
ARTICLE III. GENERAL REGULATIONS

Section 3.01 Abandoned and Damaged Structures

- A. No zoning permit shall be required for the stabilization of damaged structures to prevent hazards to public health or safety, or to adjoining properties, structures or uses; nor for the timely repair, or reconstruction of damaged structures to the extent of their prior condition and use. Rebuilding that results in changes in density, dimension or use under applicable provisions of these regulations shall require a zoning permit.
- B. Within 12 months after the abandonment of a permanent or temporary structure that has been demolished, destroyed, or substantially damaged; or within 12 months after the abandonment of construction on a substantially incomplete structure, the owner shall either:
 - 1. apply for a zoning permit under Section 6.1 to resume repair, reconstruction or construction, and thereby confirm the intent not to abandon the structure; or
 - 2. remove all improvements and materials from the site, restore the site to a normal grade, and establish ground cover sufficient to prevent erosion.
- C. The demolition of structures in the Historic Waitsfield Village Overlay District shall be subject to the requirements set forth in Table 2.09.
- D. The repair or replacement of a damaged structure within the Flood Hazard Area Overlay District must comply with all applicable requirements under Section 5.03 E. A structure in this overlay district that has been substantially damaged or destroyed may be reconstructed only if it cannot be relocated to a less hazardous site on the parcel. The lowest floor of a reconstructed structure within a Special Flood Hazard Area must be rebuilt to one foot or more above the base flood elevation.

Section 3.02 Access Management

- A. **Access to Pre-Existing Lots.** In accordance with the Act [§4412(3)], no land development may be permitted on lots in existence prior to the effective date of these regulations which does not either have frontage on a public road or public waters or, with the approval of the Development Review Board, access to such a road or waters by means of a permanent easement or right-of-way at least 20 feet wide. In deciding whether to grant, condition or deny approval, the Commission shall consider the intended use of the property, safety, traffic, road and site conditions, the purpose of the district in which the parcel is located and associated policies of the *Waitsfield Town Plan*. Lots created after the effective date of these regulations are subject to all applicable provisions herein regarding access and frontage.
- B. **Frontage on Private Roads.** Frontage requirements for parcels served by private rights-of-way that are a minimum of 50 feet in width shall be the same as the requirements for parcels served by public rights-of-way.
- C. **Driveway Access (Curb Cuts).** Access onto public highways is subject to the approval of the Waitsfield Selectboard or, in the case of state highways (Route 100 and Route 17), the approval of the Vermont Agency of Transportation. As a condition to access approval, compliance with all local ordinances and regulations pertaining to roads and land use is required. Access permits

must be obtained prior to the issuance of a zoning permit. In the event approval of the Development Review Board is required for a conditional use under Section 5.03, the access permit(s) shall be obtained from the Selectboard after Development Review Board approval. In addition, the following provisions shall apply to all parcels having road frontage on town and state highways:

1. With the exception of accesses (curb-cuts) used solely for agricultural or forestry purposes, no lot in existence as of the effective date of these regulations may be served by more than one curb cut. The Development Review Board may, as a conditional use approved pursuant to Section 5.03, approve additional accesses in the event that:
 - a. the additional access is necessary to ensure vehicular and pedestrian safety; or
 - b. the strict compliance with this standard would, due to the presence of one or more physical features (e.g., rivers and streams, steep slopes, wetlands), result in a less desirable site layout and design than would be possible with the allowance of an additional access; or
 - c. a traffic management plan is developed and implemented which will improve vehicular and pedestrian safety and result in a traffic circulation and parking arrangement within the site that better achieves the standards set forth under Section 5.03 than would be possible with a single access; or
 - d. the parcel(s) is occupied by multiple uses (e.g., shopping centers, PUDs) and the additional access would result in better traffic circulation and safety than a single access.
2. Access to properties located along Route 100 may be limited to secondary or frontage roads. In the event that a frontage road is planned (e.g., identified in the Town Plan, Official Map and/or Capital Budget), but is not yet constructed, temporary access may be permitted onto Route 100 with conditional use approval from the Development Review Board. In granting temporary access, the Board may place appropriate conditions that the access be relocated within a reasonable time after construction of the frontage road.
3. In appropriate instances, including the presence of compatible adjacent uses, areas characterized by congestion and frequent and/or unsafe turning movements, or parcels having direct access to Route 100, the Development Review Board may require provision for shared access between adjoining properties. Requirements for shared access shall be made either at the time of conditional use approval if similar provision has been made on contiguous parcels, or contingent upon future development of neighboring properties.
4. Applicants for a zoning permit for any parcel where the number of existing accesses exceeds the number allowed under this section must eliminate or combine accesses in order to meet the applicable standard, unless otherwise approved by the Development Review Board in accordance with Section 5.03.
5. Subdivision of a parcel after the effective date of these regulations shall not create a right to construct more than one access unless otherwise approved by the Development Review Board in accordance with the *Waitsfield Subdivision Regulations*.
6. Access shall be limited to a defined width approved by the Development Review Board, and shall not extend along the length of road frontage; in the case of excessively wide pre-existing driveways, the Development Review Board shall require the reduction in driveway width as a condition of approval under Section 5.3, unless such reduction would place an undue burden on the continued operation of an existing land use.

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7. An access shall be located at least 100 feet from the intersection of public road rights-of-way (125 feet from centerline), for all uses except for single and two family dwellings, which shall be located at least 50 feet from such intersections (75 feet from centerline). Existing structures which do not meet these standards because of pre-existing site conditions may be required to make improvements necessary to bring the property closer to compliance with these standards as a condition of approval under Section 5.03.

D. **Driveways.** New driveways (access drives which serve 2 or fewer lots) shall meet the following standards:

1. Driveways shall be constructed to town driveway standards (*Vermont Agency of Transportation's B-71 Standards for Commercial and Residential Driveways*) unless otherwise required under conditional use review.
2. Driveways shall be set back a minimum of 10 feet from adjoining property lines. With the concurrence of an abutting property owner or as a condition of Development Review Board approval in accordance with Section 5.3, however, driveway access to contiguous properties may be combined.
3. Single lane driveways exceeding 500 feet in length must include, at minimum, one 10' x 30' pull-off area.

Section 3.03 Conversion and Change of Use

The conversion or change in use of land, existing buildings or other structures to another use is subject to the provisions of these regulations as follows:

- A. The proposed use shall be subject to all the requirements of these regulations pertaining to such use, including but not limited to district, access, and/or parking requirements, as well as any other applicable municipal, state or federal regulations currently in effect.
- B. An accessory structure such as a garage or barn may be converted to a principal use allowed within the district in which it is located only if the structure meets the lot size, setback, parking and other requirements applicable to the proposed use.
- C. A conversion or change of use from one permitted use to another permitted use, or from a conditional use to a permitted use, requires a zoning permit issued by the Administrative Officer under Section 6.01.
- D. A conversion or change of use from a permitted to a conditional use, or from a conditional use to another conditional use, requires conditional use approval under Section 5.03.
- E. Changes or conversions involving nonconforming uses and/or nonconforming structures also are subject to and will be reviewed under Section 3.08.

Section 3.04 Equal Treatment of Housing

In accordance with the Act [§4412(1)]:

- A. No provision of these regulations shall have the effect of excluding mobile homes, modular housing or other forms of prefabricated housing from the Town of Waitsfield except under the

same terms and conditions as conventional housing is excluded. A mobile home shall be considered a single-family dwelling, and must meet the zoning requirements for such dwelling, except when located in an approved mobile home park (see Section 4.08) or mobile home sales establishment, or allowed as a temporary structure (Section 4.12).

- B. No provision of these regulations shall be construed to prevent the establishment of a mobile home park pursuant to state statute [10 V.S.A., Chapter 153] and local standards (see Section 4.08) within designated zoning districts.
- C. Accessory dwellings are provided for under these regulations in accordance with the requirements of the Act regarding accessory dwelling units.
- D. No provision of these regulations shall be construed to prevent the establishment of multi-family dwelling units within designated zoning districts and in accordance with local standards.

Section 3.05 Existing Small Lots

- A. In accordance with the Act [§4412(2)], any lot in individual and separate and non-affiliated ownership from surrounding properties in existence on the effective date of these regulations, may be developed for the purposes permitted in the district in which it is located, even though not conforming to minimum lot size requirements, if such a lot is not less than one-eighth ($\frac{1}{8}$) acre in area, with a minimum width or depth dimension of 40 feet. Such development shall conform to all other requirements of these regulations.
- B. If such a lot is, or subsequently comes under common ownership with one or more contiguous lots, the lot shall be deemed merged with the contiguous lot for purposes of these regulations. However, such a lot shall not be deemed merged and may be separately conveyed if:
 - 1. the lots are conveyed in their preexisting, nonconforming configuration; and
 - 2. on the effective date of these regulations, each lot had been developed with a water supply and wastewater disposal system; and
 - 3. at the time of transfer, each water supply and wastewater system is functioning in an acceptable manner; and
 - 4. the deeds of conveyance create appropriate easements on both lots for the replacement of one or more wastewater systems, potable water systems, or both, in case there is a failed system or failed supply as defined in 10 V.S.A. Chapter 64.
- C. If, subsequent to separate conveyance, as authorized under Subsection (B), a wastewater system fails, the owner shall be required to obtain from the Secretary of the Agency of Natural Resources a wastewater permit as required under state subdivision regulations, or a certification that the wastewater system has been modified or replaced, with the result that it no longer constitutes a failed system.

Section 3.06 Height Requirements

- A. Except for the following structures, which are specifically exempt from the height provisions of these regulations, no structure shall exceed district height requirements unless such structure meets the standards set forth in subsections B and C, below.

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1. Agricultural structures, including barns and silos, in accordance with the Act [§4413(d)];
 2. Church steeples, spires and belfries;
 3. Appurtenances to a public or residential use, such as antennas, satellite dishes less than 3 feet in diameter, flag poles, chimneys, and weather vanes, which are less than 50 feet in height from the average finished grade at ground level to the highest point of the appurtenance.
- B. The Development Review Board may, as a conditional use subject to conditional use review under Section 5.03, approve a building height in excess of the standards for the district in which it is located for the following uses:
1. Structures associated with an industrial use or public utility in which the additional height is necessary to its operation or function. Such structures include, but are not limited to, industrial cranes or silos, air navigational aids, high voltage transmission lines or telecommunications facilities (in accordance with Section 4.11).
 2. Accessory structures associated with the production of renewable energy which are less than 50 feet in height from the average finished grade at ground level to the highest point of the structure, such as wind generators with blades less than 20 feet in diameter and roof-top solar collectors.
- C. In approving building heights in excess of the district standards, the Development Review Board shall find that the proposed structure meets the standards set forth in Section 5.4, in addition to the following:
1. the structure shall not constitute a hazard to public safety, or to adjoining properties;
 2. the portion of the structure above the district height requirement shall remain unoccupied except for normal maintenance, unless occupancy is expressly approved by the Development Review Board;
 3. front, side and rear yard setbacks are sufficient to protect adjoining properties and rights-of-way in the event of structural collapse; and
 4. the structure is not to be used for advertising purposes.

Section 3.07 Lot & Yard Requirements

- A. Only a single principal use or structure may be located on a single lot, unless permitted within the specific district as a mixed use; or otherwise approved by the Development Review Board as part of a PUD or PRD in accordance with Section 5.04; or involving the adaptive reuse of a historic barn in accordance with Section 4.02; or agricultural and forestry uses.
- B. Notwithstanding subsection (A), within the Agricultural-Residential District, the Development Review Board may allow two principal uses or structures on a single parcel (e.g., extraction of earth resources on a parcel also occupied by a single-family dwelling) as a conditional use in accordance with Section 5.3. In addition to the conditional use standards, a parcel occupied by multiple principal uses shall comply with the following:

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1. The parcel shall be of a size sufficient to meet the minimum lot size requirement for the second principal use or structure, independent of the lot area required to satisfy the minimum lot size for the other principal use or structure.
 2. Each principal use or structure shall meet all applicable requirements of these regulations.
 3. In no case shall two dwelling units be allowed on a single parcel, unless one is allowed as an accessory dwelling to the other in accordance with Section 4.1, or the two dwelling units are part of a planned residential development approved by the Development Review Board under Section 5.4.
 4. Both principal uses shall remain in common ownership unless the parcel is subdivided into two or more lots in conformance with other applicable provisions of this bylaw and the *Waitsfield Subdivision Regulations*.
- C. An accessory structure must conform to all lot setback, coverage and other dimensional requirements for the district in which it is located.
- D. No lot shall be so reduced in area that it cannot conform to area, yard, setback, frontage, coverage and other dimensional requirements as prescribed in these regulations, except as approved by the Development Review Board for PUDs or PRDs in accordance with Section 5.04.
- E. Any interior lot which does not have frontage on a public or private road or public waters shall meet a minimum setback requirement for all its yards equal to the side yard setback distance for the district in which it is located.
- F. Any yard adjoining a street shall be considered a front yard. A corner lot shall be considered to have only front and rear yards unless otherwise specified in Section 2.03.

Section 3.08 Nonconforming Structures & Nonconforming Uses

- A. **Nonconforming Structures.** Any pre-existing structure or part thereof which is not in compliance with the provisions of these regulations concerning density, setbacks, height, lot size or other dimensions, or which does not meet other applicable requirements of these regulations, shall be deemed a nonconforming structure. In accordance with the Act [§4412(7)], nonconforming structures existing on the effective date of these regulations may be allowed to continue indefinitely, but shall be subject to the following provisions. A nonconforming structure:
1. may undergo normal repair and maintenance provided that such action does not increase the degree of noncompliance (see definition of degree of noncompliance in Article VII);
 2. may be restored or reconstructed after damage from any cause provided that the reconstruction does not increase the degree of noncompliance which existed prior to the damage and provided the reconstruction is commenced within 12 months from the date that the structure was damaged.
 3. may be structurally enlarged, expanded or moved, upon approval of the Administrative Officer, provided the enlargement, expansion or relocation does not increase the degree of noncompliance or, with approval of the Development Review Board as a conditional use under Section 5.03, a nonconforming structure may be enlarged or expanded in a manner which increases the degree of noncompliance provided the expansion or enlargement:

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- a. does not increase the total volume or area of the nonconforming portion of the structure in existence prior to March 5, 2002 by more than 50%;
 - b. does not, after May 17, 2010, increase the total footprint of a structure within the Fluvial Erosion Hazard Area Overlay District by more than 500 square feet or 50% of the existing footprint of the principal structure, whichever is greater (see Table 2.11 and Section 5.03F);
 - c. does not extend the nonconforming feature/element of a structure beyond that point which constitutes the greatest pre-existing encroachment; and
 - d. complies with all conditional use standards;
4. may, subject to conditional use review under Section 5.03, undergo alteration or expansion which would increase the degree of noncompliance solely for the purpose of meeting mandated state or federal environmental, safety, health or energy regulations (e.g., handicap access ramp in accordance with ADA standards);
 5. if located within the Flood Hazard Area Overlay District, may be improved, expanded, relocated, or reconstructed subject to conditional use review under Section 5.03 (C) and (D) and applicable flood hazard area requirements under Section 5.03(E).

B. Nonconforming Uses. Any use of land or a structure which does not conform to the uses allowed for the zoning district in which it is located shall be deemed a nonconforming use. In accordance with the Act [§4412(7)], nonconforming uses which exist on the effective date of these regulations may be continued indefinitely, but shall be subject to the following provisions. A nonconforming use:

1. shall not be re-established if such use has been changed to, or replaced by, a conforming use, or if such use has been discontinued for a period of 12 months.
2. shall not be re-established or continued following abandonment or discontinuance resulting from structural damage from any cause, unless the nonconforming use is carried on uninterrupted in the undamaged part of the structure, or the use is reinstated within one year of such damage, unless reasonable effort is being made to reinstate the use to the reasonable satisfaction of the Development Review Board. The owner of such a use shall be granted an additional one year to re-establish said use upon filing a notice of the owner's intent to do so with the Administrative Officer within one year of abandonment or discontinuance.
3. shall not be changed to another non-conforming use without the approval of the Development Review Board in accordance with Section 5.3, and then only to a use which, in the opinion of the Board, is of the same or a more restricted nature;
4. shall not be moved, enlarged, or increased by any means whatsoever, except with the approval of the Development Review Board subject to conditional use review under Section 5.03. In no case shall a nonconforming use be moved to a different lot within the same district in which it is located.

Section 3.09 Parking & Loading Standards

- A. **Parking.** For every structure or use erected, established, altered, extended or changed, associated off-street parking spaces shall be provided on the same lot, or on adjacent lots under the same ownership or under permanent easement, as set forth below:
1. A minimum number of parking spaces as determined by the proposed use shall be provided in accordance with the requirements listed in Table 3.01.
 2. All required parking spaces shall have a minimum width of 9 feet, a minimum length of 18 feet, unobstructed access and maneuvering room, and a gravel or paved surface sufficient to permit year-round use unless otherwise waived in accordance with subsection C, below.
 3. Non-residential parking areas are to be located to the side or rear of buildings, unless otherwise permitted by the Development Review Board under conditional use review.
 4. In addition to the requirements listed in Table 3.01, all multi-family, public, commercial and industrial developments must provide adequate, clearly marked handicapped parking spaces in accordance with state and federal (ADA) requirements; and, the Board may require at least one bicycle rack for use by employees and/or the general public.
 5. Where a parcel fronts upon a public or private road on which on-street parking spaces are clearly marked, the on-site parking requirements for that parcel may be reduced from the requirements set forth in Table 3.01 by one space for every 25 linear feet of frontage where parking is permitted (excluding frontage used for driveway accesses, pedestrian cross walks, and/or service areas).
 6. For development subject to conditional use review, shared parking and/or landscaping, screening, lighting, snow removal, pedestrian or transit facilities may be required as a condition of approval.
- B. **Loading and Service Areas.** Where a proposed development will require the frequent or regular loading or unloading of goods, sufficient off-street loading and service areas shall be provided. Service areas also may be required for emergency vehicles, waste disposal and collection, bus, taxi, or van service, regular drop-off and pick-up of people (e.g., day care facility) and other purposes as may be necessitated by the proposed use. All loading and service areas shall be clearly marked, and located in such a manner so that parked vehicles will not block or obstruct sight visibility at intersections or to or from any internal road or access.
- C. **Waivers.** The Development Review Board, under conditional use review (Section 5.03), may waive on-site parking, loading and/or service area requirements based on the Board's determination under one or more of the following provisions that, due to circumstances unique to the development, the strict application of these standards is unnecessary or inappropriate for the specified use, site conditions or location:
1. Green areas are to be set aside and maintained as open space for future conversion to parking, loading and/or services areas in the event that the spaces initially permitted are subsequently deemed inadequate by the Board to meet demonstrated need;
 2. adequate shared parking, loading, and/or services areas for use by two or more uses exist on the same or contiguous lots, under common ownership or a permanent easement, or the shared parking serves two uses whose hours of operation are distinctly different;

**Table 3.1
Minimum Off-Street Parking Requirements**

Use	Parking Spaces
Automobile Service Station	5 per service bay
Bar/Tavern	1 per employee; 1 per every 3 persons of maximum capacity as defined by Vermont Dept. of Labor & Industry and/or Vermont Fire Marshall, whichever is greater.
Bed and Breakfast	2 per dwelling unit, and 1 per lodging room
Community Care Facilities (6 or more residents)	1 per 4 beds, and 1 per employee for the largest shift
Commercial/Retail Establishments	1 per 300 sq. ft. of gross floor area
Home Day Care	2 per dwelling unit, and 1 per additional employee
Home Occupation/Home Business	2 per dwelling unit, and 1 per additional employee
Industry	1.25 per employee, for the largest shift
Lodging (hotel, motel, inn, lodge, dormitory)	1 per lodging unit, and 1 per employee for the largest shift
Medical Clinics	6 per doctor or other primary professional care giver
Mixed Use	total required per each individual use
Personal Services	1 per employee, and one per customer service station
Private Club	1 per 4 members
Professional, Government, Business Offices	1 per 300 sq. ft. of gross floor area; 1 per 400 sq. ft. of gross floor area in the Village Residential District and Village Business District
Public assembly (church, auditorium, cultural facility, community center, etc.)	1 per 5 seats or 200 sq. ft. of gross floor area, whichever is greater
Residential (Accessory Dwelling)	1 per dwelling unit
Residential (Multi-Family Dwelling)	1.5 per dwelling unit
Residential (Single-Family Dwelling)	2 per dwelling unit
Restaurants/Eating Establishments	1 per 4 seats, and one per employee for the largest shift
School, Child or Day Care (6 or more children)	3 spaces per 10 children enrolled at the facility
Storage, warehouses, other non-public uses	1 per 1,000 sq. ft. of gross floor area, and 1 per employee for the largest shift
Unspecified	As determined by the Development Review Board under conditional use review, in accordance with ITE standards.

3. adequate off-site public parking exists within reasonable walking distance of the establishment;
4. the proposal is for the development of affordable or elderly housing as defined herein; and/or
5. in granting a waiver, the Development Review Board may require that a future change in use or ownership be subject to additional review to determine whether the reduction in parking continues to be unnecessary or inappropriate.

6. All waivers shall be subject to periodic review to determine whether the reduction in parking continues to be unnecessary or inappropriate.

Section 3.10 Scenic Road Standards

- A. In recognition of their scenic qualities and in furtherance of the goals and objectives of the Town Plan, development along the roads identified in Table 3.02 shall be subject to additional consideration in accordance with the following provisions.
- B. When reviewing applications for conditional use approval or Planned Residential Developments, the Development Review Board or Planning Commission (whichever is applicable) shall consider the impact of the development on the features that contribute to the scenic qualities of the particular road segment. To evaluate those scenic qualities, the Board shall consider information such as, but not limited to, the Waitsfield Town Plan, Mad River Valley Rural Resource Protection Plan, and other planning and open space preservation studies and materials, in addition to site analysis conducted as part of the review process. Development may be limited or restricted to ensure that:
1. Road improvements necessitated by the development do not result in the loss of physical features within the road right-of-way that contribute to the road’s scenic status, such as stone walls, street trees or the roads surface materials and width; and/or
 2. the development is located to avoid adverse impact on scenic views from the road, especially with regard to the placement of structures within the foreground or background of such views (as opposed to the middle-ground), or the conspicuous placement of development in open meadows or steep slopes and ridgelines where they will be visible from multiple vantages.

Table 3.2 Scenic Roads		
Road #	Name	Description
State Aid 1	E. Warren Rd	In its entirety
State Aid 3	North Road	In its entirety
Town Road 4	Common Road	In its entirety
Town Road 10	Floodwoods Road	In its entirety
Town Road 16	East Road	In its entirety
Town Road 20	Meadow Road	In its entirety
Town Road 26	Brook Road	In its entirety
Town Road 27	Cross Road	In its entirety
Town Road 28	Palmer Hill Rd	In its entirety
Town Road 31	Rolston Road	In its entirety
Town Road 35	Sherman Road	In its entirety
Vermont 100	Main Street	North of Waitsfield Village District to the Moretown Town Line; South of Irasville District to the Warren Town Line.

Section 3.11 Sign Requirements

- A. **Purpose.** The purpose of this section is to promote and protect the public health, safety and welfare by regulating existing and proposed signs in the Town of Waitsfield. It is further intended hereby to control and reduce the proliferation of signs in order to protect the economic and scenic value of the town, and in order to prevent hazards to users of the roads in the town.
- B. **Procedure.** The erection, replacement or substantial alteration of any sign shall require a zoning permit issued by the Administrative Officer in accordance with Section 6.01 unless specifically exempted under subsection D, below.
- C. **General Provisions.** No signs shall be permitted in the Town of Waitsfield except as hereinafter provided.
1. Signs and other advertising structures, together with all their supports, braces, hooks, guys and anchors, shall be of substantial and sturdy construction, shall be kept in good repair, and shall be painted or cleaned as often as necessary to maintain a clean, neat, safe and orderly appearance.
 2. All signs shall comply with the following restrictions:
 - a. In computing the area of a sign, not including the supporting structure, the measured area shall encompass the smallest rectilinear shape within the supporting structure which can contain a sign, including the panel and frame, if any.
 - b. No sign shall be permitted within or over the right of way to a public road.
 - c. No sign shall be permitted which appears to direct the movement of traffic or which interferes with, imitates or resembles any official traffic, directional or route sign, signal or device.
 - d. No sign shall be permitted which prevents a clear and unobstructed view of official signs or approaching or merging traffic.
 - e. Signs shall be illuminated so as not to produce undue glare, hazards, or distractions. A constant, shielded light source may be used for sign lighting, provided that the light source is directed entirely onto the sign surface, and does not adversely affect neighboring properties, rights-of-way, or cause glare or interfere with the safety of vehicular traffic. The light source (bulb) shall not be visible from adjacent properties or roads.
 - f. No sign shall be illuminated internally, or by neon, flashing, moving or intermittent lights, nor shall it contain any moving parts.
 - g. No free standing sign may be more than 15 feet high nor less than 15 feet from any streetline nor nearer than 10 feet to any other lot line.
- D. **Exempt Signs.** Signs depicted as being exempt from these regulations in Table 3.3 are permitted without a permit from the Administrative Officer.
- E. **Prohibited Signs.** Signs depicted as being prohibited in Table 3.03 shall be deemed prohibited.
- F. **Permitted Signs.** The following signs may be permitted by the Administrative Officer in accordance with Section 6.01, and the following provisions:
1. **Principal Business Sign.** One principal business identification sign attached to or free standing from the premises not to exceed sixteen (16) square feet, per face, shall be

permitted. Support structures shall not add more than an additional two feet in width and/or height to the sign.

2. **Building Signs & Wall Graphics.** Lettering and/or graphics may be affixed or applied directly to the front facade of a building, including its wall and windows, in accordance with the following standards:
 - a. For a 2 story building, lettering and/or wall graphics shall not exceed an area equal to four times the square root of the lineal frontage of the building, up to a maximum of 100 lineal feet of frontage.
 - b. For a 1 and ½ story building, lettering and/or wall graphics shall not exceed an area equal to four times the square root of the lineal frontage divided by 1.5, up to a maximum of 100 lineal feet of frontage.
 - c. For a 1 story building, lettering and/or wall graphics shall not exceed an area equal to four times the square root of the lineal frontage divided by 2, up to a maximum of 100 lineal feet of frontage.
 - d. Regardless of building height, lettering shall not exceed 18 inches in height.
 - e. In computing the area of a building sign or wall graphic, not including the supporting structure, the area shall be the area of the smallest rectangle with a level base line which can contain a sign including the lettering, graphic, panel and frame, if any.
3. **Appendage Signs.** An appendage sign may be made to the face of or under the principal sign of a hotel, motel, lodge, or boarding house in order to notify the public as to vacancy, and to the principal sign of a restaurant to notify the public that the facility is open or to inform the public that an event is scheduled, provided that the appendage sign is:
 - a. Not larger than 2 square feet.
 - b. Of the same material and character as the principal sign.
4. **Temporary Signs.** One temporary, portable sign, signboard or menu board per lot, or for lots with more than one permitted business; one temporary sign per curb cut, may be displayed on that lot without permit, provided all the conditions listed herein are satisfied:
 - a. The sign may not be larger than 8 square feet per sign face, including supports, nor have more than 2 faces.
 - b. The sign shall be located so as not to block entrances or sidewalks or obstruct traffic sightlines, and shall be subject to the standards set forth in subsection 3.11 (C).
 - c. The sign shall be removed during hours when the business is not open.
 - d. The maximum allowance for display of any temporary sign on a lot shall be limited to 9 consecutive days, 14 days per calendar month, and 60 days per calendar year.

These provisions do not apply to temporary signs otherwise exempt per Section 3.11(D).

**Table 3.3
Exempt and Prohibited Sign**

- (A) **Exempt Signs.** No zoning permit shall be required for the following types of signs, which are exempt from these regulations:
- (1) Signs erected by the state or town on public roads.
 - (2) Non-advertising signs placed for directional, safety or public service purposes which do not exceed 2 square feet in area.
 - (3) One sign offering real estate for sale, not to exceed 4 square feet, to be located on the premises offered for sale, placed outside of the road right-of-way and shall be removed from the premises within 5 business days of conveyance of the property.
 - (4) One residential sign per dwelling unit identifying the occupant, not to exceed 2 square feet in area; and residential flags or banners intended solely for ornamental or non-advertising purposes.
 - (5) Signs relating to trespassing and hunting, each not to exceed 2 square feet in area.
 - (6) Temporary auction, lawn, or garage sale not to exceed 4 square feet in total area, which shall be displayed for not more than 10 days per calendar year and be removed immediately following the event or sale.
 - (7) Temporary election signs to be posted and removed in accordance with state law.
 - (8) Temporary signs or banners for an event of a civic, philanthropic, service, or religious organization, fair, exposition, or similar event, which are placed no earlier than seven days prior to the event and which are removed the day after the event is completed.
 - (9) Signs or bulletin boards incidental to places of worship, schools, libraries or public facilities, not to exceed one per establishment, 16 square feet in total area, or 6 feet in height above ground level.
 - (10) Unlit signs associated with farm operations, not to exceed one per establishment or 16 square feet in area.
 - (11) Unlit wall-mounted or freestanding signs advertising a home occupation, home business or home child care facility, not to exceed one per residential dwelling or 4 square feet in area.
 - (12) On-premise historic or landmark signs, not to exceed one in number or 6 square feet in area.
 - (13) Murals intended solely for artistic, non-advertising purposes.
 - (14) Window signs which do not exceed 30 percent of the window pane area.
 - (15) Temporary "Help Wanted" signs not to exceed 4 square feet.
 - (16) One temporary construction sign, not to exceed 16 square feet in total area or 10 feet in height, located on the construction site, providing such sign is promptly removed immediately following completion of construction.
 - (17) One flag or banner per separate business premises, not exceeding 12 square feet in area, used to indicate the business is open or is having a sale or special event. The flag or banner must only be displayed while the business is open.

- (B) **Prohibited Signs.** The following signs are prohibited in all districts:
- (1) Signs which impair highway safety.
 - (2) Signs which are internally illuminated, animated, flashing, oscillating, revolving or made of reflective material, unless necessary for public safety or welfare.
 - (3) Signs painted on or attached to rock outcrops, trees, or similar natural features.
 - (4) Wall signs which extend above the eave of the roof.
 - (5) Permanent signs which project over public rights-of-way or property lines.
 - (6) Signs identifying businesses or uses which are no longer in existence.
 - (7) Signs located on motor vehicles which are used primarily as a support or foundation.
 - (8) Off-premises signs, except for those which conform to state laws.

G. **Conditional Signs.** The following additional signs may be approved by the Development Review Board as a conditional use in accordance with Section 5.3, in addition to the following standards:

1. One free standing or attached sign not to exceed 36 square feet, identifying two or more separate and distinct businesses on the same premises. The use of a single place of

business for multiple purposes or the sale of multiple products or services (e.g. sale of sportswear and recreational equipment) shall not constitute 2 or more separate businesses.

2. One free standing or attached signs, not to exceed 48 square feet each, if they identify ten or more businesses located on the same premises.
3. One free standing or attached sign, in addition to the principal business sign referenced in subsection F1, not to exceed 16 square feet, for a business whose premises front on two public roads, or on both sides of a public road, where such additional exposure to the public is vital to the well-being and identity of said business.
4. Up to two free-standing or attached signs not to exceed nine square feet each, identifying prices for fuel.
5. In approving conditional signs, the Development Review Board shall find that the sign meets the standards set forth in subsection C of this provision; is clear and readable; and is in the public's best interest.

H. Enforcement of Sign Requirements. A violation of this Section shall constitute a civil offense. Each day that a violation is continued shall constitute a separate offense. At the discretion of the enforcing officer, offenses may be pursued through a municipal civil complaint or an enforcement action as described below.

1. **Municipal Civil Complaint:** In accordance with 24 V.S.A. Sections 1974a, 1977 and 4452, the Town's Zoning Administrative Officer, the Town Administrator, or the Washington County Sheriff, upon request, may issue a municipal civil complaint for violations of this Section, with two (2) copies of said complaint to be served either in person or by first class mail to the defendant (one copy shall be retained by the issuing officer and the original shall be filed with the Judicial Bureau). The issuing officer shall utilize the forms and follow the procedures set forth by the Judicial Bureau and State law for issuance and enforcement of municipal complaints. Each civil ordinance violation shall be punishable by a fine of one hundred dollars (\$100.00). The waiver fees shall be fifty dollars (\$50.00) for a first offense, seventy five (\$75.00) dollars for the second offense, and one hundred dollars (\$100.00) for each subsequent offense in a six-month period. Nothing herein shall limit or preclude the Town from enforcing violations of this Section, or from seeking injunctive relief, in any court of competent jurisdiction by whatever means available under State law.
2. **Enforcement Action:** In the alternative, and in accordance with 24 V.S.A. Sections 4451 and 4452 and Section 6.06 of these Bylaws, an enforcement action may be brought in Environmental Court for violation of this Section of the Bylaws.

Section 3.12 Surface Water Protection Standards

- A. To prevent soil erosion, protect wildlife habitat and maintain water quality, an undisturbed, naturally vegetated buffer strip shall be maintained from the banks of streams and rivers, and the shores of ponds formed by in-stream impoundments in streams and rivers. The width of the buffer strip shall be measured from the top of the streambank or stream slope, or, where no streambank is discernable, from the regular highwater mark. The following table provides widths of required buffer strips based on slope and waterbody type:

Average grade (slope) of riparian land (land adjacent to stream bank)	River & Stream Setback (in linear feet, measured horizontally)
0-8%	50 feet
9-15%	75 feet
15-20%	90 feet
20-30%**	100 feet
Headwater Streams	150 feet
** Add 20 feet for each additional 10% of slope	

1. Where the standards of this section differ from other applicable standards under the Flood or Fluvial Erosion Hazard Overlay Districts, the more restrictive shall apply.
- B. No development, excavation, landfill or grading shall occur within the buffer strip, and vegetation shall be left in an undisturbed state, with the exception of clearing and associated site development necessary to accommodate the following:
1. Road, driveway and utility crossings, provided such crossings comply with the standards and specifications of the *Vermont Handbook for Soil Erosion and Sediment Control on Construction Sites*.
 2. Streambank stabilization and restoration projects, in accordance with all applicable State and Federal regulations.
 3. Unpaved bicycle and pedestrian paths and trails, provided all improvements comply with the standards and specifications of the *Vermont Handbook for Soil Erosion and Sediment Control on Construction Sites*.
 4. Public recreation facilities and improved river/lake accesses.
 5. Agriculture in accordance with Acceptable Agricultural Practices (AAPs) as defined by the Commissioner of Agriculture, Food and Markets, and Forestry in accordance with *Acceptable Management Practices (AMPs) For Maintaining Water Quality on Logging Jobs in Vermont*, published by the Vermont Department of Forests, Parks and Recreation.
- C. The Development Review Board may approve modification to the setback standards set forth in subsection A as a conditional use subject to conditional use review in accordance with Section 5.03, and after a determination that the proposed modification meets the following standards:
1. the proposed development is located within the Village Business District and reflects the historic settlement pattern and character of the Village; and

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2. reasonable measures are undertaken to protect water quality, such as, but not limited to, the planting of shade trees adjacent to streambanks, the establishment of vegetated buffer areas along streambanks, and/or stormwater management provisions to collect and disperse stormwater away from the stream or river; and
 3. the development will not result in degradation of adjacent surface waters.
- D. For development subject to subdivision, site plan, or conditional use review, the Development Review Board may require increased setback distances, limited or shared access to surface waters and wetlands, and/or a buffer area management plan to limit soil and bank erosion or to protect water quality or riparian habitat, if it is determined that such mitigation measures are needed based on site, slope, and soil conditions and the nature of the proposed use.
- E. The expansion or enlargement of any structure in existence prior to the effective date of this ordinance and not in compliance with subsection A, above, is permitted with the approval of the Development Review Board in accordance with Section 3.08 and applicable overlay district requirements.
- F. No alteration of the natural course of any stream shall be allowed unless a stream alteration permit has been issued by the Vermont Department of Environmental Conservation in accordance with 10 VSA Chapter 41. Such alterations within the Flood Hazard Area Overlay District are subject to state agency and municipal referral requirements under Section 6.01.
- G. A naturally vegetated buffer strip at least 50 feet in uniform width shall be maintained for Class Two wetlands, and 100 feet in uniform width for Class One wetlands as defined under the Vermont Wetlands Rules. No development, dredging, ditching or manipulation of vegetation will be permitted within the buffer strip nor within the wetland, unless in conformance with the Vermont Wetlands Rules. For conformance requirements, contact the Agency of Natural Resources, Department of Environmental Conservation.
