / Two-Household Dwelling	P	P	P	P	P ¹	P/S	P		P	P	P
Dwelling, Multi-Household (4 Units or less)		C/S	P/S	P/S	P/S ²	C/S	P/S				
Dwelling, Multi-Household (5 Units or more)				P/S	C/S ²	C/S	P/S				
Dwelling, Cottage Court §6.6		P/S	P/S	P/S	C/S	C/S	C/S				
Dwelling, Seasonal										P	P
Conversion of a Seasonal Dwelling to a Single-Household Dwelling §3.3.28										P	P
Hunting Camp	P	P							P		
Conversion of a Hunting Camp to a Single-Household Dwelling §3.3.28	C	C							C		
Group Home (8 or less persons) ³ §3.3.10	P	P	P	P	P	P	P		P	P	P
Group Home (9 or more persons) §3.3.11	C/S	C/S	C/S	C/S	C/S	C/S					
Multi-Tenant Housing for Older Persons §3.3.20	C/S	C/S	C/S	P/S	P/S	C/S	C/S				
Planned Unit Development (PUD)	C/S	C/S	C/S								C/S
ACCESSORY RESIDENTIAL USES	AR	R	RN	RV	VC	B	BH	I	NR	LF	LV
Accessory Dwelling Unit §3.3.1	P	P	P	P	P	P	P		P	P	P
Adult day care home	P	P	P	P	P	P	P		P	P	P
Bed and Breakfast	C/S	P/S	P/S	P/S	P/S	P/S	P/S			C/S	C/S
Child Care Home, Family §3.3.5	E P/S	E P/S	E P/S	E P/S	E P/S	E P/S	E P/S		E P/S	E P/S	E P/S
Home Office §3.3.13	E	E	E	E	E	E	E	E	E	E	E
Home Occupation §3.3.14	P	P	P	P	P	P	P	P	P	P	P
Home Industry §3.3.15	C	C	C	C	P or C ⁴	C	C	C		C	C

NOTES: Uses marked with §3.3.# should refer to the corresponding section for any standards and requirements specific to that use.

¹ Single Household Dwellings are permitted as stand-alone dwellings meeting front setback requirements and parking access in the rear.

² Dwelling Units are permitted in the Village Core District on the second and third floors of a mixed-use building. (Commercial first floor / residential 2nd and 3rd floors or commercial all floors), or on the ground floor provided they do not directly front on the public way/Route 7. See 2.10.4 Village Core Design Standards.

³ A residential care home or group home to be operated under state licensing or registration, serving not more than eight persons who have a disability as defined in 9 V.S.A. § 4501, shall be considered by right to constitute a permitted Single-Household Dwelling residential use of property. If a valid permit is in place for a Single-Household Dwelling, no additional permit or approval is required. Note: Any structural alterations or other land development associated with these uses that are not exempt shall require a zoning permit.

⁴ Home industry uses not more than 3,000 square feet in size shall be considered a permitted use. Home industries greater than 3,000 square feet in size shall be considered a conditional use.

TABLE 3.1 - Table of Land Uses

COMMERCIAL USES	AR	R	RN	RV	VC	B	BH	I	NR	LF	LV
Adult Daycare			C/S	P	P	P	C/S	C/S			
Agribusiness	C/S	C/S				C/S	C/S	C/S		C/S	C/S
Brewery					C/S	C/S	C/S	C/S			
Brewpub					P/S	C/S	C/S				
Car Wash						C/S		C/S			
Child Care Facility §3.3.6	C/S ⁵	C/S ⁵	C/S ⁵	C/S	C/S	C/S	C/S	C/S		C/S	C/S
Child Care Facility, Center-based §3.3.7			C/S	P	P	P	C/S	C/S			
Contractor Yards								C/S			
Earth Resource Extraction §3.3.9	C/S							C/S			
Heavy Equipment Sales						C/S		P/S			
Industry, Heavy								C/S			
Industry, Light					C/S	C/S		P/S			
Kennel / Dog Breeder / Pet Dealer	C/S	C/S				C/S	C/S				
Laundromat/Dry cleaner (Offsite)				P/S	P/S	C/S					
Lodging Establishment					P/S	C/S	C/S				
Manufactured Home Sales						C/S		C/S			
Marina										C/S	
Mixed Use §3.3.18	C/S	C/S	C/S	C/S	P/S	P/S	P/S	P/S			
Motor Vehicle Fuel Station §3.3.19					C/S ⁶	C/S	C/S	C/S			
Motor Vehicle Repair §3.3.19						C/S	C/S	C/S			
Motor Vehicle Sales §3.3.19						C/S		C/S			
Museum		P/S	P/S	P/S	P/S	P/S	P/S				
Nursing Home		C/S	C/S	C/S	C/S	C/S	C/S				
Office				P/S	P/S	P/S	P/S				

NOTES: Uses marked with §3.3.x should refer to the corresponding section for any standards and requirements specific to that use.

⁵ Use is only an accessory use if the home is owner-occupied.

⁶ Motor Vehicle Fuel Stations shall be less than 3,000 square feet in size in the Village Core district. Motor Vehicle Fuel Stations larger than 3,000 square feet in size in the Village Core district shall be prohibited.

TABLE 3.1 - Table of Land Uses

COMMERCIAL USES	AR	R	RN	RV	VC	B	BH	I	NR	LF	LV
Personal or Professional Service		C/S	C/S	P/S	P/S OR C/S ⁷	P/S	P/S				
Recreation, Private Outdoor	C/S	C/S	C/S			C/S	C/S	C/S		C/S	C/S
Recreation, Private Indoor		C/S	C/S		P/S OR C/S ⁸	C/S	C/S	C/S			
Restaurant, Sit-down				P/S	P/S	C/S	C/S				
Restaurant, Take-out				C/S	C/S	C/S	C/S				
Restaurant, Drive-thru					C/S	C/S					
Research or Testing Laboratory					C/S	C/S	C/S	P/S			
Retail Store		C/S ⁹	C/S ⁹	C/S	P/S OR C/S ¹⁰	C/S	C/S				
Roadside Stand §3.3.26	C/S	C/S									
Sales Lot §3.3.27	P					P		P			
Seasonal Mobile Food Unit ¹¹ §3.3.29	P	P	P	P	P	P	P	P			
Self-Storage Facilities	C/S	C/S				C/S	C/S	C/S			
Shopping Complex					C/S	C/S					
Short-Term Rental ¹¹ §3.3.30	P	P	P				P		P	P	P
Small Scale Commercial	C/S						C/S				
Trucking Terminal								C/S			
Veterinary Clinic	C/S	C/S	C/S	C/S	C/S	C/S	C/S				
Veterinary Hospital	C/S				C/S	C/S	C/S				
Warehouse						C/S		P/S			
Youth Camp, commercial	C/S								C/S	C/S	C/S

NOTES: Uses marked with §3.3.x should refer to the corresponding section for any standards and requirements specific to that use.

⁷ Personal or professional service uses not more than 3,000 square feet in size shall be considered a permitted use. Personal or professional service uses greater than 3,000 square feet in size shall be considered a conditional use.

⁸ Indoor recreation using not more than 3,000 square feet shall be considered a permitted use. Indoor recreation using greater than 3,000 square feet shall be considered a conditional use.

⁹ These uses only allowed on lots with frontage on Route 7.

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

¹¹ A license for this use must be granted, and can be applied for through the Town of Georgia Online Permit Portal.

TABLE 3.1 - Table of Land Uses

OTHER USES	AR	R	RN	RV	VC	B	BH	I	NR	LF	LV
Accessory Use, Nonresidential	P/S	P/S	P/S	P/S	P/S	P/S	P/S	P/S	P/S	P/S	P/S
Accessory Structure	P	P	P	P	P	P	P	P	P	P	P
Cemetery	C/S	C/S	C/S								
Federal or State Facilities §3.3.22 ¹²	C/S	C/S	C/S	C/S	C/S	C/S	C/S	C/S		C/S	C/S
Municipal Facilities §3.3.22 ¹²	C/S	P/S	P/S	C/S	P/S	P/S	C/S	P/S	C/S	C/S	C/S
Parking Facility					C/S ¹³						
Places of Worship §3.3.22 ¹²	P/S	P/S	P/S	P/S	P/S						
Public Facilities §3.3.22 ¹²	P	P	P	P	P	P	P	P	P	P	P
Recreation, Public Indoor		C/S	C/S		P/S OR C/S ¹⁴	C/S	C/S	C/S			
Recreation, Public Outdoor	C/S	C/S	C/S		C/S	C/S	C/S	C/S	C/S	C/S	C/S
Schools, Private §3.3.22 ¹²	C/S	C/S	C/S	C/S	C/S	C/S	C/S	C/S			
Schools, Public §3.3.22 ¹²	C/S	C/S	C/S	C/S	C/S	C/S	C/S	C/S			
Village Green				P/S	P/S		P				
Wildlife Preserve									C		
Wireless Telecommunication Facility §3.3.31	C/S	C/S	C/S	C/S	C/S	C/S	C/S	C/S	C/S	C/S	C/S
CANNABIS - Definitions per 7 V.S.A. § 831 and § 861	AR	R	RN	RV	VC	B	BH	I	NR	LF	LV
Cultivator §3.3.4	P	C				C ¹⁵	C ¹⁵	C ¹⁵	C ¹⁶		C
Wholesale, Broker §3.3.4	C	C			C	C	C	C			C
Wholesale, Storage §3.3.4						P		P			
Product Manufacturer §3.3.4		C				C		C			
Testing Laboratories §3.3.4					C	C	C	P			
Retailer (Only if Town Opts-in) §3.3.4		C			C	C	C	C			

NOTES: Uses marked with §3.3.x should refer to the corresponding section for any standards and requirements specific to that use.

¹² This use may constitute a Public Facility under 24 V.S.A. Section 4413. Refer to 3.3.22 for limitations on regulation of these uses.

¹³ Parking facility uses shall not be located within 40 feet of the edge of the public right-of-way in the Village Core district. Please note that this regulation shall only apply to parking facility uses that are a separate, principal use of a property.

¹⁴ Indoor recreation using not more than 3,000 square feet shall be considered a permitted use. Indoor recreation using greater than 3,000 square feet shall be considered a conditional use.

¹⁵ Indoor cultivation only.

¹⁶ Outdoor cultivation, Tier 1 only.

3.3 Specific Use Requirements

3.3.1 Accessory Dwelling Units

One accessory dwelling unit may be permitted within, attached or appurtenant to a building that is a single-household dwelling unit on an owner-occupied lot provided the following standards are met:

- A.** The single-household dwelling is a detached, stand-alone structure. Accessory dwelling units are not permitted on lots with multi-household dwellings or mixed-use buildings.
- B.** The gross floor area of the accessory dwelling unit does not exceed 30% of the total habitable floor area of the single household dwelling or 1,200 square feet, whichever is greater.
- C.** Written confirmation is received that either the current properties wastewater permit is adequate for the number of bedrooms, or a letter from a wastewater engineer stating a State of Vermont permit is not required.
- D.** A Certificate of Occupancy is obtained for occupancy of the accessory dwelling unit. The Certificate of Occupancy will verify conformance with applicable provisions.
- E.** The ZA may require written certification at any time from the owner of the single household dwelling that the owner's primary residency is either the single household dwelling or an accessory dwelling unit on the same lot.
- F.** The accessory dwelling unit shall share the driveway access point to the property with the single household dwelling unless physical circumstances and conditions prohibit a single driveway.

3.3.2 Accessory on Farm Business

Farming and forestry activities are generally exempt from municipal zoning regulations as a matter of law. See Title 24 of the Vermont Statutes Annotated, Section 4413(d). These regulations exempt farm and forestry activities from zoning. Farm structures may also be exempt from local zoning regulations; however, the farmer has the burden of demonstrating that the structure they are proposing to build will be used for farm purposes. A letter from the Vermont Agency of Agriculture, Food & Markets is required as a determination of a farm operation.

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

The Town of Georgia hereby allows qualifying "accessory on-farm-businesses" as permitted uses in all districts. Qualifying "accessory on-farm businesses" shall be subject to Site Plan Review pursuant to section 6.3 of these Regulations.

- A.** Applicants seeking to open an "accessory on-farm business" as defined in **ARTICLE 10 Definitions** shall file an application for Site Plan Review with the Zoning Administrator. The application shall contain the following information:
 - 1.** Information demonstrating that the proposed use meets the eligibility requirements for an "accessory on-farm business" listed below.
 - 2.** All information listed in the Site Plan Review Criteria contained in section **6.3 Site Plan Review**.
- B.** Upon acceptance of a complete application by the Zoning Administrator, the Zoning Administrator shall refer the application to the DRB for review. First, the DRB shall determine whether a proposed activity qualifies as an "accessory on-farm business" by

complying with the following definitions and eligibility requirements:

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

Once the DRB finds that the activity qualifies as an “accessory on-farm business”, the DRB shall review the application subject to its Site Plan Review process as set forth in section **6.3** and the Performance Standards set forth in section **4.3** of these Regulations.

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

3.3.3 Agricultural Accessory Dwelling Unit

One accessory dwelling unit that is an accessory structure may be permitted on an operating farm for the purpose of providing housing to people working on the farm provided the following standards are met:

- A. The subject farm is in operation or is under permanent conservation easement for farming purposes.

- B. The accessory dwelling unit is only occupied by farm laborers of the subject farm.
- C. The accessory dwelling unit must meet the dimensional and other requirements of these Regulations.
- D. At the time the farm is no longer in operation or is not under permanent conservation easement for farming purposes, the owner must apply to have the accessory dwelling unit subdivided from the property or have the accessory dwelling unit removed from the property. If the accessory dwelling unit is an accessory apartment, the property owner may apply for approval of an accessory dwelling unit under **3.3.1** (Accessory Dwelling Units).

3.3.4 Cannabis

Unless otherwise indicated, the definitions for all cannabis establishments and related uses shall be as defined in 7 V.S.A. §§ 831, 861 and 18 V.S.A. §§ 4230.

- A. **Cultivation.** Cultivation licensees may grow cannabis plants, either indoors, outdoors, or in a mixed setting. This license type is tiered based on the size of the applicant’s proposed growing operation.

1. **Outdoor Cultivation.** Only uses the light from the sun and not grown within a structure, with an exemption being fencing with approved zoning permit, if applicable. Outdoor cultivation applicants are required to specify if they will use plant count or square footage to calculate their tier at the time of application.
2. **Indoor Cultivation.** Indoor and/or light-supplemented allowing flowering plants to be harvested all year. Indoor cultivation applicants must apply using square footage of plant canopy to calculate their tier, as using plant counts are not permitted.
3. **Mixed Cultivation.** Mixed cultivation is the combination of indoor and outdoor cultivation.

TABLE 3.2 - Cannabis Indoor Cultivation Tiers

Tier #	Description
1	Up to 1,000 square feet of plant canopy
2	Up to 2,500 square feet of plant canopy
3	Up to 5,000 square feet of plant canopy
4	Up to 10,000 square feet of canopy
5	Up to 20,000 square feet of canopy
6	Up to 37,500 square feet of canopy

TABLE 3.3 - Cannabis Mixed Cultivation Tiers

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

TABLE 3.4 - Cannabis Manufacturer Tiers

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

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

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

D. Cannabis Wholesalers. Cannabis Wholesaler (or “Wholesaler” as used in this section) licensees may purchase, process, transport and sell cannabis and cannabis products from other licensees to other licensees, however, Wholesalers are not permitted to sell cannabis or cannabis products to the public.

1. Wholesale, Broker. Operates in an office setting and does not store physical cannabis materials or inventory.

2. Wholesale, Warehouse. Stores physical materials, products, or inventory for resale.

E. Testing Laboratories. Testing Laboratory licensees may test cannabis and cannabis products obtained from a licensed cannabis establishment, dispensary, or a member of the public.

- F. Integrated License.** Integrated licensees may engage in the activities of each of the license types listed above

3.3.5 Child Care Home, Family

A family child care home which is owner-occupied and serving no more than 6 children shall be considered a exempt accessory use of a single-household dwelling on the property where no permit is required.

- A.** A family child care home serving no more than 6 full-time children and four part-time children (not including children who live in the residence) shall be considered a permitted use that requires site plan approval.
- B.** During the school summer vacation, the family child care home may provide care for up to 12 children, not including any children age 7 or older who live in the residence, provided:
 - 1.** That at least 6 of these children are of school age; and
 - 2.** A second staff person is present and on duty when the number of children in attendance exceeds 6.
- C.** A childcare operation that is not located in an owner-occupied single-household dwelling, serves more than 12 full-time children, or otherwise does not meet these requirements shall constitute a child care facility. [33 V.S.A. § 3511\(7\)](#)

3.3.6 Child Care Facility

A child care facility shall be considered a conditional use requiring site plan review.

3.3.7 Child Care Facility, Center-based

- A.** Facilities shall be properly licensed by the State.
- B.** Facilities shall be located on a lot that is a minimum of 1.5 acres.

- C.** A fence of at least four feet in height shall be provided, separating any outside area designated for use in relation to the center from abutting lots, parking areas, driveways or streets.
- D.** Adequate off-street parking is provided for employees, volunteers, and visitors. The number of required spaces will be calculated based upon the number of children enrolled at the child day-care center, the number of employees mandated by the state and the required handicap space(s).
- E.** Facility activities shall not be conducted before 5:00 a.m. or after 9:00 p.m. in residential districts.
- F.** Operation in a residential district may require a traffic study.

3.3.8 Contractor Yards

- A.** Contractor yards may require a zoning permit from the Town of Georgia, and may be required to get approval from the Dept of Environmental Conservation (DEC).
- B.** The exterior storage of materials or equipment may require screening or location limitations by the DRB as specified in section [5.2](#).

3.3.9 Earth Resource Extraction

Earth Resource Extraction shall be allowed by the DRB as a conditional use provided it meets the standards of section [6.2 Conditional Use Review](#), complies with other applicable sections of these Regulations, and meets the following additional standards:

A. Standards

- 1.** The removal shall not cause any hazard to health, property, or property values.
- 2.** The depth of excavation shall not cause any hazard or injury to roads or adjacent properties.

3. The area excavated shall be regraded, reseeded, replanted, and mulched pursuant to a reclamation plan submitted and approved by the DRB which shows existing grades and finished grades for the areas where removal will occur. All regraded areas, except for exposed ledge rock, shall be covered with a minimum of four (4) inches of topsoil and a suitable cover crop. The proposed slope and soil conditions shall not result in erosion or excessive runoff.
 4. Hours of operation shall begin no earlier than 7:00 a.m. and end no later than 6:00 p.m. No excavation can be conducted outside the hours of 8:00 a.m. and 6:00 p.m. except in local-, state- or federally declared states of emergency which require earth resources.
 5. The removal meets the Performance Standards in Section 4.3 of these Regulations.
 6. The removal shall not cause any traffic hazards, unsafe conditions or excessive congestion or physical damage to Town or State highways on the expected routes of truck traffic.
 7. The removal shall not have an undue adverse impact on water resources, significant wildlife habitat and agricultural land.
 8. Any excavation of earth materials is prohibited within the Special Flood Hazard Area where activity will lower the level of the water table, interfere with natural flow patterns or fisheries habitat, or reduce the flood stage capacity, except in State- or federally declared states of emergency due to weather or flooding conditions.
- B. Conditions.** In granting conditional use approval for Earth Resource Extraction, the DRB may consider and impose reasonable conditions, including, but not limited to, the following:
1. A performance bond or similar surety may be required to insure reclamation of the land upon completion of the excavation of materials and topsoil in accordance with the reclamation plan.
 2. Hours of operation may be restricted.

- C. Exemptions.** This section will not apply to the removal of natural resources from an agriculture operation, nursery, or cemetery as long as the natural resources being removed are not being offered for sale.

3.3.10 Group Home (8 or less persons)

A residential group home to be operated under state licensing or registration, serving not more than eight persons who have a disability as defined in 9 V.S.A. § 4501, shall be considered by right to constitute a permitted single-family residential use of property. If a valid permit is in place for a single household dwelling, no additional permit or approval is required.

- A. Group homes shall not be located closer than 1,000 feet from another existing or permitted group home as measured from property line to property line; and,
- B. Any structural alterations or other land development associated with these uses that are not exempt shall require a zoning permit. [24 V.S.A. §4412\(1\)\(G\)](#)

3.3.11 Group Home (9 or more persons)

A residential group home to be operated under state licensing or registration, serving more than eight persons who have a disability as defined in 9 V.S.A. § 4501, shall be considered a conditional use and require site plan review.

3.3.12 Heavy Equipment Sales

- A. The exterior storage of materials or equipment may require screening or location limitations by the DRB as specified in section 5.2.

3.3.13 Home Office

- A. **Home Office.** A Home Office shall not require a Zoning Permit in any district and shall be considered to be part of a residential use. Home [Offices](#) must meet all of the following standards:
 1. The Home Office shall not employ anyone other than members of the household.

2. The Home Office shall not be visible from outside the home.
3. The Home Office shall not generate significant additional traffic.
4. The Home Office shall not impact the character of the neighborhood.
5. The Home Office shall have no signs.
6. The Home Office shall have no external storage of materials or equipment.
7. The Home Office shall produce no objectionable noise, smoke, vibration, dust or odors discernible on any adjoining property.
8. The Home Office shall not have a public access or draw customers to the location.

3.3.14 Home Occupation

A. Home Occupation. A Home Occupation requires a Zoning Permit. In accordance with the Act (§4412[4]), no provision of these Regulations shall be construed to infringe upon the right of any resident to use no more than 50% of the residence or use an accessory structure for an occupation that is customary in residential areas and that does not have an undue adverse effect upon the character of the residential area in which the dwelling unit or the accessory structure is located. A Home Occupation shall meet the following standards in order to be customary in residential areas and not have an undue adverse effect upon the character of the residential area in which the dwelling unit or accessory structure is located:

1. The Home Occupation shall be conducted by residents of the dwelling and up to a maximum of two (2) nonresident employees on-site at any time.
2. The use is limited to no more than 50% of the residence, or use of no more than 1,500 square feet of an accessory structure.
3. There shall be no exterior displays, except that one unlit sign not exceeding six (6) square feet per side is allowed. See 'Signs' section 5.11.

4. No traffic shall be generated either in a volume greater than an estimated average of 10.0 trips per day or that alters the essential character of the neighborhood or substantially impairs the use of adjacent property.
5. The Home Occupation shall not generate excessive noise, smoke, vibration, dust, glare, odors, electrical interference, or heat that is detectable at the boundaries of the property.
6. Off-street parking for residents of the dwelling, employees and customers shall be provided. Parking shall be provided off-street and shall be located in side or rear yards outside setback areas. However, pre-existing residential parking areas may be utilized.
7. Exterior storage of materials used in the home occupation shall be limited to the smallest extent reasonably practicable, screened so as to not be visible from the street, road, or adjacent properties, and shall not be allowed in setback areas.
8. There shall be no potential of risk to public health from the Home Occupation, including but not limited to toxic emissions or on-site disposal of hazardous wastes.
9. Retail sales or services on-site are limited to the sale of goods or services produced on the premises, and related products, by appointment only.

3.3.15 Home Industry

A. Home Industry. Home Industries shall require Conditional Use approval and are subject to a public meeting with the DRB. Home Industries shall meet the following requirements in addition to any other applicable requirements in these Regulations. The DRB shall determine if the following requirements are met:

1. The Home Industry shall be conducted on-site by residents of the dwelling, and up to five (5) full-time nonresident employees at any given time.

2. Home Industries are allowed signage according to section 5.11 of these Regulations.
3. The Home Industry shall not generate traffic, including delivery traffic, in excess of volumes characteristic of other uses allowed in the district in which the home industry is located.
4. A Home Industry shall meet the Performance Standards delineated at section 4.3. Excessive noise, smoke, vibration, dust, glare, odors, electrical interference or heat that is detectable at the boundaries of the property shall be prohibited.
5. The Home Industry shall not change the character of the neighborhood, nor result in a change in the outward appearance of the dwelling or the accessory structure.
6. Off-street parking shall be provided for residents, employees, delivery vehicles and customers. Commercial vehicles or equipment associated with the Home Industry shall be parked within designated yard or parking areas, approved by the Board. The Board may also require that parking areas are adequately screened year-round from public view and adjoining properties.
7. Exterior storage of materials and equipment associated with a Home Industry shall be limited to a clearly designated yard or storage area approved by the Development Review Board, which meets all applicable setbacks for the district in which the property is located. The Board may require greater setbacks as deemed necessary to avoid adverse impacts to neighboring properties or public rights-of way. The Board also may require that such areas be adequately screened year-round from public view and neighboring properties and secured to protect public safety.
8. Exterior yard or storage areas shall also meet surface water and wetland setbacks and buffers as required.
9. The storage of hazardous materials anywhere on the premises shall be limited to those materials necessary for the operation of the Home Industry

and shall be stored in accordance with all applicable state and federal regulations.

10. A plan for the proper disposal of materials, both hazardous and otherwise associated with the Home Industry shall be presented to the DRB at the time of the Conditional Use meeting.
11. There shall be no potential of risk to public health from the Home Industry, including but not limited to toxic emissions or on-site disposal of hazardous wastes.
12. A Home Industry shall meet all applicable performance standards and conditions set by the DRB. The DRB may limit the hours of operation as deemed necessary to minimize adverse impacts to neighboring properties and protect the character of the area.

3.3.16 Manufactured Home Sales

- A. The exterior storage of materials or equipment may require screening or location limitations by the DRB as specified in section 5.2.

3.3.17 Marinas

Marinas shall meet all state and federal standards and obtain all required permits including, but not limited to, those referenced in 10 V.S.A. §§1250-1386 and 29 V.S.A. §§401-410. In addition to state and federal permitting requirements, all marinas shall meet the following standards:

- A. A minimum lot size of 40,000 square feet and 150 feet of shoreline frontage shall be required for marinas.
- B. All marina related uses, including parking, shall comply with all setback requirements for the district in which the marina is located.
- C. Marinas shall have sufficient upland area to provide all necessary parking, stormwater best management practices (BMPs), fuel, and sanitary facilities without filling wetlands or subaqueous bottom. Upland areas

can include contiguous lots separated by a road right-of-way. If upland areas are separated, they must have sufficient and safe access to marina facilities.

- D. Applicant must demonstrate how BMPs will be incorporated into the project. A bond or letter of credit may be required to ensure proper installation, erosion control and maintenance of any vegetative or structural BMP measures.
- E. All fuel facilities must have a spill contingency plan.
- F. Marinas incorporating boat maintenance operations shall include plans for the efficient collection and removal of sand blasting, paint chips, and other by-products of maintenance operations.
- G. Parking and parking for trailers shall be required in accordance with Section ??? - Parking Regulations. Boats may be stored seasonally, not to exceed 365 days of storage in a two-year period.
- H. A landscape plan shall be provided to minimize off-site visual impacts.
- I. No paved area, parking area, driveway, or internal road, with the exception of boat launching ramps, may be located within 25 feet of the base flood elevation.
- J. Lights from the marina may not illuminate the water body or produce undue glare or cast direct light upon adjacent properties, waterfront areas of adjacent properties or upon any public right-of-way. No light source shall be higher than twenty (20) feet.
- K. The DRB shall require a plan that shows dockage and travel lift.
- L. The DRB shall require a plan to prevent the introduction or spread of invasive species.
- M. The DRB may require additional measures to protect the public's safety and the environment from impacts associated with an increase in boat activities.

- N. Applicants shall be responsible for obtaining all applicable state and federal permits, approvals or authorizations applicable to construction, modification, enlargement, reconstruction, repair, etc. of marine facilities.
- O. The exterior storage of materials or equipment may require screening or location limitations by the DRB as specified in section 5.2.

3.3.18 Mixed Use

- A. **Applicability.** A property may contain "mixed uses" (e.g., more than one principal use in a single building) as specified in [TABLE 3.1 - Table of Land Uses on page 3-3](#). Properties within the Village Core (VC) district may also contain mixed uses within separate, detached buildings on the same lot.
- B. **Review Process.** Mixed uses shall be permitted provided that the standards in this section are met.
 - 1. All properties with mixed uses shall be subject to site plan review in [6.3](#).
 - 2. If a use is proposed to be located on a property as a mixed use that requires Conditional Use Review, that review shall be coordinated in one written conditional use decision if the property is located in the Agricultural/Rural Residential (AR), Residential (R), Residential Neighborhood (RN) and Residential Village (RV) districts.
 - 3. Applicants may apply for a Zoning Permit for a mixed use under a single application. The Zoning Permit decision must list all approved uses or categories of uses for the site. A Zoning Permit will not be required for new tenants or property owners unless there is a change in the approved uses or a Zoning Permit is otherwise required.

C. Village Core Standards. Properties with mixed uses in the Village Core district shall meet the following standards:

1. Mixed uses are permitted within the same building, or within separate, detached buildings on the same lot.
2. Single-household, two-household and multi-household dwellings are allowed in the Village Core district as part of a mixed use plan.
3. A mix of residential and commercial uses is permitted on the same lot provided that the total square feet of commercial space equals not less than 25% of the total commercial / nonresidential space.
4. The DRB may allow multi-household dwellings of 5 units or more in the same building to be exempt from the commercial offset if, as part of the overall development, there is a commercial element that meets the requirements in section 3 above. The DRB may impose a minimum of square footage on developments of 5 units or more that do not have other commercial offset as a part of the plan.
5. Single-household dwellings are limited to 1,500 square feet in size, with a minimum lot size of 3,000 s.f. Single-household dwellings shall be multi-level, from 2-3 stories.
6. The mixed use development shall also comply with the specific district requirements of [2.10 VC Village Core](#), including a two-story minimum building height. A waiver may be obtained from the DRB for the requirement of the second story.

D. Other District Standards. Properties in other districts with mixed uses shall meet the following standards:

1. There shall not be more than one principal structure on a lot unless approved as part of a PUD or Cottage Court. This regulation shall not apply to the Village Core (VC) or Industrial (I) districts. The regulation shall also not apply to lots in the Business (B) district that contain only non-residential uses.

2. More than one principal use may occupy a single principal structure.
3. The DRB shall specify the maximum number of separate uses approved for a particular property.
4. A property with mixed uses may only contain land uses that are considered “permitted” or “conditional” per section [3.1 Categories of Land Uses](#).
5. Mixed uses shall be arranged to be compatible, and to minimize visual and noise impact for the residents of the single development proposal and adjacent properties. To achieve this, the DRB shall require landscaping, screening, and/or setbacks as appropriate.

3.3.19 Motor Vehicle Repair, Sales and Fuel Stations

In all districts where they are allowed ([See TABLE 3.1 - Table of Land Uses on page 3-3](#)) motor vehicle repair, motor vehicle sales, and motor vehicle fuel station uses shall comply with the following as applicable:

- A. Fuel pumps, lubricating, and other service devices shall be located at least 30 feet from the front, side, and rear lot lines. Pump islands, pumps, air compressor, recharging stations, and other service areas shall be located on the side or the rear of the station building. (see [Figure 3.1](#)).
- B. Motor Vehicle Fuel Stations shall have no more than five gas pumps with two fueling positions each located on the premises. Four additional pumps for diesel, kerosene and/or fuels other than gasoline, and recharging stations for electric vehicles, may also be installed on-site.
- C. Light fixtures mounted in/on service station canopies shall either be recessed so that the lens cover is flush with the bottom surface (ceiling) of the canopy; or for indirect lighting, mounted and shielded or skirted so that direct illumination is focused exclusively under the canopy. Lights shall not be mounted on the top or

sides (fascia) of canopies, nor shall fascia be internally illuminated.

- D.** Motor vehicle fuel and repair stations shall meet parking requirements under section 5.5 (Parking Requirements), however fueling stations at pump islands may be counted toward the satisfaction of onsite parking requirements.
- E.** All motor vehicle parts and dismantled vehicles at a motor vehicle fuel station or motor vehicle repair use are to be stored within a building or be effectively screened from adjacent properties and roads. No major repair work shall be performed outside a building.
- F.** A landscaped area shall be maintained at least five feet in depth along all lot frontage not used as a driveway; specific landscaping and screening may be required (see section 5.3 Landscaping and Screening). To ensure conformance with the Conditional Use and Site Plan review standards, the DRB may require a larger landscaped area.
- G.** The exterior storage of materials or equipment may require screening or location limitations by the DRB as specified in section 5.2.

3.3.20 Multi-tenant Housing for Older Persons



Figure 3.1 - Fuel pumps in rear of building.

This gas station in Rhinebeck, NY brings the building up to the street and places the pumps in the back, creating a more attractive streetscape.

- A.** Dwelling units must have no more than two bedrooms per unit designed specifically to meet the physical and living requirements of older persons or people who are disabled.
- B.** No children/dependents under the age of 18 are allowed to reside in the home;
- C.** The facility can be individual units or a combined multi-tenant building;
- D.** The project will be subject to a conditional use hearing with a site plan with the DRB;
- E.** The project shall abide by Title 27: Property, Chapter 15: Condominium Ownership Act, Subchapter 1: Condominium Ownership;
- F.** If the project requires individual lots of ownership (footprint lots) then the process will be handled the same as a PUD and abide by the PUD requirements;
- G.** Deed & HOA review as well as a private road agreement may be required by the DRB as a part of the project approval.

3.3.21 Ponds, Man-made

- A.** Man-made ponds with a surface area greater than 5,000 square feet (about 1/8 of an acre) are an accessory use requiring a zoning permit. Applications for pond permits shall include a sketch of the pond location on a survey of the property (if available), or other reasonable representation of the property showing:
 - 1.** Setbacks from property lines, leach field, structures, and water supply;
 - 2.** Existing slope of the pond site;
 - 3.** Water source and method of discharge;
 - 4.** Location and size of emergency spillway;
 - 5.** Route of flow of outlet and/or spillway;

6. Cross section depiction of the pond, to include dam or other form of retention;
 7. Approximate volume of water to be contained;
 8. Description of vegetative cover planned to prevent erosion.
- B.** Ponds and supporting structures (dams, etc.) must meet the following setback requirements:
1. Leach-field: 100'
 2. Drilled well: 25'
 3. Shallow well: 100'
 4. Ponds and their supporting structures may not fall within any right-of-way or easement.
 5. No pond or dam that is up-gradient to and within 1,000 feet of a town road shall have its overflow discharge draining towards or into the Town's right-of-way. Said situation is only allowable upon receipt of a stamped engineering letter that any potential overflow or failure of the pond poses no threat to the Town right-of-way due to topography or other natural features.
 6. All applications must receive the approval of the Public Works Director prior to the release of the zoning permit.
 7. Ponds which fall within the setbacks above may be approved as a conditional use upon review by the DRB.
- C.** State and Federal Permit Requirements:
1. Any pond that impounds or is capable of impounding 500,000 cubic feet or more of water will require a permit from the VT Department of Environmental Conservation.
 2. No in-stream pond may be built without the approval of the VT DEC Stream Alteration Permit. A Stream Alteration Permit may be needed if the project involves work in a stream that drains an area of more than 10 square miles.
 3. VT Wetland Rules regulate dredging, draining, filling, grading, removal of vegetation, alteration of the flow of water into or out of a wetland and other

similar activities within significant wetlands or their buffer zones. A Conditional Use Determination or Water Quality Certification from the VT Agency of Natural Resources may be required.

3.3.22 Public Facilities

In accordance with 24 V.S.A. Section 4413, these Regulations shall be construed to regulate public facilities, including in the context of any required review, only with respect to location, size, height, building bulk, yards, courts, setbacks, density of buildings, off street parking and loading, traffic, noise, lighting, and landscaping and screening requirements, and only to the extent that these Regulations do not have the effect of interfering with the intended functional use.

3.3.23 Recreational/Camping Vehicles with Sleeping Quarters

- A.** A legally registered recreational vehicle may be stored or parked on a developed residential lot provided it meets the following requirements:
1. It shall not be permanently attached to the land;
 2. It shall not be occupied for residential use while on the lot;
 3. It shall not be hooked up to a water supply or to a septic system;
 4. There shall not be more than two such recreational vehicles on a lot; and
 5. Such use shall not conflict with any provision of these Regulations or any other applicable regulations.
- B.** A legally registered recreational vehicle may be placed on an undeveloped lot and used for limited seasonal occupancy, provided it meets the following requirements:
1. It shall not be permanently attached to the land.
 2. It must be moved at least once a week.
 3. It shall be occupied seasonally (i.e., for less than 180 days between May 1 and November 30 and

no more than 60 days between November 1 and May 31).

4. It shall meet applicable setback standards for a primary structure in the district in which it is located.
- C. Any camping or recreational vehicle used for living quarters and sited so as not to be readily movable shall be deemed a structure and a dwelling unit, and shall be subject to all applicable regulations.
- D. A legally registered recreational vehicle may be placed on an undeveloped lot and used for recreational camping purposes only, provided it meets the following requirements:
 1. It shall not be permanently attached to the land.
 2. It shall be occupied for recreational camping purposes only.
 3. It shall not be occupied for more than 45 days whether consecutively or in combination between May 1st and November 30th.
 4. It shall not be hooked up to a water supply or septic system.
 5. It shall have a self-contained storage tank for wastewater, or an approved self-contained porta-let. The collected contents of the storage tank or porta-let shall be emptied off site in an approved disposal facility by the owner or by an approved hauler.
 6. It shall meet applicable setback standards for the district in which it is located.
 7. There is not more than one recreation vehicle on a lot; and
 8. Such use does not conflict with any provision of these Regulations or any other applicable regulations.

3.3.24 Renewable Energy

- A. **Applicability.** The following section shall not apply to public utility power generating plants and transmission

facilities that are regulated by the Vermont Public Utility Commission (under 30 V.S.A. §248), including net-metered wind generation facilities and solar panels, or which require a Certificate of Public Good.

- B. **Certificate of Public Good Required.** A certificate of Public Good must be presented to the ZA prior to any renewable energy installation.
- C. **Allowed Uses.** For purposes of these Regulations, “a small-scale renewable energy facility” that is intended to serve the principal use of one property and meets the following standards, shall be allowed as a permitted accessory structure in all zoning districts in which accessory structures are allowed, subject to the appropriate review process and the issuance of a Zoning Permit issued by the ZA. Except as otherwise allowed by 24 V.S.A. § 4413(g)(2), these systems include:
 1. Small scale renewable energy facilities to be mounted on buildings or structures (with the exception of historic structures) which, as mounted, do not exceed the maximum district height requirements. Facilities mounted on non-conforming structures will not be considered to increase the degree or amount of nonconformance.
 - a. The application for a roof-mounted system shall also include written certification from the system designer or installer that the roof is structurally able to support system weight, and associated snow and wind loads.
 2. Individual ground-mounted solar and wind facilities that meet the following requirements:
 - a. A ground-mounted solar facility must meet minimum district setback requirements from property lines and rights-of-way, unless waived by the DRB under section **6.8 Waivers**; and shall not exceed a total height of 20 feet, as measured vertically from the average post-construction grade to the highest point of the structure.

- b. A ground-mounted wind energy facility shall not exceed a total height of 150 feet, or a maximum height of 40 feet above obstructions (e.g., structures, tree canopies) within 300 feet of the tower, whichever is greater, as measured vertically from the base of the tower at ground level to the top of the rotor blade at its highest point. The facility shall be set back at least 1.1 times the total facility height from all property lines, overhead utility lines, and public rights-of-way. A minimum clearance of 30 feet is required between the ground and the rotor blade tip at its lowest point.
- c. A wind facility shall not cause shadow flicker for more than 30 minutes per day on any occupied building located in the vicinity of the property.
- d. Ground-mounted facilities must be sited or screened so that their visibility has no undue adverse effect on adjoining properties.
- e. A ground-mounted solar installation shall not cast glare onto adjoining properties or the public right-of-way.
- f. The installer must certify in writing that the facility as installed meets manufacturer's specifications and accepted industry safety and performance standards, as established by the National Electrical Code, Institute of Electrical and Electronic Engineers, Underwriters Laboratories, American National Standards Institute, or similar testing and certification facilities. The applicant shall forward a copy of system specifications to the Fire Department.
- g. Line connections between a ground-mounted facility and the principal structure must be buried.
- h. Facility lighting or use of the facility for display or advertising purposes is prohibited.

D. Site Plan/Conditional Use Review. All other renewable energy facilities regulated by the municipality including but not limited to facilities sized to generate power for more than one single dwelling,

must receive site plan and conditional use review and approval from the DRB prior to the issuance of a Zoning Permit.

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

1. Designated scenic byway as listed in the Town Plan.
2. Primary agricultural soils as mapped by the U.S. Natural Resources Conservation Service.
3. Surface water, wetland and wetland buffers (section 4.7 and ARTICLE 8).
4. Existing critical wildlife habitat as delineated by the Town of Georgia and/or the State of Vermont.

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

5. **Environmentally Sensitive Areas.** In order to minimize the environmental impacts of facility development, new renewable energy facilities must meet:
 - a. Minimum setback distances from surface waters and wetlands, as required for all new development under section 4.7 Wetlands and Vernal Pools and ARTICLE 8, unless waived by the DRB under section 6.8 Waivers. New hydro facilities, including micro-hydro generation, should maintain sufficient flow (run of river) so there are no undue adverse impacts to water quality, local fisheries, and aquatic and riparian habitat.
 - b. Applicable requirements for development within Special Flood Hazard Areas (SFHAs) as shown on National Flood Insurance Program (NFIP) maps and regulated by the municipality under ARTICLE 8 Flood Hazard Area & River Corridor Buffer Regulations. No renewable energy structure, except for a hydro facility, shall be located in a regulated Floodway.

c. Wildlife Habitat. New or expanded facilities shall be designed, constructed and operated so there are no undue adverse impacts to wildlife and necessary [critical, significant] wildlife habitat, including core habitat areas, migratory routes and travel corridors, and state or federally listed rare, threatened and endangered species as mapped by the state or municipality, or identified through site investigation. Buffer zones may be required to protect identified habitat values as delineated by the Town of Georgia and/or the State of Vermont.

6. Farm and Forest Land. New generation and transmission facilities must be sited to avoid wherever feasible, or to otherwise minimize and mitigate the fragmentation of and adverse impacts to, the Town's working landscape, including large tracts of undeveloped forestland, open farmland, and primary agricultural soils mapped by the U.S. Natural Resource Conservation Service.

a. In order to conserve open space, ground-mounted renewable energy facilities, including wind towers, solar panels, and accessory structures, shall be sited and clustered on the least productive portion of the site, along field and forest edges, or on otherwise disturbed areas, to minimize placement or encroachments on open farm fields and, to the extent feasible, to not be sited on primary agricultural soils.

b. The facility must be accessed from an existing access serving the property, unless otherwise approved by the DRB as necessary to meet technical facility siting requirements. New access roads are to be located along forest and field edges, or in otherwise disturbed areas, as necessary to minimize site disturbance, resource fragmentation, and visual impacts, and to limit the introduction of invasive species. Access roads constructed along or within agricultural fields should be constructed at grade with the elevation of the field.

c. Facilities located in agricultural areas should be fenced as necessary to prevent livestock access, consistent with landowner agreements. Site restoration after facility decommissioning and removal must allow for continued agricultural use of the site.

d. A renewable energy facility shall be sited to avoid core forest areas and critical forest habitat.

e. For farm and forest land enrolled in State or municipal tax stabilization programs, or subject to permanent conservation easements, facilities shall be sited to meet applicable program requirements and restrictions.

7. Scenic Resources. Energy facilities shall be sited and designed to avoid or, if no viable alternative location exists, to otherwise minimize and mitigate undue adverse visual impacts to the community's scenic resources, as viewed from public rights-of-way, public vantage points and adjoining properties, and particularly within or as viewed from designated scenic byway corridors, historic districts, and scenic roads or views mapped by the municipality in the Town Plan or these Regulations.

a. Ground-mounted facilities are to be sited or screened so that they are not highly visible from adjoining properties. The Vermont Public Service Department's publication "Siting a Wind Turbine on Your Property," provides guidelines to minimize visual impacts. A system rated under these guidelines shall have no more than a "minimal impact" on residential and public properties or public rights-of-way.

b. Landscaping and screening shall be required as necessary to preserve scenic views of particular importance to the community, and to minimize visual impacts to adjoining properties to the maximum extent feasible. This may include the use of existing topography and vegetation, or a combination of plants, natural or architectural screening materials to either screen the facility from view or visually blend it into its surroundings.

- c. All structures must be designed using context-sensitive, non-reflective materials, colors, and textures that will blend the facility into its natural setting or surrounding environment. Wind facilities shall be finished in a neutral, non-reflective color (e.g., matte gray or white) so that they blend into a range of sky conditions.
- d. Exterior lighting shall be avoided except as required for safe facility operation, and shall incorporate energy-efficient, shielded light fixtures that are cast downward to minimize light trespass, glare and sky glow to the maximum extent feasible.
- e. Onsite electrical connections must be buried to the extent physically feasible, except where connected to the transmission or distribution system.
- f. No facility shall be used for purposes of advertising or display. Signs must meet applicable sign requirements under section [5.11 Signs](#) and be limited to required warning and safety signs.

3.3.25 Retail Store

- A. The exterior display or sales of goods is not permitted without prior approval of the DRB as part of site plan review.
- B. The exterior storage of materials or equipment is not permitted without prior approval of the DRB as part of site plan review.
- C. As defined in [ARTICLE 10](#), does not include motor vehicle sales, recreational vehicle sales, or manufactured home sales.

3.3.26 Roadside Stands

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

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

3.3.27 Sales Lot

- A. The exterior storage of materials or equipment may require screening or location limitations by the DRB as specified in section [5.2](#).

3.3.28 Seasonal Conversion

A seasonal dwelling or hunting camp may be converted to a year-round single household dwelling if the ZA determines that the conversion meets all of the following requirements:

- A. Application requirements and procedures for a seasonal conversion are provided in section [6.1.8 Seasonal Conversions](#).

- B. The property conforms to all of the provisions of these Regulations applicable to single household dwellings and all applicable State regulations. Certificate of Occupancy requirements in section **6.1.5 Certificate of Occupancy / Completion** must be followed.
- C. The property has obtained a State of Vermont Wastewater System and Potable Water Supply Installation Certification and the certification is recorded in the Town of Georgia Land Records.
- D. The property has adequate access in accordance with Town ordinances (a letter from the fire chief is required).
- E. Two off-street parking spaces per dwelling unit are required on the lot, or with deeded parking easement on an adjacent lot.

3.3.29 Seasonal Mobile Food Unit

- A. **License Required.** Seasonal mobile food units are permitted in districts as specified in **TABLE 3.1 - Table of Land Uses**. Refer to the Town of Georgia Mobile Food Unit Ordinance for more information.

3.3.30 Short Term Rentals

- A. **License Required.** Short-term rentals are permitted in districts as specified in **TABLE 3.1 - Table of Land Uses**. Refer to the Town of Georgia Short-term Rental Ordinance for more information.

3.3.31 Wireless Telecommunication Facility

- A. **Permit Required.** Wireless telecommunication facilities shall be reviewed and permitted according to the provisions of **6.1.11 Wireless Telecommunications Facilities**.

ARTICLE 4 General Regulations and Standards

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4.1 Height Limits

All structures shall comply with the height restrictions in **ARTICLE 2 Zoning Districts**. Structure heights shall be calculated using the method illustrated in **Figure 4.1 - Calculating structure height**. Chimneys, non-commercial antenna structures extending less than 10 feet above roofs, and wind turbines with blades equal to or less than 5' in length attached to structures shall not be considered in calculating the height of the underlying structure.

A. In all zoning districts, except where noted, the following uses or structures can exceed the height limitation, as stand-alone structures or as included in the height calculation for a structure to which they are attached, if the DRB grants a conditional use approval, as provided under section **6.2 Conditional Use Review**:

1. Windmills and wind turbines with blades more than 5' in length;
2. Rooftop solar collectors extending above roofs;
3. Belfries (Nonresidential);
4. Church spires;
5. Monuments and flagpoles;
6. Water and fire towers;
7. Telecommunication/communication towers;
8. Single purpose industrial structures (within the Industrial (I) zoning district only).

4.2 Nonconformities

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

B. Public Nuisance & Public Health, Safety, & Welfare Considerations. Nothing in this Section shall prevent municipal or other appropriate officials from taking actions legally authorized to abate any public nuisance, health, safety, or welfare concerns as related to nonconforming lots, nonconforming uses, or nonconforming structures.

4.2.1 Pre-Existing Small Lots

A. Pre-existing non-conforming small lots which do not meet the minimum dimensional requirements of this code may be developed for purposes allowed in the district in which they are located if the lots meet all of the following criteria:

1. Are legally subdivided;
2. Are separately deeded;

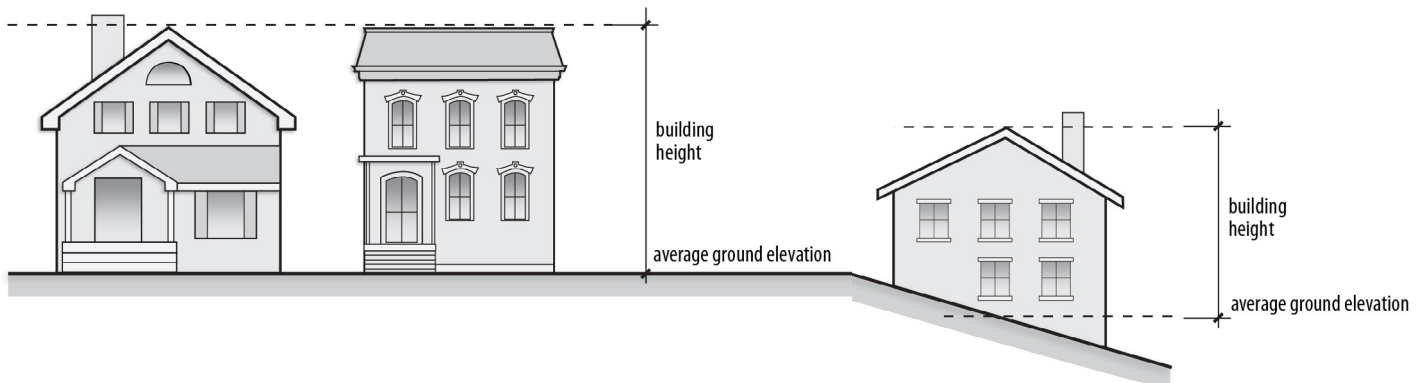


Figure 4.1 - Calculating structure height.

3. Were legally in existence at the time a bylaw or the Regulations made them non-conforming;
4. Include a minimum 1/8 acre of land area and a minimum 40 feet width and depth dimension;
5. Are serviced by adequate wastewater disposal and water supply facilities, including possible off-lot facilities, as evidenced by written confirmation from the Department of Environmental Conservation; and
6. Otherwise comply with these Regulations.

4.2.2 Non-Conforming Uses

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

4.2.3 Non-Conforming Structures

- A.** Non-conforming structures may continue to be utilized, subject to the following.

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

4.2.4 Pre-Existing Non-Conforming Structures

- A.** Pre-Existing non-conforming structures can be rebuilt or repaired as long as they utilize the same footprint as the non-conforming structure and are not increased in size or made more non-conforming.

4.2.5 Nonconforming Mobile Home Parks

- A.** Mobile Home Parks, if nonconforming in lot size, use or structures, shall be treated as one nonconformity pursuant to 24 V.S.A. Section 4412(7)(B).

4.3 Performance Standards

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

1. Emit noise in excess of 70 decibels at the property line or unreasonable noise. A noise shall be deemed to be unreasonable when it disturbs, injures, or endangers the peace, health or safety of two or more occupants on different properties, or when it endangers the health, safety, or welfare of the community.
2. Emit any odor, dust, dirt, or smoke which is considered offensive.
3. Emit any noxious gases that endanger the health, comfort, safety, or welfare of any person or that could cause injury or damage to property, business or vegetation.
4. Cause as a result of normal operations a vibration that creates a displacement of .002 inches within the ground at the property line.
5. Have lighting or signs that create glare that could impair the vision of a driver of any motor vehicle.
6. Have exterior lighting that is not downward facing and shielded, or is otherwise directing light into an abutting dwelling.
7. Cause a fire, explosion or safety hazard.
8. Discharge harmful substances into a sewage disposal system or watercourse.
9. Create an unsafe or unhealthy condition as determined by the Town of Georgia Health Officer.
10. Interfere with a renewable energy resource or the ability to utilize a renewable energy resource.

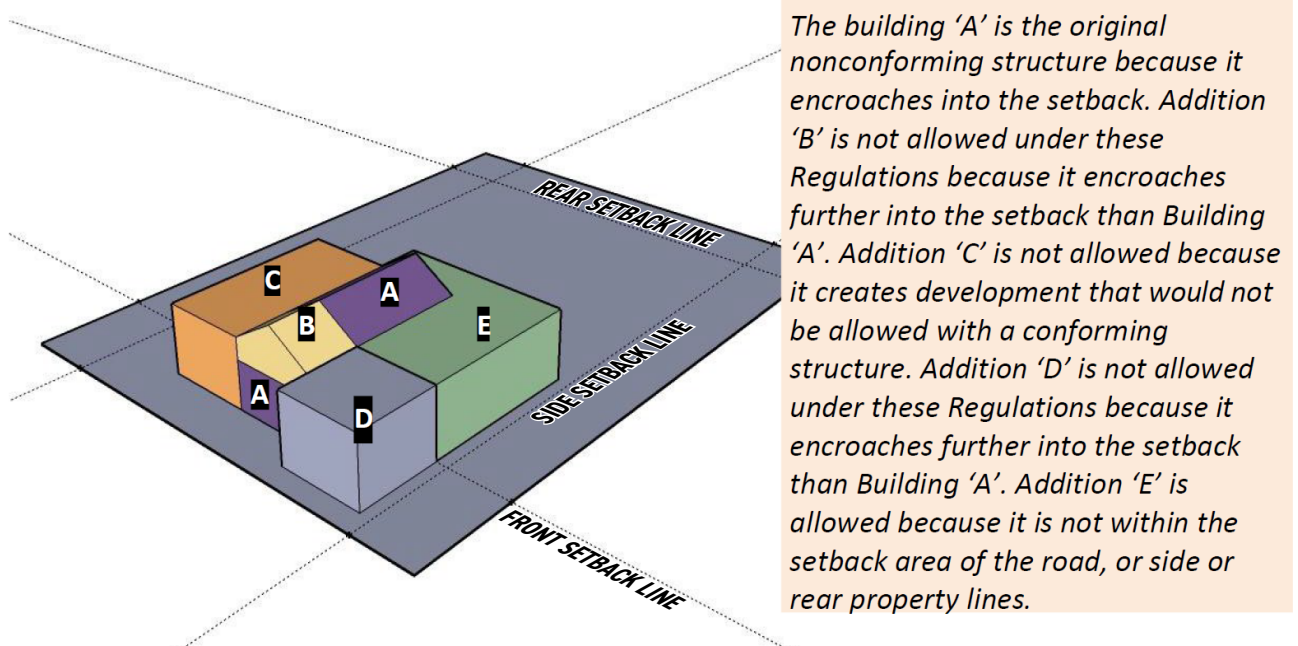


Figure 4.2 - Increasing the degree of nonconformity of a structure

4.4 Non-Commercial Excavation and Fill

A. Applicability. The provisions of this section apply to all excavating and filling of land not exempted (100 cubic yards or more) or associated with an extraction operation as defined under these regulations. A property owner must obtain a zoning permit for excavating and filling of land in accordance with the provisions of this section.

B. Limitations. The Development Review Board shall make the determination to approve more than one excavation and fill project in any 5-year period for a subject lot and all contiguous land under the same ownership. The Zoning Administrator may only issue one permit for excavation and fill in any 5-year period if the subject lot is less than one acre.

C. Excavation and Fill Near Waterways. Excavation and fill is prohibited within surface waters, wetlands and any required buffers or setbacks to surface waters or wetlands unless the proposed activity will be subject to state permitting and the applicant demonstrates that he/she has obtained all required state permits. Excavation and fill within the Flood Hazard Area Overlay District is subject to the standards of [ARTICLE 8](#).

D. Fill Material. The use of any material other than uncontaminated soil for fill is prohibited unless the proposed fill will be subject to state permitting, in which case the conditions of the state permit regarding the fill material will prevail. The Town of Georgia strongly encourages property owners to test any fill for hazardous elements.

E. Standards. Excavation and fill shall conform to the following unless otherwise approved by the Development Review Board as an element of proposed land development subject to site plan approval:

1. Excavation and fill is prohibited within zoning district setbacks.

2. Excavation and fill shall not alter the pre-existing grade by more than 5 feet.

3. Excavation and fill shall not result in a slope steeper than a 2: 1 (horizontal-to-vertical) ratio.

F. Operational Standards. The following minimum operational standards will apply to all excavation operations unless otherwise approved by the Development Review Board:

1. Any topsoil removed from the surface and retained on the site for reapplication to disturbed areas during reclamation must be carefully removed and stockpiled to prevent erosion.
2. An excavation operation shall not cause the permanent lowering or raising of the water table on surrounding properties.
3. An excavation operation shall not cause the drainage of a wetland except as permitted by the Vermont Agency of Natural Resources.
4. Excavation activity must not occur within riparian buffers as established in [ARTICLE 8](#).
5. Operational activities, including blasting, excavation, processing and hauling are prohibited between the hours 7 p.m. (or dusk if earlier) and 7 a.m. (or dawn if later). The Development Review Board may further limit hours as deemed necessary to mitigate impacts to adjacent properties and roads.
6. The Development Review Board may impose fencing requirements as deemed necessary for safety and general welfare in the area.
7. All equipment and machinery must be operated and maintained in such a manner as to minimize dust, noise and vibration. Access and haul roads must be maintained in a dust-free condition by surfacing, watering or other treatment on a regular basis.

4.5 Portable Structures

- A.** The following will be subject to the same permitting requirements as permanently located structures or

accessory structures with foundations under these regulations unless specifically stated otherwise:

1. Temporary structures;
2. Moveable structures;
3. Unlicensed, unregistered, uninspected, re-purposed vehicles;
4. Storage containers; and
5. Other similar structures without a foundation.

4.6 Wastewater and Potable Water Supply

4.6.1 General Requirements

- A. Purpose.** The purpose of this Section is to protect human health and the environment, including potable water supplies, surface water, and groundwater.
- B. Certificate Required.** All new dwellings are required to have a Wastewater System and Potable Water Supply Installation Certificate issued by the Vermont DEC Drinking Water and Groundwater Protection Division before a Certificate of Occupancy can be issued by the town. Any creation of a new dwelling unit, accessory dwelling, or additional bedrooms to an existing structure will need to:
1. Have a wastewater permit that covers the number of bedrooms;
 2. Have a letter from a certified engineer that the current system can handle the additional bedroom count;
- C. Clean-Slate Exemption.** Pre-existing properties with unpermitted water or wastewater systems built before January 1, 2007, may be exempt from these requirements provided they meet specific criteria of the Vermont “Clean Slate” exemption. However, changes to the property including increasing the number of bedrooms, or septic system failures / repairs / replacements, may trigger the loss of

exemption and require full compliance with these regulations.

For additional information on Wastewater System and Potable Water Supply systems and the Vermont “Clean Slate” exemption, refer to State of Vermont Agency of Natural Resources Department of Environmental Conservation Drinking Water and Groundwater Protection Division.

D. Wastewater and Potable Water Supply Permit.

Wastewater disposal and potable water supply are regulated by the Vermont Agency of Natural Resources, DEC, Environmental Protection Rules, Chapter 1, Wastewater System and Potable Water Supply Rules, effective September 29, 2007, or as periodically revised or amended.

1. Applicants for a Zoning Permit for land development of the type addressed in 10 V.S.A. Chapter 64 shall contact the District Permit Specialist at the DEC to obtain a determination if a Wastewater and Potable Water Supply Permit is required by the DEC in accordance with 10 V.S.A. Chapter 64 and the Wastewater System and Potable Water Supply Rules.
2. If, according to the DEC, a Wastewater System and Potable Water Supply Permit is not required for the proposed land development, the applicant for a Zoning Permit shall provide written proof of such from the DEC to the ZA with the Zoning Permit application. Where a Wastewater System and Potable Supply Permit is required, initiation of construction under a Zoning Permit issued in accordance with the Town of Georgia Development Regulations shall be prohibited unless and until a Wastewater System and Potable Water Supply Permit is issued.
3. If a Wastewater System and Potable Water Supply Permit under section 4.6 is required, the ZA shall not issue a Certificate of Occupancy until any necessary Wastewater System and Potable Supply Permit has been issued and filed in the Georgia Land Records and a statement that the wastewater disposal system has been

constructed in full compliance with the permit has been submitted by the qualified designer as defined in the Wastewater System and Potable Water Supply Rules.

4.7 Wetlands and Vernal Pools

- A. Purpose.** The intent of this regulation is to minimize the net loss of wetlands in the Town of Georgia. Wetlands classified by the State of Vermont as Class I or Class II wetlands (which includes vernal pools) are valuable resources. Wetlands' functions (e.g., water and air purification, flood attenuation, speciation, and nutrient cycling) are critical to the support of human, animal and plant populations.
- B. Applicability and Process.** The following standards shall apply to all land development in the Town of Georgia except land development in the Village Core (VC) district. The Vermont Significant Wetlands Inventory (VSWI) maps published by the Vermont Agency of Natural Resources shall be used by the Applicant as a tool to determine whether or not a wetland may exist on a property. However, such maps should not be relied upon to provide precise information regarding the location or configuration of significant wetlands. Where uncertainty exists as to the existence or location of a significant wetland, the Zoning Administrator and/or Development Review Board shall require that the applicant submit written documentation of a wetland's delineation based on consultation with a State Wetlands Ecologist or a private consultant with expertise in identifying wetlands prior to issuing a zoning permit or development review approval.

4.7.1 Review Standards

- A.** No land development shall be permitted in a Class I or Class II wetland, except as exempted or approved by the Vermont Agency of Natural Resources.
- B.** Applicant shall provide a copy of Project Review Sheet from the Vermont Agency of Natural Resources

indicating whether or not the development proposal requires a state wetland permit.

4.8 Abandoned Land Development

- A.** If the land development authorized by a zoning permit is abandoned without being completed, a landowner must demolish or secure any partially completed structures, remove all structural materials from the site, restore the site to a natural grade, and re-establish ground cover to prevent erosion prior to or within 12 months after the zoning permit expires.

4.9 Blighted or Damaged Structures

- A.** A landowner must act promptly to secure a structure blighted or damaged by any cause as necessary to protect public health and safety.
- B.** Within 12 months of a structure being damaged by any cause or of the Zoning Administrator notifying a landowner that a structure is blighted as defined in these regulations, a landowner must either:
1. Secure the structure as necessary to protect the structure from the elements and to protect public health and safety, if the structure will be reconstructed; or,
 2. Demolish the structure, remove all structural materials and debris from the site, restore the site to a natural grade, and re-establish groundcover to prevent erosion.
- C.** The Zoning Administrator may grant one or more extensions to the 12-month deadline established in [4.9 B](#) for a total of not more than 36 months upon the landowner demonstrating that:
1. The property does not pose a hazard to public health or safety; and,

- 2. The landowner has been unable to meet the deadline due to factors beyond their control.
- D. If a nonconforming structure is blighted or intentionally damaged, a landowner may rebuild and use the structure in accordance with section **4.2.3 Non-Conforming Structures** provided that:
 - 1. The structure as reconstructed does not exceed the original floor area; and
 - 2. The structure as reconstructed is not more nonconforming than the original structure.
- E. If a nonconforming structure is unintentionally damaged or destroyed, it may be rebuilt to its previous configuration with no changes, as per section **4.2.4 Pre-Existing Non-Conforming Structures**.
- F. As part of any redevelopment project requiring approval from the Development Review Board, a landowner must secure or demolish any blighted, damaged or destroyed structures located on the subject property.

4.10 Removal of Structures After Damage

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

4.11 Demolition

- A. Demolition of any building over 250 square feet in size will need a Demolition Permit issued by the ZA. Upon completion of any demolition project, a Certificate of Occupancy is required to close out the permit. If demolishing and rebuilding an existing structure, then the demolition and rebuild must be complete within 1 year of the Demolition Permit being issued. The ZA may grant up to (2) extensions of up to one year provided there are no safety hazards and the extensions are for factors beyond the applicant's control.

ARTICLE 5 Planning and Design Standards

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The DRB shall evaluate Site Plan Review, Subdivision, Cottage Court and Planned Unit Development applications against the following Planning and Design Standards. In reviewing the applications, the DRB may consider and impose appropriate safeguards and conditions with respect to whether the project adequately meets the required standards.

5.1 Energy Efficient Design

A. Developments are encouraged to incorporate energy-efficient siting of buildings, such as:

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

5.2 Exterior Storage of Materials or Equipment

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

5.3 Landscaping and Screening

5.3.1 Adequacy of landscaping and screening

A. Particular consideration will be given to preservation of existing vegetation and important features of the

site, including large trees, views and vistas, and stone walls; visibility of unsightly or incompatible areas from the road and adjoining properties; and the adequacy of landscaping materials given seasonal conditions, soil conditions and erosion control, and light on the site.

1. Invasive or nuisance plants as delineated by the Vermont Agency of Natural Resources shall be prohibited.
2. Landscaping will take the form of shade trees, deciduous shrubs, evergreens, well-kept grasses and ground cover. Selections shall preferably be native to Vermont, but at a minimum rated for a plant hardiness zone of 4; zone 5 may be acceptable with micro-climate justification.
3. Landscaping may be required to be installed and maintained in front and side yards and may be required where rear yards abut residential properties or public roads. Adequate setbacks and site grading may be required to ensure that the plantings are not adversely affected by traffic and road salt. Street trees may be required along state and town highways, particularly in areas where there is little vegetative cover presently. Landscaping will be installed within a time frame established by the DRB.
4. In determining the amount and type of plantings to be required, the DRB will take into account at least the following:
 - a. Existing trees, shrubs, evergreens and other vegetation to be preserved on the site.
 - b. The visibility of incompatible or unsightly areas from public roads and/or adjacent properties.
 - c. The landform and overall landscaping plan for the development;
 - d. Other factors which, in the DRB's judgment, affect the safety and appearance of the development; and
 - e. The owner or developer may be required to provide a letter of credit or other suitable form of surety to guarantee the performance and completion of all planting required pursuant to

this section, which surety will also guarantee plantings for a period of two years from the date of installation.

5. The DRB may require a landscaping and screening plan to be provided by the applicant in cases where, in the DRB's judgement, it is necessary to understand the detail of the proposed plan.

5.3.2 Requirements of a Landscaping and Screening Plan

- A. A landscaping plan shall illustrate to scale all landscaping and screening proposed for the site, including street trees, all other trees, planting beds, shrubs, bushes, and grassed and mulched areas. Plans shall include specifications for planting and a plan for maintenance care (reference sources listed below for guidance). At the time of planting, deciduous street/shade trees shall be at least two (2) inches in caliper (trunk diameter) measured at a point six (6) inches above finished grade level and have a single straight trunk at least ten (10) feet tall with the lower 5 feet clear of branches. At the time of planting, coniferous shade trees shall be 4' to 6' feet in height.
- B. The plan shall include justification that the cultivar selection is appropriate for the planting area, including rooting space, crown and height space, infrastructure limitations, soil conditions, sensitivity to urban conditions, etc. Selections shall preferably be native to Vermont, but at a minimum rated for a plant hardiness zone of 4; zone 5 may be acceptable with micro-climate justification.

5.3.3 Street Trees

1. Street trees shall have a high tolerance for road salt, soil compaction and drought, as appropriate.
2. **Subdivisions.** The DRB may require that suitable hardwood shade trees (such as Sugar Maple, Red Maple, Ash or Oak) be planted along streets where trees do not exist at intervals of forty (40) feet or less. All deciduous street trees shall measure at least ten (10) feet in height and at least

two (2) inches in diameter measured at a point six (6) inches above finished grade level. All trees are to be planted not more than ten (10) feet from the edge of the road right-of-way unless the DRB specifies otherwise.

5.4 Outdoor Lighting

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

Plant Reference Material Info Box

A gallery listing of invasive plant species in Vermont which are prohibited can be found at: <https://www.vtinvasives.org/>

Recommended Trees for Vermont Communities: A Guide to Selecting and Purchasing Street, Park, and Landscape Trees, published by the Vermont Urban and Community Forestry Program.

Landscape Plants for Vermont, by Dr. Norman E. Pellett, Horticulturist and Professor Emeritus, University of Vermont, and Dr. Mark C. Starrett, Assistant Professor, University of Vermont, published by University of Vermont Extension

Planting Sustainable Landscapes – A Guide for Plan Reviewers, prepared by the Vermont Department of Forests, Parks, and Recreation and the Vermont Chapter of the American Society of Landscape Architects – Section III.

Street Tree Factsheets – edited by Henry D. Gerhold, Norman L. Lacasse, and Willet N. Wandell, published by the Municipal Tree Restoration Program with support from the USDA Forest Service, Northeastern Area State and Private Forestry.

Note: This info box is provided for reference only and may be periodically updated as needed. It is not part of the official zoning regulations.

- B.** Prohibited lighting fixtures shall include all non downward-facing and non-shielded lights.
- C.** An approved lighting plan shall be kept in perpetuity unless such requirement is waived by the DRB.
- D.** Final determination of any lighting violations shall be conducted by the ZA or a third party designated at the discretion of the ZA.

5.5 Parking Requirements

5.5.1 Off Street Parking Requirements

The off-street parking specifications listed in **TABLE 5.1 - Required Off-Street Parking Spaces** are required to avoid parking vehicles on roads, streets, and highways:

Reduction or Increase in Required Parking Spaces.

The DRB may approve an increase or a decrease of the off-street parking space requirements in **TABLE 5.1** (Off-Street Parking Spaces) based on a parking space analysis to be completed at the cost of the applicant by a qualified consultant approved by the DRB. Required parking spaces may also be reduced by the DRB in accordance with the shared parking provisions in **5.5.2 Shared Parking** below. In no case shall the total number of off-street parking spaces be more than 110% of the required parking spaces in **TABLE 5.1**.

5.5.2 Shared Parking

- A.** Shared Parking arrangements, where one or more parking spaces is shared among a mix of adjacent land uses, is encouraged for the following reasons:
 - 1.** To promote compact development and the efficient use of land;
 - 2.** To promote non-motorized vehicle trips including walking and bicycling;
 - 3.** To improve accessibility and mobility to common destinations for users of all transportation modes; and

- 4.** To reduce the overall amount of impervious surfaces, specifically the amount of land devoted to surface parking.

B. The DRB may approve shared parking as follows:

- 1.** The number of off-street parking spaces required for a use for which shared parking is proposed can be reduced pursuant to one, but not a combination of, the following scenarios:
 - a.** The DRB shall approve the use of up to 90 percent of the required off-street parking for a daytime use (a use primarily operating between the hours of 8:00 a.m. and 6:00 p.m.) to count toward the required off-street parking provided for a nighttime use (a use primarily operating between the hours of 6:00 p.m. and 8:00 a.m.), or vice-versa, when the applicant demonstrates that the following requirements are met:
 - There shall be no substantial conflict in the principal operating hours of the uses for which the sharing of parking is proposed;
 - All uses for which an application is being made for shared parking shall be located within 400 feet of the parking facility;
 - A written legal agreement among the landowners for each use for which an application is made for shared parking shall be submitted to the DRB. The written agreement shall guarantee access to, use of, and management of designated shared

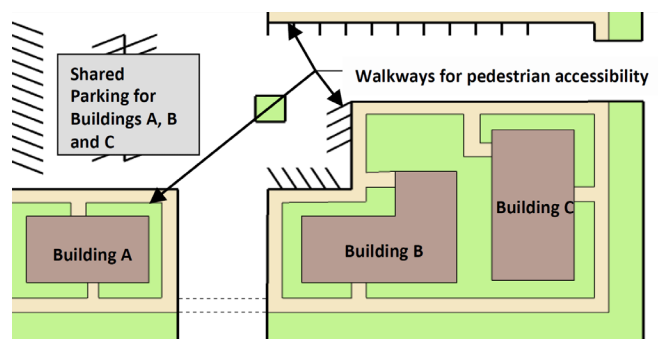


Figure 5.1 - Shared Parking.

TABLE 5.1 - Required Off-Street Parking Spaces

Use	Parking Spaces Required
Dwelling (Single, Two and Multi-Household)	1.5 per dwelling unit except 1 per Accessory Dwelling Unit. Existing non-conforming parking spaces count towards requirements for the number of spaces when expanding existing residential uses. See 24 V.S.A. §4428
Multi-Tenant Housing for Older Persons	1 per dwelling unit
Personal and Professional Services, Retail Store, Child Care Home - Family, Veterinary Clinics	1 per 300 SF of gross floor area, plus 1 for each employee per largest working shift
Convenience Stores	1 per 100 SF of retail floor area, plus 1 for each employee per largest working shift.
Lodging Establishment; Bed and Breakfast	1 for each sleeping room, plus 75% of spaces required for accessory uses such as restaurants and banquet rooms, if applicable.
Restaurants and Banquet Rooms	1 for every 4 seats.
Light Industry, Heavy Industry	1 for every motor vehicle used in the business and 1 for each employee on the largest working shift.
Office	1 per 500 square feet
Place of Worship	1 per every 4 seats in principal assembly room, plus 1 for each 400 SF of office space or administrative space.
School	1 for each 20 students of design capacity plus 1 for each 400 SF of office space or design capacity.
Marina	1 space for each boat berth plus any additional required for accessory uses or structures located on the same lot.
Medical Office	1 per 400 square feet
Hospitals, Nursing Homes	1 per each bed of design capacity plus 1 per each employee on the largest working shift
Group Homes	1 per two beds plus 1 for each employee on the largest working shift.
Motor Vehicle Sales, Repair and Service	1 per 400 SF of shop, sales, or service area plus 1 per employee on the largest working shift.
Campground	1 per camp site, plus 1 per every 200 SF of gross floor area of office or administrative space.
Municipal, State, Federal, or Regional Facility	1 per 200 SF of gross floor area.
Agribusiness and Heavy Equipment Sales	1 per 400 SF of enclosed shop, sales, or service area plus 1 per employee on the largest working shift.
Public and Private Indoor or Outdoor Recreation	1 per employee on the largest working shift plus 1 for every two patrons for the design capacity.
Trucking Terminal	A minimum of 1 per employee on the largest working shift plus 1 per truck or vehicle used in the business.
Warehouse	1 per employee on the largest working shift plus 1 per 2000 SF of gross floor area.
Other Commercial Uses Not Listed in This Table	One space for each employee on the largest working shift, 1 for each motor vehicle used in the business, and 1 for every 200 SF of gross floor area.

parking spaces. Shared parking privileges shall continue in effect only as long as the agreement, binding on all parties, remains in force. If any shared parking agreement is no longer in force, parking shall be provided as otherwise required by these Regulations.

- b.** The DRB shall approve the use of up to 90 percent of the required off-street parking for a weekday use (a use only operating Monday through Friday) to count toward the required off-street parking provided for a weekend use (a use only operating Saturday and/or Sunday), or vice-versa, when the applicant demonstrates that the following requirements are met:
- There shall be no substantial conflict in the principal operating hours of the uses for which the sharing of parking is proposed;
 - All uses for which an application is being made for shared parking shall be located within 400 feet of the parking facility;
 - A written legal agreement among the landowners for each use for which an application is made for shared parking shall be submitted to the DRB. The written agreement shall guarantee access to, use

of, and management of designated shared parking spaces. Shared parking privileges shall continue in effect only as long as the agreement, binding on all parties, remains in force. If any shared parking agreement is no longer in force, parking shall be provided as otherwise required by these Regulations.

- c.** The DRB shall approve up to a 20 percent reduction in the total number of parking spaces required for four or more separate commercial uses whose hours of operation may overlap; up to 15 percent reduction in the total number of parking spaces required for three separate commercial uses whose hours of operation may overlap; or up to a 10 percent reduction in the total number of parking spaces required for two separate commercial uses whose hours of operation may overlap when the applicant demonstrates that the following requirements are met:
- There shall be no substantial conflict in the principal operating hours of the uses for which the sharing of parking is proposed;
 - All uses for which an application is being made for shared parking shall be located within 400 feet of the parking facility;

TABLE 5.2 - Parking Lot Stall and Aisle Dimensions

Parking Stall Type	Minimum Stall Dimensions		Minimum Width for Drive Aisle		Minimum Width for Emergency Access Drive Aisles
	Width	Length	One-Way	Two-Way	
Standard Parallel	9 ft.	24 ft.	12 ft.	20 ft.	20 ft.
Standard 45 Degree	9 ft.	18 ft.	16 ft. 4 in.	20 ft.	20 ft.
Standard 60 Degree	9 ft.	18 ft.	19 ft.	20 ft.	20 ft.
Standard 90 Degree	9 ft.	18 ft.	20 ft.	25 ft.	20 ft.
Disabled Accessible	8 ft ¹	18 ft.	(as above)		(as above)

Single-household and duplex dwellings are exempt from these dimensional requirements, as per 24 V.S.A. § 4428. ¹ Refer to current ADA Guidelines. Minimum 8-foot (96") wide parking spaces shall be provided for cars, 132" for vans, with 60" access aisle.

- A written legal agreement among the landowners for each use for which an application is made for shared parking shall be submitted to the DRB. The written agreement shall guarantee access to, use of, and management of designated shared parking spaces. Shared parking privileges shall continue in effect only as long as the agreement, binding on all parties, remains in force. If any shared parking agreement is no longer in force, parking shall be provided as otherwise required by these Regulations.

5.5.3 Off-Street Parking Lot Design Standards.

- A.** Each off-street parking space shall be provided access to a public street through a drive or aisle. Adequate space shall be available for maneuvering in and out of parking areas and located so as not to interfere with circulation to and within the site according to the stall and access aisle dimensions in **“TABLE 5.2 - Parking Lot Stall and Aisle Dimensions” on page 5-6.**
1. Parking areas are clearly defined and marked at their edges so as to prevent parking outside these designated areas.
 2. Parking and loading areas include sufficient space for refuse and snow removal.

5.5.4 Loading Areas

- A. Number of Spaces.** At a minimum, one loading space (dock or parking space) shall be provided for all commercial and industrial buildings in excess of 10,000 square feet of gross floor area plus one additional space for every additional 20,000 square feet of gross floor area.
- B. Dimensions.** Each required loading space shall be not less than 10 feet wide, 35 feet long and with 14 feet of clear height.

- C. Location.** Where feasible, loading zones and docks shall be located to the rear of properties. Loading zones shall be separate from other required parking and maneuvering areas.

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

E. Parking Lot Location

1. Parking may be prohibited in the front, side or rear yard setback areas.
2. In the R, RN, RV, BH and B districts, parking, loading, and utility areas may be required to be located to the side or rear of buildings and may be required to be screened.

F. Parking Lot Design

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

G. Parking Lot Access

1. In the R, RN, RV, BH, and B districts, access may be limited to one curb cut. Sharing of driveways with adjoining properties may be required.

5.6 Pedestrian Accessibility

- A. Applicability.** All applications for land development that require conditional use review, site plan review (including applications approved administratively), Planned Unit Development review, Cottage Court review, variance review, and/or subdivision review shall be required to comply with the following

standards for pedestrian accessibility and sidewalk access.

5.6.1 Public Sidewalks, Shared Use Paths, and Pedestrian Access

A. The following standards shall apply to all sidewalks and shared use paths that are intended to serve the general public in Georgia:

- 1. Walkway Type.** DRB has the option to impose either sidewalks or shared use paths to the project during the approval process, as deemed appropriate to local conditions. Any preference for either type shall be done in writing at the first meeting with the DRB.
- 2. Location.** Sidewalks or shared use paths shall be required in the following locations:
 - a.** On both sides of all public roads in the Village Core district.
 - b.** On one side of all private roads in the Village Core district.
 - c.** On both sides of State Highways in the RV District.
 - d.** As required by the DRB within the PUD, Cottage Court or subdivision approval in any zoning district.
- 3. Connection.** All sidewalks or shared use paths shall form a link to any existing sidewalks on adjoining properties. This standard shall not apply to the existing People's Trust property (SPAN# 237-076-11372) in the Village Core district due to the existing sidewalk on the property being located far outside of the State right-of-way.
- 4. Sidewalk and Shared Use Path Location Within Right-of-Way**
 - a. Town and Private Roads.** All sidewalks or shared use paths along town roads and private roads shall generally be built at the outer edge of the road right of way (within the right-of-way). The DRB shall also consider topographical constraints, existing structure locations, and

existing easements (utility, access, etc.) when determining the location of the sidewalk or shared use paths.

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

5. Design Standards and Maintenance. All sidewalks, or shared use paths and pedestrian infrastructure shall be designed, constructed, and maintained as follows:

- a. Sidewalks.** All sidewalks shall be constructed according to VTrans C-3a standard for cement sidewalks, as illustrated in [Figure 5.2](#).
- b. Shared Use Paths.** All shared use paths shall be constructed according to VTrans A-78 standard for asphalt paths, constructed at 8 feet wide, as illustrated in [Figure 5.3](#) and [Figure 5.4](#).
- c. Buffer or Curbing.** Sidewalks and shared use paths shall be separated from adjacent roads or parking areas by a landscaped buffer, curbing, change in elevation, change in surface material and/or crosswalk or surface markings.
- d. Curbcut Crossings.** Existing sidewalks, shared use paths and pedestrian routes that will be installed as part of the proposed development, must meet the following standards unless alternative markings are approved by the DRB in instances where they are on private roadways or outside of the state right-of-way:

- The sidewalk or shared use paths shall continue across any driveway or private road curbcuts and shall be constructed to a minimum depth of 8 inches across the driveway as illustrated in [Figure 5.5](#); OR
- The sidewalks or shared use path shall be marked with proper crosswalk markings as illustrated in [Figure 5.7](#).
- If the installation of a curbcut requires disrupting or damaging an existing sidewalk or shared use path, the applicant shall be responsible for restoring or replacing the sidewalk in conformance with this standard.

e. Maintenance. All pedestrian infrastructure shall be maintained according to the Town of Georgia, VT Sidewalk Ordinance.

5.6.2 Private Sidewalks and Pedestrian Circulation on Site

A. The following standards shall apply to all sidewalks and pedestrian facilities located on private property and intended to serve a specific structure or property:

1. **Adequacy of pedestrian circulation.** All development in the RV and VC districts shall provide adequate pedestrian circulation via sidewalks and/or non-motorized shared use paths. The DRB shall require a sidewalk to the entrance of the building from any existing public sidewalk to facilitate pedestrian access to the building.

2. Pedestrian Access in Subdivisions and PUDs

- a. Pedestrian Access.** The DRB may require, in order to facilitate pedestrian access from the roads to schools, parks, playgrounds, or other nearby roads, perpetual unobstructed easements at least twenty (20) feet in width. Easements shall be indicated on the plat.
- b. Pedestrian Circulation.** Projects will provide adequate pedestrian circulation within the project, such as sidewalks and pathways along public and private streets, connecting the

project to public buildings and uses, to other commercial or industrial uses, and to nearby residential and recreation areas.

- The project will promote and contribute to a logical street and pedestrian network within the project and the district, which provides for connections between parcels, between other commercial and industrial uses, and between the site and nearby residential and recreation uses, and for the continuation of streets and pedestrian ways, as illustrated in [Figure 5.6](#).

5.7 Road Standards

Applicability of Road Standards. The following standards shall apply to all public roads and to private roads. Acceptance of private roads by the Town is subject to the approval of the Georgia Selectboard. Construction of roads to these standards in no way ensures such acceptance.

5.7.1 Access and Connectivity

A. Access Permits. In accordance with statute and section [5.7.1 Access and Connectivity](#), all road accesses shall be subject to the approval of the Vermont Agency of Transportation in the case of state highways and the Georgia Public Works Director in the case of Town roads.

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

1. **Topography.** Streets shall be logically related to the topography so as to produce usable lots, reasonable grades and safe intersections in appropriate relation to the proposed use of the land to be served by such streets.
2. **Future Connections.** Proposed streets and rights-of-way shall be extended to the boundary lines of the tract to be subdivided and/or developed, unless prevented by topography or

confirm
correct
image

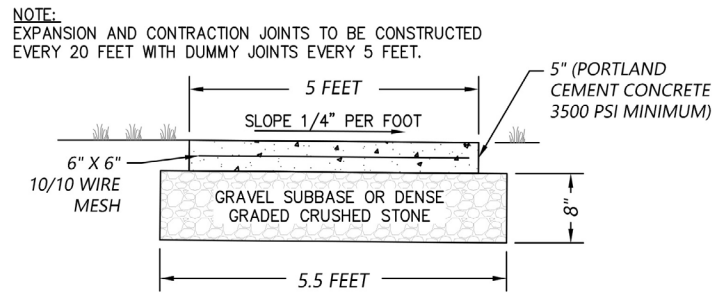


Figure 5.2 - Partial sample of VTrans Standard 3C-a Standards for concrete sidewalks.

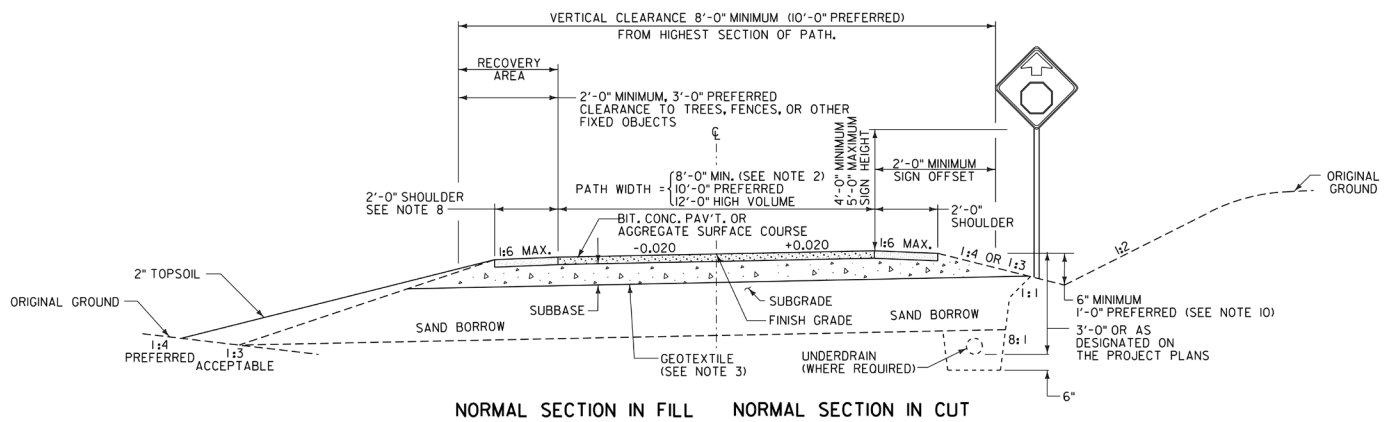


Figure 5.3 - Partial sample of VTrans Standard A-78 Standards for shared use paths.

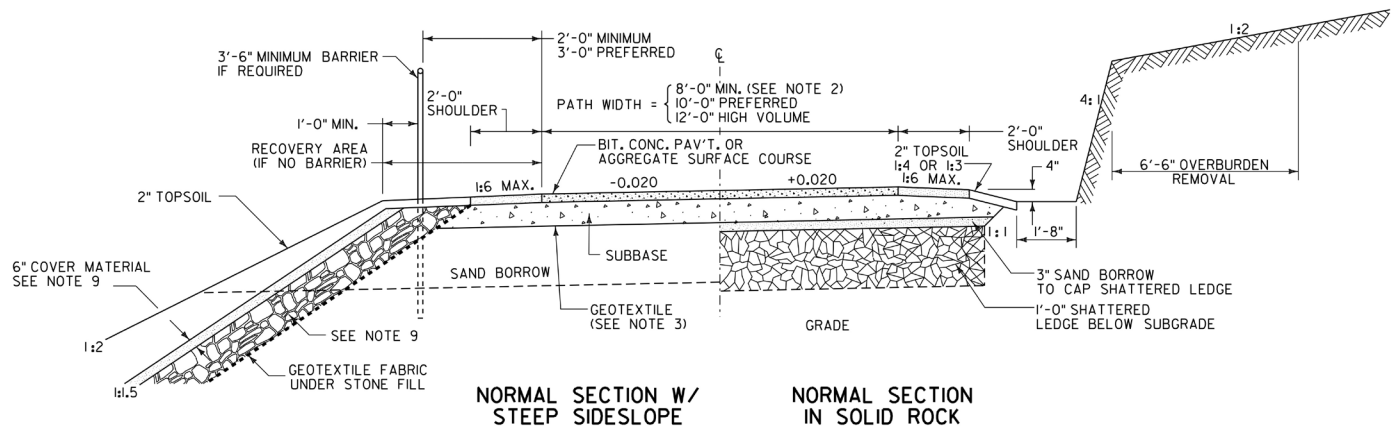


Figure 5.4 - Partial sample of VTrans Standard A-78 Standards for shared use paths.

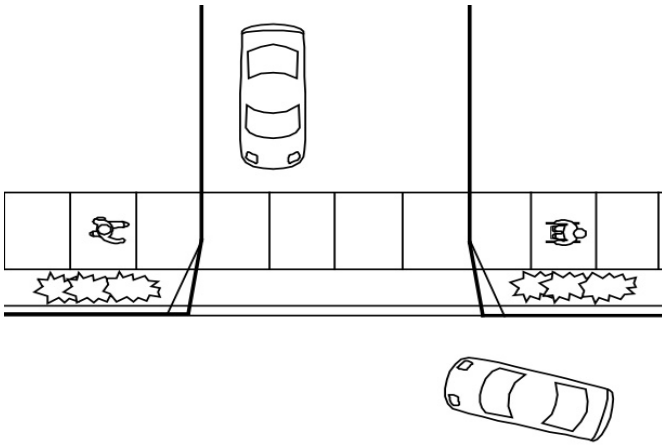


Figure 5.5 - Continuous Sidewalks.

The public sidewalk continues uninterrupted across the driveway or curbcut.

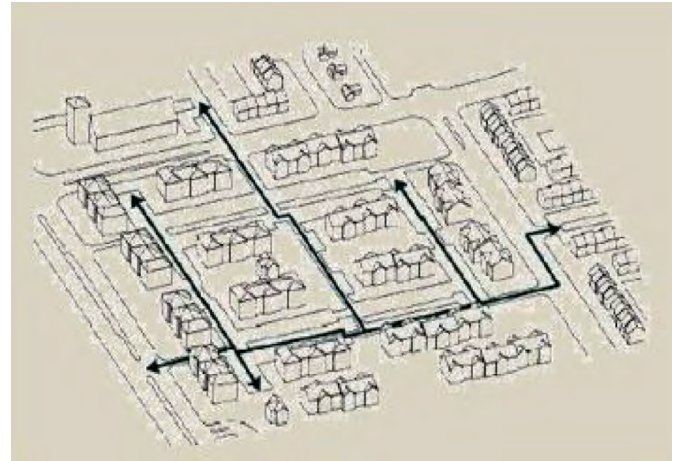


Figure 5.6 - Pedestrian Circulation.

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



Figure 5.7 - Pedestrian Circulation.

In lieu of a continuous sidewalk across the driveway or curbcut, proper crosswalk markings and signage is required.

other physical conditions or unless, in the opinion of the DRB, such extension is not necessary or desirable for the coordination of the layout of the proposed subdivision with the existing layout or the most advantageous future development of adjacent tracts.

3. **Reserved Strips.** The creation of reserved strips shall not be permitted adjacent to a proposed street in such a manner as to deny access from adjacent property to such street.

C. Access Management. In addition to access requirements under section 5.7.1, to better manage traffic flow and safety, avoid congestion and frequent turning movements, preserve the carrying capacity of roads and to avoid strip development, the following access management standards shall apply:

1. The DRB may require shared access to adjoining properties or may limit access to the property to a side street or secondary road.
2. Where traffic access is required to only a portion of the land, the DRB may require sharing that access with future uses of the remainder of the parcel.
3. For uses for which a traffic study is required, the proposal will not cause traffic conditions on

a Town or State highway to go below a Level of Service of C (as defined by the Vermont Agency of Transportation) unless such a condition already exists, in which case the use will not cause traffic conditions to go to a lower Level of Service. The proposal may be conditioned to mitigate an adverse traffic condition.

4. Jog intersections of public and/or private roads with centerline offsets of less than two hundred (200) feet shall not be allowed.
5. All street intersections shall be as near to right angles as possible.
6. No driveway shall be located within fifty (50) feet of a road intersection. This standard shall not apply to land development located in the Village Core (VC) District.
7. Where a lot occupies a corner of two (2) intersecting roads, the driveway access to the lot shall be located on the less traveled road.

D. Land Development on Private Roads. The following are requirements for all land development on any private road:

1. Private roads that have not been constructed to meet the private road standards in section 5.7 may only serve as access to three (3) dwelling units, three (3) duplexes, or three (3) lots used for non-residential purposes, except for lots solely in agricultural or forestry use, or a combination of dwelling units and non-residential lots greater than three, except in a PUD where a waiver is granted by the DRB. Existing private roads that do not meet current A-76 road standards cannot add additional lots or dwelling units unless the road is brought up to standards and approved by the Public Works Director and ZA. Private roads with more than three (3) dwelling units, three (3) duplexes, or lots must be constructed to A-76 standards.
2. An application for a Zoning Permit for a lot with access by a private road shall include a copy of the deed for the lot, declaration of covenants creating

a homeowners' association or other easement deed, which shall address the following:

- a. A clear statement of the rights of ingress, egress, or any other rights of those sharing the right-of-way.
- b. A clear statement setting forth terms and conditions for maintenance of the right-of-way.

E. Driveways. Driveways may serve up to two (2) lots. Driveways shall meet the following standards:

1. **Curb Cuts.** Access onto town highways is subject to the approval of the Public Works Director and Zoning Administrator; an Access Permit must be obtained. State highways are subject to the approval of the Vermont Agency of Transportation; an Access Permit must be obtained. As a condition to access permit approval, compliance with all local ordinances and regulations pertaining to roads and land development is required. Access permits must be obtained prior to the issuance of a zoning permit.
 - a. The Zoning Administrator shall be notified of any curb cut Access Permit applications at the start of the application process.

F. Access to Lots without Required Frontage. Land development may be permitted on pre-existing lots that do not have frontage either on a public road or public waters only with the approval of a site plan review application by the DRB except for one- and two-household dwellings (section 6.3 Site Plan Review). Access to such a lot shall be provided by a permanent easement or right-of-way at least thirty (30) feet wide or a Class IV road. In addition to other review criteria, the DRB, or the ZA in the case of a one- or two-household dwelling, may consider the intended use of the property, safety, traffic, and road and site conditions in granting, conditioning or denying the approval.

5.7.2 Construction Standards

All roads in the Town of Georgia shall be designed and constructed to comply with the following standards:

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

A. Public Roads. All public roads shall be designed and constructed in accordance with the Town of Georgia Private Road and Driveway Standards Policy (as most recently amended). This policy includes specifications for right-of-way width, road construction specifications, and specifications for stormwater management (drainage and culverts).

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

1. All accesses servicing three (3) or more dwelling units or duplexes shall be considered "private roads" and shall be constructed using the current Vermont Agency of Transportation's Standard A-76.
2. All private roads shall be designed by a licensed engineer.
3. Private roads shall be approved by the DRB. The DRB may require private roads to be paved with a minimum of two inches (2") of asphalt pavement. Additional paving requirements may be required by the DRB.
4. Prior to the issuance of a Certificate of Occupancy for any structure constructed on the private road, a letter by a licensed engineer shall be submitted to the Zoning Administrator certifying that the road was constructed to the required A-76 standards and meets the plans as approved by the DRB.

5. All private road construction shall meet current Vermont Low Risk Site Handbook for Erosion Prevention and Sediment Control requirements.
6. All private roads must be constructed within a 60' wide right-of-way easement.
7. All cul-de-sacs shall be located within a right-of-way.
8. No road or driveway construction shall take place within the town right-of-way without required DRB, Selectboard and/or Georgia Public Works Director approvals.
9. Private road maintenance agreements shall meet the current Georgia Development Regulations and any orders listed in the DRB decision.

C. Class 4 Roads. All Class 4 roads shall be constructed and maintained in accordance with the Town of Georgia Private Road and Driveway Standards Policy dated July 27, 2020.

1. A Class 4 road serving more than 2 dwelling units will need to be brought up to A-76 standards prior to receiving a Certificate of Occupancy. Any development on a Class 4 road requires a Class 4 road agreement between the Town of Georgia and the landowner / developer be signed and recorded with the Town Clerk of Georgia and placed into the land records and deeds. A deed review may be required by the Town of Georgia at the applicants expense.
2. Upgrades to the Class 4 road requires an agreement with the landowner and the Town of Georgia with recommendations from the Public Works Director. An escrow may be required at the discretion of the Selectboard.

D. Driveways. All residential driveways servicing single- or two-household dwellings shall be constructed in accordance with current Vermont Agency of Transportation B71 Standards and the Town of Georgia Private Road and Driveway Standards Policy dated July 27, 2020, and as may be amended. In addition, the following standards shall apply:

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

5.7.3 Upgrades and Modifications

A. Upgrade of Existing Roads

1. All new roads petitioned to be taken over by the Town of Georgia must meet the Town of Georgia Private Road and Driveway Standards Policy (as most recently amended) prior to being taken over. It is the responsibility of the developer to upgrade the private road to public road standards. Furthermore, the road proposed to be conveyed

to the Town shall be maintained by the developer or a homeowner's association until the road is accepted by the Town of Georgia.

2. The DRB, in coordination with the Selectboard, may require the developer to upgrade impacted or connecting existing Town roads if the development will increase traffic flow. Traffic studies may be required to establish the upgrade necessary.

B. Modifications of Road Standards. In the case of unusual topographical or physical conditions or other circumstances which would make the strict adherence to these standards a substantial hardship, the DRB may modify the strict application of one or more of these standards provided the applicant can demonstrate that the proposed road is accessible by emergency response vehicles, does not pose any threat to the safety of motorists or pedestrians, will not result in unreasonable maintenance requirements for landowners, and is designed in a manner that is consistent with other applicable standards or these Regulations.

5.8 Site Design

A. Generally. Sites will be designed with consideration to adjacent and nearby sites and buildings in order to foster an integrated form and a pattern of interconnected uses and avoid strip development. Development and redevelopment of sites shall be designed to reduce or eliminate the following characteristics of strip development:

1. Front yard areas dominated by large expanses of parking lots and pavement in lieu of landscaping;
2. Overly wide curb cuts;
3. Reliance on individual, private curb cuts for access in and out of each property in lieu of shared driveways or curbcuts which facilitate improved traffic safety;
4. Reliance on individual, private parking areas in lieu of shared or connected parking areas

with adjacent properties which improve access management;

5. Lack of pedestrian sidewalks, routes and connections within the site as well as to the site from adjacent properties or other areas;
6. Single-story, single-use buildings which lack coordination with surrounding land uses and design patterns.

5.9 Site Preservation and Erosion Control

A. Adequacy of erosion control. To control erosion, the site plan or subdivision plat will meet the following standards.

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

5.10 Stormwater

5.10.1 Less Than 1/2 Acre

The following applies to projects that affect less than 1/2 acre of impervious surface:

A. Drainage in Subdivisions. An adequate surface storm water drainage plan for the entire land development area shall be provided. The subdivider may be required by the DRB to carry away by pipe

or open ditch any spring or surface water that may exist either previous to or as a result of the land development. A culvert or other drainage facility shall, in each case, be large enough to accommodate potential runoff from its entire upland drainage area, whether inside or outside the subdivision. Where it is anticipated that additional runoff incidental to development will overload an existing downstream drainage facility so that there will be drainage to private property or an increase in the expenditure of public funds, the DRB shall not approve the subdivision until provision has been made for the improvement of said facility. Where a proposed project is traversed by a water course or drainage way, there shall be provided a storm water drainage easement of such width as to encompass the one hundred (100) year flood area of such water course, which easement shall be indicated on the Final Subdivision Plat. The subdivider's engineer shall provide such information as the DRB deems necessary to determine the adequacy of all proposed drainage facilities.

B. Stormwater drainage, infiltration retention and treatment facilities, including culverts and ditches, shall be designed to accommodate potential runoff from the entire upstream drainage area, based on conditions of total potential development, in accordance with the following standards.

1. The DRB will require the applicant to maintain post-development peak storm flows at pre-development levels for development creating $\frac{1}{2}$ acre or more of impervious surface. For smaller projects, the DRB may require use of State Stormwater BMPs.
2. All stormwater management facilities shall be designed in accordance with best management practices for stormwater management as most recently amended by the VT Agency of Natural Resources.
3. The preparation and implementation of a stormwater management plan, prepared by a Vermont Licensed Engineer, may be required by the DRB.

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

5.10.2 Greater Than 1/2 Acre

A. The following projects are required to have a Vermont Stormwater Runoff General Permit 3-9050:

1. A discharge from new development or redevelopment equal to or greater than $\frac{1}{2}$ acre, provided the project does not qualify for one of the transition exemptions in General Permit 3-9050 1.5(F)
2. A discharge from the redevelopment of an existing impervious surface if the redeveloped portion of the existing impervious surface is equal to or greater than $\frac{1}{2}$ acre provided the project does not qualify for one of the transition exemptions in General Permit 3-9050 1.5(F) (see below for a list of exemptions);
3. A discharge from the expansion of an existing impervious surface, such that the total resulting impervious surface is equal to or greater than one (1) acre;
4. A discharge from a combination of expansion and redevelopment of an existing impervious surface, such that the total resulting impervious surface is equal to or greater than one (1) acre;
5. A discharge from "impervious surfaces of three or more acres," as defined in General Permit 3-9050;
6. A discharge that has been previously authorized pursuant to an operational discharge permit;

B. For projects that impact 1 acre or more of impervious surface, a Vermont General Permit 3-9020 for Stormwater Runoff from Construction Sites may be required.

5.11 Signs

- A. Applicability.** All signs, except as indicated in section “5.11.3 Exemptions” on page 5-18, require a Zoning Permit prior to being erected, constructed, or replaced. Examples of outdoor signs are illustrated in Figure 5.8 thru Figure 5.12.
- B. Location.** All signs must be located on the same lot as the use to which they refer.
- C. Number of Signs Permitted.** Up to two (2) signs may be permitted for any non-residential use. Only one of the two permitted signs may be freestanding. In the Village Core (VC) district, additional signs may be approved as part of the conditional use with the DRB.
- D. Sign Size**
 - 1. Business Districts.** The maximum sign size in the Business (B), Village Core (VC), and Business Hamlet (BH) shall be 25 square feet per side. This size may be increased to not more than 50 square feet with conditional use approval by the DRB.
 - 2. All Other Districts.** In all other zoning districts, the maximum sign size shall be 16 square feet.
 - 3.** Sign area shall be calculated as the surface area within a single continuous perimeter enclosing the extreme limits of the sign panel surface. The area of any supporting framework shall not be included in the area calculation if such framework is incidental to the display and does not bear any copy or graphics. In the case of two-sided signs, the area requirement shall apply to each side separately. These size limits shall also apply to the overall size of multi-business signs.
- E. Sign Height.** The height of a free-standing sign shall not exceed eight (8) feet. This height may be increased to not more than 20 feet with conditional use approval by the DRB.

5.11.1 Standards for Specific Sign Types

Signs may fall under one or more of the following types:

- A. Freestanding Signs.** Freestanding signs shall not be placed within ten (10) feet from the edge of the right-of-way or ten (10) feet from a property line, except in the Village Core (VC) district, where signs shall not be placed within five (5) feet from the edge of the right-of-way or the sidewalk, whichever distance is further from the road.
- B. Projecting Signs.** Projecting signs shall not extend more than three (3) feet from the building and shall have a clearance of a least eight (8) feet in height. They shall not extend above the roof line or parapet of the building nearest the sign.
- C. Wall Signs.** Signs attached to buildings shall not extend above the nearest roof line or parapet of the building closest to the sign.
- D. Illuminated Signs.** Illuminated signs shall be lighted only by a continuous, non-flashing light. Such illumination shall not be provided by neon. Internally illuminated signs, including electronic message signs, are permitted only in the Business (B), Village Core (VC), and Business Hamlet (BH) districts unless utilized as part of an official municipal facility or school building.

5.11.2 Signs for Home Office, Home Occupation, Home Industry

- A. Home Office.** Home offices are not permitted to have signs.
- B. Home Occupation.** A sign on a property where a home occupation is conducted shall not exceed six (6) square feet in area and, if freestanding, eight (8) feet in height. The sign may be externally illuminated with downward-facing lights attached above the sign, and shall be limited to the name, address, phone, profession, and name of the home occupation of the occupant of the premises on which said sign is located.

- C. Home Industry.** A sign on a property where a home industry is conducted shall not exceed twelve (12) square feet in area and, if freestanding, eight (8) feet in height. The sign may be externally illuminated with downward facing lights attached above the sign.

5.11.3 Exemptions

- A.** The following signs do not require zoning permits, but such signs must comply with the standards above to the extent they provide additional restrictions not in conflict with the requirements below.
1. Signs associated with residential uses that do not exceed four (4) square feet in area.
 2. Farm signs.
 3. Historic markers not exceeding four (4) square feet in area and, if freestanding, six (6) feet in height.
 4. Signs displayed for community or special events that are not commercial retail sales and that do not exceed thirty-two (32) square feet in area, and that are displayed for not more than ten consecutive days and a total of no more than twenty days per year.
 5. On-site directional, safety, or parking signs.
 6. Signs erected by a public school, the Town of Georgia, the State of Vermont or the United States government.
 7. Real estate or construction signs displayed temporarily that do not exceed twenty-four (24) square feet in area and, if freestanding, eight (8) feet in height, and are removed promptly when the property has been sold, leased or developed.
 8. Signs that meet the requirements of section [3.3.26 Roadside Stands](#) that do not exceed sixteen (16) square feet in area and, if freestanding, eight (8) feet in height. The sign may remain in place when the stand is not in business but shall be covered.
 9. Signs or flags indicating that a business is open and/or the hours of operation, provided such signs or flags are:



Figure 5.8 - Awning Sign.



Figure 5.9 - Window Sign.



Figure 5.10 - Projecting Sign.

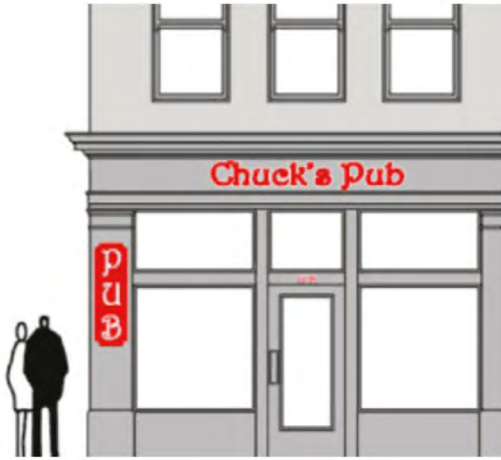


Figure 5.11 - Wall Sign.

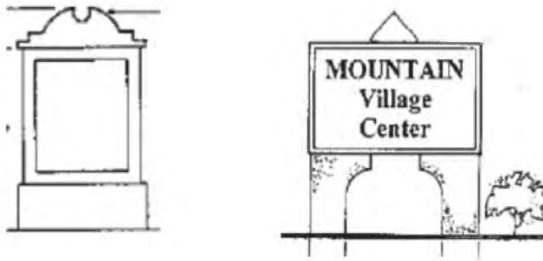


Figure 5.12 - Freestanding Sign.

- a. Limited to two per use (one for hours of operation, and one open/closed sign, or one for both);
 - b. Are located on the premises of the use for which the sign or flag is advertising; and
 - c. Do not exceed fifteen (15) square feet in area for a flag and two (2) square feet in area for a sign.
10. String lighting, pennants, feather flags or other attention-gathering devices shall not be displayed for more than four weeks per calendar year.

B. Street Signs. All roads, whether public or private, will be required to be named and identified by a street sign which is of a standard approved by the Town in accordance with the Town of Georgia Private Road and Driveway Standards Policy.

5.12 Utilities

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

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ARTICLE 6 Permits and Approvals

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6.1 Zoning Permit

- A. Applicability.** A zoning permit must be issued by the ZA prior to any land development unless the activity falls under exemptions from land development under **6.1.1 Applications** below.

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

The following may need to be in place prior to the issuance of a zoning permit from the town:

1. For any residential structure or addition that creates an increase in the wastewater produced, a Vermont Wastewater Permit may need to be presented;
2. For any creation of impervious surface in the Lakefront (LF) district, a Shoreland Protection Permit may be required;
3. For any work being done in an area that is deemed a wetland by ANR, a wetland permit may be required.

- B. Prior and/or Additional Approvals Necessary.** All required decisions from the Development Review Board (conditional use review, site plan review, subdivision review, variance, PUD, etc.) shall be obtained before the Zoning Administrator may issue a zoning permit.

Town of Georgia Info Box Online Permit Portal

Beginning in 2025, the Town of Georgia is switching to processing all zoning and planning applications through an online system called the Online Permit Portal. This electronic system will help to streamline the approval process, make applications and forms more easily accessible, and reduce paper waste.

To Access the Online Permit Portal:

1. Go to www.townofgeorgia.com
2. Click on the blue **Zoning Permit Button** at the bottom of the Home Page
3. Create an account

Paper copies of applications and permits will no longer be accepted.

Note: This info box is provided for reference only and may be periodically updated as needed. It is not part of the official zoning regulations.

6.1.1 Applications

- A.** All applications for Zoning and other permits are required to be made through the Town of Georgia **Online Permit Portal** (See info box, this page). The office of Planning and Zoning can assist applicants in applying for a permit using the online application. All paper copies of permits not generated by the online portal will no longer be accepted.
- B.** Any application for a zoning permit shall, at the expense of the applicant, show that the proposal conforms to all provisions of these Regulations and contain a plan that shall show the following information in sufficient detail to determine whether the proposal is in conformance with these Regulations:
1. The dimensions of the lot, including property boundaries;

2. The location, size, shape, and height of existing and proposed buildings and structures;
3. The location of existing and proposed easements, rights-of-way, sidewalks, and utilities;
4. The location of natural features such as watercourses, wetlands, floodplains, rock outcroppings, and stands of trees;
5. The setbacks from property boundaries, rights-of-way, surface waters, and wetlands; and
6. Any other information that may be needed to determine compliance with these Regulations.

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

- C. Access to Property.** The ZA shall be allowed reasonable access to private or public property for the purpose of inspecting and investigating conditions relating to any zoning permit or application for a zoning permit. An application for a zoning permit may be denied if reasonable access is not provided.
- D. Impact Fee.** No zoning permit for land development which is subject to payment of an impact fee pursuant to any impact fee ordinance in effect will be issued until all applicable impact fees, as established by the Town of Georgia Selectboard, are paid to the Town of Georgia and the Georgia School District.

6.1.2 Appeals

- A.** Pursuant to 24 V.S.A. § 4465 (Appeals of decisions of the Administrative Officer), any “Interested Person” may appeal any decision or act taken by the administrative officer by filing a notice of appeal with the Development Review Board. The notice of appeal

must be filed within 15 days following the date of that decision.

- B. Appeal Period / Effective Date of Permit.** A zoning permit will not take effect until 15 days after issuance by the ZA in order to provide time for the required appeal period. In the event that a notice of appeal is properly filed, such permit will not take effect until final adjudication of the appeal and the time for taking an appeal to the Environmental Division has passed without an appeal being taken. Each zoning permit issued will contain a statement of the period of time within which an appeal may be filed.
- C. Construction Limitations.** During the appeal period, no permanent construction shall take place. (Refer to definitions for ‘Construction, Permanent’ and ‘Construction, Start’ in [ARTICLE 10](#)). Upon expiration of the appeal period without appeal, the permit will be granted and construction can begin.

6.1.3 Procedures After Issuance

- A.** Within three business days following the issuance of a Zoning Permit, the ZA shall:
1. Make available a copy of the permit to the Assessor; and
 2. Post a copy of the permit on the Town Bulletin Board in the Town Offices until the expiration of 15 days from the date of the issuance of the permit; and
 3. Upon receiving a zoning permit, the applicant shall post a notice of the zoning permit on a form prescribed by the ZA within view from the public right-of-way most nearly adjacent to the subject property until the expiration of 15 days from the date of the issuance of the permit. Failure to post the permit notice may result in the delay of the permit going into effect or may cancel the permit altogether. The ZA may require a photo of the permit in place to be uploaded into the Online Permit Portal prior to the end of the permits appeal period.

6.1.4 Permit Expiration and Extension

- A. Expiration.** Zoning permits shall expire one year from the date of issue unless extended as described in these Regulations. All other permit types expire after one year and cannot be extended. If these permits expire, applicant must apply for a new permit and pay associated fees.
- B. Extension.** An extension of a zoning permit approval for principal structures and principal uses for one year may be granted by the ZA if substantial construction (if application is for a structure) or due diligence (if application is for a use) is evident, provided a written request for extension is submitted prior to expiration of the permit. Substantial construction shall be established by the installation of at least all footings and foundation walls and/or slab, installation of the septic system (which shall have been inspected and approved), and installation of the driveway (in accordance with a valid Right-of-Way permit). A second extension shall not be granted. Zoning permits for accessory structures shall not be extended beyond the original one-year permit period.
1. An extension of a zoning permit granted for a structure shall not be required if construction has progressed to the point where the structure can reasonably be used for its intended purpose. At a minimum, the structure shall have functional water and wastewater services, an operational heating system, and electricity, and shall be sufficiently closed in (roof, windows, and doors) to provide protection from the elements.
- C. Commercial uses in the I, VC or B districts.** If the DRB has granted an extended permit expiration date under conditional use or site plan review approval, that expiration date shall also apply to any building permits required as part of the approved development.

6.1.5 Certificate of Occupancy / Completion

- A. Application.** It shall be unlawful to use or occupy or permit the use or occupancy of any land or structure or part thereof which requires a zoning permit under these Regulations until a Certificate of Occupancy is issued by the ZA, stating that the proposed use of the structure or land conforms to these Regulations. Provision of a certificate as required by 30 V.S.A. § 51 (residential building energy standards) or § 53 (commercial building energy standards) shall also be a condition precedent to the issuance of any Certificate of Occupancy.

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

- B. Authority to Inspect.** The ZA, accompanied by appropriate Town officials or consultants, shall have the authority to inspect any property prior to the issuance of a Certificate of Occupancy. Refusal to provide reasonable access to the ZA or Town representative for the purpose of inspecting compliance with these Regulations, a zoning permit or applicable conditions constitutes grounds for denial of a Certificate of Occupancy.
- C. Decisions.** The ZA shall issue or deny a Certificate of Occupancy within thirty (30) days of the date that a complete application for a Certificate of Occupancy is submitted, including written certification as described in section 4.6.1 D3 (Wastewater and Potable Water Supply Permit) of these Regulations and provision of a Vermont Building Energy Standards Certificate as required by 30 V.S.A. § 51 (residential building energy

standards) or § 53 (commercial building energy standards). Failure of the ZA to act within this time shall constitute deemed approval on the thirty-first day.

D. Conditional / Temporary Certificate of Occupancy.

Conditional Certificates of Occupancy may be issued if part of a building is ready for occupancy before the completion of the entire structure, provided that the requirements of section 6.1.5 A have been met for the portion of the building to be occupied, or if weather conditions at the time of completion of the development are such that landscaping cannot be installed or would be unlikely to survive. Conditional Certificates of Occupancy may also be issued in the event that actual operation of a septic disposal system is needed to demonstrate compliance with the Vermont Environmental Protection Regulations or the Performance Standards in section 4.3 Performance Standards of these Regulations. A Conditional Certificate of Occupancy is not to exceed 180 days.

6.1.6 Change of Use

A. Change from One Use Category to Another. A zoning permit is required, as well as any applicable development approvals, for any change of use if the proposed use is not of the same general use category as the prior use, (e.g. a change from a personal service use to a restaurant use) as determined by the Zoning Administrator.

1. For the purposes of determining use categories, the Standard Industrial Classification (SIC) code list will be referenced.

B. Change Within the Same Use Category. A zoning permit and development approvals are not required for a change of use if the proposed use is of the same general use category as the prior use (e.g. a change from a retail use to a different retail use) as determined by the Zoning Administrator.

6.1.7 Increased Residential Living Area

A. Permit Required. A zoning permit is required for any increases to the amount of finished living space or living capacity in a residential structure, such as an addition, increasing the number of bedrooms, the upgrading of an unfinished basement to a finished basement, or upgrading the unfinished portion of an existing dwelling to a finished space. Applications for a permit may be obtained and submitted via the Online Permit Portal.

B. If such expansion or renovation would result in an increase in the amount of wastewater produced, then a Vermont Wastewater Permit may need to be presented to show proof that the existing system capacity is adequate, or a wastewater upgrade may be required.

6.1.8 Seasonal Conversions

A. Permit Required. A zoning permit is required for any conversions of hunting camps and seasonal dwellings into year-round single-household dwellings. Permits for seasonal conversions may be administratively approved by the ZA. Applications for a permit may be obtained and submitted via the Online Permit Portal.

6.1.9 Short-Term Rental Licenses

A. License Required. A license is required to operate a short-term rental as specified in the Town of Georgia Short-term Rental Ordinance.

B. Applications. Applicants for a license shall submit a completed STR Registration Form, available via the Online Permit Portal.

C. License Duration. Short-term rental licenses run annually from January 1st to December 31st and must be renewed each year by December 15th. No pro-rated periods for portions of the year will be granted.

6.1.10 Seasonal Mobile Food Unit Licenses

- A. License Required.** A license is required to operate a mobile food unit as specified in the Town of Georgia Mobile Food Unit Ordinance.
- B. Applications.** Applicants for a license shall submit a completed Mobile Food Unit Registration Form, available via the Online Permit Portal.
- C. License Duration.** A license for a seasonal mobile food unit shall be valid for each calendar year issued, for a maximum of seven (7) months from April 1 to October 31, after which time it expires for that calendar year. A waiver may be obtained to modify the allowable dates and times for operation if necessary, or a special 3-day license may be approved by the ZA.

6.1.11 Wireless Telecommunications Facilities

- A. Authority.** Pursuant to 24 V.S.A. §4414(12), the DRB shall have the authority to regulate construction, alteration, and development, decommissioning and dismantling of wireless telecommunication facilities in the Town of Georgia. These Regulations are intended to be consistent with the Telecommunications Act of 1996 and Title 24, Chapter 117 of Vermont Statutes Annotated. If any provision in this section is held by a court of competent jurisdiction to be invalid, such finding shall not invalidate any other part of these Regulations.
- B. Permit Required**
 - 1. Wireless telecommunication facilities may be permitted as conditional uses upon compliance with these Regulations in the I (Industrial) and NR (Natural/Recreational) zoning districts. No installation or construction of, or significant addition or modification to, any wireless telecommunication facility shall commence until a Zoning Permit has been issued by the DRB.

- 2. However, in accordance with 24 V.S.A. § 4412(9), a Zoning Permit shall be issued without conditional use approval for a wireless telecommunication facility that, in the determination of the DRB, will impose no impact or merely a de minimis impact upon any criteria established under Criteria for Approval and Conditions below. The DRB's determination regarding no impact or de minimis impact shall be in writing and shall be subject to appeal under 24 V.S.A. §4471.

3. Exemptions

- a. No conditional use approval or Zoning Permit shall be required for a wireless telecommunication facility when 24 V.S.A. Section 4412(8) exempts wireless telecommunication facilities from municipal approval.
- b. No Zoning Permit shall be required for a wireless telecommunication facility that is used exclusively for municipal radio dispatch service or emergency radio dispatch service and which does not exceed 50 feet in elevation. These Regulations shall not apply to amateur radio, citizens band radio, AM or FM radio or broadcast television service.
- c. No Zoning Permit shall be required for a wireless telecommunication facility that has received a certificate of public good pursuant to 30 V.S.A. §248a.
- 4. This ordinance shall not prohibit a property owner's ability to place or allow placement of antennae used to transmit, receive, or transmit and receive communications signals on the property owner's premises if the aggregate area of the largest face of the antennae is not more than fifteen square feet and if the antennae and the mast to which they are attached do not extend more than twelve feet above the roof of that portion of the building to which they are attached.
- C. Permit Application Requirements.** In addition to other information otherwise required in these Regulations, applicants shall include the

supplemental information contained in **TABLE 6.1 - Wireless Telecommunication Facilities Application Requirements**.

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

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

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

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

1. The facility shall not be built on speculation. If the applicant is not a wireless telecommunication provider, the DRB may require the applicant to

provide a copy of a contract or letter of intent showing that a wireless telecommunication service provider is legally obligated to locate a wireless telecommunication facility on lands owned or leased by the applicant.

2. The facility will not project more than 20 feet above the average elevation of the tree line measured within 50 feet of the highest vertical element of the wireless telecommunication facility, unless the applicant demonstrates via a professional or consultant report that the proposed elevation is reasonably necessary to provide adequate wireless telecommunication service capacity or coverage or to facilitate collocation of facilities.
3. The minimum distance from the base of any tower to any property line is not less than 110% of the total elevation of the tower, including antenna or equipment.
4. The facility will not be illuminated by artificial means and will not display any lights or signs except for such lights and signs as required by the Federal Aviation Administration, Federal or State law, or these Regulations.
5. The applicant will remove the facility within 90 days of the facility being abandoned or ceasing to operate. The DRB may require the applicant to provide a bond or other form of financial surety acceptable to the DRB to cover the costs of removal of the facility, should the facility be abandoned or cease to operate.
6. The applicant demonstrates that the facility will be in compliance with all FCC standards and requirements regarding radio frequency radiation.
7. The applicant will maintain adequate insurance on the facility.
8. The facility will be properly identified with appropriate warnings indicating the presence of radio frequency radiation. The DRB may condition a Conditional Use approval on the provision of appropriate fencing.
9. The proposed equipment cannot be reasonably collocated at an existing wireless

TABLE 6.1 - Wireless Telecommunication Facilities Application Requirements

Applicant's legal name, address, telephone number, and email address. If the applicant is not a natural person, the applicant shall provide the state in which it is incorporated and the name and address of its resident agent in Vermont

Name, title, address and telephone number of the person to whom correspondence concerning the application should be sent.

Name, address, telephone number, and email address of the owner or lessee of the property on which the wireless telecommunication facility will be located.

Names and addresses of all adjoining property owners. Adjoining property owners shall be determined without regard to any public or private right-of-way.

Vicinity map showing the entire vicinity within a 1,000-foot radius of the Wireless Telecommunication Facility, and identifying topography lines, slopes of 25% or greater, ridge tops, Special Flood Hazard Areas, primary agricultural and forestry soils, land under active forest management, public and private roads and driveways, towers, buildings and structures, utilities, wetlands, and other water bodies, historic sites, significant wildlife habitat, and scenic areas. It shall indicate the property lines of the proposed facility site parcel and all easements or rights-of-way needed for access from a public right-of-way to the facility.

Location of the facility on a USGS Topographic Map or a GIS-generated map compatible with the Vermont Center for Geographic Information (VCGI) standards and encompassing the area within at least a two-mile radius of the proposed tower site.

Elevations and proposed site plans of the facility showing all facades and indicating all exterior materials and colors of towers, buildings and equipment, as well as all landscaping, utility wires, guy wires and screening. (All plans shall be drawn at a minimum scale of 1 inch = 50 feet).

In the case of a site that is forested, the approximate average elevation of the existing vegetation within 50 feet of any tower base.

Construction sequence and time schedule for completion of each phase of the entire project.

Qualified engineer's report that:

- Describes any tower's design elevation,
- Documents the elevation above grade for all proposed mounting positions for antennas to be collocated on a tower and the minimum distances between antennas,
- Describes a tower's capacity, including the number, elevation and types of antennas that the tower is proposed to accommodate.
- In the case of new facilities, demonstrates that the existing towers and structures within 5 miles of the site cannot reasonably be modified to provide adequate coverage and adequate capacity to the community.
- Describes potential changes or additions to existing structures or towers that would enable them to provide adequate coverage.
- Describes the output frequency, number of channels and the power output per channel for each antenna. In the alternative, a coverage map may be provided.
- Demonstrates the facility's compliance with the standards in these Regulations or other applicable standards.
- Provides proof that at the proposed facility site the applicant will be in compliance with all FCC Regulations, standards and requirements, and includes a statement that the applicant commits to continue to maintain compliance with all FCC Regulations, standards and requirements for radio frequency radiation (RFR).
- Includes such other information as determined by the DRB to evaluate the application.

Letter of intent committing the facility owner and its successors to permit shared use of the tower if the additional users agree to meet reasonable terms and conditions for shared use, including compliance with all applicable FCC Regulations, standards and requirements and these Regulations and all other applicable laws.

In the case of an application for additional antennas or other equipment to be installed on an existing facility, a copy of the executed contract with the owner of the existing structure.

To the extent required by the National Environmental Policy Act (NEPA) and as administered by the FCC, a complete Environmental Assessment (EA) draft or final report describing the probable impacts of the facility, or a written statement by the applicant that an EA is not required for the facility.

telecommunication facility. In determining whether the proposed equipment cannot be reasonably collocated at an existing facility, the DRB shall consider the following factors:

- a. The proposed equipment would exceed the structural or spatial capacity of the existing facility and the existing facility cannot be reinforced, modified or replaced to accommodate planned equipment at a reasonable cost.
 - b. The proposed equipment would materially impact the usefulness of other equipment at the existing facility and such impact cannot be mitigated or prevented at a reasonable cost.
 - c. The proposed equipment, alone or together with existing equipment, would create radio frequency interference and/or radio frequency radiation in violation of federal standards.
 - d. Existing towers and structures cannot accommodate the proposed equipment at an elevation necessary to function reasonably or are too far from the area of needed coverage to function adequately.
 - e. Collocation of the equipment upon an existing tower would cause an undue aesthetic impact on adjacent properties or significant public resources like parks, scenic byway corridors, historic districts, and scenic roads or views mapped by the Town in the Town Plan or these Regulations.
10. The facility provides reasonable opportunity for collocation of other equipment.
 11. The facility will not unreasonably interfere with the view from any public park, natural scenic vista, historic building or district, or major view corridor.
 12. The facility will not have an undue adverse aesthetic impact. In determining whether a facility has an undue adverse aesthetic impact, the DRB shall consider the following factors:
 - a. The results of the balloon test, if conducted.
 - b. The extent to which the proposed tower(s) and equipment has been designed to blend into the surrounding environment through the use of screening, camouflage, architectural design and/or imitation of natural features.
 - c. The extent to which access roads have been designed to follow the contour of the land and will be constructed within forest or forest fringe areas and not open fields.
 - d. The duration and frequency with which the facility will be viewed on a public highway or from public property.
 - e. The degree to which the facility will be screened by existing vegetation, topography, or existing structures.
 - f. Background features in the line of sight to the facility that obscure or make the facility more conspicuous.
 - g. The distance of the facility from the point of view and the proportion of the facility that is above the skyline.
 - h. The sensitivity or unique value of a particular view affected by the facility.
 - i. Any disruption of a view shed that provides context to scenic areas, as the areas are viewed from the public rights-of-way, from public vantage points, from adjoining properties, and particularly from historic sites and other scenic areas, including state or national designated scenic byways.
 13. The facility will not destroy or significantly imperil significant wildlife habitat or that all reasonable means of preventing or minimizing the destruction or imperilment of such habitat will be utilized.
 14. The facility will not generate undue noise.

G. Continuing obligations for wireless telecommunication facilities. The owner of a wireless telecommunication facility shall, at such times as requested by the DRB, file a certificate showing that it is in compliance with all FCC standards and requirements regarding radio frequency radiation,

and that adequate insurance has been obtained for the facility. Failure to file a certificate within the timeframe requested by the DRB shall mean that the facility has been abandoned.

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

Unused portions of a wireless telecommunication facility shall be removed within 180 days of the time that such portion is no longer used. Replacement of portions of a facility previously removed shall require a new permit, pursuant to section **3.3.31 B** (Permit Required).

6.1.12 Exemptions

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

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

1. Farm Structures

- a.** Required Agricultural Practices such as those practices are defined by the Secretary of Agriculture, Food and Markets.
 - Exempted farm structures require a letter indicating Determination of a Farm Operation from the Vermont Agency of Agriculture, Food and Markets.
 - Violations of the Required Agricultural Practice Rules may be reported by

the municipality to the Commissioner of Agriculture, Food and Markets for enforcement.

b. Farm structures associated with required agricultural or farming practices are exempt. However, the Town of Georgia shall be notified of the intent to build a farm structure associated with a required agricultural or farming practice according to 24 V.S.A. §4413(d)(3) of the Act and the provisions below:

- For purposes of these Regulations, “farm structure” means a building, enclosure, or fence for housing livestock, raising horticultural or agronomic plants, or carrying out other practices associated with accepted agricultural or farming practices, including a silo, as “farming” is defined in 10 V.S.A. §6001(22), but excludes a dwelling for human habitation.
 - A person shall notify the Zoning Administrator in writing of the intent to build a farm structure, shall provide a plan with the proposed facility, and a letter of determination from the Agency of Agriculture, Food and Markets indicating that the proposed structure is a farm structure. The structure shall abide by setbacks approved by the Secretary of Agriculture, Food and Markets. No municipal land use permit for a farm structure shall be required. The Zoning Administrator shall provide a copy of the intent to build a farm structure to the Assessor.
 - All farm structures within the Flood Hazard Area Overlay District (see **ARTICLE 8**) shall be constructed and maintained in accordance with the requirements of the rules established by the Vermont Agency of Natural Resources.
- 2.** Accepted silvicultural practices, as defined by the Commissioner of Forests, Parks and Recreation, including practices in compliance with the Acceptable Management Practices for Maintaining Water Quality on Logging Jobs in

Vermont, as adopted by the Commissioner of Forests, Parks and Recreation.

3. Forestry operations as defined in 10 V.S.A. §2602.
 4. Public utility power generating plants and transmission facilities that are regulated by the Vermont Public Utility Commission (under 30 V.S.A. §248), including net-metered wind generation facilities and solar panels. Applicant must provide a Certificate of Public Good to the ZA.
 5. Hunting, fishing, eel weirs or trapping on public or private land as specified under 24 V.S.A. §2295. This does not include facilities that may support such activities as firing ranges, rod and gun clubs, and fish and game clubs, which are subject to these Regulations.
- B. Local Exemptions.** The following types of land development are exempt from local regulation (unless located in the Flood Hazard Area Overlay District):
1. Modifications of building interiors if no change of use is proposed; repairs and minor alterations (including, but not limited to, chimneys, window or door replacement, re-roofing or re-siding) to existing structures not resulting in any increase in finished living space, increase in number of bedrooms, or change to any exterior dimensions or height of the structure. Increases to finished living space, such as the upgrading of a finished basement or unfinished portion of an existing dwelling, is not exempt and would require a permit.
 2. Any residential fence or wall less than five (5) feet in height which does not extend into or obstruct public rights-of-way or interfere with corner visibility or sight distances for vehicular traffic.
 3. Any minor accessory structure, such as a doghouse, child's playhouse, tree house or similar structure, which meets all of the following requirements:
 - a. A floor area of two hundred (200) square feet or less;
 - b. A height of 10 feet or less; and
 - c. Located at least 5 feet from a property line and 35 feet from the edge of a public or private road right of way.
 4. Handicap ramps.
 5. Stairs to access single-household dwellings and two-household dwellings.
 6. Garage sales, yard sales, auctions or other similar types of sales not exceeding three (3) consecutive days, nor more than six (6) days per calendar year total.
 7. Exemptions from sign regulations as indicated in section **5.12.3 Exemptions**.
 8. The stabilization of damaged structures to prevent imminent hazards to public health and safety, and to adjoining properties; or for the repair, restoration or reconstruction of damaged structures to the extent of their prior condition and use per section **4.10**.
 9. Gardening and other non-commercial agricultural activities, excavations in cemeteries, and the removal or extraction of topsoil, rock, sand, gravel or other similar material in connection with the construction of a permitted structure or other allowed use.
 10. Construction or improvement of driveways not shown on an approved site plan or subdivision plat. Driveway permits shall be secured from the Town of Georgia Public Works Director and ZA or Agency of Transportation, and driveways and related right-of-way improvements shall meet municipal and State standards.
 11. Roadside stands for agricultural products, provided they meet requirements of section **3.3.26**.
 12. Electric vehicle charging stations and associated infrastructure.
 13. Resurfacing and/or re-paving of an existing impervious surface (e.g., resurfacing a driveway).
 14. Excavation, filling and grading involving less than 100 cubic yards of material and/or new at-grade patio and driveway areas less than two hundred

(200) square feet in size, which meet the following requirements:

- a. The location of the proposed excavation, filling and/or grading is not located within a Flood Hazard Area, river or stream corridor, wetland, wetland buffer or in an area with rare, threatened, or endangered species as identified by the Vermont Agency of Natural Resources;
- b. The proposed excavation, filling, and grading action is not located within the setbacks for the applicable zoning district, unless it constitutes re-surfacing or re-paving under section 6.1.12 B13, above;
- c. Except that any excavating, filling, or grading within the Lakefront (LF) district shall require a permit and may require a permit from Shoreland Protection;
- d. The work is conducted as part of a stormwater plan permitted through the Vermont Agency of Natural Resources.

6.2 Conditional Use Review

- A. **Applicability.** The regulations in section 6.2 shall apply to all development requiring conditional use review per TABLE 3.1 - Table of Land Uses. Expansion or alteration of an existing conditional use also requires approval under this section. Except as provided by section 6.2.1 A, a zoning permit for any use or structure that requires conditional use review will not be issued by the ZA until the DRB grants such approval according to these Regulations. The change of a permitted use to a conditional use requires approval under this section.
- B. **Application.** Application materials for Conditional Use Review shall be submitted to the ZA who will notify the applicant when the application is complete. No public hearing for Conditional Use Review will be scheduled with the DRB until complete application materials are received. Conditional Use Review hearings will be warned in accordance with section 9.4. A complete

application for conditional use review shall include all the information requested on the Town of Georgia conditional use application form, all the information required in TABLE 6.2 - Conditional Use, Site Plan, and Variance Application Plan Requirements on page 6-15 and the application fee. Notwithstanding the foregoing, the DRB may require additional information to be submitted as part of the Conditional Use Review Process.

6.2.1 Conditional Use Review Process

- A. **Administrative Review.** In accordance with 24 V.S.A. §4464, the Zoning Administrator may review and approve minor amendments to previously approved conditional use approvals that do not have a substantial impact under any of the standards set forth in these Regulations and do not substantially alter any of the findings of fact of the most recent site plan approval.
 1. **Types of Land Development.** The following types of land development subject to conditional use review may be reviewed administratively:
 - a. Additions less than five hundred (500) square feet in size to a principal structure that will be used to expand an existing conditional use;
 - b. Construction of accessory structures less than five hundred (500) square feet in size to be used to expand an existing conditional use;
 2. The authority to approve an application administratively does not mean that the Zoning Administrator is required to use this authority. The Zoning Administrator may choose to refer any conditional use review application to the DRB.
3. **Review and Notice**
 - a. **Review.** Upon determination that a conditional use application may be reviewed administratively, the Zoning Administrator shall review the application and draft a written decision. The draft written decision shall comply with the requirements of section 9.5 Decisions.

b. Notice. A copy of the draft written decision shall be sent to the applicant and all adjacent property owners. The draft written decision shall be accompanied with a notice indicating that all parties may request a public hearing on the application within 15 days of the issuance of the draft written decision. If no interested parties request a public hearing within the 15-day notice period, the Zoning Administrator shall approve the written decision.

c. Request of Public Hearing. An interested party may request a public hearing of an administrative conditional use application within 15 days of the issuance of the draft written decision. If requested, the conditional use application shall be referred to the DRB for review. Public notice, public hearing, and decision requirements in sections 9.4 and 9.5 shall apply.

d. Decision. The Zoning Administrator shall inform the DRB of all administrative conditional use amendment decisions.

e. Appeal. All administrative conditional use review decisions are subject to appeal per section 9.7.

B. DRB Review. Conditional use review applications that cannot be reviewed administratively shall be reviewed by the DRB. For conditional use review applications, the DRB shall hold a public hearing before issuing a decision on whether the proposed land development shall receive conditional use approval. Public notice, public hearing, and decision requirements in sections 9.4 and 9.5 shall apply.

6.2.2 General Standards for Approval

A. The DRB shall approve an application for conditional use only if it finds that the following standards, in addition to other applicable standards in ARTICLE 2, ARTICLE 3, ARTICLE 4, ARTICLE 5, have been met:

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

6.2.3 Permit Conditions

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

1. The DRB may limit the scale or dimensions of the proposal;
2. The DRB may require increased setbacks, fencing or landscape screening for commercial, industrial, municipal, or outdoor recreation uses contiguous to residential districts, recreation, or natural areas districts and/or uses;
3. The DRB may require limits on days and hours of operation of a business;
4. The DRB may limit the outside storage of goods or materials and equipment;

5. The DRB may require that storage of goods, parts, supplies, vehicles or machinery being worked on or finished or partially finished will be inside a building or behind screening;
 6. The DRB may attach conditions with regard to size and location of parking areas, landscaping, screening, lighting and signs;
 7. The DRB may require the submittal of a performance bond to ensure completion of any improvements deemed necessary to operation of the conditional use; and
 8. Other reasonable conditions necessary to meet the standards of these Regulations.
 9. The DRB cannot require a larger lot size, more parking spaces, limit the building size (including footprint/height), or limit the density below that allowed by the underlying bylaw for residential housing development as per 24 V.S.A. §4464(b) (7).
- A. Approval from the DRB allowing a conditional use will expire two years from date of issue if construction has not progressed to the point where the structure can reasonably be used for its intended purpose, as defined in section 6.1.4. An extension of one year to these permits may be granted by the ZA if application for extension takes place before the approval has expired. At the end of three years, the above permits will permanently expire unless the DRB grants a further extension.
 - B. For commercial uses in the I, VC, and B districts, the DRB may approve an expiration date beyond what is otherwise allowed in the Regulations if the applicant demonstrates, and the DRB concludes, that this is necessary to allow orderly completion of the development. Any such expiration date shall be noted as a permit condition.

6.3 Site Plan Review

6.2.4 Expiration

Figure 6.1 - Determining Undue Adverse Effect

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

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

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

A. Applicability. The following section shall apply to any land development on a property with a principal use subject to site plan review per **TABLE 3.1 - Table of Land Uses** (excluding single or two-household dwelling units, certain accessory uses, home occupations, seasonal conversions, and exempt uses). This section shall also apply to all excavation, filling or grading that involves 100 or more cubic yards of material and/or any excavation, filling, or grading located within a setback area, Flood Hazard Area, and/or river corridor.

6.3.1 Site Plan Review Process

A. A complete application for site plan review shall be filed with the Zoning Administrator. The Zoning Administrator shall determine if the site plan review may be completed administratively or if the site plan review shall be conducted by the DRB. If the

application is determined to require DRB review, the Zoning Administrator shall schedule a hearing with the DRB at the next available date but not sooner than fifteen (15) days.

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

1. Types of Land Development. The following types of land development subject to site plan review may be reviewed administratively:

TABLE 6.2 - Conditional Use, Site Plan, and Variance Application Plan Requirements	
Item	Information Required
Process	Applications shall be submitted through the Town of Georgia Online Permit Portal.
Owner and Preparer Information	Name and address of the owner of record and adjoining landowner, including those across public and private roads; Name and address of person or firm preparing the site plan or application.
Location, Scale, and Date	Site location map; Scale of map (including graphic scale); North arrow; A legend containing information about all lines and symbols on plan set; and Date of preparation or revision
Features of Existing Site	Contours (2 feet), vegetation, and natural features (steep slopes, wetlands, rivers, streams); Structures, access points, easements, rights-of-way, parking areas, signs, and utilities (water, wastewater, stormwater, electric); Property, easement and zoning district boundaries; Distances from existing structures to property lines.
Features on Adjacent Sites	Structures, access points, culverts, wells, and other features that have the potential to impact or be impacted by the proposal including those directly across a public or private road.

Continued on next page

TABLE 6.2 - Conditional Use, Site Plan, and Variance Application Plan Requirements

Item	Information Required
Proposed Site Improvements	Structures, including principal structure elevations; Parking areas, access points, loading docks and service areas, and outside storage areas; Sidewalks and other walkways; Utilities, stormwater management, and anticipated easements; Lighting; Landscaping and screening; Signs; Areas of excavation, filling, and grading; and Distances from proposed structures to property lines.
Landscaping Details	Detailed specifications of the planting and landscaping materials to be used.
Construction Sequence and Schedule	Construction sequence and timing scheduled for completion of buildings, parking spaces, landscaped areas and other site improvements, including any phasing schedule.
Traffic Generation	Estimate of daily and peak hour traffic generated. Uses that will generate more than one hundred and fifty (150) vehicle trip-ends per day (estimates shall be based on the most recent Institute of Transportation Engineers Trip Generation Manual for the proposed uses) shall include a traffic study conducted by a professional traffic engineer at the Applicant's expense. The study will include details of existing and proposed ingress and egress, expected traffic volumes, turning movements, existing and resulting levels of service, proposed traffic control measures and proposed accommodations for pedestrian, bike and transit. The DRB may require a traffic study for projects generating less than 150 vehicle trip-ends where it finds there is a potential traffic safety issue with roads or highways in the vicinity of the project.
Emergency Services	A letter from the Georgia Fire Chief indicating any fire and rescue concerns with the proposed project.
Village Core Standards	If the proposed land development is located in the Village Core District, an explanation of how the project conforms to each of the criteria in Section 2.10.4 (Village Core Design Criteria) shall be provided.
State Highway Access Permit	Whenever a proposed site plan involves access to a State highway, the application for site plan approval shall include a letter of intent from the Agency of Transportation confirming that the Agency has reviewed the proposed site plan and is prepared to issue an access permit under 19 V.S.A. § 1111, and setting out any conditions that the Agency proposes to attach to the Section 1111 permit
Waiver Request	At the request of the applicant, the DRB may waive any of the above application requirements, but only where it finds that the size and scope of the application is such that the requirements represent an undue burden on the applicant and are clearly not necessary for the DRB to make findings and render conclusions on the application consistent with the requirements of these Regulations.
Other Information	Any other information or data that the DRB may reasonably require.

- a. A change of use from a conditional use to a permitted use requiring site plan review, or from a permitted use requiring site plan review to another permitted use requiring site plan review, provided that there are no proposed changes to the exterior dimensions of the principal structure five hundred (500) square feet or more, or the exterior of the property (access, parking, landscaping, etc.);
- b. Additions to structures less than five hundred (500) square feet in size;
- c. Construction of accessory structures less than five hundred (500) square feet in size;
- d. Structural alterations required to comply with the Americans with Disabilities Act and/or the Vermont Fire and Building Safety Code;
- e. Minor changes to the approved location of sidewalks or bike paths due to unanticipated physical obstacles (e.g., ledge, utility lines, etc.) discovered during construction;
- f. Substitution of proposed landscaping materials from the approved planting list provided that the substitution does not change the overall design concept approved by the DRB;
- g. Changes in the location of structures if the DRB previously defined a building envelope on the property; and
- h. Changes in four (4) or less parking spots that does not conflict with the minimum parking requirements set forth in these Regulations.

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

2. Review and Notice

- a. **Review.** Upon determination that a site plan application may be reviewed administratively, the Zoning Administrator shall review the application and draft a written decision. The draft written decision shall comply with the requirements of section 9.5 Decisions.

- b. **Notice.** A copy of the draft written decision shall be sent to the applicant, all adjacent property owners, and other property owners who may share a common private road, driveway, or similar access. The draft written decision shall be accompanied with a notice indicating that all parties may request a public hearing on the application within 15 days of the issuance of the draft written decision. If no interested parties request a public hearing within the 15-day notice period, the Zoning Administrator shall approve the written decision.

- c. **Request of Public Hearing.** An interested party may request a public hearing of an administrative site plan application within 15 days of the issuance of the draft written decision. If requested, the site plan application shall be referred to the DRB for review. Public notice, public hearing, and decision requirements in sections 9.4 and 9.5 shall apply.

- d. **Decision.** The Zoning Administrator shall inform the DRB of all administrative site plan amendment decisions.

- e. **Appeal.** All administrative site plan review decisions are subject to appeal per section 9.7.

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

- 1. **Concept Plan Discussion.** An applicant shall schedule a Concept Plan discussion with the DRB. The purpose of the Concept Plan discussion is to enable the applicant to present a conceptual proposal without having to provide detailed designs or engineering specifications in order to receive comment and input from the DRB as to conformance of the project with these Regulations and such specific submission requirements that the DRB may require, or waive, for submission of a complete application for Site Plan Review. The Concept Plan discussion is intended to be an informal exchange of ideas. Concept Plan discussion will clarify issues and

submission requirements and streamline the site plan review hearing process. **Concept plan review does not constitute site plan review application or approval.** The DRB may make written recommendations based on its review of the Concept Plan for the submission of the site plan review application. Although not considered a public hearing, the notification requirements in section 9.4 shall apply.

2. **Site Plan Review.** For site plan review applications, the DRB shall hold a public hearing before issuing a decision on whether the proposed land development shall receive site plan approval. Public notice, public hearing, and decision requirements in sections 9.4 and 9.5 shall apply.

6.3.2 Application Requirements

An application for site plan review shall consist of the following:

- A. **Concept Plan Discussion.** A complete application for concept plan review shall include all information requested on the Town of Georgia concept plan review application form. The applicant must also submit concept plans, which may show un-surveyed property boundaries but should be drawn neatly and accurately, and shall include scale, north arrow, legend, and title block. The concept plans shall show land use areas, proposed structures, roads, driveways, parking and loading spaces, pedestrian walkways, general landscaping plans, signs and lighting.
- B. **Site Plan Review Application Submission.** A complete application for site plan review shall include all information requested on the Town of Georgia site plan review application form. The applicant must also submit site plan maps and the information required in TABLE 6.2. The DRB may require that the site plan review application be prepared by a registered landscape architect and/or registered civil engineer if the proposed project includes land development affecting greater than 3,500 square feet of land

or is a complex proposal that may have impacts on surrounding property owners, major roads, or important resources.

6.3.3 Standards

Site plan review applications shall meet the following standards:

- A. **District and Specific Use Standards.** The activity or use proposed in the site plan review application shall meet the district dimensional standards identified in ARTICLE 2 Zoning Districts, ARTICLE 4 General Regulations and Standards and, as applicable, the specific use standards under 3.3 Specific Use Requirements of these Regulations.
- B. **Planning and Design Standards.** All site plan review applications shall show conformance with applicable standards in ARTICLE 5 Planning and Design Standards.
- C. **Village Core Standards.** Applications for site plan review in the Village Core district must conform to section 2.10.4 Village Core Design Standards, which are intended to implement the purposes of the Village Core District. If there is a conflict between the specific district standards and ARTICLE 5 Planning and Design Standards, the more stringent standard shall apply.

6.3.4 Expiration

- A. Site Plan approvals from the DRB expire two years from date of issue if construction has not progressed to the point where the structure or site can reasonably be used for its intended purpose, as defined in section 6.1.4 Permit Expiration and Extension. If the site plan has not been implemented within the two-year period, an extension of one year may be granted by the DRB upon written request prior to expiration of the approval, which shall include a statement of why the site plan has not been implemented and the basis of the request for the extension.

- B.** For commercial uses in the I, VC and B districts the DRB may approve an expiration date beyond what is otherwise allowed in these Regulations if the applicant demonstrates, and the DRB concludes, that this is necessary to allow orderly completion of the development. Any such expiration date shall be noted as a permit condition.

6.4 Variances

- A. Application.** Pursuant to 24 V.S.A. Section 4469(a), an applicant may request a variance from these Regulations for a structure which is not primarily a renewable energy resource structure. The application for a variance shall contain all materials required in [TABLE 6.2](#).

- B. Standards.** The DRB may grant such a variance after public hearing only if all of the following facts are found in the affirmative:

1. That there are unique physical circumstances or conditions, including irregularity, narrowness, or shallowness of lot size or shape, or exceptional topographical or other physical conditions peculiar to the particular property, and that unnecessary hardship is due to such conditions and not the circumstances or conditions generally created by the zoning regulation in the neighborhood or district in which the property is located;
2. That because of such physical circumstances or conditions, there is no possibility that the property can be developed in strict conformity with these Regulations and that the authorization of a variance is therefore necessary to enable the reasonable use of the property;
3. That the unnecessary hardship has not been created by the applicant;
4. That the variance, if authorized, will not alter the essential character of the neighborhood or district in which the property is located, substantially or permanently impair the appropriate use or development of adjacent property, reduce access

to renewable energy resources, or be detrimental to the public welfare; and

5. That the variance, if authorized, will represent the minimum variance that will afford relief and will represent the least deviation possible from these Regulations and from the Town Plan.
- C.** When the variance requested is for a structure which is primarily a renewable energy resource structure, the DRB may grant the variance only if it finds that all of the facts listed in 24 V.S.A. Section 4469(b) are found in the affirmative.
- In no case will the DRB grant a variance for a use, or for a structure which contains a principal use that is not permitted or conditionally permitted in the applicable district.**
- D. Variance Procedure in the Flood Hazard Area Overlay District.** Variances will be granted by the DRB only in accordance with the above procedures and the standards in [ARTICLE 8](#).

6.5 Planned Unit Development

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

6.5.1 PUD Review Process

- A.** All PUD applications shall be reviewed using the same process as a major subdivision (sketch, preliminary, final) as outlined in section [7.3 Subdivision Review Process](#). All PUDs involving the subdivision of land shall have their PUD application and subdivision application reviewed concurrently.

- B.** Major subdivisions shall be submitted as PUD applications in the AR, R, RN and LV districts. The DRB may waive this requirement at Sketch Plan Review if it determines the goals of the zoning district and the standards of the bylaws will be met by a conventional subdivision.
- C.** Minor subdivisions may be submitted as a PUD in the AR, R, RN and LV districts at an applicant's discretion, provided:
 - 1.** Minor Subdivisions classified by the DRB as Major Subdivisions (cumulatively creating four or more new residential building lots within a five-year period), and later phases may be required to be submitted as a PUD at the discretion of the DRB.
 - 2.** Minor Subdivisions where lots are created and not built within a five-year period, and any further subdivision creating four or more cumulative building lots, shall be considered a Major Subdivision and submitted as a PUD in the districts listed above.

6.5.2 PUD Application Requirements

- A.** PUD applications shall include all application requirements for a major subdivision as outlined in section [7.2 Application Requirements](#).
- B.** PUD applications shall include a statement setting forth the nature of all proposed waivers/modifications of these Regulations and justification for why the DRB should grant such waivers/modifications. The preliminary PUD application shall also include draft deed language for each lot subject to waivers/modifications to the dimensional requirements.
- C.** A narrative describing the intended use of open space land within the PUD.

- D. Legal Documents.** The DRB may require legal deed and HOA document review by the Town Attorney. Applicant is responsible for all attorney fees. An escrow amount will be held by the town for attorney reviews.

6.5.3 PUD Dimensional Requirements

- A.** All PUDs shall meet the dimensional requirements in [TABLE 6.3 - PUD \(Planned Unit Development\) Requirements on page 6-21](#).

6.5.4 PUD Standards

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

- A. General Regulations.** All PUD applications shall meet the applicable standards in [ARTICLE 4 General Regulations and Standards](#).
- B. Planning and Design Standards.** All PUD applications must conform to applicable standards in [ARTICLE 5 Planning and Design Standards](#).
- C. Subdivision Review Standards.** All PUDs that include a subdivision shall comply with [7.6 Subdivision Review Standards](#).
- D.** PUDs shall not place an unreasonable burden on the ability of the Town to provide municipal or governmental services. Any phasing of the development proposed by the applicant or required by the DRB will be consistent with the goals and policies of the Town Plan and Capital Budget and Program and will take place over a sufficient period of time so that adequate Town facilities and services may be provided.
- E.** The PUD provides an integrated approach to the development of the project site so that: developed areas are coordinated in layout and design, there is a clear distinction between developed and

What is a Planned Unit Development?

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

undeveloped areas, and the undeveloped areas provide for open space in accordance with standards in these Regulations. All buildings and roadways will be grouped/clustered together, be located close to buildings on adjacent parcels or at the edge of tree lines or forest blocks to minimize the appearance of strip development. PUDs shall not have undue adverse impacts on the following resources:

1. Primary agricultural soils;
2. Rare, threatened, and endangered species as identified by the Vermont Agency of Natural Resources;
3. Significant geological areas as identified in the Town of Georgia Comprehensive Municipal Plan;
4. Scenic areas as identified in the Town of Georgia Town Plan;
5. Historic resources as identified in the Town of Georgia Historic Sites and Structures Survey; and
6. Flood hazard areas ([ARTICLE 8](#)).

- F. Open Space Land.** Open space land within a PUD shall be identified and used for recreation, wildlife habitat, agriculture and/or forestry. Open space land will be in a location and of a size and shape approved by the DRB. Provision of open space land will meet, but will not be limited to, the following standards:
1. The DRB shall require 20% of the parent parcel, but no more than 50 acres, be reserved for open space land. The open space land will provide for the protection of resources on the site that have been identified in the goals and policies of the Town Plan, including agricultural land, woodland,

TABLE 6.3 - PUD (Planned Unit Development) Requirements	
Where Allowed	AR, R, RN and LV Districts
Allowed Uses	Permitted and conditional uses allowed in the zoning district where the PUD is proposed are allowed.
Minimum Lot Size in a PUD	AR and LV: 0.5 acres R and RN: 0.25 acres
Maximum Lot Size in a PUD	One half of the minimum lot size for the district
Density (Maximum allowed number of lots)	Total size of the subject parcel divided by the minimum lot size for the zoning district (Tables in Article 2), except in the case where a density bonus is applied.

significant habitat, geologic areas, scenic areas, and historic sites. Up to 100% of the open space land may be comprised of wetlands or wetland buffers. Land that is already conserved through a conservation easement or enrollment in the current use program cannot be used to meet the minimum open space land requirement.

2. Open space land shall be located so as to conform with and extend existing and potential open space land on adjacent parcels, especially pedestrian walks, trail networks, contiguous forest blocks and protection of significant habitats. The location, shape, size, and character of the open space land will be suitable for its intended use. Open space land should provide for large expanses of contiguous resource lands where such resources are present on a parcel.

3. A parcel containing open space land shall not be required to meet the frontage requirement for the zoning district in which it is located provided that the open space land is accessible via a right-of-way or easement connected to a public or private road at least 20 feet in width. The easement area should be clearly marked with a fence or boulders.
4. Areas in common ownership by tenants' or property owners' associations that are used for rights-of-way, parking, loading, vehicular or railway access, sewage disposal or water supply do not meet the open space land requirements of this section.
5. Open space land shall be maintained for its intended use. Provisions will be made to enable lands designated for agriculture and forestry to be utilized for these purposes. The applicant shall develop and implement a management plan for open space.
6. Recreational trails linking to other trails or lots is encouraged.

G. Legal Requirements for the Open Space Land.

An open space lot shall only be used for agricultural, forestry, wildlife habitat, and/or recreational uses. The future use of the open space lot shall be protected in perpetuity by a binding legal instrument that is recorded with the deed. A note shall also be added to the subdivision plat and/or site plan indicating the existence of the deed restriction. The open space lot may be owned and managed through the following means:

1. Held in single fee-simple ownership by a private individual, a land trust or similar conservation-oriented non-profit organization, or a governmental entity, such as the Town of Georgia (if authorized by the Selectboard).
2. Held in common ownership by a homeowners' association provided the conserved lot is subject to a covenant or deed restriction addressing use and maintenance of the conserved lot.
3. In addition to the outlined types of ownership, the applicant may propose that the conserved

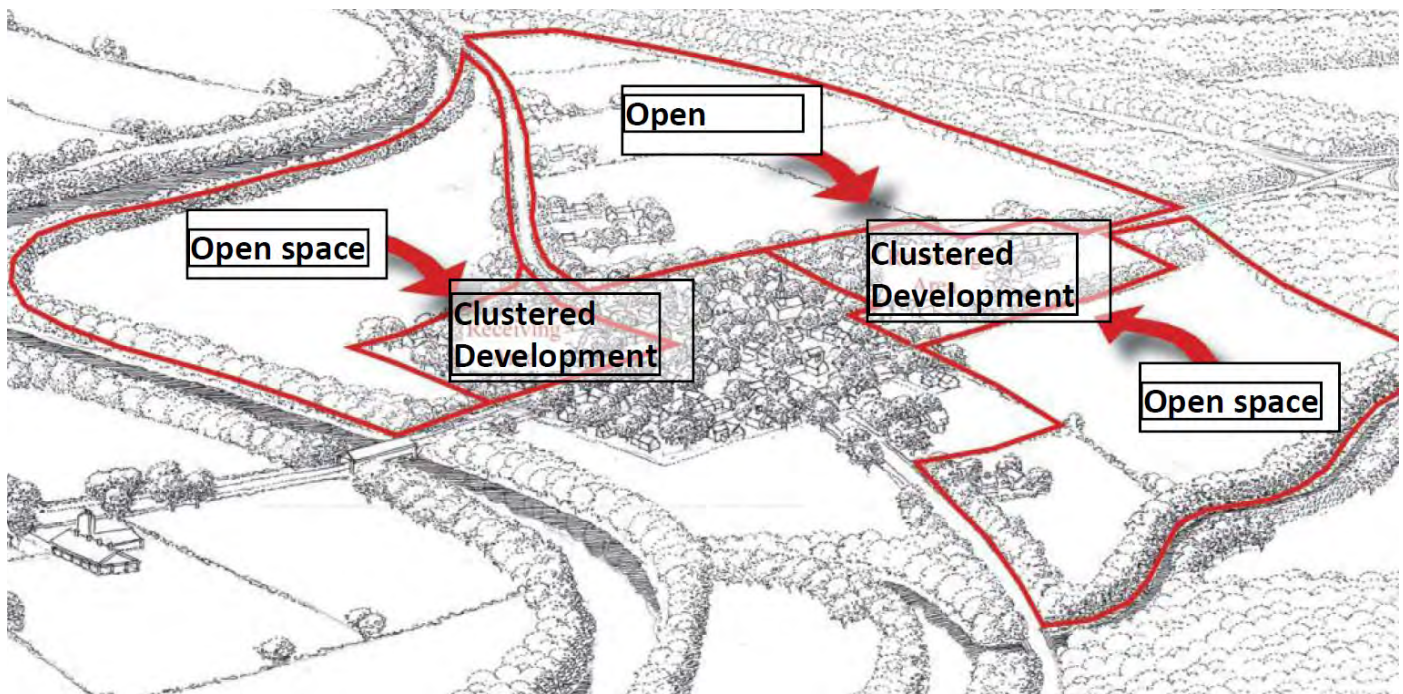


Figure 6.2 - Planned Unit Development.

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

lot be protected by a permanent conservation easement held by a land trust or similar conservation-oriented non-profit organization (with legal authority to accept such easements), or a permanent conservation easement provided to a governmental entity (such as the Town of Georgia). If the easement is provided to a land trust or similar organization, the applicant shall provide documentation that the organization is organized to be in perpetual existence and the conveyance instruments shall contain an appropriate provision for re-transfer in the event the organization becomes unable to carry out its functions.

- H. Additional measures that may be imposed to protect significant natural resources identified on the parcel include, but are not limited to, restrictions on building sites through designation of building envelopes and clearing limits.
- I. The DRB may request input from the Georgia Conservation Commission regarding the appropriateness of the location, size, and quality of the designated open space for its intended purpose (see 24 V.S.A. §4505(8)).

6.5.5 Density Bonus

Potential density bonuses for a PUD are as provided in [6.7 Density Bonuses](#).

6.6 Cottage Courts

- A. **Purpose.** Cottage Court development is intended to promote the efficient arrangement of small, detached single-family homes in a tight cluster arrangement with shared open space and common facilities. Efficiency in site layout can be achieved by foregoing individual driveways, garages and lawn area in lieu of a common driveway with shared open space, parking, trash, and other facilities. It is intended to provide small-scale cottage housing which is more affordable for younger families and older adults with limited space needs. Cottage Court developments

are not a PUD, and have specific pre-determined design criteria and standards.

- B. **Districts Allowed.** Cottage Courts are permitted as specified in [TABLE 3.1 - Table of Land Uses](#).
- C. **Allowable Density.** The allowable density for a Cottage Court development shall be as follows:
 - 1. RV and VC Districts: 12 dwelling units / acre
 - 2. RN and BH Districts: 8 dwelling units / acre
 - 3. R and B Districts: 6 dwelling units per acre
- D. **Design Requirements.** All Cottage Court developments shall meet the following minimum design requirements:
 - 1. Minimum Property Size: The minimum property size required to apply for a Cottage Court development shall be the same as the minimum lot size of each districts in which they are permitted.
 - 2. The minimum number of cottages permitted to qualify as a Cottage Court shall be 4. The maximum number of cottages permitted (per shared cluster of courtyard open space and amenities) shall be 12, inclusive of any applicable density bonuses.
 - 3. Dwelling size: The maximum size of each individual cottage shall not exceed 1,500 square feet, with a maximum footprint size of 800 square feet. Cottage Court units developed exclusively as single-story Multi-tenant Housing for Older Persons may have a maximum footprint size of 1,200 square feet.
 - 4. Building Height: As permitted in the zoning district.
 - 5. Cottages shall share a common access driveway, parking/carport area, trash and recycling area, and open lawn/courtyard area.
 - 6. Cottages may share other common amenities such as a common building for postal mail delivery, laundry, resident gym or resident gathering /event space as may be provided.
 - 7. The minimum distance separation between cottages shall not be less than 12 feet.

8. All structures shall meet the required front yard setback distance of the zoning district, however reduced setbacks for side and rear yards may be approved.
9. All cottages shall face a common courtyard lawn area provided at a minimum of [200-500] square feet per cottage, with a minimum width of no less than 30 feet.
10. The common courtyard shall be fully landscaped with grass and plantings, with no impervious surfaces except pedestrian paths or sidewalks.
11. Pedestrian paths or sidewalks shall be provided connecting each cottage to the shared parking and trash facilities as well as to the public sidewalk or common way, if present.
12. Each cottage shall be provided with at least [1] parking space.
13. Each cottage shall have a sloped roof with a minimum pitch of 8:12 and a front porch at least 6 feet in depth.
14. Each cottage may be of the same general design but shall have some unique architectural and color differences to differentiate it from other cottages.
15. Cottage Courts may be developed on a single shared lot in condominium ownership or as small individual footprint lots with a common shared parcel.
16. Cottage courts in the VC district shall be located off a private road and not located on a public or state highway.
17. The DRB may allow Cottage Courts of 6 to 12 units in the VC district to be exempt from the commercial offset requirement if, as part of the overall development, there is a commercial element that



Figure 6.3 - Example Cottage Court layout.

meets the commercial requirements as a part of the development and the cottage court has a common building for use by all residents of that courtyard. The DRB may impose a minimum of commercial square footage and common building on developments of 6 to 12 units that do not have other commercial offset as a part of the plan.

E. Density Bonuses. Potential density bonuses for a Cottage Court are as provided in [6.7 Density Bonuses](#).

F. Review and Approval Process.

1. All applications for a Cottage Court Development shall be submitted to the DRB for Site Plan Review. Applications for Cottage Court developments which propose to subdivide individual dwelling parcels shall also require subdivision review under the processes for a major subdivision requiring sketch, preliminary and final reviews.
2. **Legal Documents.** The DRB may require legal deed and HOA document review by the Town Attorney. Applicant is responsible for all attorney fees. An escrow amount will be held by the town for attorney reviews.

6.7 Density Bonuses

The DRB may, at the request of the applicant, grant one or more density bonuses for a PUD or Cottage Court development according to the following standards if the applicant clearly demonstrates that the developable portion of the parcel(s) and supporting roads, infrastructure, facilities and services can accommodate higher densities of development. Density bonuses, as applied in combination, shall not increase the overall density of development by more than 150%, based on the number of dwelling units for residential development and/or the maximum building coverage for non-residential development.

A. Multi-unit or Starter Housing. Density bonuses for projects that promote the creation of smaller starter homes or multi-household developments will be considered as follows:

1. A density bonus of up to 50% may be considered for a PUD in which single household dwelling units do not exceed 1,500 square feet of habitable floor area, and/or two household and multi-household dwelling units do not exceed 1,200 square feet of habitable floor area per unit. These square footage limitations must be maintained for a period of at least 10 years from the date of the Certificate of Occupancy / Completion.

B. Renewable Energy Access or Development.

Density bonuses for development that promotes renewable energy development will be considered as follows:

1. **Energy Efficient Siting.** A density bonus of up to 25% may be considered for a PUD or Cottage Court in which 60% of the building lots or units are oriented to maximize energy efficiency under section [5.1 Energy Efficient Design](#).
2. **Group Net Metering.** A density bonus of up to 50% may be considered for a PUD or Cottage Court that incorporates the installation of a group net-metered renewable energy facility (e.g., solar collectors, wind turbines) that is designed 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. Energy Efficient Building Design. A density bonus of up to 50% may be considered for a PUD or Cottage Court that incorporate the following design elements, as certified by a qualified professional architect or engineer licensed by the State:

1. Energy efficient building design that exceeds minimum state energy efficiency requirements for residential and commercial buildings (e.g., LEED, Energy Star Homes, Vermont Builds Greener Program).

D. Community Recreation Area. Density bonuses for projects that incorporate a Community Recreation Area will be considered as follows:

1. A density bonus for a PUD or Cottage Court may be considered, and determined at the discretion of the DRB at a level which is commensurate with the amount of public amenity and benefit being provided, but in no case shall the bonus exceed 75%.
2. Such Community Recreation Area must be openly accessible to the public during daylight hours, readily visible from the public way, clearly marked as available to members of the public, provide community recreation amenities suitable and accessible to a range of ages and abilities, and provide adequate shade, trees and seating areas as well as other amenities as may be required by the DRB.

6.8 Waivers

A. Setback Waiver. In conjunction with a subdivision and/or site plan application, the DRB may waive setback standards up to 50% in any district to allow for single story attached garages, decks, porches, and/or accessory structures if all of the following conditions are satisfied:

1. The property has circumstances or conditions which prevent the applicant from meeting the setback requirement. Such circumstances or conditions may include, but are not limited to, irregular lot size, poor soil conditions, existing vegetation or historic structures, and the location of pre-existing structures.
2. Due to such circumstances or conditions, the property cannot reasonably be developed in conformance with the setback standard and the authorization of a waiver is necessary to enable the permitted use of the property. The applicant must show that other possible alternatives have been considered before the DRB will consider granting a waiver.
3. No waiver shall be granted which would have an undue adverse effect on adjacent property, the character of the area, or on public health and safety.

4. In the issuance of waivers, the DRB:

- a. Shall consider and may require design features, screening, or some other remedy in order to mitigate anticipated impacts of any such waiver. The design feature should have a minimum height of five (5) feet above grade level and shall provide adequate privacy to the surrounding use(s). Options shall include but not be limited to a wall, a solid fence, a densely planted hedge or natural and/or man-made landforms.
- b. May require that all outdoor storage of materials and equipment, including waste storage facilities, not be located within the reduced setback area.
- c. Shall provide only the minimum waiver that is necessary.

5. Applications for waivers shall be considered by the DRB after a public hearing held in accordance with section 9.4.

B. Lot Frontage Waiver. In conjunction with a proposed subdivision and/or subdivision application, the DRB may waive the minimum lot frontage standard up to 50% in any district to allow for flexibility in subdivision design if all of the following conditions apply:

1. The property has unique physical circumstances or conditions that were not created by the applicant, which prevent the applicant from meeting the frontage requirement. Such unique physical circumstances or conditions may include, but are not limited to, irregular existing lot shape or poor soil conditions.
2. Due to such physical circumstances or conditions, there is no possibility that the property can be developed in conformance with the frontage standard and the authorization of a waiver is necessary to enable the reasonable use of the property. The applicant must show that all other possible alternatives have been considered before the DRB will consider granting a waiver.

3. No waiver shall be granted which would have an undue adverse effect on adjacent property, the character of the area, or on public health and safety.
4. In the issuance of waivers, the DRB:
 - a. Shall consider and may require design features, screening, or other features to mitigate anticipated impacts of any such waiver;
 - b. Shall provide only the minimum waiver that will afford relief while representing the least deviation from these Regulations.
5. Applications for waivers shall be considered by the DRB after a public hearing held concurrently with a subdivision and/or site plan application in accordance with section 9.4.

ARTICLE 7 SUBDIVISION REVIEW

Article Contents

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7.1 Purpose & Applicability

A. Policy. The Town of Georgia shall review the subdivision of land and the subsequent development of the subdivided land to ensure conformance with the goals and policies of the Georgia Town Plan and the orderly, planned, efficient and economical development of the Town. Land to be subdivided shall be of such character that it can be used safely for building purposes without danger to health or peril from fire, flood, or other menace.

B. Purpose

1. To achieve the purpose, objectives and desired settlement patterns of the zoning districts.
2. To guide the future growth and orderly development of the Town in accordance with the goals and policies of the Town Plan and all other by-laws enacted to implement the Plan.
3. To prevent over-crowding of the land and undue congestion of populations.
4. To guide public and private policy and action in order to provide adequate and efficient transportation, water, sewage, sidewalks, curbs, and other public requirements and facilities.
5. To provide the most beneficial relationship between the uses of land and buildings and the circulation of traffic throughout the Town, having particular regard for the avoidance of congestion in the streets and highways.
6. To ensure that public facilities are available and will have a sufficient capacity to serve any proposed subdivision.
7. To prevent the pollution of air, land, watercourses, wetlands, streams, rivers, ponds, and Lake Champlain.
8. To preserve the natural beauty and topography of the Town and to ensure appropriate development with regard to these natural features.

9. To further the purposes contained in the Vermont Planning and Development Act, and in particular, those purposes in 24 V.S.A. §4302.

C. Applicability. This Article shall apply to all subdivisions of land, as defined in these Regulations, located within the Town of Georgia. No land shall be subdivided within the Town of Georgia until the subdivider has obtained final approval of the proposed subdivision from the DRB, or 2-lot administrative approval, and the final approved subdivision plat is recorded in the Georgia Land Records.

7.2 Application Requirements

All subdivision applications, including applications for a boundary line adjustment, shall include the information required in [TABLE 7.1 - Subdivision and Boundary Line Adjustment Application Requirements](#) on page 7-3.

A. Waivers. The DRB may waive or modify one or more application requirements and/or dimensional standards (see dimensional standards for each district in [ARTICLE 2](#) and section 6.8) if the DRB determines that the requirement or standard:

1. Will not have the effect of nullifying the intent and purpose of applicable provisions of these Regulations, the Georgia Town Plan and/or other municipal regulations and ordinances in effect.

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

TABLE 7.1 - Subdivision and Boundary Line Adjustment Application Requirements

Item / Application Type	Boundary Line Adjustment	All Subdivisions: Sketch Plan	Minor Subdivisions: Final Plan/Plat Review	Major Subdivisions: Preliminary Plan/Plat Review	Major Subdivisions: Final Plan/Plat Review
	Submission Requirements				
Application Form and Subdivision Plan Set	All files shall be sent electronically using the Town of Georgia Online Permit Portal. Supporting documents and plats shall be sent as Print Quality PDF's.				
Application Fee (see fee schedule)	✓	✓	✓	✓	✓
Waiver Requests [optional]		Use the Online Waiver Request Form and appropriate fees for each request			
	Plan/Plat Mapping Requirements				
Title Block, including the following information: • Name of project, if any, and name of Town • Name, address of applicant [landowner and/or subdivider] • Preparer information, certifications • Date of Preparation/Revision(s)	✓	✓	✓	✓	✓
Graphic Scale (1"=100 feet min.)	✓	✓	✓	✓	✓
North Arrow	✓	✓	✓	✓	✓
Legend	✓	✓	✓	✓	✓
Area of Land: In square feet or acres for each tract, lot, structure, and large feature.	✓	✓ (approximate)	✓	✓	✓

Continued on next page

TABLE 7.1 - Subdivision and Boundary Line Adjustment Application Requirements

Item / Application Type	Boundary Line Adjustment	All Subdivisions: Sketch Plan	Minor Subdivisions: Final Plan/Plat Review	Major Subdivisions: Preliminary Plan/Plat Review	Major Subdivisions: Final Plan/Plat Review
Lot Identification: Boundaries for the entire property, lot lines for each existing and proposed lot, and for any involved land (access roads, easements, rights-of-way, and any open space or mitigation land). Existing and proposed lots should be differentiated. Each lot should be given a number for reference. All building lots must show a building envelope on the plats.	✓	✓ (approximate)	✓	✓	✓
Property Boundary Survey Signed and Stamped by Licensed Land Surveyor: Property boundary surveys are required for all new subdivided lots. Property boundary surveys are required for the entire parent parcel (original parcel from which lots are subdivided)	✓ Mylar, signature and stamp required for filing after approval		✓ Mylar, signature and stamp required for filing after approval	✓	✓ Mylar, signature and stamp required for filing after approval
Contiguous Property Information: Names and addresses of owners of record of contiguous properties. Tax map references and parcel identification numbers shall also be provided.	✓	✓	✓	✓	✓
Contour Lines: Two-foot contour lines of existing and proposed grades, unless waived or modified by the DRB.			✓	✓	✓

Continued on next page

TABLE 7.1 - Subdivision and Boundary Line Adjustment Application Requirements

Item / Application Type	Boundary Line Adjustment	All Subdivisions: Sketch Plan	Minor Subdivisions: Final Plan/Plat Review	Major Subdivisions: Preliminary Plan/Plat Review	Major Subdivisions: Final Plan/Plat Review
Zoning Information: Including zoning district, density analysis (how many lots/ units allowed according to zoning standards), setbacks, parking standards, etc.	✓	✓ (approximate)	✓	✓	✓
Natural Features: The location of natural features located on the site, including but not limited to watercourses, wetlands, springs, forest boundaries, fields, large trees, and rock outcroppings. The location of natural features or site elements to be preserved.		✓ (approximate)	✓	✓	✓
Roads, Circulation and Access Features: Location and names of existing and proposed roads rights of way, trails, sidewalks and parking areas on site and on adjacent properties.	✓	✓ (approximate)	✓	✓	✓
Structures: The location of existing and proposed structures and land uses located on the site.	✓	✓ (approximate)	✓	✓	✓
Open Space/Common Land: Proposed open space common land and/or recreation land within the proposed subdivision.		✓ (approximate)	✓	✓	✓

Continued on next page

TABLE 7.1 - Subdivision and Boundary Line Adjustment Application Requirements

Item / Application Type	Boundary Line Adjustment	All Subdivisions: Sketch Plan	Minor Subdivisions: Final Plan/Plat Review	Major Subdivisions: Preliminary Plan/Plat Review	Major Subdivisions: Final Plan/Plat Review
Transportation/Pedestrian Access Specifications: Specifications and details of any required bridges or culverts. Typical cross section of the proposed grading of roadways and sidewalks, street intersection and parking area profile and geometry; and alleys.	✓	✓	✓	✓	✓
Utilities, Wastewater/Water Supply and Stormwater Management Infrastructure: Existing and proposed location of utilities, water supply and wastewater infrastructure, culverts and stormwater management infrastructure, all associated rights-of-way, easements and proposed connections. The DRB may also require the submittal of percolation tests on each lot.	✓	✓ (approximate)	✓	✓	✓
Land Restrictions: The type and location of existing and proposed restrictions on land, such as easements and covenants.	✓	✓ (approximate)	✓	✓	✓

Continued on next page

TABLE 7.1 - Subdivision and Boundary Line Adjustment Application Requirements

Item / Application Type	Boundary Line Adjustment	All Subdivisions: Sketch Plan	Minor Subdivisions: Final Plan/Plat Review	Major Subdivisions: Preliminary Plan/Plat Review	Major Subdivisions: Final Plan/Plat Review
Vicinity Map: Map drawn to show the relation of the proposed subdivision to the adjacent properties and to the general surrounding area. This map shall show all the area within two thousand (2,000) feet of any property line of the proposed subdivision. Within such area, the vicinity map shall show all existing subdivisions and approximate tract lines of parcels, the location of existing and proposed streets, easements, building lines and alleys pertaining to the proposed subdivision and to the adjacent properties, and an outline of the platted area with its street system and an indication of the future street system of the remaining portion of the tract, if the preliminary plat submitted covers only part of the subdivider's entire holding.			✓	✓	✓
	Supporting Information				
Legal Documents: Existing deed of subject parcel(s) and a draft of all newly created or revised deeds, covenants, homeowner agreements, tenant association agreements, or other legal documents associated with the proposed subdivision. The DRB may require legal deed and HOA document review by the Town Attorney. Applicant is responsible for all attorney fees. An escrow amount will be held by the town for attorney reviews.	✓		✓	✓	✓

Continued on next page

TABLE 7.1 - Subdivision and Boundary Line Adjustment Application Requirements

Item / Application Type	Boundary Line Adjustment	All Subdivisions: Sketch Plan	Minor Subdivisions: Final Plan/Plat Review	Major Subdivisions: Preliminary Plan/Plat Review	Major Subdivisions: Final Plan/Plat Review
Fire Protection: A letter from the Georgia Fire Department explaining the Department's capacity to service the proposed subdivision. The letter may also contain recommendations to the DRB regarding fire protection and other improvements needed to comply with these Regulations.			✓	✓	✓

Additional Supporting Information/Documentation for Subdivisions
(As may be required by the DRB after Sketch Plan Review for Minor or Major Subdivisions)

Master Plan: An indication of proposed roads, driveways or streets, the future probable lot lines and building envelopes of the remaining portion of the tract, or adjacent properties, and a description of the probable uses (drawn in sketch plan format). A phasing schedule may be required. See [7.6 Subdivision Review Standards](#).

Proposed Building Envelopes: The Buildable portion of the lot, where structures are permitted to be built after subtracting all required setbacks and unbuildable land. Proposed Building Envelopes are required to be shown on all subdivision and boundary line adjustment applications.

Traffic Generation: Information about existing and proposed traffic generation rates and volumes.

Traffic Impact Analysis: A study of current and proposed traffic volumes, capacities, levels of service and any proposed mitigation.

State Highway Access Permit. Whenever a proposed subdivision involves access to a State highway, the application for subdivision approval shall include a letter of intent from the Agency of Transportation confirming that the Agency has reviewed the proposed subdivision and is prepared to issue an access permit under 19 V.S.A. § 1111, and setting out any conditions that the Agency proposes to attach to the Section 1111 permit

Erosion Control Plan: An Agency of Natural Resources (ANR) approved plan showing the locations where sediment must be trapped before entering a watercourse and the devices used to impede erosion (i.e., silt fencing, hay-bale or stone dams around catch basins and at intervals in swales and ditches).

Landscaping and/or Screening Plan: A landscaping plan shall illustrate to scale all landscaping and screening proposed for the site, including trees, planting beds, shrubs, bushes, grassed and mulched areas and other screening features, including but not limited to: fences, walls and berms. Plans shall include specifications for planting and a plan for maintenance care.

Lighting Plan: Locations and illumination of exterior lights.

Fiscal Impact Analysis: An analysis of fiscal costs and benefits to the Town.

Environmental Impact Assessment: An analysis of potential environmental impacts and proposed mitigation measures.

Engineer's/Surveyor's Certificate from a professional engineer and/or proposed performance bond or surety.

Temporary Field Markers: The DRB may require the applicant to use temporary markers on the subject parcel to display the basic layout of the subdivision.

Other information necessary to determine compliance with the requirements of these Regulations.

Subdivision Process

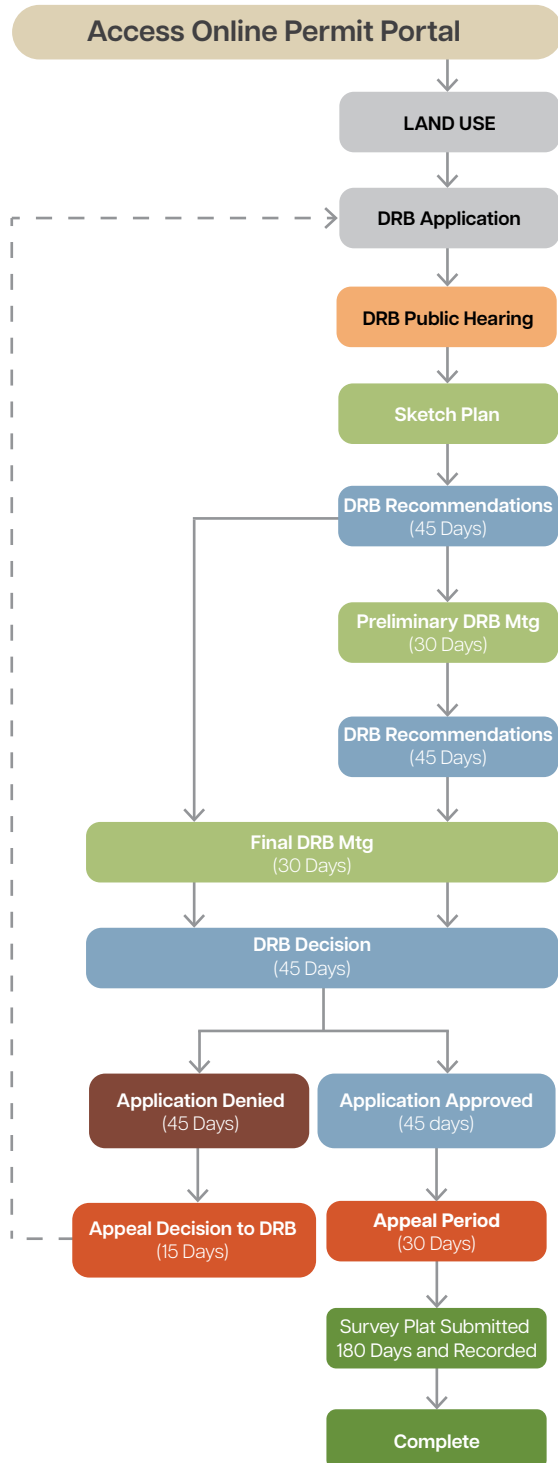


Figure 7.1 - Subdivision Process.

A flow chart illustrating the Subdivision Review process.

7.3 Subdivision Review Process

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

7.3.1 Boundary Line Adjustments

A. A boundary line adjustment between parcels in existence as of the effective date of these Regulations, as evidenced by recorded deeds, maps, or permits, shall be eligible for administrative review provided:

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

B. Review and Notice

1. **Review.** Upon determination that a boundary line adjustment application may be reviewed administratively, the Zoning Administrator shall review the application and draft a written decision. The ZA shall notify the DRB of the decision at their next meeting. The draft written decision shall comply with the requirements of section [9.5 Decisions](#).
2. **Notice.** A copy of the draft written decision shall be sent to the applicant and interested parties. The draft written decision shall be accompanied with a notice indicating that all parties may request a public hearing on the application within 15 days of the issuance of the draft written decision. If no interested parties request a public hearing within the 15-day notice period, the Zoning Administrator shall approve the written decision.
3. **Request of Public Hearing.** An interested party may request a public hearing of an administrative

boundary line adjustment application within 15 days of the issuance of the draft written decision. If requested, the adjustment application shall be referred to the DRB for review. Public notice, public hearing, and decision requirements in sections 9.4 and 9.5 shall apply.

4. **Legal Documents.** The DRB may require legal deed and HOA document review by the Town Attorney. Applicant is responsible for all attorney fees. An escrow amount will be held by the town for attorney reviews.
5. **Decision.** The Zoning Administrator shall inform the DRB of all administrative boundary line adjustment decisions.
6. **Appeal.** All administrative boundary line decisions are subject to appeal per section 9.7.

C. Administrative Review Standards. Upon submission of a complete application for a boundary line adjustment between two or more properties, proper payment of fees, and submission of all required supporting documentation the following actions will take place:

1. The Zoning Administrator shall conduct an Administrative Review of the proposed boundary line adjustment. If finding that the proposal meets all the applicable requirements in [TABLE 7.1](#), and all other applicable regulations, the Zoning Administrator shall submit a written recommendation and draft decision to the DRB for approval of the boundary line adjustment Survey Plat (see subsection 2 below). If the Zoning Administrator finds that the application does not meet the application requirements in [TABLE 7.1](#), or otherwise does not clearly meet all applicable regulations, the Zoning Administrator may refer the application directly to the DRB for review. The review would be considered a minor subdivision Final Plan/Plat review and will be reviewed subject to section [7.3.4 Minor Subdivision Application](#).
2. If the Zoning Administrator recommends the boundary line adjustment application for approval, the DRB will hold a public hearing, warned in

accordance with the section [9.4](#), to consider the Zoning Administrator's recommendation and either approve and sign the written decision and boundary line adjustment Survey Plat, make amendments, or deny the boundary line adjustment application. When amendments are required, the written decision shall be issued within forty-five (45) days in accordance with section [9.5](#). The applicant shall file the Survey Plat in accordance with section [7.4](#).

3. Nothing herein prevents the ZA from referring a boundary line adjustment application to the DRB for review if the ZA finds the application has a substantial impact under any standard of these Regulations.

D. Effect of Final Approval. Final approval of a plat for a boundary line adjustment by the DRB shall not be deemed to constitute or be evidence of any acceptance by the Town of any street, easement, utility, park, recreational area or open space shown on the final plat. Such acceptance may only be accomplished by formal action of the Selectboard.

7.3.2 Two Lot Subdivisions

A. A minor 2-lot subdivision involving parcels in existence as of the effective date of these Regulations, as evidenced by recorded deeds, maps, or permits, shall be eligible for administrative review provided:

1. The subdivision does not invalidate or result in noncompliance with any findings of fact or conditions of a prior subdivision or PUD approval under these Regulations.
2. The subdivision does not result in the creation of a nonconforming lot or structure under these Regulations.

B. Review and Notice

1. **Review.** Upon determination that a minor 2-lot subdivision application may be reviewed administratively, the Zoning Administrator shall review the application and draft a written decision.

The ZA shall notify the DRB of the decision at their next meeting. The draft written decision shall comply with the requirements of section 9.5.

2. **Notice.** A copy of the draft written decision shall be sent to the applicant and interested parties. The draft written decision shall be accompanied with a notice indicating that all parties may request a public hearing on the application within 15 days of the issuance of the draft written decision. If no interested parties request a public hearing within the 15-day notice period, the Zoning Administrator shall approve the written decision.
3. **Request of Public Hearing.** An interested party may request a public hearing of an administrative 2-lot subdivision application within 15 days of the issuance of the draft written decision. If requested, the subdivision application shall be referred to the DRB for review. Public notice, public hearing, and decision requirements in sections 9.4 and 9.5 shall apply.
4. **Decision.** The Zoning Administrator shall inform the DRB of all administrative 2-lot subdivision decisions.
5. **Appeal.** All administrative 2-lot subdivision decisions are subject to appeal per section 9.7.

C. Administrative Review Standards. Upon submission of a complete application for a 2-lot subdivision, proper payment of fees, and submission of all required supporting documentation the following actions will take place:

1. The Zoning Administrator shall conduct an Administrative Review of the proposed 2-lot subdivision. If finding that the proposal meets all the applicable requirements in TABLE 7.1, and all other applicable regulations, the Zoning Administrator shall submit a written recommendation and draft decision. If the Zoning Administrator finds that the application does not meet the application requirements in TABLE 7.1 or otherwise does not clearly meet all applicable regulations, the Zoning Administrator may refer the application directly to the DRB for review. The review would

be considered a minor subdivision Final Plan/Plat review and will be reviewed subject to section 7.3.4 Minor Subdivision Application.

2. If the Zoning Administrator recommends the 2-lot subdivision application for approval, the DRB will hold a public hearing, warned in accordance with the section 9.4, to consider the Zoning Administrator's recommendation and either approve and sign the written decision and subdivision Survey Plat, make amendments, or deny the 2-lot subdivision application. When amendments are required, the written decision shall be issued within forty-five (45) days in accordance with section 9.5. The applicant shall file the Survey Plat in accordance with section 7.4.
3. Nothing herein prevents the ZA from referring a 2-lot subdivision application to the DRB for review if the ZA finds the application has a substantial impact under any standard of these Regulations.

D. Effect of Final Approval. Final approval of a plat for a 2-lot subdivision by the DRB shall not be deemed to constitute or be evidence of any acceptance by the Town of any street, easement, utility, park, recreational area or open space shown on the final plat. Such acceptance may only be accomplished by formal action of the Selectboard.

7.3.3 Sketch Plan Review

A. Submission of Application & Scheduling with DRB.

For the purpose of classification and initial discussion, all subdivision applicants (excluding applicants for Boundary Line Adjustments), prior to submitting applicable Preliminary or Final Plan/Plat applications, shall submit Sketch Plan information as outlined in section 7.2. Application materials shall be submitted at least fifteen (15) days prior to a regularly scheduled meeting of the DRB, and no meeting shall be scheduled until all application materials are received. Applicants will be notified in writing if application materials are missing following submission. Sketch Plan meetings shall be noticed to adjacent property owners, as well as property owners who share a common driveway,

private road or access, and posted at the Georgia Municipal Building. Sketch plan review shall not be publicly warned in the Town's newspaper of general circulation, as it does not constitute a Public Hearing.

- B. Requirements.** The subdivider, or duly authorized representatives, shall attend the meeting of the DRB on the sketch plan to discuss the requirements of these Regulations for lot arrangement, dimensional standards, streets, improvements, drainage, sewage, water supply, fire protection, and similar aspects, as well as the availability of existing services and facilities and other pertinent information.
- C. Conformance.** The DRB shall study the sketch plan to determine whether or not it conforms to, or would be in conflict with, the goals and policies of the Town Plan, these and any other applicable regulations then in effect, and shall, where it deems necessary, make specific recommendations for changes in subsequent submissions. Within 45 days of sketch plan review, such written recommendations shall be sent to the applicant. The DRB may also require, where necessary for the protection of the public health, safety, and welfare, that a minor subdivision comply with all or some of the requirements specified in these Regulations for major subdivisions.
- D. Effect of Sketch Plan Proposal.** Approval of a sketch plan shall not constitute approval of a subdivision plat and is merely authorization for the applicant to file a Preliminary Plan/Plat or Final Plan/Plat application.

7.3.4 Minor Subdivision Application

- A. Application.** Within six (6) months of classification by the DRB of the sketch plan as a minor subdivision, the subdivider shall submit a complete application for approval of a subdivision plat. The application shall contain those items in [TABLE 7.1](#) (Final Plan/Plat for Major and Minor Subdivisions) of these Regulations and shall conform to the layout shown on the sketch plan and any recommendations made by the DRB. Failure to submit a Final Plan/Plat application

for a minor subdivision within six (6) months of classification by the DRB as a minor subdivision shall require the applicant to resubmit a sketch plan application. Applications for two-lot subdivisions may be administratively approved by the Zoning Administrator as provided in [7.3.2](#).

- B. Submission of Complete Application & Final Plan/Plat Public Hearing.** Subsequent to Sketch Plan Review, an application for Final Plan/Plat shall be submitted to the ZA. The application shall include all items outlined in [TABLE 7.1](#). Applicants will be notified in writing if application materials are missing following submission. No public hearing for the Final Plan/Plat shall be scheduled until all application materials are received, and the ZA determines the application is complete. Notwithstanding the ZA's determination of application completeness, the DRB may require any additional information deemed necessary for final plan/plat review of minor subdivision applications. Final Plan/Plat hearings shall be warned in accordance with section [9.4](#).
- 1. Legal Documents.** The DRB may require legal deed and HOA document review by the Town Attorney. Applicant is responsible for all attorney fees. An escrow amount will be held by the town for attorney reviews.
- C. Action.** Per section [9.5](#), the DRB shall, within forty-five (45) days after the close of the hearing or any continuation thereof, approve, modify and approve, or disapprove such plat. Failure of the DRB to so act within the forty-five (45) days shall constitute deemed approval on the 46th day.

7.3.5 Major Subdivision Application

- A. Preliminary Plan/Plat Application.** Within six (6) months of classification by the DRB of the sketch plan as a major subdivision, the subdivider shall submit a complete application for approval of a Preliminary Plan/Plat. The application shall contain those items in section [7.2](#) of these Regulations and shall conform to the layout shown on the sketch plan

and any recommendations made by the DRB. Failure to submit a Preliminary Plan/Plat application within six (6) months of classification by the DRB as a minor subdivision shall require the applicant to resubmit a sketch plan application.

B. Submission of Application & Preliminary Plan/Plat

Public Hearing. Subsequent to Sketch Plan Review, an application for Preliminary Plan/Plat shall be submitted to the ZA. The application shall include all items outlined in section 7.2. Applicants will be notified in writing if application materials are missing following submission. No public hearing for the Preliminary Plan/Plat shall be scheduled until all application materials are received, and the ZA determines the application is complete. Notwithstanding the ZA's determination of application completeness, the DRB may request any additional information deemed necessary for preliminary plan/plat review of major subdivision applications. Preliminary Plan/Plat hearings shall be warned in accordance with section 9.4.

1. Legal Documents. The DRB may require legal deed and HOA document review by the Town Attorney. Applicant is responsible for all attorney fees. An escrow amount will be held by the town for attorney reviews.

C. Action on Preliminary Plan/Plat. Per section 9.5, the DRB shall act to approve or disapprove Preliminary Plan/Plat applications within forty-five (45) days after closure of the hearing. A written and signed decision, including background information, findings-of-fact, conclusions, and decision with applicable conditions shall constitute the Preliminary Plan/Plat action of the DRB. Failure to act within the 45-day period shall constitute deemed approval on the 46th day. Approval of a Preliminary Plan/Plat approval does not constitute Final Plan/Plat approval. Preliminary Plan/Plat decisions shall be distributed per requirements in section 9.5.

D. Sectionalizing and Phasing. At the time the DRB grants Preliminary Plan/Plat approval, it may require the plat to be divided into two or more sections

**TOWN OF GEORGIA, VT
RECEIVED FOR RECORD**

Received for record _____, 20__

At _____ o'clock ____ M and recorded on:

Slide # _____ Map # _____

Attest: _____

This Subdivision Plat has been approved by
resolution of the Development Review Board of the
Town of Georgia, VT

This ____ day of _____ 20__

Subject to the requirements and conditions of said
resolution.

DRB Application # _____

Signed this ____ day of _____ 20__

By _____, DRB Chair

Figure 7.2 - Sample Signature Block.

(phases) and may impose such conditions upon the filing of an application for Final Plan/Plat approval for each section as it deems necessary to assure the orderly development of the plat.

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

E. Effect of Preliminary Plan/Plat Approval. Approval of a Preliminary Plan/Plat shall not constitute approval of the final subdivision plat. Prior to approval of the final subdivision plat, the DRB may require additional

changes as a result of further study. The approval of a Preliminary Plan/Plat shall be effective for a period of one year, and if a Final Plan/Plat application is not submitted within a year of the Preliminary Plan/Plat approval, the application shall be denied by the ZA without a hearing as untimely. In the event of such a denial, the subdivider shall be required to resubmit a new plat for preliminary approval, which shall be subject to any zoning and subdivision regulations then in effect. Should the DRB impose sectionalizing as a condition of Preliminary Plan/Plat approval, it may extend the one (1) year effective period of Preliminary Plan/Plat approval. Upon written request before the one-year deadline, the ZA may authorize an extension of up to 1 year for reasons outside the applicant's control.

F. Final Plan/Plat Application. Within one year of Preliminary Plan/Plat approval, the subdivider shall submit a complete application for approval of a final subdivision plat (unless sectionalizing/phasing is required and a specific timeline for submission is provided in the Preliminary Plan/Plat written decision). The application shall contain those items required in [TABLE 7.1](#) of these Regulations and shall conform to the layout shown on the approved Preliminary Plan/Plat and incorporate all conditions in the Preliminary Plan/Plat approval. Failure to submit a Preliminary Plan/Plat application within six (6) months of classification of a major subdivision shall require the applicant to resubmit a sketch plan application.

1. Legal Documents. The DRB may require legal deed and HOA document review by the Town Attorney. Applicant is responsible for all attorney fees. An escrow amount will be held by the town for attorney reviews.

G. Submission of Application & Final Plan/Plat Public Hearing. Subsequent to Preliminary Plan/Plat approval, an application for Final Plan/Plat shall be submitted to the ZA. The application shall include all items outlined in [TABLE 7.1](#). Applicants will be notified in writing if the application is incomplete. No public hearing for the Final Plan/Plat shall be scheduled

until all application materials are received. No public hearing for Final Plan/Plats shall be scheduled until the 30-day appeal period for Preliminary Plan/Plat approval has lapsed, and until the ZA determines the application is complete. Notwithstanding the ZA's determination of application completeness, the DRB may request any additional information deemed necessary for final plat review. Final Plan/Plat hearings shall be warned in accordance with section [9.4](#).

H. Action on Final Plan/Plat. The DRB shall act to approve or deny Final Plan/Plat applications within forty-five (45) days after closure of the hearing. A written and signed decision per section [9.5](#), including background information, findings-of-fact, conclusions, and decision with applicable conditions shall constitute final action of the DRB for purposes of potential appeals under section [9.7](#) (Appeals) of these Regulations. Failure to act within the 45-day period shall constitute deemed approval on the 46th day. Final Plan/Plat decisions shall be distributed per the requirements of section [9.5](#).

I. Effect of Final Approval. Final approval by the DRB shall not be deemed to constitute or be evidence of any acceptance by the Town of any street, easement, utility, park, recreational area or open space shown on the final plat. Such acceptance may only be accomplished by formal action of the Selectboard.

7.4 Filing of Subdivision Plat

7.4.1 Survey Plat Specifications.

A. Upon approval of the final plan/plat review by the DRB, the subdivider shall prepare a survey plat for recording in conformance with the requirements of 27 V.S.A. Chapter 17. A survey plat is a map drawn to scale on Mylar by a licensed land surveyor of one or more parcels, tracts or subdivisions of land, showing, but not limited to, boundaries, corners, markers, monuments, easements, building envelopes, and other rights-of-way. Mylar survey plats must be submitted within 180 days from the date of approval of the final plan/plat by the DRB, and shall include all the information required on the final plan/plat approved by the DRB and prepared to the following specifications:

1. On mylar, 18.0" inches by 24.0" inches in size;
2. 2.0" inch margin outside the drawing border along the left side for binding;
3. 1.0" inch margin outside the drawing border along the remaining sides;
4. Clear and legible data and information;
5. Stamp and signature of licensed Land Surveyor;
6. Inset location map clearly indicating the location of the land depicted and a legend of symbols used;
7. Plat scale ratios sufficient to allow all pertinent survey data to be shown, and graphic scale graduated in units of measure used in the body of the plat; and
8. Town Clerk and DRB Chairperson signature blocks, as illustrated in [Figure 7.2 - Sample Signature Block](#).

B. Endorsement and Filing. The Chairperson (or acting Chairperson) of the DRB shall endorse the survey plat with the date of final plan/plat approval. Following endorsement by the chairperson of the DRB and within 180 days of the DRB's final approval, the subdivider shall submit the survey plat to the Town Clerk for filing. The Town Clerk shall endorse the

survey plat before filing. The DRB's written decision, which includes all permit conditions set forth by the DRB, shall be filed in the land records of the Town and its location must be clearly referenced on the survey plat.

C. Monumentation. A signed certification from the licensed land surveyor who prepared the survey plat indicating that monuments have been set is required to be filed with the Zoning Administrator before, or concurrent to, when the signed survey plat is submitted for recording.

D. Limits of Building Envelopes. The survey plat shall show the boundary limits of all building envelopes, indicating the buildable portion of the lot where structures are permitted to be built after subtracting all required setbacks and constraints including easements, wetlands and other un-buildable lands.

7.4.2 Expiration of Plat Approval

A. Final Plan/Plat Approval shall expire if the subdivider does not receive endorsement and file the survey plat and related documents within the 180-day period. The Zoning Administrator, upon written request prior to the expiration date, may extend the date for filing the survey plat by no more than two additional 90-day periods if final local or state permits or approvals are still pending.

7.4.3 Subdivision Amendments

A. No changes, erasures, modifications, or revisions shall be made on any subdivision plan/plat after final approval, unless said plan/plat is first resubmitted to the DRB for Final Plan/Plat Approval under [TABLE 7.1](#), and the DRB approves the amendments/modifications. In the event that such changes are recorded without complying with this requirement, the plat shall be void and the applicant may be found to be in violation of the subdivision approval.

7.5 Natural Subdivision

- A. Railroad tracks, federal highways, state highways, and the Lamoille River shall create natural subdivisions of property and will create separate lots for the purposes of these Regulations. Private rights-of-way, easements, and other rivers shall not create a natural subdivision of lots.
- B. Town highways may create natural subdivisions of property if all resulting lots comply with the minimum lot-size requirements of these Regulations.

7.6 Subdivision Review Standards

- A. **Application of Standards.** The DRB shall evaluate all subdivisions, including boundary line adjustments, in accordance with the following standards, the applicable Planning and Design Standards in [ARTICLE 5](#), and any other applicable standards in these Regulations. The DRB may require the subdivider to submit additional materials and data addressing impacts related to these standards. In light of findings made on these standards, the DRB may require modification and/or phasing of the proposed subdivision to minimize any undue adverse impacts.

7.6.1 General Standard of Review

- A. The DRB shall determine if any land proposed for subdivision is designed and laid out to achieve the desired settlement pattern and the purpose of the district in which it is located as defined in [ARTICLE 2 Zoning Districts](#). All subdivisions shall:
 - 1. Maintain and extend settlement patterns in conformance with the zoning district purpose statement, including dimensional standards ([ARTICLE 2](#)) and road layout standards (section 5.7).
 - 2. Provide for the preservation and protection of existing features as identified in the Georgia Town Plan, including scenic views, streams, rock

outcroppings, water bodies, other natural and historical resources.

- 3. Connect to and extend existing roads, utility easements, open space, and existing critical wildlife habitat and forest blocks as delineated by the State of Vermont Agency of Natural Resources.
- B. **Conformance with the Planning and Design Standards.** All subdivision applications must conform to applicable standards in [ARTICLE 5 Planning and Design Standards](#).
- C. **Conformance with Other Regulations.** Subdivision plats shall conform to all applicable provisions of these Regulations, any Capital Budget and Program in effect, and all other bylaws, ordinances and regulations of the Town of Georgia currently in effect.
- D. **Conformance with Village Core Standards.** Subdivision applications in the Village Core District must conform to the Village Core Design Criteria and Standards in section [2.10.4](#), which are intended to implement the purposes of the Village Core District. If there is a conflict between the standards in section [2.10.4](#) and the standards in [ARTICLE 5](#) (Planning and Design Standards), the more stringent standard shall apply.

7.6.2 Lot Standards

- A. The subdivision of all lots shall meet the following standards:
 - 1. **Lot Size and Density:**
 - a. **Minimum Dimensional Standards.** No lot shall be created that does not meet the minimum dimensional standards of the district in which it is located, unless approved as a PUD (See section [6.5](#)), a Cottage Court (See section [6.6](#)), or the lot has received a waiver per section [6.8](#).
 - b. **Calculating the Maximum Number of Lots Allowed.** The maximum allowed number of lots for a particular subdivision is calculated by dividing the total land area by the minimum lot

size for the district (See dimensional standards for each district) unless additional bonus density is otherwise approved as a PUD or Cottage Court.

2. Lot Layout:

- a. Corner Lots.** Corner lots shall have extra width to allow for a front yard setback along each street.
- b. Side Lot Lines.** Side lot lines shall generally be at right angles to straight streets, or radial to curved street lines.
- c. Access.** Lots shall be laid out so as to avoid direct access to the more heavily traveled street or highway.
- d. Water and Septic.** Lots should include any private septic and potable water sources.
- e. Shape and Topography.** Lots with irregular shapes (curves, jogs, panhandles, doglegs, etc.) shall not be created unless warranted by conditions of topography, the location of natural features, and existing roads or new roads that meet the standards in section 5.7.

7.6.3 Community Services

- A. Traffic.** The proposed subdivision shall not cause unreasonable congestion or unsafe conditions on the affected public or private roads. The proposed subdivision shall provide adequate provision for pedestrian traffic in terms of safety, convenience, and access to points of destination. A Traffic Impact Analysis may be required by the DRB to ensure conformance with this standard.
- B. Municipal Facilities and Services.** The proposed subdivision shall not create an undue burden on municipal facilities or create an unreasonable demand for public services. Considerations shall include the capacity of facilities and services directly affected, and the lifespan and cost of public improvements relative to the anticipated tax revenue from the proposed development.

C. Fire Protection Facilities and Emergency Access.

Subdivisions shall provide adequate water storage or distribution facilities for fire protection to the satisfaction of the DRB. The applicant shall submit documentation from the Georgia Fire Department as to the adequacy of emergency access and fire protection facilities. Where recommended by the Georgia Fire Department, the DRB shall require the applicant to install fire hydrants, dry hydrants, storage tanks, underground water storage, or ponds for fire protection.

- D. Property Access.** Subdivisions that utilize a private road shall be required to sign the Town of Georgia Private Road Agreement. Any developments off of a Class 4 road are required to abide by the Town of Georgia Class 4 Road Agreement. Any developments off of a Town Trail are required to abide by the Town of Georgia Trail Ordinance.

7.6.4 Utilities

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

7.6.5 Master Plan Review and Phasing

- A.** In its sole discretion, the DRB may require a sketch and description of the potential layout of the entire parcel and adjacent parcels (Master Plan) during sketch plan review for the purpose of promoting orderly development of the Town. The DRB may require the subdivision to be divided into two or more phases to be developed at separate times and may impose such conditions as necessary to assure orderly development in compliance with these Regulations (see section **7.3.5 D** - Sectionalizing and Phasing).
- 1.** Any required Master Plan shall include an indication of proposed roads, driveways or streets, the future probable lot lines and building envelopes of the remaining portion of the parcel, and a description of the probable uses. The Master Plan may be drawn in a sketch plan format. The DRB may require that the Master Plan and any phasing schedule be submitted as part of an extended sketch plan review, or as a part of the final plan/plat review.
 - 2.** Review and consideration of a Master Plan as part of any subdivision review does not constitute final approval of all phases of the full Master Plan.

ARTICLE 8 FLOOD HAZARD AREA & RIVER CORRIDOR BUFFER REGULATIONS

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8.1 Statutory Authorization and Effect

- A. In accordance with 24 V.S.A. Chapter 117, §§ 4424 and 4414, this is a bylaw for areas at high risk of flood damage in the Town of Georgia, Vermont. Except as additionally described below, all administrative procedures follow municipal procedures under 24 V.S.A. Chapter 117 and 44 CFR § 60.3(d).

8.2 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. To support equitable wellbeing for the entire community;
- D. To ensure that development in our community protects floodplain and river corridor functions, and avoids and reduces damage from flooding and erosion;
- E. To manage all flood hazard areas pursuant to 24 VSA §4382 and 10 VSA §§751, 753; and
- F. To make the Town of Georgia, its citizens, and businesses eligible for federal flood insurance, federal disaster recovery funds, and hazard mitigation funds, as may be available.

8.3 Administration

8.3.1 Applicability

The standards in this article shall apply to all development in the Town of Georgia located within the Flood Hazard

Area Overlay District. The Flood Hazard Area Overlay District overlays other existing zoning districts and the regulations herein are the minimum standards that must be met before meeting the additional standards applicable in the underlying zoning district. The Flood Hazard Area Overlay District is composed of two areas:

- A. **River Corridor.** The River Corridors in Georgia are composed of the following geographic areas:
 1. All River Corridors as delineated by the Vermont Agency of Natural Resources (including the Statewide River Corridors and refinements to that data based on field-based assessments which are hereby adopted by reference); and
 2. A fifty (50) foot setback from the top of stream bank, or slope, from all rivers and streams in Georgia with a drainage area between 0.25 square miles and 2 square miles in size as included in the Vermont Hydrography Dataset (VHD).¹ If the fifty (50) foot setback area is greater in size than the mapped River Corridor area, the fifty (50) foot setback area shall take precedence. Data regarding the size of drainage areas for all rivers and streams in Georgia is available from the Vermont Agency of Natural Resources and available from the Georgia Zoning Administrator; and
 3. A two hundred and twenty (220) foot setback from the top of stream bank, or slope, along the entire length of Deer Brook or the designated river corridor, whichever is greater, except for the section from VT-104A and running northerly 764 feet where the setback is 100 feet on the west side of Deer Brook.^{1 2}
- B. **Special Flood Hazard Area.** The Special Flood Hazard Area identified in and on the most current flood insurance studies and maps published by the Department of Homeland Security (DHS), Federal

¹ Measuring a setback from the top of stream bank or slope is highly variable and is based on physical conditions of a particular site. Therefore, this area is not shown on the Georgia Zoning Map and must be physically measured by the applicant in the field.

² Please note that this area is a part of the locally adopted River Corridor. This area is not a part of the Agency of Natural Resources-defined River Corridor used in State regulatory proceedings.

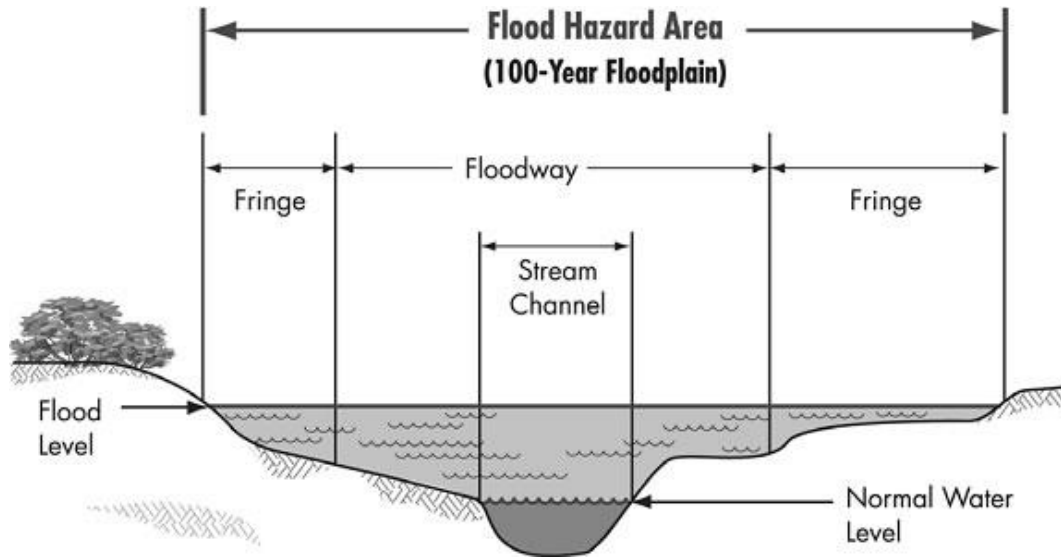


Figure 8.1 - Diagram of Flood Hazard Area

The above figure illustrates the relationship between the floodway and flood fringe. Illustration courtesy of the University of New Hampshire (UNH) Complex System Research Center (CSRC).

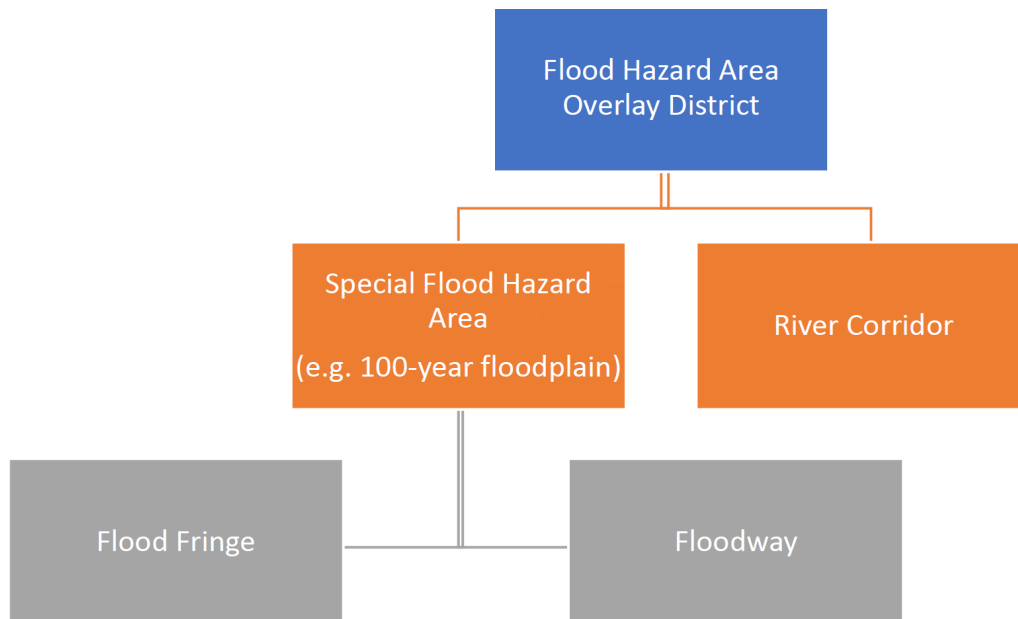


Figure 8.2 - Diagram of Flood Hazard Area Overlay District

Emergency Management (FEMA), and National Flood Insurance Program (NFIP), as provided by the Secretary of the Agency of Natural Resources pursuant to 10 V.S.A. § 753, which are hereby incorporated by reference and declared to be part of these Regulations.

8.3.2 Interpretation

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

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

8.4 Summary Table

TABLE 8.3 - Summary Table: Development Review in Hazard Areas on page 8-5 provides a summary of the development review requirements in each of the hazard areas.

8.5 River Corridor Protection

8.5.1 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.

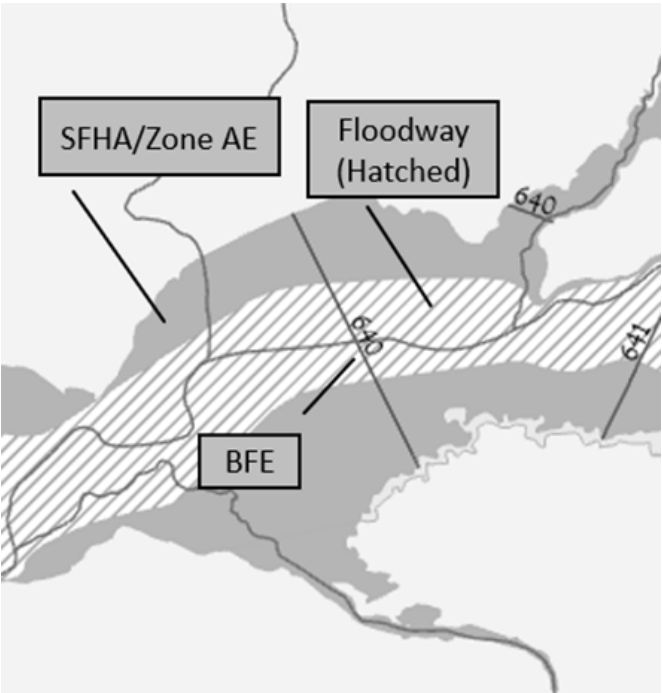


Figure 8.3 - Diagram of Special Flood Hazard Area

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.

TABLE 8.3 - Summary Table: Development Review in Hazard Areas

P = Permitted (Administrative Permit) C = Conditional Use Review and Permit X = Prohibited

A = Exempted S = State Permit Required

#	Activity	River Corridor	Flood Hazard Area	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 and Recreation	A	A	A
15	Forestry and Agriculture	S, A	S, A	S, A

A permit is required from the ZA for all development that is located within the River Corridor except as provided in **8.4.3 A. Exempted Activities on page 8-6**. Where River Corridors and Flood Hazard Areas overlap, the Flood Hazard Area provisions shall also apply.

8.5.2 River Corridor Boundaries

- A.** This article applies to the River Corridors in the Town of Georgia, Vermont, as published by the Agency of Natural Resources (ANR) including refinements to that data which are hereby adopted by reference.
- B.** On streams with a watershed size greater than half a square mile for which River Corridors are not mapped, the standards shall apply to the area measured as 50 feet from the top of the stream bank or slope.
- C.** 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 Zoning Administrator (ZA).
- D.** If the applicant disagrees with the determination made by the ZA or with the river corridor as mapped, the applicant has the option to either:
 - 1.** Hire a licensed land surveyor or registered professional engineer to stake out the River Corridor boundary as mapped on the property; or,
 - 2.** Provide data as needed for ANR to update the river corridor map following the Flood Hazard Area and River Corridor Protection Procedure ("Procedure"); or
 - 3.** Request a letter of determination from ANR that the proposed development meets the Performance standard in the Procedure.

8.5.3 Development Review in River Corridors

A. Exempted Activities

The following activities do not require a local permit under this section of the bylaw:

- 1.** The removal of a building or other improvement in whole or in part, so long as the ground elevations under and adjacent to the removed structure remain unchanged;
- 2.** Any changes to a structure that will not change the footprint of the structure, provided any existing flood proofing measures remain in effect;
- 3.** Maintenance of existing sidewalks, roads, parking areas, stormwater drainage, bridges, culverts, and channel stabilization;
- 4.** 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 V.S.A. Chapter 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;
- 5.** Planting projects which do not include any construction or grading;
- 6.** Subdivision of land that does not involve or authorize development;
- 7.** 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:
 - a.** State-owned and operated institutions and facilities;
 - b.** 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;

- 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;
- d. Public utilities regulated under 30 V.S.A. § 248;
- e. Telecommunications facilities regulated under 30 V.S.A. § 248a;

B. Prohibited Development in the River Corridor

- 1. New structures, fill, and development that do not meet the standards in section **8.5.4 Development Standards within the River Corridor**;
- 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. Permitted by Administrative Review

The following development activities meeting the Development Standards in the River Corridor in section **8.4.4 A or B**, 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, including limitations on parking areas established by the ZA;
- 5. An attached deck or patio to an existing structure that is 200 square feet or less and is located no less than 100 feet from the top of bank, or no less than 220 feet from the top of bank of Deer Brook;
- 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 V.S.A. § 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.

8.5.4 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 8.4 - In-fill Development Standard**), 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 8.5 - Shadow Area Development Standard**). Only primary structures existing before this bylaw may be considered for shadowing other development.
- C. **River Corridor Performance Standard:** Proposals that do not meet the infill or shadowing criteria in

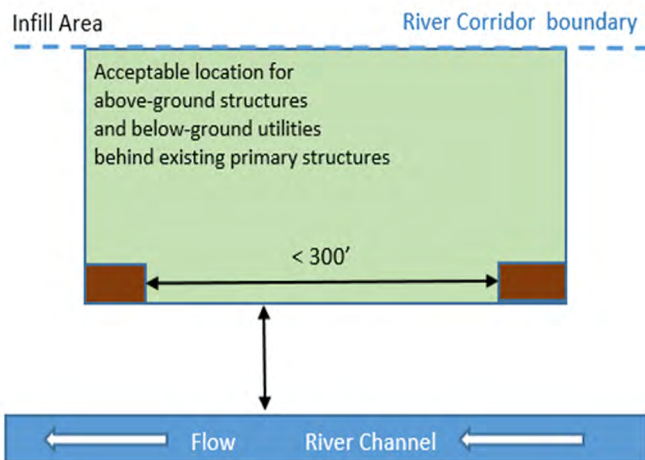


Figure 8.4 - In-fill Development Standard

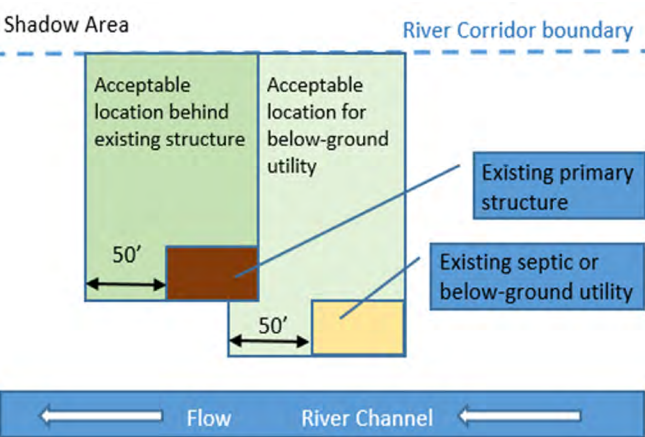


Figure 8.5 - Shadow Area Development Standard

section **8.4.4 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.

- D. The DRB may request or consider additional information to determine if the proposal meets the River Corridor Performance Standard, 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.

8.6 Flood Hazard Area Protection

8.6.1 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.

8.6.2 Lands to Which this Bylaw Applies

A. Flood Hazard Areas

This bylaw shall apply to the Special Flood Hazard Areas (SFHA) as mapped in the Town of Georgia, Vermont identified in and on the most current flood insurance studies and maps published by the Department of Homeland Security, Federal Emergency Management Agency (FEMA), National Flood Insurance Program (NFIP), as provided by the Secretary of the Agency of Natural Resources (ANR) pursuant to 10 V.S.A. § 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.

8.6.3 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 Zoning Administrator (ZA).

8.6.4 Development Requirements in the Flood Hazard Areas

A. Permits

Except as provided in section **8.6.4 B Exempted Activities**, 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 Development Review Board (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 Activities

The following activities do not require a local permit under this section of this bylaw:

1. The 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 dollars;
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 V.S.A. § 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 V.S.A. § 248;
 - e. Telecommunications facilities regulated under 30 V.S.A. § 248a;

C. Administrative Review; Permitted Development

The following development activities in the Special Flood Hazard Area and meeting the Development Standards in section **8.6.5 Development Standards within the Flood**

Hazard Area, 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 Area:
 - a. Improvements or repairs from damage to structures that do not expand the existing footprint and do not meet the definition 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;

D. Prohibited Development

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

E. Conditional Use Review

In accordance with 24 V.S.A. § 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.

8.6.5 Development Standards within the Flood Hazard Area**A. No net loss of flood storage capacity,**

1. Except as needed to fill an existing basement or mitigate an existing structure;

B. All development below the DFE, except development that is exempt under section 8.6.4 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 DFE and securely anchored;

1. 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;

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 section 8.6.5 L;

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;**

- L. Structural Standards**
1. 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;
 2. New non-residential structures, and non-residential structures to be substantially improved, replaced, or that have incurred substantial damage shall:
 - a. Meet the standards of section **8.6.5 L.1**, above; or,
 - b. 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;
 - c. 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;
 3. New or Substantially Improved structures in Zone AO shall have the lowest floor, including basement, elevated above the highest adjacent grade, at least two feet above the depth number specified on the community's FIRM, or at least three feet if no depth number is specified;
 4. 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;
 5. Historic structures being substantially improved shall meet the requirements in this bylaw other than the Lowest Floor Elevation (section **8.5.5 L**);
 6. Fully enclosed areas below grade on all sides (including below grade crawlspaces and basements) are prohibited;
 7. Fully enclosed areas below the lowest floor, that are above grade, below the DFE, and subject to flooding, shall:
 - a. Be solely used for parking of vehicles, storage, or building access, and such a condition shall clearly be stated on any permits; and 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,
 - b. 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
 - c. 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 section **8.6.5 B** above.

8.6.6 Development Standards within the Floodway

- A.** Within the Floodway new encroachments are prohibited except for the following, which also shall comply with section **8.6.6 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.

8.7 Other Provisions

A. Precedence of Bylaw

The provisions of this bylaw 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.

B. 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.

C. Warning of Disclaimer of Liability

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

8.8 Administration

A. Zoning Administrator (ZA)

A Zoning Administrator (ZA) shall be appointed to administer this bylaw pursuant to 24 V.S.A. § 4448. The ZA shall administer this bylaw literally and in doing so shall inspect development, maintain records, enforce this bylaw, and perform all other necessary tasks to carry out the provisions of this bylaw and the statutory requirements of 24 V.S.A. Chapter 117. The ZA shall not have the power to permit any land development that is not in conformance with this bylaw.

B. Development Review Board (DRB)

A Development Review Board (DRB) shall be appointed by the Selectboard in accordance with 24 V.S.A. § 4460. The DRB shall have the duties and responsibilities as described in 24 V.S.A. Chapter 117 and as otherwise required by the municipal bylaws.

C. Applications

All applications for development shall include:

1. 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.
2. A copy of the ANR Permit Navigator Results Summary.

D. Action and Referrals

1. Within 30 days of receipt of a complete application the ZA shall issue or deny a permit in writing or refer it to the DRB.
2. Any application for a proposed conditional use, variance, or appeal shall be referred by the ZA to

the DRB in accordance with 24 V.S.A. §§ 4448 and 4469.

3. 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 V.S.A. § 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 to the Agency, whichever is sooner.
4. 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.

E. Public Notice

Prior to the issuance of a permit, proposals needing conditional use review, or consideration for a variance or appeal, must have a warned public hearing. Public notice of the hearing shall be provided by the ZA at least 15 days before the date of the hearing by all the following:

1. Publication of the date, place, and purpose of the hearing in the newspaper of general circulation;
2. Posting of the same information in three or more public places within the municipality, including posting of notice by the applicant within view from the public right of way nearest to the property for which an application is made; and,
3. Written notification to the applicant and to owners of all properties adjoining the property subject to development, without regard to any public right-of-way. 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. The notification shall include a description of the proposed project and shall be accompanied by information that clearly informs

the recipient where additional information may be obtained, and that participation in the local proceeding is a prerequisite to the right to take any subsequent appeal.

4. The applicant shall bear the cost of the public warning and notification of adjoining landowners.

F. Decisions

1. Decisions on applications that go to the DRB for review shall be made in accordance with 24 V.S.A. § 4464 including all findings of fact, conclusions, and conditions.
2. The DRB shall consider comments from the ANR.
3. 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.

G. Permits

1. Where eligible, a permit shall be issued by the ZA only in accordance with 24 V.S.A. Chapter 117;
2. Permits must state that all other necessary permits from state and federal agencies must be obtained before work may begin. A notice of permit, on a form prescribed by the municipality within view from the public right-of-way most nearly adjacent to the subject property must be posted until the appeals period has passed. Any Appeals shall be made within 15 days of permit issuance.
3. The ZA, within three days of the date of issuance of a permit, shall make available a copy of the permit to the assessors of the municipality, and shall post a copy of the permit in the Town Offices for a period of 15 days from the date of issuance.
4. No permit shall take effect until the time for appeal (15 days) has passed, or in the event that a notice appeal is properly filed, no such permit shall take effect until adjudication of that appeal by the DRB is complete and the time for taking an appeal to the Environmental Division of the Superior Court has passed without an appeal being taken. If an appeal is taken to the Environmental Division, the

permit shall not take effect until the Environmental Division rules in accordance with 10 V.S.A. § 8504.

5. Within 30 days after a permit has been issued, or within 30 days of the issuance of any notice of violation, the appropriate municipal official shall:

- a. deliver the original or a legible copy of the permit or notice of violation or a notice of permit generally in the form set forth in 24 V.S.A. § 1154(c) to the town clerk for recording as provided in 24 V.S.A. § 1154(a); and,
- b. file a copy of that permit in the offices of the municipality in a location where all municipal land use permits shall be kept.

6. Expiration

- a. A permit shall remain valid for two (2) years from the date it is issued as long as substantial land development has been made;
- b. Permits shall run with the land regardless of owner;
- c. Structures shall be considered abandoned where the structures are no longer being maintained as a habitable structure for a period of at least five years, regardless of evidence of intent to re-establish such use. A habitable structure is structurally sound, weathertight, with functional drinking water, wastewater, and heating systems.

H. Variances

Variances may be granted in writing by the DRB only in accordance with all the criteria in 24 V.S.A. § 4469 after a public hearing noticed in accordance with 24 V.S.A. § 4464. If the proposed development is located within any Flood Hazard Area, the proposal shall comply with 44 C.F.R. § 60.6. Any variance issued in the Flood Hazard Area shall not increase flood heights and shall inform the applicant in writing over the signature of a community official that the issuance of a variance to construct a structure below the BFE increases risk to life and property and will result in increased flood insurance premiums up to amounts as high as \$25 for \$100 of coverage. Such notification shall be maintained with a record of all variance actions.

I. Appeals of a Permit Decision

Appeals from any decision or act of the ZA in connection with this bylaw, shall be made to the DRB as provided for in 24 V.S.A. § 4465. Appeals from any decision of the DRB in connection shall be made to the Vermont Superior Court, as provided for in 24 V.S.A. § 4471.

J. Administrative Responsibilities

1. The ZA shall properly file and maintain a record of:
 - a. All permits and supporting documents;
 - b. A FEMA Elevation Certificate for any new, replacement or substantially improved buildings (not including accessory buildings) in the Flood Hazard Area;
 - c. All floodproofing and other certifications required under this regulation; and,
 - d. 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.
 - e. All Certificates of Occupancy, and receipts as required for the determination of Substantial Improvement.
2. Substantial Improvement and Substantial Damage Determinations
 - a. 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.
 - b. 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.
 - c. 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 V.S.A. § 1972.

3. Certificate of Occupancy

- a. A Certificate of Occupancy (CO) is required for any new or Substantially Improved primary structure permitted under this bylaw. 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 V.S.A. § 4449 stating that the structure conforms to the requirements of this bylaw.
- b. 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.
- c. Upon receipt of the application for a certificate of occupancy, the ZA shall review the permit conditions and inspect the premises to ensure that:
 - any required state and federal permits have been received,
 - all work has been completed in conformance with the zoning permit and associated approvals, and
 - 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 and copied to the lender.

4. Enforcement

- a. This bylaw shall be enforced in accordance with 24 V.S.A. §§ 1974a, 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 Section 1316 of the National Flood Insurance Act of 1968, as amended. 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.

8.9 Flood Hazard Definitions

The following definitions apply only to flood hazard regulation and land development subject to the standards of this article. For all other zoning and land use regulation definitions, refer to Article 10.

Accessory dwelling

means an efficiency or one-bedroom apartment that is clearly subordinate to a single-family dwelling, and has facilities and provisions for independent living, including sleeping, food preparation, and sanitation. Accessory dwellings are residential structures.

Accessory structure

means a structure which is: 1) detached from and clearly incidental and subordinate to the principal use or structure on a lot, 2) located on the same lot as the principal structure or use, 3) clearly and customarily related to the principal structure or use, and 4) only used for vehicle parking, storage, or primarily building access. Examples include, garages, garden and tool sheds, and playhouses, but do not include “accessory dwellings.”

Area of special flood hazard

is synonymous in meaning with the term “special flood hazard area” for the purposes of this bylaw.

Associated transportation and utility networks

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

Base flood

means the flood having a one percent chance of being equaled or exceeded in any given year (commonly referred to as the “100-year flood”).

Base Flood Elevation (BFE)

is the elevation of the water surface 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

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

Channel

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

Compensatory storage

means a volume not previously used for flood storage and which shall be incrementally equal to 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.

Common plan of development

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

Construction trailer

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

Critical facilities

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

Design Flood Elevation (DFE)

in the Town of Georgia means the Base Flood Elevation plus two feet.

Designated center

means a downtown, village center, new town center, growth center, or neighborhood development area designated pursuant to 24 V.S.A. chapter 76A.

Development

means any human-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations, or storage of equipment or materials.

Dry floodproofing

Measures that eliminate or reduce potential flood damage by keeping floodwaters out of the structure.

Encroachment

means fill or development that reduces the functional river corridor (impairs the equilibrium condition) or increases flood levels.

Equilibrium condition

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

Fill

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

Flood hazard

means those hazards related to damage from flood-related inundation or erosion.

Flood Insurance Rate Map (FIRM)

means an official map of a community, on which the Federal Insurance Administrator has delineated both the special flood hazard areas and the risk premium zones applicable to the community.

Flood Insurance Study (FIS)

means an examination, evaluation, and determination of flood hazards and, if appropriate, the corresponding water surface

elevations or an examination, evaluation, and determination of mudslide (i.e., mudflow) and /or flood-related erosion hazards.

Floodproofing

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

Floodway

means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot at any point. Please note that flood hazard areas and floodways may be shown on a separate map panels.

Fluvial erosion

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

Grading

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

Historic structure

means any structure that is: (a) listed individually in the National Register of Historic Places (a listing maintained by the Department of the Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register; (b) certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district; (c) individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or (d) individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either: (i) by an approved state program as

determined by the Secretary of the Interior or (ii) directly by the Secretary of the Interior in states without approved programs.

Lowest floor

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

Maintenance

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 (or Mobile home)

means a structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when attached to the required utilities. The term "manufactured home" does not include a "recreational vehicle".

New construction

means structures for which the start of construction commenced on or after the effective date of floodplain management regulation adopted by the community and includes any subsequent improvements to such structures.

Nonconforming structure

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

Nonconforming use

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

Non-residential

includes: businesses, churches, schools, nursing homes, pool houses, clubhouses, recreational buildings, government buildings, mercantile structures, industrial structures, and warehouses.

Recreational vehicle

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

Replacement structure

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

River

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

River corridor

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

Special flood hazard area (SFHA)

is the land in the floodplain within a community subject to a one percent or greater chance of flooding in any given year. For purposes of this bylaw, the term “area of special flood hazard” is synonymous in meaning with the phrase “special flood hazard area.” This area is usually labeled Zone A, AE, AO, AH, or A1-30 in the most current flood insurance studies and on the maps published by FEMA. Maps of this area are available for viewing in the municipal office or online from the FEMA Map Service Center: mhc.fema.gov. Base flood elevations have not been determined in Zone A where the flood risk has been mapped by approximate methods. Base flood elevations are shown at selected intervals on maps of special flood hazard areas that are

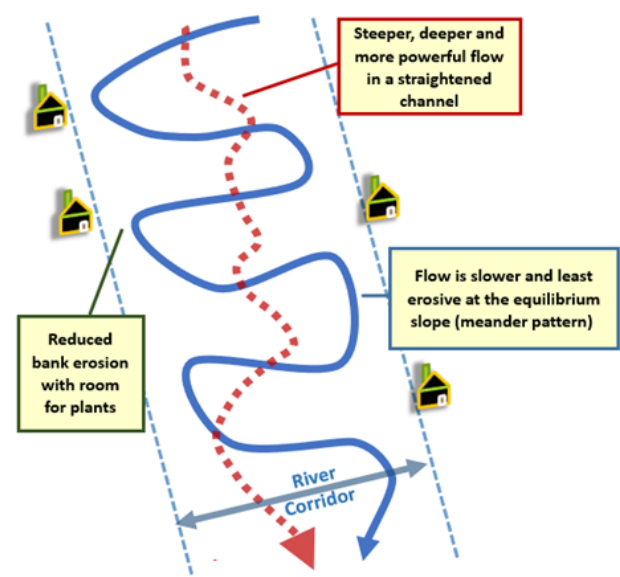


Figure 8.6 - River Corridor Diagram

Diagram showing room for river channel adjustments to minimize slope and erosive power.

determined by detailed methods. Please note, where floodways have been determined they may be shown on separate map panels from the Flood Insurance Rate Maps.

Start of construction

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

ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

Storage

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

Structure

means a walled and roofed building, as well as a manufactured home, including gas or liquid storage tanks.

Substantial damage

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

Substantial improvement

means any repair, reconstruction, rehabilitation, addition, or other improvement of a structure after the date of adoption

of this bylaw, the cost of which, over three years or over the period of a common plan of development, cumulatively equals or exceeds 50 percent of the market value of the structure before the "start of construction" of the improvement. This term includes structures which have incurred "substantial damage," regardless of the actual repair work performed. The term does not, however, include either: (a) Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been previously identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions or (b) Any alteration of an "historic structure," provided that the alteration will not preclude the structure's continued designation as an "historic structure."

Top of bank

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

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.

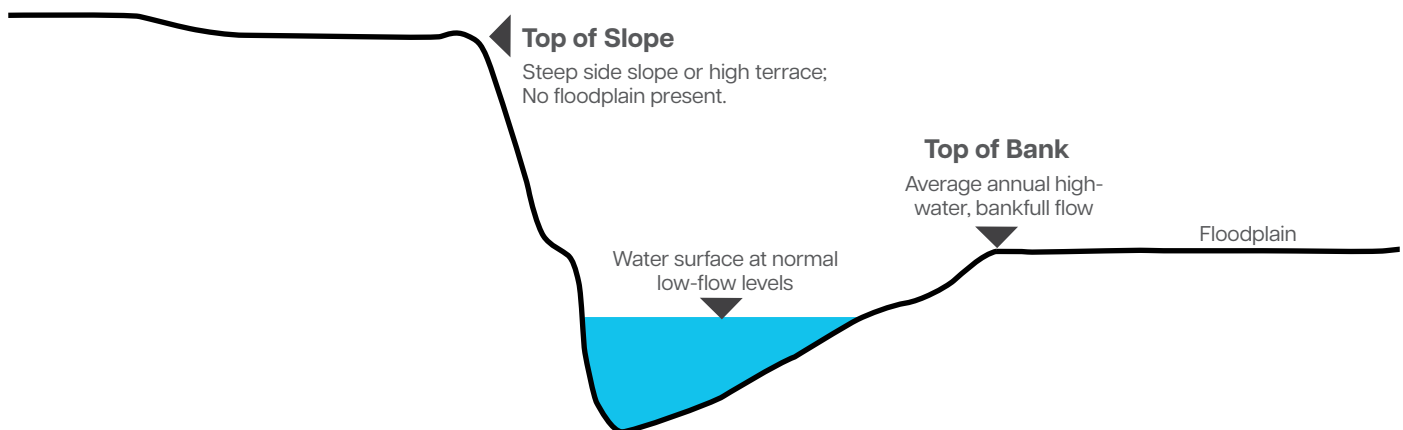


Figure 8.7 - Diagram of Stream Bank Illustrating Top of Slope and Top of Bank

Diagram showing the Top of Bank where stream flows onto a floodplain and Top of Slope where floodplain access is not present.

Violation

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 C.F.R. § 60.3 is presumed to be in violation until such time as that documentation is provided.

ARTICLE 9 ADMINISTRATION & ENFORCEMENT

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9.1 Zoning Administrator, Development Review Board and Planning Commission

9.1.1 Zoning Administrator (ZA)

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

9.1.2 Development Review Board (DRB)

- A.** The DRB shall consist of not less than five (5) nor more than nine (9) members, the numbers and terms of appointment to be determined by the Selectboard. Members of the DRB shall be appointed

by the Selectboard. Vacancies also shall be filled by appointment of the Selectboard for unexpired terms and upon expiration of terms. Any member of the DRB may be removed for cause by the Selectboard upon notice of written charges and after a public hearing.

- B.** The DRB shall have the following duties:

1. To hear and decide upon applications for appeals of decisions by the Zoning Administrator.
2. To hear and decide upon applications for requests for variances and waivers.
3. To hear and decide upon applications for conditional use review.
4. To review and decide upon applications for site plan review.
5. To review and decide upon applications for access by right-of-way for lots without frontage.
6. To review and decide upon applications for subdivision review.
7. To advise and inform the PC of regulation issues or suggested changes to the current regulations.
8. Any other reviews as required in these Regulations.

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

9.1.3 Planning Commission (PC)

- A.** The Planning Commission shall consist of not less than five (5) nor more than seven (7) elected members in accordance with the Act (Sections 4321-4323). The Planning Commission shall:
 1. Prepare amendments to these Regulations and other regulations as permitted by the Act.
 2. Prepare and update the Town Plan every eight (8) years and prepare amendments to the Plan as necessary.

3. Have party status to respond to projects reviewed under “Act 250,” “Section 248” and “Section 248a.”
4. Assist in the preparation of draft policies and ordinances.
5. Stay educated on changes to State statutes.

9.2 Fees for Zoning Permits, Public Hearings, and Administration

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

9.3 Combined Review

- A.** Where more than one approval is required from the DRB, project review, to the extent feasible, shall be conducted concurrently pursuant to 24 V.S.A. Section 4462.
- B.** Municipal review, to the extent possible, shall be coordinated with applicable state reviews, and/or conditioned on securing all necessary state permits.

9.4 Public Hearing/Notice Requirements for DRB Approvals

A. Public Hearings

1. The following land development applications require public hearings before the DRB.
 - a. Conditional Uses
 - b. Variances
 - c. Subdivisions, Minor and Major

- d. Site Plan Reviews
- e. PUDs and Cottage Courts (in conjunction with a Subdivision and/or Site Plan).
- f. Appeals of ZA decisions
- g. Review of right-of-way or easement for land development without frontage in association with a subdivision or site plan.

2. All hearings for land development applications above shall be noticed, pursuant to 24 V.S.A. Section 4464, not less than 15-days in advance of the hearing by:

- a. Publication in a newspaper of general circulation.
- b. Posting of notice at the Georgia Town Offices; posting in view from the public right-of-way most nearly adjacent to the property for which the application is made; and posting at the Georgia Public Library.
- c. Mailing notice (regular US mail) to applicant and all adjacent property owners, including those across rights-of-way.
- d. Mailing notice (regular US mail) to all property owners on a shared private right-of-way whether or not they abut the subject parcel.

3. Applicants for land development shall be responsible for supplying an accurate list of all adjacent property owner names and mailing addresses for respective hearings. Failure to provide the materials in a timely manner may result in delay of the public hearing.

4. The ZA or responsible party, as applicable, shall ensure that all notices required above are made in a timely manner. Applicants are responsible, after being provided the actual notice form by staff, for posting the notice in view from the public right-of-way most adjacent to the property for which the application is made, as required above. Where applicants fail to do so in a timely manner, the DRB reserves the right to cancel and reschedule public hearings.

5. Remaining provisions of 24 V.S.A. Section 4464, regarding public notice for hearings shall apply.
6. The DRB must hold hearing within 120 days of the application being deemed complete. See 24 V.S.A. §4464(b)(1).

9.5 Decisions

A. Any action or decision of the DRB shall be taken by the concurrence of a majority of the members of that Board. In accordance with 24 V.S.A. Section 4464(b), the DRB shall issue a decision within 45 days after the adjournment of the hearing. Failure to issue a decision within the 45-day period shall be deemed approval and shall be effective on the 46th day. Copies of any DRB decision shall be sent, within the forty-five (45) day period, to:

1. The appellant (by certified mail).
2. Every person(s) who have declared interested party status either by signing the check in form at the meeting or declared interested party status through the on-line meeting platform.
3. The Zoning Administrator; and
4. The Town Clerk for filing as part of the public records of the Town.

9.6 Reconsideration

A. At the request of the applicant or interested parties, or on its own motion, the DRB may reopen a public hearing for reconsideration of findings, conclusions, or conditions of the decision. A request by the applicant or interested parties must be submitted to the ZA Office within the 30-day appeal period in accordance with section 9.7.1 Appeals of ZA.

B. To reopen a hearing on its own motion, the DRB must approve such a motion within the 30-day appeal period.

1. In order to reopen a public hearing, the DRB must find that new evidence can be presented that could not have previously been presented which

indicates a substantial change of conditions or circumstances, or that the prior decision was induced by fraud, surprise, error or oversight, or that an unintended negative consequence will result.

2. The reopened hearing will be warned in accordance with section 9.4 A.
3. The submission of a request for reconsideration will terminate the running of the 30-day appeal period. A new 30-day appeal period will start after the DRB either 1) decides to not reopen the hearing, or 2) votes to reopen and issues a reconsidered decision on the application.

9.7 Appeals

A. Interested Person/Parties Status Required. Only interested persons, as defined in Article 10 of these Regulations, may appeal decisions of the ZA or DRB.

1. If an interested person fails to make a timely appeal, all interested persons are bound by the officer's or Development Review Board's decision or act. Only those interested persons who have participated in a Development Review Board proceeding may appeal a decision rendered in that proceeding to the Environmental Court. Pursuant to State statute, participation consists of offering, through oral or written testimony, evidence or a statement of concern related to the subject of the proceeding.
2. Failure to have and secure interested person status shall void the ability to appeal municipal land use decisions.

9.7.1 Appeals of ZA

A. Interested persons may appeal any decision or act taken by the ZA by filing a notice of appeal with the Secretary of the DRB, or Town Clerk if no Secretary has been elected, pursuant to 24 V.S.A. Section 4465. Such appeals shall include information required by Section 4465 and shall be made within 15 days of the

ZA decision or act. A copy of the appeal shall also be filed with the ZA.

- 1. Notice of Appeal – Contents.** Pursuant to 24 V.S.A. Section 4466, a notice of appeal shall be in writing and shall include the name and address of the appellant, a brief description of the property with respect to which the appeal is taken, a reference to the regulatory provisions applicable to the appeal, the relief requested by the appellant, the alleged grounds why the requested relief is believed proper under the circumstances and payment of appeal fees as applicable.
- 2. Appeal Hearings.** Appeal hearings to the DRB shall be conducted pursuant to 24 V.S.A. Section 4468.
- 3. Rejection of Appeals.** The DRB may reject appeals and requests for reconsideration without hearing if the conditions of 24 V.S.A. Section 4470(a) are met. Rejected appeals or rejected requests for reconsideration may be appealed to the Environmental Division of Vermont Superior Court pursuant to 24 V.S.A. Section 4471.

9.7.2 Appeals – DRB Decisions

- A.** Interested parties who have participated in the application process may appeal written decisions of the DRB to the Environmental Division of Vermont Superior Court. Such appeals shall be filed pursuant to 24 V.S.A. Section 4471 and shall be made within 30 days of the DRB's written decision. A copy of the appeal shall also be filed with the municipal clerk or the ZA who shall supply the list of interested persons to the appellant within five (5) working days.

9.8 Violations and Enforcement

- A.** Pursuant to 24 V.S.A. Section 4470(b), the Town shall enforce all provisions of the Regulations, decisions of the ZA, and decisions of its appropriate municipal panels.

- B.** Violations of these Regulations will be prosecuted in accordance with 24 V.S.A. Section 4451. Any person who violates these Regulations will be fined not more than \$200 per day for each offense unless a higher fine is permitted under 24 V.S.A. in which case the highest possible fine may be imposed. Each day that a violation is continued will constitute a separate offense. No action may be brought under this section unless the alleged offender has had at least seven days' notice by certified mail that a violation exists and has failed to satisfactorily respond to or correct the alleged violation.
- C.** If any structure or land is or is proposed to be subdivided, constructed, reconstructed, altered, converted, maintained, or used in violation of these Regulations, the ZA will institute in the name of the Town any appropriate action, injunction or other proceeding to prevent, restrain, correct, or abate such construction or use, or to prevent, in or about such premises, any act, conduct, business, or use constituting a violation in accordance with 24 V.S.A. Section 4452.
- D.** It is a violation to commence or continue any land development which is not in conformance with these regulations, as may be applicable under sections [1.4 Applicability](#), [1.5 Interpretation](#), and [1.6 Severability](#).

9.9 Technical Review and Financial Surety

- A. Technical Review.** The DRB may require the applicant to pay for reasonable costs of an independent technical and/or legal review of any application as provided for in 24 V.S.A. Section 4461(c).
- B. Financial Surety.** Pursuant to 24 V.S.A. Section 4464, the DRB may condition the approval of an application requiring development review upon the submission of a bond, escrow account, or other surety in a form acceptable to the legislative body of the municipality.

to assure one or more of the following: the completion of the project, adequate stabilization, or protection of existing or future public facilities that may be affected by a project.

ARTICLE 10 Definitions

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10.1 General Definitions

- A.** Definitions contained in Title 24 V.S.A. Chapter 117 will be applicable throughout these Regulations unless otherwise specifically defined in this section.
- B.** For definitions specifically relating to Flood Hazard Regulations, refer to [ARTICLE 8](#).

10.2 Specific Definitions

A

Accessory Dwelling Unit (ADU)

Vermont's Planning Act (24 V.S.A 4412) defines ADU to mean "a distinct unit that is clearly subordinate to a single family dwelling, and has facilities and provisions for independent living, including sleeping, food preparation, and sanitation". The landowner must occupy either the main dwelling or the ADU.

Accessory On Farm Business

Means activity that is accessory to a farm and comprises one or both of the following:

- The storage, preparation, processing and sale or feature 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.
- Educational, recreational, or social events that feature agricultural practices or qualifying products, or both. Such events may include tours of the farm, farm stays, tastings and meals
- Featuring qualifying products, and classes or exhibits in the preparation, processing, or harvesting of qualifying products. As used in this definition, "farm stay" means a paid, overnight guest accommodation on a farm for the purpose of participating in educational, recreation al, or social activities on the farm that feature agricultural practices or qualifying products, or both. A farm stay includes the option for guests to participate in such activities.
- See also definitions of "farm ", "qualifying product ", and "RAP Rules."

Acre

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

Act

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

Administrative determination

Any decision made by the Administrative Officer or an Assistant Administrative Officer.

Administrative officer

Administrative Officer and Zoning Administrator are one and the same and can be used interchangeably. (See 24 V.S.A. Section 4448)

Adult day care

A supervised, non-residential facility offering care and companionship for adults who need assistance or supervision during the day, providing respite for caregivers and opportunities for socialization and activities.

Adult day care home

A state-registered or -licensed day-care facility serving up to six adults as an accessory use to a private residential dwelling. Also known as residential care homes.

Affordable housing/unit

Dwelling units where the annual housing costs do not exceed 30% of the Area Median Income (AMI), adjusted for household size. In the case of dwelling units for sale, annual housing costs include mortgage, utilities, taxes, insurance, and any applicable condominium or association fees. In the case of dwelling units for rent, annual housing costs include rent and tenant-paid utilities.

Agribusiness

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

Agriculture

Includes those activities identified as “farming” in 10 V.S.A. § 6001(22) as may be amended, and as defined by the Vermont Agency of Agriculture, Food & Markets.

Alteration

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

Animal, domestic pet

Any canine, feline, or European ferret (*Mustela putorius furo*) and such other domestic animals as the Secretary of the Agency of Agriculture, Food and Markets shall establish by rule and that has been bred or raised to live in or about the habitation of humans, and is dependent on people for food and shelter.

Animal livestock

Animals used for food production (including eggs, milk, honey, and meat) or fiber, including the protection of other livestock including exotic pets as may be allowed by Vermont law.

Animal hospitals

An establishment for the care and treatment of the diseases and injuries of animals and where animals may be boarded during their convalescence. (See Veterinarian Office).

Apartment

A single dwelling unit located in a building containing more than two dwelling units or a single dwelling unit located in a mixed-use building.

Appropriate Municipal Panels

A Planning Commission performing development review; a Zoning Board of Adjustment performing development review; a Development Review Board performing development review; or a Legislative Body performing development review.

Area, gross

The total area of a lot or parcel of land including street rights of way and other publicly dedicated improvements such as parks, open space, and stormwater detention and retention facilities. “Gross area” is expressed in either acres or square feet. (Also “considered gross leasable” where applicable).

Assisted living

Supported living arrangement, including help with daily activities, such as dressing, grooming, bathing, etc.

Automobile

Motor vehicles including but not limited to motorcycles, passenger cars, light trucks, vans, and similar size vehicles that have gross vehicle weights less than 10,000 pounds. (See Trucks)

Automobile body shop

A facility which provides automobile bodywork services, including but not limited to collision repair, body frame straightening, replacement of damaged parts, and painting of automobiles, trailers, and recreational vehicles.

Automobile & marine part sales

An establishment which sells new or used parts and accessories for automobiles, trailers, recreation vehicles, or boats.

Automobile sales, new & used

An establishment for the storage and display for sale of more than two automobiles or trailers.

Automobile/vehicle salvage yard

Land or establishment used for the collection, wrecking, dismantling, storage, salvaging, and sale of machinery parts or vehicles not in running condition. Three or more unregistered vehicles are considered a salvage yard. An automobile/vehicle salvage yard does not include automobile/vehicle repair as defined in this Article.

Automobile/vehicle repair/service

An establishment for the general repair, servicing, rebuilding, or reconditioning of automobiles, recreational vehicles, or trailers.

Awning

A hood, cover or porte-cocheres often comprised of fabric, metal, or glass that is designed and intended to provide for protection from the elements or as a decorative appurtenance, and which projects from a wall or roof of a structure over a window, walk, door, landing, public right-of-way or the like, and that may include a type which can be retracted, folded, or collapsed against the face of a supporting building. An awning with symbols, logo(s) or lettering (excluding the street address) are considered a sign for the purposes of this ordinance.

B

Bakery

An establishment primarily used for the on or off-site preparation and/or retail sale of bread, cake, cupcakes, confections and other similar baked pastries. Such uses may include incidental food service.

Bank/credit union

A financial institution open to the public and engaged in deposit banking, and performs closely related functions such as making loans, investments, exchange of money, facilitating the transmission of funds and other fiduciary duties.

Banner

A typically rectangular piece of fabric or other similar non-rigid material, and with or without characters, letters, illustration, or ornamentation, supported or anchored at its corners, top and bottom, or along top with weighted bottom.

Bar

An establishment, or portion thereof, subject to Vermont Liqueur Control Regulations and primarily devoted to the serving and on-premise consumption of alcoholic beverages, and where the service of food is only incidental to the consumption of such beverages (alcoholic beverage is greater than fifty percent (>50%) of the gross sales of food and beverages at the establishment).

Barber shop

An establishment or place of business of one or more individuals whose practice is the cutting, trimming or shaving of head or facial hair. Said use does not include chemical treatments such as perms or dyes.

Basement

Any area of the building having its floor elevation subgrade (below ground level) on all sides.

Bedroom

A room located within a dwelling that the residents use primarily as private sleeping quarters or that was designed for such use which has at least one window, and two means of egress including an interior door that allows the room to be closed off

from the remainder of the dwelling.

Belfries

A decorative rooftop structure or tower where bells were traditionally hung, such as in a church steeple.

Best management practice(s) (BMP)

A schedule of activities, prohibitions or practices, maintenance procedures, green infrastructure, and other management practices to prevent or reduce water pollution.

Bicycle parking, short term

Bicycle racks which permit the locking of the bicycle frame and one wheel to the rack and which support the bicycle in a stable position without damage to wheels, frame, or components.

Bicycle sales/repair

An establishment where bicycles are repaired and/or sold.

Blight / Blighted

The deteriorated condition of property or a neighborhood, encompassing factors like dilapidated buildings, unsafe conditions, and environmental issues that negatively impact the community.

Boarding house

A single-family dwelling where more than two, but fewer than six rooms are provided for lodging for definite periods of times. Meals may or may not be provided, but there is one common kitchen facility. No meals are provided to outside guests. Also known as Lodging house.

Boat

Any type of vehicle or watercraft designed and intended for traveling in or on water.

Boat repair/service

An establishment for the general repair, servicing, rebuilding, or reconditioning of boats, where boats are repaired and stored only until repairs are completed.

Boat sales/rental

An establishment for retail sales and service in which boats are rented or sold. The sale or rental of non-motorized boats smaller than 25 feet and/or less than 150-pounds shall be considered general merchandise and not included.

Boat storage

A space or place where boats are placed and kept for more than 24 consecutive hours.

- **Private:** A storage facility on a site used for the property owners own boat(s) without compensation.
- **Yard:** A storage facility used for boat(s) where compensation is paid for said storage.

Boundary (line) adjustment

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

Brewery

A facility that manufactures and sells beer directly to local businesses and distributors. Does not include the retail sale of beer directly to the public on-site, however may include incidental accessory on-site tours and tastings.

Brewpub

A facility that manufactures and sells beer directly to local businesses and distributors, as well as to the general public as part of an accessory bar and/or restaurant operation.

Brownfield

Abandoned, idled, or under-used industrial and commercial facilities where expansion or redevelopment is complicated by real or perceived environmental contamination.

Buffer

An area designated to act as a visible or environmental separation between lots, districts, structures, or uses.

Building

A structure designed, built or used as a shelter for persons, animals or property. Buildings shall include lunch wagons, travel trailers and mobile homes when sited in such a manner that they are not readily moveable.

Building envelope

The area delineated on an approved final plat plan of a project that marks the approved minimum setbacks from lot lines, natural features, and any other restricted areas such as planned unit development buffers. All principal buildings and septic systems, shall occur within the building envelope.

Building height

The height of a building or structure as measured vertically from the highest point on top of the building or structure to the average of the highest and lowest finished grade at the foundation or base. See section 4.1 and Figure 4.1.

Building lot

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

Building, multi-story

A building with at least one habitable floor above the ground floor that is not less than 60% of the gross floor area of the ground floor.

Building permit

A permit issued by the Zoning Administrator for the construction, alteration or removal of a structure subject to the development regulations of the Town of Georgia.

Building, principal

The primary building on a lot or a building that houses a principal use.

C**Café**

Any food service establishment subject to Vermont Health Regulations containing less than or equal to 2,000 gross square feet where food and beverages are prepared, and served for consumption either on or off premises.

Caliper, tree

The diameter measurement of the trunk of a tree, typically measured at 4.5 feet above the ground (known as Diameter Breast Height - DBH) or at other heights as may be specified.

Camp, commercial, youth

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

Camp, hunting

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

Camp, seasonal

See Dwelling, seasonal

Campground

Any lot of land containing more than three campsites occupied for vacation or recreational purposes by camping units, such as: tents, yurts, tepees, lean-tos, camping cabins, and recreational vehicles, including motor homes, folding camping trailers, conventional travel trailers, fifth wheel travel trailers, truck campers, van campers, and conversion vehicles designed and used for travel, recreation, and camping. There shall be no distinction made between noncommercial (no charge, no service) and commercial operations.

Cannabis Control Board (CCB)

A Vermont State entity that was created to safely, equitably, and effectively implement and administer the adult use and medical use of cannabis in the state of Vermont. It has the authority to grant and revoke state licenses and ensure compliance with state rules.

Cannabis establishment

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

Canopy

An attached or detached accessory structure intended to provide protection from inclement weather for drivers seeking goods or services. Examples of canopies include fuel pump canopies at gas stations, drive-through canopies at banks or pharmacies. Hotel or residential porte-cocheres are not canopies for the purposes of this ordinance.

Capital plan/budget

A document which sets forth a financial management plan (over a six-year period), which is the capital investment program including a listing of capital projects and expenditures

prioritized in the form of an annual capital budget. A maximum level of future growth is established as the basis for scheduling municipal capital facilities and service expenditures. [24 V.S.A. § 4430.](#)

Car wash

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

Cemetery

An area of land owned and operated by a commercial or non-profit establishment for the express purpose of permanently burying or interning the remains of the dead in marked graves, mausoleums, columbariums, vaults, or other receptacles on the property in exchange for a fee.

Change of use

A modification in the way a property, building or space within a building is utilized, which is different from its previous or designated use or is not in the same four-digit North American Industry Classification System (NAICS) category as the old use.

Chapter 117

The Vermont Planning and Development Act, also known as 24 VSA Chapter 117.

Child Care Home, Family

An accessory residential use where registered child care services are provided on a regular basis in the caregiver's own owner-occupied residence to no more than 12 children outside of their own homes for periods of less than 24 hours a day. [33 V.S.A. § 3511](#)

Child Care Facility

A licensed day care facility, operated as a business or service on a regular or continuous basis, whether for compensation or not, whose primary function is the care and supervision of more than 12 children under 16 years of age outside their homes for periods of fewer than 24 hours a day by a person other than a child's own parent, guardian, or relative. May be owner-occupied or a standalone facility.

Child Care Facility, Center-based

A Center Based Child Care Facility provides developmentally appropriate care, education, protection, and supervision for children outside of their own homes for periods of less than 24 hours per day, operating as a business or service on a regular or continuous basis, whether or not for compensation.

Pre-kindergarten programs operated by public and private schools, as well as programs providing child care services to non-recurring clientele, are considered Center Based Child Care Facilities.

Common land

Land within a development or subdivision that is not individually owned but is designed to be held in common for the shared use, enjoyment, management, and maintenance by the residents or occupants of that development or subdivision. It is generally owned or leased by a homeowner's association (HOA), which is typically responsible for its upkeep.

Common plan of development

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 sewage disposal system

A system not operated by a municipality designed to collect, treat, and dispose of wastewater (sewage) from multiple buildings or properties in a community, as opposed to an individual sewage system that serves a single building or property.

Community water system

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

Complete application

A completed zoning application refers to an application for a zoning permit or approval that includes all the information, fees, and documentation required by the local zoning regulations for the municipality to begin its review process.

Community center

A facility or portion thereof which provides recreational, educational or cultural activities for the residents of that immediate neighborhood.

Conditions

Those requirements, as denoted or assigned in conjunction with the approval of a zoning permit, which must be met prior to the issuance of a zoning permit or certificate of occupancy.

Conditional use

Certain uses that may be allowed only by approval of the Development Review Board subject to affirmative findings under general and specific standards.

Constructed wetland

Stormwater treatment systems that use natural processes involving wetland vegetation, soils and their associated microbial assemblages to improve water quality.

Construction, Permanent

The placement of non-temporary improvements on a site, such as pouring footings or slabs, installation of piles, construction of columns, placement of a manufactured home on a foundation, or any work beyond the stage of excavation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footing, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure.

Construction, Start

Includes substantial improvement, and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition placement, or other improvement was within two years of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, or the placement of a manufactured home on a foundation. 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, regardless whether that alteration affects the external dimensions of the building. (See also: 'Construction, Permanent')

Construction trailer

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.

Contractor yard

A facility for the storage and maintenance of contractor's supplies, vehicles and operational equipment, screened from

off-site visibility. May include a shop for maintaining or repairing contractor's vehicles and operational equipment or the contractor's office.

Convenience store/Mini mart

Any lot or area of land, including the building or buildings thereon, which is used for the retail sale of products and convenience items normally associated with a quick stop facility for off-site consumption. It may offer prepared foods or drinks for immediate consumption on-or off-site as an accessory use. This does not include a full-scale retail store.

Cultivation, cannabis

The process of growing cannabis for harvesting.

Cultivation, indoor

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

Cultivation, outdoor

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

D**Day care**

A service or facility that provides care and supervision for children or adults during the day.

Demolition

The destruction and physical removal of any structure or portion of a structure.

Density

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

Designated center

A downtown, village center, new town center, growth center, or neighborhood development area designated pursuant to 24 V.S.A. chapter 76A.

Deterioration

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

Development

Any building, construction, renovation, mining, extraction, dredging, filling, excavation, or drilling activity or operation; any material change in the use or appearance of any structure or in the land itself; including but not limited to the division of land into parcels; any change in the intensity or use of land, such as an increase in the number of dwelling units in a structure or a change to a commercial or industrial use from a less intensive use; any human activity that alters a shore, beach, river, stream, lake, pond, canal, marsh, woodlands, wetland, rare or endangered species habitat, aquifer or other resource area, including shoreland construction or other activity.

Development review board (DRB)

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

Direct Illumination

Illumination resulting from light emitted directly from a lamp or luminaire, not light diffused through translucent signs or reflected from other surfaces such as the ground or building faces.

Dog Breeder

Someone who breeds and raises dogs for the purpose of selling, trading, bartering, giving away, or otherwise transferring them. Large-scale dog breeders transfer at least 100 dogs annually, while small-scale breeders transfer more than the number allowed for a hobby breeder but no more than 99 dogs per year.

Dormer

A roofed structure, often containing a window that projects vertically beyond the plane of a pitched roof, as illustrated in [Figure 10.1](#) and [Figure 10.2](#). Dormers are commonly used to increase the usable space in an upper story and to create window openings in a roof plane.

Driveways

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

three (3) or more residential dwelling unit(s) or non-residential structures.

Drug-Free School Zone Law

Vermont law prohibits alcohol, tobacco and cannabis sales within 500 feet of a school. For more details see 18 V.S.A. § 4237. This applies to retail cannabis only.



Figure 10.1 - Dog house dormer, with gable roof



Figure 10.2 - Shed dormer, with a single, inclined roof.

Dwelling

- **Dwelling, Accessory Unit (ADU)** - A distinct unit that is clearly subordinate to a single family dwelling, and has facilities and provisions for independent living, including sleeping, food preparation, and sanitation. [24 V.S.A. § 4412](#)
- **Dwelling, Multi-Household** - A structure containing three or more dwelling units, including units that are located one over the other and units in a row. Requires a separate entrance for each unit.
- **Dwelling, Seasonal** - A dwelling unit (including a hunting camp and seasonal camp) not used as a principal residence that may be occupied weekends and for brief periods during the year.
- **Dwelling, Single-Household** - A structure containing one dwelling unit. Mobile homes and modular or pre-fabricated housing meeting this definition shall be considered single-household dwellings.
- **Dwelling, Duplex** - A structure containing two single-household dwelling units. A single household dwelling unit with an accessory dwelling is not a Two-Household Dwelling.
- **Dwelling Unit** - A building or portion thereof, designed, occupied, or intended for occupancy by residents as a separate living quarters, with cooking, sleeping, and sanitary facilities provided within the dwelling unit for the exclusive use of its residents.
- **Dwelling, Temporary Emergency, Construction, or Repair** - A residence (which may be a mobile home) that is: (i) located on the same lot as a residence made uninhabitable by fire, flood or other natural disaster and occupied by the persons displaced by such disaster, or (ii) located on the same lot as a residence that is under construction or undergoing substantial repairs or reconstruction and occupied by the persons intending to live in such permanent residence when the work is completed. Temporary structures shall be valid for a period not to exceed 18 months, and must be removed prior to issuance of a Certificate of Occupancy for the permanent residence.
- **Dwelling, Year Round** - A dwelling unit continuously occupied from January 1st through December 31st. Must have a State of Vermont approved wastewater system.

E

Earth resource extraction

The extraction of materials from the ground, including solids such as minerals, rock, sand and gravel, liquids such as water, and gases such as natural gas. This use may also include preparation activities such as crushing and washing customarily part of the extraction, mining or quarrying activity.

Easement

An acquired right upon the property of another for a specified purpose. Easements are used to grant non-owning parties certain rights over property while the legal title and ownership of the property remain with the owner.

Electronic message display

Any element of a Sign or Sign structure capable of displaying words, symbols, figures, images, or messages that can be electronically or mechanically changed by remote or automatic means. This also includes any display that incorporates rotating panels, LED lights manipulated through digital input, “digital ink,” or any other method or technology that allows a Sign to present a series of images, messages, or displays. This does not include Signs with manually-changeable copy.

Emergency shelter

Overnight shelter with supportive services for displaced or homeless persons that is limited to temporary occupancy, typically during natural disasters, by members of the public.

Essential service

See: Service, essential

Existing manufactured home park or subdivision

A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before the effective date of the floodplain management regulations adopted by a community.

Expansion to an existing manufactured home park or subdivision

The preparation of additional sites by the construction of facilities for servicing the lots on which the manufacturing homes are to

be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

F

Facility and service, municipal

A facility or service provided for and/or available to the residents of the town, including sewage disposal, fire protection, town equipment garages, police protection, public and private hospitals, educational facilities, governmental administration buildings, sewage and water facilities, fire facilities, postal services, public parking garages and like facilities.

Facility and service, state or federal

A facility or service which is owned or operated by the state or federal government.

Facility, regional

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

Farm

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

Fence

A structure serving as a boundary or means of protection or confinement, or to screen an area from view, built from posts, wire, wood, metal, or other materials. Walls of masonry or stone are considered a fence. Retaining walls built within 5' of the property line are considered a fence. Earthen berms are not considered a fence.

Fill

Excavated or otherwise disturbed natural soil and rock, free of contaminants, debris or trash which would make it unsuitable for its given purpose, that is imported from one area and placed over the native soil in another area for the purposes raising the

topography of an area.

Finished grade

Final elevation of the average ground surface after grading activities have been completed around a building or on a construction site.

Flag

A typically rectangular or triangular piece of fabric or other similar non-rigid material, with or without characters, letters, illustration, or ornamentation, supported or anchored along one edge or two corners. If any side is more than three times as long as any other side the flag is considered a banner.

Footprint lot

A lot whose boundaries closely approximate the exterior walls of the building unit, where the building unit is typically located in a multi-unit structure and all owners of units in the multi-unit structure have an shared interest in a common property outside of the footprint. The boundaries of a building footprint lot may include patios, porches, yards, or similar elements of the unit that are for the sole use of the unit occupants.

Franchise architecture

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

Frontage

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

Forestry

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

Fully shielded fixture

A light fixture constructed and mounted such that no light rays are emitted, either directly from the lamp or indirectly by reflection or refraction from any part of the luminaire above the horizontal plane running through the lowest point of the fixture where light is emitted.

G

Garage, private

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

Garage sale

Any sale entitled "garage sale," "lawn sale," "moving sale," "rummage sale" or any similar casual sale of tangible personal property which is advertised by any means whereby the public at large can be aware of such sale. More than six days of sales within a 12-month period is considered commercial retail sales for the purposes of this ordinance.

Garage, repair

See Motor Vehicle Repair.

Garden supply store

A place of business where retail and wholesale gardening products and produce are sold to the consumer. These centers may include a nursery and/or greenhouses.

Greenhouse

A permanent structure typically made of, but not limited to, glass, plastic, or fiberglass in which plants are cultivated.

Greenstrip

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

Gross floor area

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

Ground floor area

The interior of the first floor of a structure, as measured in square feet.

Group home

A dwelling unit licensed to serve a residential setting, to be operated under 24 V.S.A. § 4412, for persons who have a disability as defined in 9 V.S.A. § 4501. Also known as a Residential Care Home.

Growth center, local

A designated area of concentrated, higher-density, mixed-use development, designed only to attract and serve a local population, while helping to promote sustainable growth by providing a preferred location for local development which might otherwise compromise surrounding farmland and natural areas.

Growth center, regional

A designated area of concentrated, higher-density, mixed-use development, designed with supporting infrastructure and capacity to attract and serve a regional population, and promote sustainable growth by providing a preferred location for further development which might otherwise compromise surrounding farmland and natural areas.

H**Heavy equipment sales**

The use of any building, land area, or premises for the display and sale of new or used construction or farm or similar equipment and machinery; does not include personal vehicles. The sale of motor vehicle fuels is prohibited.

Heavy industry

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

Historic structure or site

A structure, whether standing or ruined, or a specified district, which possesses historic, architectural, archeological, or cultural significance and is listed or eligible for listing on the state, local, or National Register of Historic Places. May also include the location of an event of historic significance.

Home office

The secondary or subordinate use of a residential property where an accessory building or not more than 50% of a dwelling is used by the resident to earn income from work at

home, provided no evidence of the business activity which could negatively impact or alter the residential character of the surrounding neighborhood is readily visible from adjacent lands. Working from home for a business not located on the property does not constitute a home office.

Home industry

Use of a portion of a residential lot by a resident for an occupational business with not more than three full time equivalent employees who are not members of the residential household, and which could normally be expected to be customarily located in the area and that will not change the character of the neighborhood. Waivers may be granted by the DRB for additional employees. Uses otherwise listed in [TABLE 3.1 - Table of Land Uses](#) may qualify as a Home Industry if they meet the requirements of section [3.3.15](#). See also Home Office [3.3.13](#) and Home Occupation [3.3.14](#).

Home occupation

Use of a portion of a residential lot by a resident for an occupational business with not more than one full time equivalent employee who is not a member of the residential household, and which could normally be expected to be customarily located in the area and that will not change the character of the neighborhood. Home Occupations do not generate more than an average of 10 vehicle trips per weekday. Waivers may be granted by the DRB for additional employees. Uses otherwise listed in [TABLE 3.1 - Table of Land Uses](#) may qualify as a home occupation if they meet the requirements of section [3.3.14](#). See also Home Office [3.3.13](#) and Home Industry [3.3.15](#).

Home, work from

Working from home for a business not located on the property does not constitute a home based business. This would include vehicles associated to the off-site business that may be used daily as a part of employment.

Home

See Dwelling unit.

Household

One or more persons living together as a single housekeeping unit related by blood, marriage or adoption, as distinguished from a group occupying a boarding house, lodging house, club, fraternity or lodging establishment.

Individual fueling station

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

Industrial

Businesses involved in activities such as manufacturing or processing of products by automated, digital, mechanical, or manual means; warehousing and storage; waste disposal; transportation and logistics; research and development; and related technical engineering and distribution functions. (See also Manufacturing-Light, Office-Technical, Research and Development Facility, Food and Beverage Processing, etc.)

Interested person/parties

Interested persons are those persons who, under Vermont law 24 V.S.A. § 4465, have the right to appeal an act or decision of the Town of Georgia Zoning Administrator or Development Review Board. Interested persons include:

- (1) A person owning title to property, or a municipality or solid waste management district empowered to condemn it or an interest in it, affected by a bylaw, who alleges that the bylaw imposes on the property unreasonable or inappropriate restrictions of present or potential use under the particular circumstances of the case.
- (2) The municipality that has a plan or a bylaw at issue in an appeal brought under this chapter or any municipality that adjoins that municipality.
- (3) A person owning or occupying property in the immediate neighborhood of a property that is the subject of any decision or act taken under this chapter, who can demonstrate a physical or environmental impact on the person's interest under the criteria reviewed, and who alleges that the decision or act, if confirmed, will not be in accord with the policies, purposes, or terms of the plan or bylaw of that municipality.
- (4) Any 20 persons who may be any combination of voters, residents, or real property owners within a municipality listed in subdivision (2) of this subsection who, by signed petition to the appropriate municipal panel of a municipality, the plan or a bylaw of which is at issue in any appeal brought under this title, allege that any relief requested by a person under this title, if granted, will not be in accord with the policies, purposes, or terms of the plan or bylaw of that municipality. This petition to the appropriate municipal panel must designate one person

to serve as the representative of the petitioners regarding all matters related to the appeal. For purposes of this subdivision, an appeal shall not include the character of the area affected if the project has a residential component that includes affordable housing.

- (5) Any department and administrative subdivision of this State owning property or any interest in property within a municipality listed in subdivision (2) of this subsection, and the Agency of Commerce and Community Development of this State.

Intermittent stream

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

J

Junk

Any old or scrap copper, brass, iron, steel, and other old or scrap or nonferrous material, including rope, rags, batteries, glass, rubber, debris, waste, trash, or any discarded, dismantled, wrecked, scrapped, or ruined motor vehicles or parts thereof.

Junk yard

A lot, parcel of land, or building or any part thereof, used for the collection, storage, sale, wrecking, dismantling, or salvaging of "junk," including any place where two (2) or more unregistered vehicles are stored. An area in excess of 200 square feet shall be deemed a "junk yard" if so used.

K

Kennel

Any establishment or building designed or arranged for breeding, boarding, or training six or more dogs or cats for sale or as a business, or for purposes of show or hunting. See also: Dog breeder, Pet dealer.

L

Lakefront / Lakeshore

Lakefront or lakeshore means the water's edges of Lake Champlain (at the ordinary high water mark elevation of one hundred (100) feet above mean sea level unless otherwise defined), and Lake Arrowhead.

Land development

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

Landowner

The record owner of fee title to a lot.

Laundromat/Dry cleaners

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

Light industry

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

Lodging Establishment

A facility, other than a bed and breakfast, offering transient lodging accommodations on a daily rate to the general public, subject to the Vermont rooms and meals tax. May include accessory services, such as restaurants, meeting rooms, banquet facilities and recreational facilities. Lodging establishments do not include short term rentals.

Lodging

An establishment providing for a fee three or more temporary guest rooms and customary lodging services (such as onsite staffing at all hours, lobby space, and room service), and Lodging may, or may not, be owner occupied.

Lot

A parcel of land owned by a landowner that can be lawfully owned and conveyed separately from other land, the boundaries of which are:

- Established by a deed or deeds recorded in the land records of the Town of Georgia; or
- Shown on a plat approved by the Georgia DRB pursuant to subdivision regulations.

Lot coverage

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

Lot, existing small

A lot that does not meet the minimum lot size requirements in these Regulations.

Lot frontage

See: Frontage

Lot line adjustment

The relocation of a common property boundary where an additional lot is not created and where an existing lot reduced in size by the adjustment complies with the dimensional requirements of this ordinance.

Lot owner

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

Lot size

The area of a lot, the boundaries of which are established by a deed or deeds recorded in the land records of the Town of Georgia, or as shown on a plat approved by the Georgia DRB. This includes land over which easements have been granted but excluding any land within a road right-of-way.

Lumberyard

A facility where building materials such as lumber, plywood, drywall, paneling, concrete blocks and other concrete products, and other building products are stored and sold. Lumberyards may also process lumber performing millwork, planing, cutting, and other customizing processes. Lumberyards may provide for the sale of associated products including tools and fasteners.

M

Manufactured home

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

Manufactured Home Park

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

Manufacturing

The mechanical or chemical transformation of materials or substances into new products, including but not limited to the assembling of component parts, the creation of products, and the blending of materials including but not limited to oils, plastics, resins, metal, wood, stone, etc, including drop forge, and incidental storage and distribution of products. A manufacturing use may include a show room and/or offer public tours that are incorporated into the facility's ordinary operations.

Marina

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

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

Mean sea level

This definition applies to [ARTICLE 8 Flood Hazard Area & River Corridor Buffer Regulations](#) for purposes of the National Flood Insurance Program, the National Geodetic Vertical Datum (NGVD) of 1929 or other datum, to which base flood elevations shown on a community's Flood Insurance Rate Map are referenced.

Mixed use

A property containing more than one principal use. In all districts except Village Core (VC), the uses shall be contained within the same within the same building. Within the Village Core (VC) district, the different uses may be located within separate, detached buildings on the lot provided other conditions are met.

Mobile Home

Synonymous with Manufactured Home.

Monument

A stature, sculpture or similar decorative structure erected to commemorate a historically important event, person or place.

Motor vehicle

Any automobile, truck, tractor, motorcycle, recreational vehicle, boat or trailer used to transport people, goods, animals or materials that is propelled or drawn by power other than muscular power.

Motor Vehicle Fuel Station

The use of any building, land area, or other premises for the retail sale of motor vehicle fuel. May also include the retail sale of convenience store items, food, lubricants, and fluids. May include electric vehicle charging stations. This use does not include Motor Vehicle Sales or Motor Vehicle Repair.

Motor vehicle repair

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

Motor vehicle sales

The use of any building, land area, or other premise for the display and sale or rental of three or more new or used motor

vehicles. Limited to the actual sale or rental of vehicles that require registration by the Department of Motor Vehicles. This use does not include Motor Vehicle Fuel Station.

Multi-tenant housing for older persons

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

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

Municipal land use permit

Means any of the following whenever issued:

1. A zoning, subdivision, site plan, or building permit or approval, any of which relate to 'land development' as defined in these regulations, that has received final approval from the applicable board, commission, or officer of the municipality.
2. Final official minutes of a meeting that relate to a permit or approval as described in (1) above that serve as the sole evidence of that permit or approval.
3. A certificate of occupancy, certificate of compliance, or similar certificate that relates to the permits or approvals described in (1) above, if these Regulations so require.
4. An amendment of any of the documents listed in (1) through (3) above.

Museum

A building or room used for storage, preservation and the public display of objects, sites and natural wonders with historic, cultural, scientific, or artistic value or interest.

N

Named streams

A waterway that typically conveys flowing water throughout the entire year; however, on occasion, said flows may cease based on dry conditions or otherwise. The named streams in Georgia

are: Mill River, Stonebridge Brook, Lamoille River, Deer Brook, Beaver Meadow and Rugg Brook.

New construction

The assembly or erection of new site improvements, structures or additions, as opposed to the renovation, rehabilitation or reconfiguration of existing features. Separate and distinct from the definition regarding floodplain management.

Nonconforming lots or parcels

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

Nonconforming structure

A structure, or part of a structure, that does not conform to the current bylaw regarding setback, lot coverage, and/or other dimensional requirements, but was in conformance with any applicable laws, ordinances and Regulations prior to the enactment of a bylaw with which it did not conform, including structure(s) improperly authorized as a result of error by the ZA or appropriate municipal panel. Considerations regarding nonconforming structures typically include: continuation of a nonconforming use; expansions; maintenance and repair; destruction; rebuilding; and change of use.

Nonconforming use

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

Nonconformity

A nonconforming use, structure, lot, or parcel.

Non-residential

Land use classification including businesses, churches, schools, nursing homes, pool houses, clubhouses, recreational buildings, government buildings, mercantile structures, industrial structures, and warehouses.

Nursery

Land or greenhouses used for the sale of flowers, shrubs, trees, and plants for sale. May include retail sale of products grown on-site as an accessory use.

Nursing home

A facility licensed by the State of Vermont which provides long-term health care to patients in a residential setting. This use includes assisted living, skilled care, rehabilitation and hospice facilities. See 33 V.S.A. Chapter 71 §7102 (7).

O**Open space**

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

Owner

Any person, firm, partnership, association, joint venture, corporation or other entity or combination of entities who alone, jointly or severally with others hold(s) legal or equitable title to any real property.

Owner occupied

Where owner occupancy is required by this ordinance, owner occupancy shall mean occupancy of premises by an owner for at least 50% of the year.

P**Parent parcel**

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

Parking facility

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

Parking space

An area, other than a loading space, of not less than 9' x 18', net, exclusive of access or maneuvering areas, or ramps, columns, etc., to be used exclusively as a temporary storage space for at least one **private** motor vehicle. Additionally, regulations may specify other aspects of parking space design, including aisle width, the angle of parking, and the provision of accessible parking spaces in accordance with the Americans with Disabilities Act (ADA).

Parking, surface (lot)

Parking facilities that are at grade and uncovered or not within a structure.

Parking, underground

Parking spaces within a covered structure where either: fifty percent of the volume of the parking space is below the finished surface of the ground adjacent to the exterior walls of the building; or, the floor of the parking space is four (4) feet below the finished surface of the ground adjacent to the exterior walls of the building, whichever is greater.

Pedestrian walkway

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

Pet Dealer

Any person (excluding pet shops, animal shelters, or rescue organizations) who sells or exchanges, or offers to sell or exchange cats, dogs, or wolf-hybrids, or any combination thereof, from three or more litters in any 12-month period. The permit must be displayed prominently on the premises where the cats, dogs, or wolf-hybrids are kept.

Pharmacy

A retail business substantially devoted to the sale of pharmaceutical items, supplies, and equipment, including the preparation and dispensing of prescription drugs. Said business shall be licensed by the State of Vermont as such.

Physical site of operations, cannabis

Means any of the following licensed cannabis locations: a cultivator's grow site, a wholesaler's product storage facility, a manufacturer's site of manufacturing, a retailer's store location, or a testing laboratory's testing facility.

Place of worship

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

Plan

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

Planned unit development (PUD)

One or more lots, tracts, or parcels of land to be developed as a single entity, the plan for which may propose any authorized combination of density or intensity transfers or increases, as well as the mixing of land uses. This plan, as authorized, may deviate from these Regulations' requirements that are otherwise applicable to the area in which the PUD is located with respect to lot size, bulk or type of dwelling or building, use, density, intensity, lot coverage, parking, required common open space, or other standards pursuant to [6.5 Planned Unit Development](#).

Planning commission (PC)

The duly elected body for the Town of Georgia to execute functions authorized under 24 V.S.A. Subchapter 2 .

Plat

A survey map representing a tract of land, showing the boundaries and location of individual properties and streets; or a survey of a subdivision.

Pre-Existing Non-Conforming Structure

A structure which, at the time it was erected or approved, was in compliance with applicable development regulations however due to subsequent changes in the regulations is no longer in compliance. Such structures are often considered "grandfathered" as still being permitted under the previous regulations until changes are made.

Principal building or structure

The main or primary Building or Structure located on a Lot within which there is conducted any one or more of the Principal Use(s) found on such Lot.

Principal use

A main or primary Use accommodated by a Building, Structure, or a Lot. The dominant use or uses to which the premises is devoted and the primary purpose for which the premises exists.

Provisional license, cannabis

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

Public facilities

Public service improvements or structures developed by or for a public agency including, but not limited to: Federal, State or municipally-owned and operated institutions and facilities; Emergency shelters and hotels/motels converted to permanently affordable housing; Public and private schools and other educational institutions certified by the Vermont Department of Education; Churches and other places of worship, convents, parish houses, rectories and monasteries; Public and private hospitals; Regional solid waste facilities certified by the State; Hazardous waste management facilities; or other facilities protected under 24 V.S.A. Section 4413.

Public notice

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

Q

Qualified consultant

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

Qualifying product

A product that is wholly:

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

Quasi-judicial

Having a partly but essentially judicial character by possession of the right to hold hearings on and conduct investigation into items dealing with rules and regulations and to make decisions in the general manner of courts.

R**Radio, non-commercial**

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

RAP rules

The rules on required agricultural practices adopted pursuant to 6 V.S.A., Chapter 215, Subchapter 2.

Reconstruction

The rebuilding of damaged or destroyed properties.

Recreation, private indoor

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

Recreation, private outdoor

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

Recreation, public indoor

Recreation facilities and activities which are located inside of a structure or building, which are publicly-owned and operated. Examples of public indoor recreation facilities include bowling alleys, movie theaters, indoor skating rinks, gymnasiums, indoor soccer facilities, and similar facilities.

Recreation, public outdoor

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

Recreational trail

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

Recreational uses

Any property used for enjoyment and relaxation rather than residential or commercial development. Recreation uses may include walking, hiking, skiing, biking, birding, hunting, and recreational vehicles.

Recreational vehicle

Any type of motorized vehicle used primarily for recreational purposes which have gross vehicle weight less than 10,000 pounds including but not limited to travel trailers, motor homes, ATV's, snowmobiles, etc. Recreational vehicles shall include any mobile structure designed for temporary occupancy, but shall exclude manufactured homes.

Recreational vehicle sales, new & used

The storage and display for sale of more than two recreational vehicles, including recreational vehicles which have a gross vehicle weight equal to or more than 10,000 pounds.

Recycling center

A building or enclosed area used for the collection, processing, sorting and resale of recyclable materials. For this use, processing means the preparation of material for shipment, or an end user's specifications, by such means as baling, briquetting, compacting, flattening, grinding, crushing, sorting, shredding, cleaning, and remanufacturing. Processing facilities include storage and loading areas located entirely on the processing center site.

Replacement structure

A new building placed in the same footprint as the preexisting building and does not include a change in use.

Renewable energy

Energy available for collection or conversion from direct sunlight, wind, running water, organically derived fuels, including wood and agricultural sources, waste heat, and geothermal sources but not municipal solid waste; advanced biomass heating technologies and technologies using biomass-derived fluid fuels such as biodiesel, bio-oil, and bio-gas.

Renewable energy facilities regulated by the town

Renewable energy facilities, other than small scale renewable energy facilities, that are sized to serve more than one dwelling or property but do not include those which are regulated by the VT Public Utility Commission. Facilities must meet the standards of section [3.3.24 Renewable Energy](#).

Renewable energy facility, small scale

An energy conversion system that is sized and that will serve the principal use of one property and that is not connected to the electric utility system grid. These include, but are not limited to, solar thermal systems, a solar photovoltaic (PV) system, or a wind system with a nameplate capacity of 15 kW or less. Facilities must meet all of the standards of [3.3.24 Renewable Energy](#) and requires a Certificate of Public Good. Renewable Energy Facilities and Systems which are regulated by the VT Public Utility Commission are not considered small scale renewable energy facilities for the purposes of these regulations.

Rental dwelling unit

Any dwelling unit which is made available to a non-owner by another for compensation, pursuant to a lawful lease or rental agreement, whether oral or written, expressed or implied.

Research and testing laboratory

A facility used primarily for applied and developmental research, where product testing is an integral part of the operation, and goods or products may be manufactured as necessary for testing, evaluation, and test marketing, but does not involve the mass manufacture, fabrication, processing, or sale of products as a principal use.

Residential

Regularly used by its occupants as a permanent abode, which is made one's home as opposed to one's place of business and which has housekeeping and cooking facilities for its occupants only.

Restaurant

Any food service establishment subject to Vermont Health Regulations where food and beverages are prepared and served for consumption primarily on premises; and where the service of alcoholic beverages is incidental to the consumption of food (less than fifty percent (50%) of the gross sales receipts from the business). A deli in a grocery store, convenience store, farm stand or supermarket serving food and sandwiches primarily for off-premises consumption shall not be considered a restaurant.

Restaurant, take-out

Any food service establishment subject to Vermont Health Regulations whose primary business is the sale of prepared food intended for consumption off the premises.

Retail store

A building appropriately open to adults and minors selling products such as, but not limited to, food, dry goods, novelties, flowers, gifts, books, music, stationery, hardware, household furnishings or appliances, jewelry, sporting goods, luggage, clothing, photographic supplies, hobby supplies, toys and games, art supplies, newspapers and magazines, tobacco products, and prescription drugs. This use does not include motor vehicle sales, recreational vehicle sales, manufactured home sales and service, shed sales or sales lots.

Retaining wall

A wall, or terraced combination of walls, used at a grade change to hold soil and other earth materials at a higher elevation. Examples of a "Retaining wall" include a seawall on a lakeshore, river or stream bank.

Right-of-way

A type of easement that gives one the right to travel across property owned by another person or entity for a specific reason.

Riparian

Of, on, or relating to the land area edges bordering streams, rivers, lakes and ponds.

Road/Street, private

A right-of-way meeting Vermont Agency of Transportation A-76 standards which generally provides overland access to three or more properties or dwelling units, and is not owned by a municipality, State of Vermont, or United States.

Road/Street, public

A right-of-way which provides overland access to a lot or lots and is owned by a municipality, State of Vermont or United States.

Roadside stand

Temporary, seasonal establishment engaged in the accessory retail sale of locally raised or grown agricultural-related goods and products harvested or crafted on the property, including the limited sale of food products and non-food items with related accessory displays, galleries, shops and outdoor recreational activities.

S

Sales Lot

The outdoor retail sale of items. May be accessory to a retail operation, or a standalone sales lot by itself.

Salon/Spa

An establishment where non-surgical cosmetology services are provided including hair care, nail care, and skin care on a regular basis for compensation, including but not limited to manicures, day spas, tanning beds and chemical treatments.

Scale

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

Scale of development

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

Scenic areas

The major scenic areas shall be those scenic resources identified in the goals and policies of the Town Plan as well as state or national designated scenic byways. Scenic areas appropriate for protection and /or preservation shall also include scenic vistas and corridors in more localized neighborhoods or geographic areas.

School

The academic space and accessory uses for the teaching of children or adults.

- **Preschool:** a school providing educational services for children from 3 years of age until their admission to first grade and that may include kindergarten.
- **Primary:** elementary and middle school, inclusive of grades K-8.
- **Secondary:** a high school for attendance after elementary/primary school, granting a high school diploma for levels of education inclusive of grades 9-12.
- **Post-Secondary:** after high school, including colleges, community colleges, or universities, including commercially operated trade and vocational schools which prepare students for direct entry into a specific field, such as: cosmetology, dental hygiene, business, welding, automotive technology, dancing, driving, marital arts, athletic pursuits, music and similar teaching establishments.

Screen(ing)

A method of visually shielding one structure, space or use from another structure space or use with vegetation, fencing, walls, berms, or other natural or man-made landscape elements.

Seasonal Mobile Food Unit

A short-order restaurant establishment contained within a vehicle or trailer that is open for business seasonally and capable of being driven or towed off-site without much difficulty. Food is customarily consumed off premise.

Seawall

A wall of stone, concrete, or other sturdy material, built along the banks or shoreline of any river, stream, brook, or lake to prevent erosion.

Service

- **Service, business** - A business activity that offers such services as advertising, building maintenance, consulting, clerical assistance and other activities generally falling under the Standard Industrial Classification Code #73.
- **Service, essential** - Infrastructure improvements (not including buildings) constructed or maintained by public or private utilities, or municipal, state, or federal government agencies, such as electricity, telephone, gas, water, wastewater, internet service or cable television lines which run underground or overhead, or facilities which enhance safety or health services to the town, including fire-suppression facilities, alarm systems, or other similar equipment reasonably necessary for the furnishing of services for the general welfare of residents of the Town

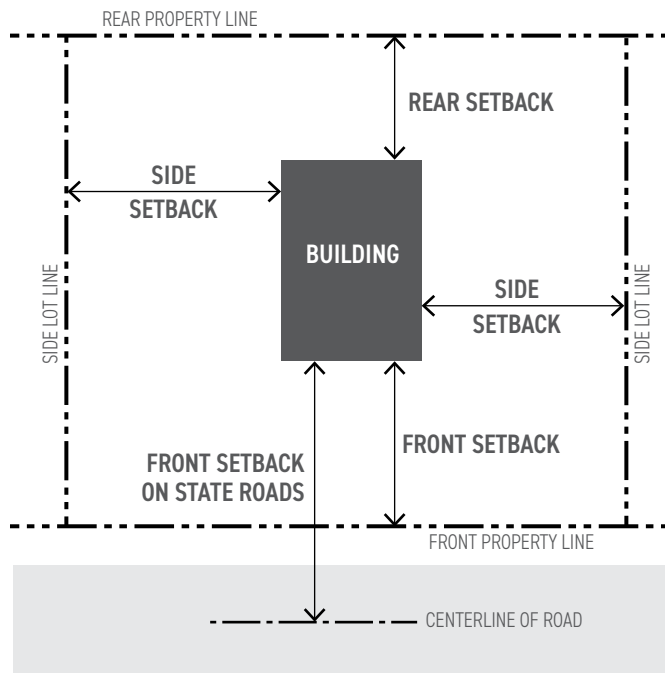


Figure 10.3 - Diagram of Lot Lines and Setbacks

of Georgia; does not include telecommunication towers or repeaters or wireless telecommunication facilities.

- **Service, financial, insurance, real estate** - A business activity that renders such services as provided by banks, credit agencies, security brokers, insurance companies, and real estate companies and other activities generally falling under the Standard Industrial Classification Code #60-67.
- **Service, personal** - Includes barber, hairdresser, beauty parlor, shoe repair, tailor, massage, spa, fitness, and similar businesses providing services of a personal nature.
- **Service, professional** - Includes, but is not limited to, doctor, dentist, chiropractor, other health service, legal service, architectural service, engineering service, certified public accountant, educator, real estate appraisal, social service, and other services generally falling under the Standard Industrial Classification Code #80-83 and 89. Also includes Social Service, Business Service and Financial, Insurance, and Real Estate Services.
- **Service, social** - Establishment providing assistance and counseling for income, employment, family, health, psychological, learning disability, or physical disability issues.

Setback

The open, unobstructed area required to be provided between the furthestmost projection of a building and the adjacent property line. (See also definition for Yard) Side and rear yard setbacks are measured from the building to the side and rear property lines. Front yard setbacks are measured from the building to the centerline of the road, except on state highways such as Route 7 and 104A where they are measured to the edge of the state right-of-way. See [Figure 10.3 - Diagram of Lot Lines and Setbacks on page 10-22](#)

Seasonal conversion

Conversion of a seasonal dwelling to a dwelling that can be used year-round.

Self-storage facility

A structure, or group of structures, containing self-service, separate, individual and private spaces of varying sizes that are leased or rented on individual leases for varying periods of time and used exclusively for the storage of items or materials. Such storage space is prohibited from use as a retail business or occupancy as living quarters.

Shared use path

Shared use paths are paved, off-road facilities designed for travel by a variety of non-motorized users, including pedestrians, bicyclists, joggers, or skaters which are typically designed to be wider than traditional sidewalks to help accommodate different modes and speeds of movement passing each other.

Shopping complex

A retail complex containing multiple businesses in adjacent buildings on a single property or in a single large building; or, a street lined with retail shops and restaurants and closed off to motor vehicles.

Shoreline

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

Shoreline frontage

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

Short term rental (STR)

A furnished house, condominium, or other dwelling room or self-contained dwelling unit rented to the transient, traveling, or vacationing public for a period of fewer than 30 consecutive days and for more than 14 days per calendar year.

Shrub

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

Sidewalk

A paved or leveled surface area used as a pedestrian walkway, typically parallel and separated from the road, street, or parking lot.

Sign

Any words, lettering, parts of letters, figures, numerals, phrases, sentences, emblems, devices, designs, images, trade names, and trade marks by which anything is made known, that are used to identify, advertise, or attract attention to an individual, firm, association, corporation, profession, business, place, event, commodity, or product which are visible from a public thoroughfare or right-of-way.

- **Awning** - A sign that is located on an awning which is attached to the building front.
- **Electronic Message** - A sign that is capable of displaying words, symbols, figures or images that can be electronically changed by remote or automatic means.
- **Freestanding** - A sign anchored directly to the ground or supported by one or more posts, columns or other vertical structures or supports, and not attached to or dependent for support from any building.
- **Illuminated** - A sign that provides artificial light directly, or through any transparent or translucent material, from a source of light connected with such sign, or a sign illuminated by a light focused, upon or chiefly directed at the surface of the sign. This includes freestanding and building mounted signs.
- **Projecting** - A double-sided sign that protrudes off a building which means it's viewable from two directions.
- **Wall** - A sign attached to and/or integral with an exterior wall surface of a building, the face of which is parallel to the surface.

- **Window** - A sign which is permanently painted on, etched, or attached to the window-glass of a building.
- **Banner** - A temporary sign, typically of lightweight materials, hung or mounted on the premises for the purposes of attracting attention. Includes streamers, banner flags, feather flags, inflatables, dirigibles, and inflatable dancing flags.
- **Temporary** - A sign lawfully permitted in this code which is not permanently affixed to the ground or structure, and is intended to be temporarily displayed for the purposes of advertising a specific event, sale, opportunity or community announcement. Includes Sandwich Board signs, Banners, Election signs, Garage Sale and similar signs which are displayed according to the manner and duration described herein. Does not include Mobile signs.
- **Mobile** - Any sign designed or intended to be capable of being moved or transported, whether on its own wheels, or affixed to a trailer, vehicle or other wheeled equipment. This shall include signs placed, mounted or painted onto a parked vehicle for the primary purpose of attracting the attention of passing motorists, however is not intended to include signs or logos applied to company vehicles that are being operated and stored in the normal course of business, provided that the primary purpose of such vehicles is not the display of such sign, and that they are properly parked or stored in areas related to their use and such vehicles are in operable condition. This definition does not include typical "For Sale" signs placed on vehicles.
- **Sandwich Board** - A temporary sign, typically in an "A-frame" shape and often foldable, which is placed on the ground directly outside the business establishment and which does not exceed 24 inches in width or 36 inches in height. Sandwich boards signs, where permitted, may only be displayed during business hours, must be brought inside when business operations are closed, and may not be placed in the public right-of-way or locations where they may interfere with vehicular or pedestrian safety.

Significant geological area

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

Significant wildlife habitat

Those natural features that contribute to the survival and/or reproduction of the native wildlife of the Town of Georgia. This shall include, but not be limited to:

- deer wintering areas (i.e., deeryards);
- habitat for state or federally listed rare, threatened, or endangered species;
- concentrated black bear feeding habitat (e.g., mast stands);
- riparian areas and surface waters;
- wetlands and vernal pools;
- wildlife corridors, habitat connectors and migratory routes;
- high elevation bird habitat;
- ledge, talus, and cliff habitat; and
- habitat identified by the Vermont Department of Fish and Wildlife.

Site plan

A scaled map of a lot or site that indicates all significant features including, but not limited to, site improvements, [landscaping](#), structures, boundaries, parking, drives, walkways, etc.

Site plan review

Review of the spatial layout and proposed content of a parcel of land illustrated on a site plan in accordance with the authority, limitations and procedures set forth in the municipal development plan, 24 V.S.A. §4416, and this ordinance, all as amended.

Small scale commercial

A personal or professional service, not exceeding 2,000 square feet in gross floor area, intended to primarily serve the greater neighborhood and does not generate more than 25 average weekday trips.

Special Flood Hazard Area (SFHA)

The land in the floodplain within a community subject to a one percent or greater chance of flooding in any given year. For purposes of this bylaw, the term “area of special flood hazard” is synonymous in meaning with the phrase “special flood hazard area.” This area is usually labeled Zone A, AE, AO, AH, or A1-30 in the most current flood insurance studies and on the maps published by FEMA. Maps of this area are available for viewing in the municipal office or online from the FEMA Map Service Center: msc.fema.gov. Base flood elevations have not been determined in Zone A where the flood risk has been mapped by approximate methods. Base flood elevations are shown at selected intervals on maps of special flood hazard areas that are determined by detailed methods. Please note, where floodways

have been determined they may be shown on separate map panels from the Flood Insurance Rate Maps. See [Figure 8.1 - Diagram of Flood Hazard Area](#).

Storage

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.

Story

That portion of a building, other than a basement, included between the surface of any floor and the surface of the floor next above it and which is equal to or greater than 50% of the total perimeter of the building. If there is no floor above it, then the space between the floor and the ceiling above the floor of such story. Where the floor level of the first story is at least five feet below the adjoining finished grade, the space shall be considered a basement and not counted as a story.

Street

Synonymous with road.

Streetscape

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

Street furnishing zone

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

Strip development

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

Structure

Any construction, erection, assemblage or other combination of materials to form a construction that is stable, including but not limited to, buildings, stadiums, reviewing stands, platforms, stagings, observation towers, radio towers, water tanks and towers, above or below ground gas or liquid storage tanks, wastewater systems, trestles, bridges, piers, bulkheads, wharves, sheds, coal bins, shelters, fences, solar panel arrays, shipping containers, and display signs visible or intended to be visible from a public way, footings or a foundation attachment to the land, walls greater than 3' in height, retaining walls, and swimming pools necessitating pilings. The term "structure" shall be construed as if followed by the words: "or part thereof."

Structure, accessory

A structure on the same lot with, and of a nature customarily incidental and subordinate to, the principal structure, such as a garage, patio, tool shed, porch, pool, deck, carport or small-scale renewable energy facility in accordance with section 3.3.24 **Renewable Energy**. A structure used for dwelling purposes shall not be considered an accessory structure except when approved as an accessory dwelling unit. A structure less than 200 s.f. is exempt from needing a permit.

Structure, agricultural

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

Structure, attached

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

Structure, detached

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

Structure, principal

Structure housing the primary use of the property.

Subdivider

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

Subdivision

Any land, vacant or developed, that is divided or proposed to be divided into two or more lots, parcels, sites, units, plots or interests for the purpose of offer, sale, lease or development. The term includes proposals to amend a subdivision and to re-subdivide a subdivision (i.e., change the location of the boundaries dividing each lot, parcel, site, unit, or plot). The term also shall include the development of a parcel of land as a shopping complex, and planned unit developments requiring a subdivision.

Subdivision, major

Any residential subdivision containing four or more new building lots or any non-residential subdivision. Major subdivisions also include all shopping complexes, and planned unit developments regardless of the number of lots or units created. A subdivision amendment of a major subdivision is classified as a major subdivision. Minor subdivisions may be reclassified by the DRB as major subdivisions in cases where the applicant has proposed four or more new lots from the same parent parcel within a five year period.

Subdivision, minor

Any subdivision that is not a major subdivision as defined above. A subdivision amendment of a minor subdivision is classified as a minor subdivision.

Subdivision, final plan/plat

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

Subdivision, preliminary plan/plat

The preliminary drawings for a major subdivision, indicating the proposed layout of the subdivision, to be submitted to the DRB for its consideration.

Subdivision amendment

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

regulation by the Town of Georgia.

Subdivision, sketch plan

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

Substantial damage

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

Substantial improvement

Any repair, reconstruction, rehabilitation, addition, or other improvement of a structure after the date of adoption of this bylaw, the cost of which, over three years or over the period of a common plan of development, cumulatively equals or exceeds 50 percent of the market value of the structure before the "start of construction" of the improvement. This term includes structures which have incurred "substantial damage," regardless of the actual repair work performed. The term does not, however, include either: (a) Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been previously identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions or (b) Any alteration of an "historic structure," provided that the alteration will not preclude the structure's continued designation as an "historic structure."

Substantial rehabilitation

For the purposes of this ordinance any rehabilitation of an existing structure that requires an investment equal to at least fifty percent (50%) of the structure's total replacement cost as determined appropriate by the Town of Georgia.

Swale

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

T

Telecommunication tower

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

Temporary structures

A building or structure intended for removal or demolition within a prescribed time.

Tenant(s)

Any person, group of individuals or family who occupies a single dwelling unit or commercial space pursuant to a lawful lease or rental agreement, whether oral or written, expressed or implied.

Top of bank

The point along a stream bank where an abrupt change in slope is evident, and the point at which riparian buffers and applicable high impact buffers shall be measured from. In circumstances where a top-of-bank is not clearly evident, a determination of edge of stream and consequent stream-side edge of riparian buffer area shall be made by the ZA. See [Figure 10.4](#).

Top of slope

A break in slope adjacent to steep-banked streams that have little or no floodplain; or a break in slope where the side slopes adjacent to an incised, or deeply cut channel meet floodplains that have been abandoned or are undergoing abandonment. See [Figure 10.4](#).

Trail, legal

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

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

to affect the authority of the Selectboard to reasonably regulate the uses of recreational trails.

U

Trailer

A vehicle standing on wheels without an independent mode of power, designed to be towed or hauled and used for short-term human occupancy, carrying materials, goods, or objects, or as a temporary office or recreational vehicle.

Trip ends

The total number of motor vehicle trips entering and leaving a specific land use or site over a designated period of time.

Truck

Motor vehicles including but not limited to recreational vehicles, tractors, buses, heavy equipment, and similar size vehicles which have gross vehicle weights greater than or equal to 10,000 pounds, but excluding aircraft or boats.

Trucking terminal

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

Undisturbed

No construction, excavation, land development or earth moving activities, and no storage of materials, no tree, shrub, or ground cover removal, and no mowing, except as enabled under [ARTICLE 8](#).

Use

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

- **Use, accessory** - A use on the same lot with, and clearly incidental and subordinate in area, extent, intensity and purpose to, the principal use and that is not separately owned or operated from the principal use unless approved as such by the DRB.
- **Use by right** - Land uses which by State or local bylaw are permitted and approved administratively and without the need for discretionary review, as identified in the Table of Land Uses. (See Use, Permitted).
- **Use, change of** - The initiation of a new use on the subject property.
- **Use, commercial** - Activity involving the sale of goods or services carried out for profit, including, but not limited to, retail store, office, financial, insurance, real estate service,

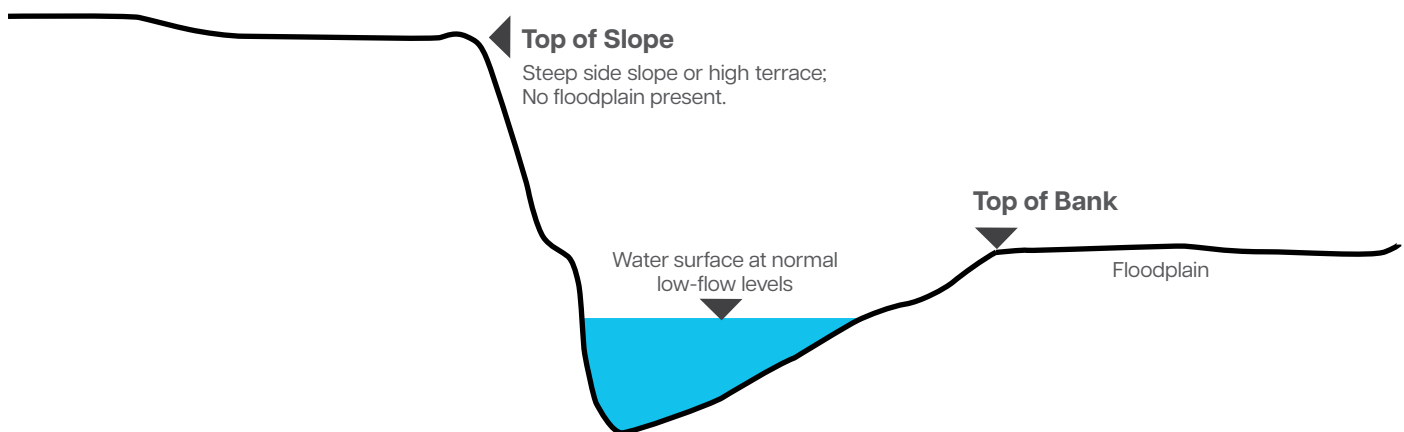


Figure 10.4 - Diagram of Stream Bank Illustrating Top of Slope and Top of Bank

business service, professional service, and personal service.

- **Use, conditional** - A type of use in any district which requires approval by the DRB after a warned public hearing, and for which general and specific standards of conformance apply. See 24 V.S.A. Section 4414(3).
- **Use, mixed** - A combination of residential and commercial uses on the same lot which are contained within a single structure, or in separate structures developed as part of a unified development plan.
- **Use, permitted** - Any use allowed in a zoning district that only requires administrative approval of a zoning permit and subject to the restrictions applicable to that district.
- **Use, principal** - The primary or predominant use of any lot or building.
- **Use, residential** - The use of a building, or portion thereof, as a dwelling unit or units.

V

Variance

An allowed deviation from specific requirements pertaining to this zoning code, granted by the DRB to an applicant provided certain criteria can be met.

Veterinary clinic

An institution providing primary health services and medical or surgical care to animals, primarily on an outpatient basis. May include short-term boarding. Excludes research, animal training, long-term boarding or breeding facilities.

Viewshed

The area within view from a defined observation point.

Village green

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

W

Waiver

Relief granted from a specific standard or requirement.

Warehouse

A building used for the storage of goods or materials. Warehouses may include the local, regional, national or international distribution of goods but do not include retail sale of goods but excluding the storage of hazardous or offensive materials.

Wetlands

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. Commonly referred to as swamps, marshes, or bogs. The methodology for delineating wetlands shall be those as established for the state of Vermont under the Vermont Wetland Rules.

Wetland buffer zone

A defined upland area contiguous to a wetland that serves as the transition between wetlands and uplands on the landscape, and may also perform important functions independent of their buffering capacity for the wetland.

Wildlife travel corridor/habitat connector

Land or water, or both, that links patches of wildlife habitat within a landscape, allowing the movement, migration, and dispersal of animals and plants and the functioning of ecological processes. A wildlife corridor/ habitat connector may include recreational trails and uses exempt from regulation under 24 V.S.A. Section 4413(d).

Wildlife preserve

A natural area preserving the habitat of native wildlife species, not including hunting preserves, game farms and zoos.

Wind turbine

Any mechanism including blades, rotors, and other moving surfaces and supporting structures designed for the purpose of converting wind into mechanical or electrical power.

Z

Window

A fully transparent glass opening in an exterior wall of a building, encased in a wood or metal frame, which enables an unrestricted view into and out of the building.

Wireless telecommunication service

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

Wireless telecommunication facility

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

Wireless telecommunication service provider

Any person or entity providing wireless telecommunication services.

Y

Yard

All open space, other than an enclosed court, on the same lot with a building or group of buildings, which open space lies between a building or group of buildings and a lot line.

- **Yard, front:** The area encompassing the full width of the lot and lying between the street line of the lot and the nearest line of the building.
- **Yard, rear:** The area extending across the full width of the lot and lying between the rear lot line of the lot and the nearest line of the building. A rear yard has no street frontage, but may abut an alley.
- **Yard, side:** The area between the side lot line of the lot and the nearest line of the building, and extending from the front yard to the rear yard, or, in the absence of either, to the front or rear lot lines.

Zoning Application

Document signed by the administrative officer authorizing land development pursuant to the requirements of this ordinance.